

## Energy Trust Board of Directors

September 7, 2022

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Energy Trust of Oregon  
Board of Directors' Special Meeting on Zoom  
Register in advance for this webinar:

Register in advance for this meeting: <https://us06web.zoom.us/join/tZEpdu2hqjsrH9FynOc6TYnGLEOs4EclHmsB>  
After registering, you will receive a confirmation email containing information about joining the webinar.

### PUBLIC COMMENT:

PUBLIC COMMENT opportunity at 1:30 p.m. To request to speak during the meeting email meeting host [cheryle.easton@energytrust.org](mailto:cheryle.easton@energytrust.org) with contact information and interested agenda topic.

# 202<sup>nd</sup> Special Board Meeting

September 7, 2022

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/tZEpu2hqjsrH9FynOc6TYnGLEOs4EclHmsB>



Agenda	Tab	Purpose
<b>1:30 p.m. Board Meeting Call to Order</b> (Henry Lorenzen)		
<b>General Public Comment</b> (15 minutes) <i>The president may defer specific public comment to the appropriate agenda topic.</i>		Info
<b>1:45 p.m. Proxy Vote Correction</b> (5 minutes)	<b>Tab 1</b>	
<ul style="list-style-type: none"><li>Approval of Temporary Use of Development Fund for Energy Trust Director of Innovation and Development Services Salary Funding R982</li><li>Authorize a Transition Contract and a Program Management Contract for Production Efficiency Program Management and Delivery with Energy 350, Inc. (Energy 350) R983</li></ul>		Action  Action
<b>2:00 p.m. Finance &amp; Audit Committee</b> (30 minutes)	<b>Tab 2</b>	
<ul style="list-style-type: none"><li>Committee recommendation and discussion to Authorize an Amendment for an Additional One-Year Contract Extension for New Buildings Program Management Contract R985</li><li>Staff recommendation to authorize the Residential Program Management Contract CLEAResult R986 and Program Delivery Contract CLEAResult R987 and Program Delivery Contract TRC, Inc. R988</li></ul>		Action  Info
<b>2:30 p.m. Adjourn for Executive Session</b> (20 minutes) The board will adjourn the public meeting and meet virtually in Executive Session pursuant to bylaws <i>section 3.19.3 trade secrets, proprietary or other confidential commercial or financial information, and 3.19.4 information regarding negotiations whose disclosure would likely frustrate corporate purposes.</i> <b><i>The Executive Session is not open to the public.</i></b>		Info
<b>2:50 p.m. Reconvene Public Meeting</b> (Henry Lorenzen) Resolutions authorizing Residential Program Management Contract CLEAResult R986 and Program Delivery Contract CLEAResult R987 and Program Delivery Contract TRC, Inc. R988		Action
<b>3:00 p.m. Adjourn</b> (Henry Lorenzen)		

**The next regular meeting of the  
Energy Trust of Oregon Board of Directors will be held  
October 12, 2022 at Energy Trust of Oregon, Inc.  
421 SW Oak Street Portland, OR 97204**

**Table of Contents****Tab 1 Proxy Vote Correction**

- Approval of Temporary Use of Development Fund for Energy Trust Director of Innovation and Development Services Salary Funding R#982
- Authorize a Transition Contract and a Program Management Contract for Production Efficiency Program Management and Delivery with Energy 350, Inc. (Energy 350) R#983

**Tab 2 Finance & Audit Committee**

- Board Briefing Authorize an Amendment for an Additional One-Year Contract Extension for New Buildings Program Management Contract R#985
- Resolutions authorizing Residential Program Management Contract CLEAResult R986 and Program Delivery Contract CLEAResult R987 and Program Delivery Contract TRC, Inc. R988

**Tab 1**

## **Board Decision Resolution 982**

### **Approval of Temporary Use of Development Fund for Energy Trust Director of Innovation and Development Services Salary Funding**

September 7, 2022

#### **Summary**

Staff is creating a position for an Energy Trust Director of Innovation and Development Services position to be funded with Energy Trust Development Funds for an interim period, potentially through the end of 2023. Use of these funds requires board approval.

