



DRAFT

Commission Staff Report

COMMISSION MEETING DATE: May 27, 2021

SUBJECT: Energy & Resource Solutions – First Amendment to Three Year Multi-Task Consulting Services Agreement for Evaluation, Measurement, and Verification Services, and Technical Advisory Services; Applicable to Northern California Power Agency (NCPA), NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members

AGENDA CATEGORY: Consent

FROM:	Jane Cirrincione	METHOD OF SELECTION:
	Assistant General Manager	<i>Other</i>
Division:	Legislative & Regulatory Affairs	<i>If other, please describe:</i>
Department:	Legislative & Regulatory	Contract extension

IMPACTED MEMBERS:

All Members	<input checked="" type="checkbox"/>	City of Lodi	<input type="checkbox"/>	City of Shasta Lake	<input type="checkbox"/>
Alameda Municipal Power	<input type="checkbox"/>	City of Lompoc	<input type="checkbox"/>	City of Ukiah	<input type="checkbox"/>
San Francisco Bay Area Rapid Transit	<input type="checkbox"/>	City of Palo Alto	<input type="checkbox"/>	Plumas-Sierra REC	<input type="checkbox"/>
City of Biggs	<input type="checkbox"/>	City of Redding	<input type="checkbox"/>	Port of Oakland	<input type="checkbox"/>
City of Gridley	<input type="checkbox"/>	City of Roseville	<input type="checkbox"/>	Truckee Donner PUD	<input type="checkbox"/>
City of Healdsburg	<input type="checkbox"/>	City of Santa Clara	<input type="checkbox"/>	Other	<input type="checkbox"/>

If other, please specify

RECOMMENDATION:

Approve Resolution 21-48 authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task Consulting Services Agreement with Energy & Resource Solutions for evaluation, measurement, and verification services, and technical advisory services, with any non-substantial changes recommended and approved by the NCPA General Counsel, to change the vendor name to DNV Energy Services USA, Inc., and to extend the term of the Agreement for an additional two year period, for continued use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

BACKGROUND:

NCPA Members and other California publicly-owned utilities are required by Section 9505 (d) of the California Public Utilities Code to “make available to its customer and to the Energy Commission the results of an independent evaluation that measures and verifies the energy efficiency savings and the reduction in energy demand achieved by its energy efficiency savings and the reduction in energy demand achieved by its energy efficiency and demand reduction programs.” The California Municipal Utility Association’s website serves as the central repository for all public power EM&V reports in the state.

In support of this requirement, on August 30, 2018, NCPA issued a Request for Proposal seeking proposals from qualified firms to provide the following categories of demand-side management (DSM) services:

- Evaluation, Measurement & Verification (EM&V) – provided on an as-needed basis to evaluate the actual amount of energy saved by a particular energy efficiency project, and;
- Technical Advisory Services – provided on an as-needed basis related to utility DSM programs. Such services include but are not limited to: measurement and verification of measures, program impact and process evaluation, site inspections to verify installed energy efficiency measures, rebate application review, energy saving estimate review, research and development of measures and energy savings, and free-ridership analysis.

NCPA entered into a three-year Multi-Task Consulting Services Agreement with Energy & Resource Solutions effective November 29, 2018, for an amount not to exceed \$800,000. This agreement has been used by multiple NCPA Members through NCPA’s Support Services program, and the several NCPA Members have requested that the agreement be extended. This amendment will extend the term of the Agreement for an additional two-year period from the original expiration date of November 28, 2021, to a new date of November 28, 2023.

On December 30, 2020, DNV Energy Insights USA, Inc. completed the acquisition of 100% of the issued and outstanding shares in Energy & Resource Solutions. The contract between NCPA and Energy & Resource Solutions was transferred to DNV affiliate DNV Energy Services USA, Inc. as of April 5, 2021. This amendment will change the vendor name in the agreement to DNV Energy Services USA, Inc.

NCPA has agreements in place for similar services with ADM Associates, Inc. and Cadmus Group LLC.

FISCAL IMPACT:

Upon execution, the total not to exceed amount of the agreement will remain unchanged at not to exceed \$800,000.00. Purchase orders referencing the terms and conditions of the agreement will be issued following NCPA procurement policies and procedures.

SELECTION PROCESS:

Three vendors were selected as a result of formal bidding done in accordance with NCPA's procurement policies and procedures. An RFP was posted on the NCPA website from August 30, 2018, to September 20, 2018. A total of six responses were received and evaluated based on: 1) The quality and completeness of the proposal; 2) Knowledge, experience and skills to provide the requested services; 3) Experience of staff to be assigned to the project, based on prior engagements of similar scope and complexity; 4) Competitive rates for the requested services; 5) Demonstrated strong project management, and 6) Customer references. The selection process was completed by NCPA along with the active oversight and guidance from the NCPA Customer Programs' Demand Management Working Group.