#### **Background and Discussion**

- To advance Focus Area 4 of its 2020-2024 Strategic Plan, which calls for working to leverage complementary funding for mutual benefit and to respond to changing policy and funding opportunities, Energy Trust is proposing a new position, a Director of Innovation and Development Services.
- The Director position is envisioned to manage the Innovation and Development Services Team to identify, assess, and pursue new funding opportunities to support Energy Trust's energy efficiency and renewable energy mission.

#### **Recommendation**

Authorize temporary use of funds in an amount to be determined in accordance with Energy Trust's staff compensation policies from the Energy Trust Development Fund for funding a position for an Energy Trust Director of Innovation and Development Services position for an interim period, potentially through the end of 2023.

#### **RESOLUTION 982**

#### **APPROVAL OF TEMPORARY USE OF DEVELOPMENT FUND FOR ENERGY TRUST DIRECTOR OF INNOVATION AND DEVELOPMENT SERVICES SALARY FUNDING**

#### **WHEREAS:**

- 1. Energy Trust believes that it is critical to hire a Director of Innovation and Development Services to advance Energy Trust's work in leveraging and bringing in funding in addition to utility ratepayer funding to support Energy Trust's energy efficiency and renewable energy mission and its ongoing organization-wide innovation and development work.**
- 2. Staff believes that the Energy Trust Development funds are the most appropriate source of funding for this purpose, which by policy must be approved by the board for use.**

**It is therefore RESOLVED: Staff is authorized to use funds from the Energy Trust Development Fund in an amount to be determined in accordance with Energy Trust's staff compensation policies for funding a position for an Energy Trust Director of Innovation and Development Services position for an interim period, potentially through the end of 2023.**

Moved by:

Vote:

In favor:

Opposed:

Seconded by:

Abstained:

**PINK PAPER**

## **Board Briefing Paper**

### **Authorize a Transition Contract and a Program Management Contract for Production Efficiency Program Management and Delivery with Energy 350, Inc. (Energy 350)**

#### **Summary**

Staff recommends that the Board approve negotiation and execution of (1) a Transition Contract and (2) a Program Management Contract (PMC) for Energy 350 for the Production Efficiency Program, which serves the Industrial and Agriculture customer sectors. Staff presented background and information on its recommendation to the Finance and Audit Committee at the committee's meeting on June 30, 2022. Based on this presentation and its discussion, the Finance and Audit Committee recommends approval of staff's recommendation to approve a Transition Contract and PMC Agreement with Energy 350 for management and delivery of the Energy Trust Production Efficiency Program.

The contract term for the transition contract would be from September 1, 2022, to December 31, 2022. The contract term for the program management contract would begin January 1, 2023, and be for two years, with three optional one-year extensions. Statements of work for the program management contract are approved on an annual basis, subject to annual budgets and savings goals.

#### **Background: Production Efficiency Program Structure Changes**

- The Production Efficiency program is currently managed overall by Energy Trust staff without the services of a Program Management Contractor (PMC) and delivered with the support of one Standard track Program Delivery Contractor (PDC)<sup>1</sup> serving the entire Energy Trust territory and three Custom track PDCs serving different parts of Energy Trust's territory. Additionally, industrial lighting projects are delivered by a Business Lighting PDC (which serves commercial and industrial customers). In total, the industrial team currently manages five PDCs.
- The challenges of managing multiple PDCs have increased over time, including some market confusion caused by having multiple PDCs in the market, difficulty moving budget between PDC territories and program tracks to maximize savings opportunities, and duplicative management tasks for each of the PDCs.
- Finally, new opportunities for savings and expanded services to customers, such as Diversity, Equity, and Inclusion (DEI) initiatives, opportunities resulting from decarbonization legislation, and opportunities to develop other innovative program approaches are creating the need for a more integrated strategic approach across internal and external stakeholders, and more staff time to manage these efforts.

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<sup>1</sup> Program Management Contractors (PMCs) are responsible for managing and delivering comprehensive program strategy, design, and marketing services to achieve savings and other program goals across multiple customer/market segments. Program Delivery Contractors (PDCs) are responsible for a narrower subset of program outreach and delivery services.

## Background: 2022 Production Efficiency Program Management RFP

- Energy Trust structured the RFP to result in two possible outcomes:
  - One PMC to manage the full program (Standard and Custom tracks combined).
  - Two PDCs – one to manage the Standard track and the other to manage the Custom track.
- Staff conducted planning activities throughout 2021 including engaging with the Conservation Advisory Council and Diversity Advisory Council for their input on requirements and outreach to potential bidders.
- In December 2021, two webinars were held to provide potential bidders with information about the Production Efficiency program and the opportunity to network with potential partners.
- Staff developed Supplier Diversity requirements for the RFP which required bidders to demonstrate that their program implementation services will utilize COBID-certified<sup>2</sup> minority-owned, women-owned, service-disabled veteran-owned, and/or emerging small business enterprises (Diverse Contractors) in an amount equal to or exceeding 20% of bidder’s proposed contract payments; and that Custom track proposals utilize Diverse Contractors in an amount equal to or exceeding 20% of bidder’s proposed service incentive payments.
- In March 2022, staff issued the RFP for the Production Efficiency program. The RFP was announced via the Energy Trust website, a press release, and an email to a list of interested parties and industry contacts. The RFP was also announced at Energy Trust advisory council meetings.
- Energy Trust received multiple intents to respond notices and proposal responses to the RFP.
- A team of 18 Energy Trust staff and one external reviewer (a member of Energy Trust’s Diversity Advisory Council) reviewed the proposals using the criteria shown in Table 1. The review team:
  - Reviewed the proposals for adherence with financial, legal and IT requirements outlined in the RFP
  - Provided preliminary scores based on the written proposals
  - Posed questions to bidders to address in the interviews
  - Interviewed both bidders
  - Participated in follow-up discussions and updated scoring
  - Made a recommendation for the selection

### • TABLE 1: PROPOSAL EVALUATION CRITERIA

Criteria	Weight	Description
Cost and Energy Savings	40%	Price Proposal and Energy Savings
Diversity, Equity, and Inclusion (DEI)	25%	DEI Qualifications; DEI Program Design and Implementation Strategy; and Subcontracting Plan
Strength and Cohesion of Team	20%	Project Team Qualifications and Experience
Strength of Proposal	15%	Program Design and Strategy

<sup>2</sup> <https://www.oregon.gov/biz/programs/COBID/Pages/default.aspx>



## **Discussion**

On June 30, 2022, staff provided a detailed briefing to the Board's Finance and Audit Committee including a discussion of the selection process, the pros and cons of the proposals and made the recommendation to award Energy 350 a PMC contract to deliver the full program and a transition contract.

Energy 350 presented a compelling proposal that demonstrated:

- The team's track record of meeting and exceeding Production Efficiency savings goals and ability to lead the program to a strong future.
- Commitment to DEI in all aspects of the DEI criteria, including company policies, program design elements, and their plan to subcontract with COBID-certified firms.
- A dynamic and integrated team that will work together to meet the demands of the program.

## **Cost and Energy Savings**

Energy 350 presented a strong combination of energy savings and delivery cost, with savings estimates in line with the preliminary 2023 budgeted savings in Energy Trust's 2022-2023 approved budget.

In a final PMC contract, staff may elect to set Energy 350's 2023 savings goals in amounts five to ten percent less than the Energy 350 proposal to accommodate the transition process and the inevitable loss of some project pipeline during this time, as well as challenging market conditions. For contract negotiation purposes, staff is requesting authorization for a contract that will be consistent with the 2023 board-approved budget. Under current program projections, it is anticipated that the delivery budget for the Production Efficiency program management contract would be approximately \$13.4 million, including both contract and service incentive payments.