This enabling agreement does not commit NCPA or NCPA Members to any expenditure of funds. At the time services are needed, NCPA will bid the specific scope of work consistent with NCPA procurement policies and procedures. NCPA seeks bids from qualified providers as required. Bids are awarded to the vendor providing the best overall value to NCPA. NCPA will issue purchase orders based on cost and availability of the services needed at the time the service is required.

ENVIRONMENTAL ANALYSIS:

This activity would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a "project" for purposes of Section 21065 the California Environmental Quality Act. No environmental review is necessary.

COMMITTEE REVIEW:

Pending the Legislative & Regulatory Affairs Committee review and approval.

Respectfully submitted,

RANDY S. HOWARD
General Manager

Attachments (3):

- Resolution 21-47
- Multi-Task Consulting Services Agreement with Energy & Resource Solutions
- First Amendment to Multi-Task Consulting Services Agreement with DNV Energy Services USA Inc. f/k/a Energy & Resource Solutions



DRAFT

**FIRST AMENDMENT TO MULTI-TASK CONSULTING SERVICES AGREEMENT BETWEEN
THE NORTHERN CALIFORNIA POWER AGENCY AND ENERGY & RESOURCE SOLUTIONS
n/k/a DNV ENERGY SERVICES USA, INC.**

This First Amendment (“Amendment”) to the Multi-Task Consulting Services Agreement is entered into by and between the Northern California Power Agency (“Agency”) and Energy & Resource Solutions n/k/a DNV Energy Services USA Inc. (“Consultant”) (collectively referred to as “the Parties”) as of _____, 2021.

WHEREAS, the Parties entered into a Multi-Task Consulting Services Agreement dated effective November 29, 2018, (the “Agreement”) for Consultant to provide evaluation, measurement, and verification and technical advisory services for the Agency, Agency Members, the Southern California Public Power Authority (SCPPA), or SCPPA Members, as requested; and

WHEREAS, the Agency now desires to amend the Agreement to extend the term of the Agreement for an additional two-year period from the original expiration date of November 28, 2021 to a new date of November 28, 2023; and

WHEREAS, effective December 30, 2020, Energy & Resource Solutions was acquired by DNV Energy Insights USA, Inc.; and

WHEREAS, effective April 5, 2021, Energy & Resource Solutions contracts and personnel were transferred to DNV Energy Services USA, Inc., and the Agency desires to agree to substitute the DNV Energy Services USA Inc. name in place of the Energy & Resource Solutions name in the Agreement; and

WHEREAS, the Parties now desire to amend Section 10.8 entitled “Notices” of the Agreement to list the correct contact at DNV Energy Services USA Inc.; and

WHEREAS, the Parties also desire to amend Section 10.12 entitled “Controlling Provisions”; and

WHEREAS, the Parties agree to replace Energy and Resource Solutions with DNV Energy Services USA Inc. where it appears in the Agreement; and

WHEREAS, the Parties have agreed to modify the Agreement as set forth above; and

WHEREAS, in accordance with Section 8.2 all changes to the Agreement must be in writing and signed by all the Parties; and

NOW, THEREFORE, the Parties agree as follows:

1. **Section 1.1—Term of Services** of the Agreement is amended and restated to read in full as follows:

This Agreement shall begin on the Effective Date and shall end when Consultant completes the Services, or no later than five (5) years from the date this Agreement was signed by Agency, whichever is shorter, unless the term of the Agreement is otherwise terminated or modified, as provided for herein.

2. **Section 10.8 Notices** is replaced in its entirety as follows:

10.8 Notices. Any written notice to Consultant shall be sent to

Nick Brod, Vice President
DNV Energy Services USA Inc.
155 Grand Avenue, Suite 600
Oakland, CA 94612

With copy to:
Legal Department
DNV Energy Services USA Inc.
1400 Ravello Drive
Katy, TX 77449

Any written notice to Agency shall be sent to:

Randy S. Howard, General Manager
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678

With a copy to:

Jane E. Luckhardt, General Counsel
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678

3. **Section 10.12 Controlling Provisions** is replaced in its entirety by the following:

10.12 Controlling Provisions. In the case of any conflict between the terms of this Amendment and the Agreement, the Amendment shall control. In the case of any conflict between the terms of the Agreement and the Exhibits hereto, a Purchase Order, or Consultant's Proposal (if any), the Agreement shall control. In the case of any conflict between the terms of a Purchase Order and the Consultant's Proposal, the Purchase Order shall control.

4. Agency hereby approves the replacement of the name "Energy & Resource Solutions" with "DNV Energy Services USA Inc.," Consultant, in the Agreement.
5. This Amendment in no way alters the terms and conditions of the Agreement except as specifically set forth herein.

Date: _____

Date: _____

NORTHERN CALIFORNIA POWER AGENCY

DNV ENERGY SERVICES USA INC.

RANDY S. HOWARD, General Manager

NICK BROD, President

Attest:

Assistant Secretary of the Commission

Approved as to Form:

Jane E. Luckhardt, General Counsel