- This request is more than the proposed budget, allowing some flexibility to increase staffing or pursue program enhancements not included in the proposed base budget.
- This anticipated budget amount matches the 2023 budget projection staff had estimated as part of Energy Trust's 2022-2023 approved budget.

Staff is also requesting a 2022 transition budget of up to \$750,000, the amount included in the 2022-2023 approved budget, though it is possible this full amount will not be needed.

## **Diversity, Equity, and Inclusion**

Energy 350 engages consultants and their employees in finding and solving diversity, equity, and inclusion issues and opportunities. They made significant investment in increasing diversity, equity, and inclusion in their recruitment, hiring, retention, and promotion practices; they support staff development with DEI training; and have implemented company policies that encourage a diverse, equitable and inclusive workplace.

Energy 350's proposed "DEI Council" is a body of implementation team members that will be responsible for ensuring that all program activities and enhancements will be

developed with an equity lens, facilitating DEI program design and delivery, and holding the team accountable for the outcomes of the program's equity work.

Energy 350's proposal exceeded the Supplier Diversity requirement that amounts totaling at least 20% of the proposed delivery budget and 20% of service incentive budgets be allocated to diverse contractors.

### **Strength of Team and Proposal**

Energy 350 brought together a highly integrated team. This was evident in their written proposal and confirmed in the way they presented themselves in their interview with all key partners playing a role in the presentation, and Energy 350's leadership putting the subject matter experts in the spotlight.

Energy 350 demonstrated a strong understanding of program history, market dynamics and Energy Trust needs in their proposal, including the benefits of integrating the Custom and Standard tracks. The proposal included short- and medium-term program enhancements and improvements, including ideas that leverage efforts from other Energy Trust programs, such as Existing Building's Contractor Development Pathway. Energy 350 demonstrated a strong, detailed forecasting methodology.

### **Recommendation**

Authorize staff to negotiate and sign a **Transition Contract** for a term of September 1, 2022, through December 31, 2022, and a **Production Efficiency Program Management Contract with Energy 350** for a two-year term, beginning January 1, 2023, with potential for three one-year extensions recommended upon satisfaction of identified performance metrics.

#### **RESOLUTION 983**

#### **AUTHORIZE A TRANSITION CONTRACT AND A PROGRAM MANAGEMENT CONTRACT WITH ENERGY 350, INC. (ENERGY 350) FOR PRODUCTION EFFICIENCY PROGRAM SERVICES**

#### **WHEREAS:**

1. With the assistance of outside expertise, Energy Trust staff conducted a fair and open procurement process to select a program management contractor to manage and deliver Production Efficiency program services for the next 2-5 years;
2. Staff selected Energy 350 as providing the Production Efficiency program management contract proposal that would best meet the needs of Energy Trust and Energy Trust customers;
3. Staff has estimated a total transition budget for the September 1, 2022 through December 31, 2022 transition contract with Energy 350 up to \$750,000.
4. Staff has estimated a total first-year Production Efficiency program management and program delivery budget to be delivered as a PMC contract for 2023 up to \$13,400,000 based on identified savings levels from the RFP. Final details for the

exact cost will be approved by this Board as part of the Production Efficiency 2023 annual budget approval process; and

5. The Energy Trust board will review actual savings and costs each year as part of the annual budget and action plan process.

**IT IS THEREFORE RESOLVED:**

1. The executive director or his designee is authorized to negotiate and to enter into a transition contract with Energy 350 for a term from September 1, 2022, through December 31, 2022, and a contract budget of up to \$750,000, to perform transition work in preparation for assuming full Production Efficiency program management and delivery by January 1, 2023.
2. Subject to determination of a contract cost amount based on the board-approved 2023 annual budget, the executive director or his designee is additionally authorized to negotiate and to enter into a contract with Energy 350 to manage the Production Efficiency program for an initial term from January 1, 2023, through December 31, 2024.
3. First-year contract costs and savings goals included in the contract shall be consistent with the board-approved 2023 annual budget and action plan(s). Thereafter, staff may amend the contract consistent with the board's annual budget and action plan decisions and the executive director or his designee is authorized to sign any such contract amendments.
4. The contract may include a provision allowing staff to offer up to three one-year extensions beyond the initial term if the program management contractor meets certain established performance criteria, including but not limited to Diversity, Equity, and Inclusion contracting performance criteria.
5. Before extending this contract beyond the initial term, staff will report to the board on the program management contractor's progress and staff's recommendation for any additional extension time periods. If the board approves an extension, contract terms would remain as approved in the most recent action plans, budgets, and contract at the time of extension, and the executive director or his designee would be authorized to sign any such contract extensions.

Moved by:

Seconded by:

Vote:

In favor:

Abstained:

Opposed:

# Tab 2

# Finance and Audit Committee Briefing and Decision Paper Authorize an Amendment for an Additional One-Year Contract Extension for New Buildings Program Management Contract

September 7, 2022

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## Summary

Staff recommends that the board authorize Energy Trust's Executive Director to sign an amendment to extend Energy Trust's current program management contract with CLEARResult for Energy Trust's New Buildings program for an additional one-year extension period through December 31, 2024. This extension would result in a total contract term of six years, one year more than the original contract contemplated, making it possible for staff to clearly define the program design, objectives, and success measurements for a contract rebid. A clear concept for a request for proposals will be more accessible to new implementation contractors entering the market who may want to bid on the work.

The current New Buildings program management agreement with CLEARResult is scheduled to expire December 31, 2023. Staff is requesting to extend the current contract through December 31, 2024 to allow additional time to complete program redesign work during 2023 and issue a competitive solicitation in 2024. The redesign work is due to the unusual circumstances of the program currently operating under a cost effectiveness exception, granted by the Oregon Public Utility Commission (OPUC), for roughly half of the program savings (the whole building tracks).

Delaying the solicitation process to 2024 would allow staff time to continue the lengthy redesign process during 2023, which includes market research and stakeholder engagement, and await additional OPUC approval of the cost effectiveness approach. Without more clarity from the OPUC on the cost effectiveness approach for the proposed program redesign, staff is concerned that Energy Trust will not be able to provide clear goals, strategies and objectives for program implementation, and bidders will not be able to prepare informed program design and pricing.

## Background

At the June 6, 2018 board meeting, Energy Trust staff reported on the results of its competitive solicitation process and received board approval to enter a Program Management Contractor agreement with CLEAResult for an initial term of three years, with the potential for up to two additional one-year performance-based extensions and a total contract term not to exceed five years.

Energy Trust subsequently contracted with CLEAResult for such services for an initial three-year term from January 1, 2019 to December 31, 2021. In April of 2021, staff briefed the board on its recommendation to exercise the first one-year extension, and the board did not object. In February of 2022, staff again briefed the board on CLEAResult's performance and its recommendation to exercise the final one-year extension period and the board did not object.

The New Buildings program's whole building tracks (Custom Whole Building, Path to Net Zero, and Market Solutions) provide incentives for whole-building integrated design rather than through incentives for specific measures. This whole building program design for incentives is currently operating under an OPUC cost-effectiveness exception. This exception has been granted because the OPUC has recognized that the rapid advancement of, and changes to, commercial building code have made it unfeasible to collect and report measure-level incremental costs as inputs in the Total Resource Cost (TRC) test calculations required by the OPUC.

Staff is working to redesign the New Buildings program to find a solution that best meets code, market, and regulatory needs, ensures sound rate payer investments and receives the OPUC's support for an ongoing approach to whole building cost effectiveness. This work could create significant changes in the resources required to manage the program.

In Q2 2022, Energy Trust staff clarified the work required to redesign the program. During this time, it became clear that the existing rebid schedule would fall directly in the middle of the redesign process, jeopardizing the work significantly and creating uncertainty in the market.

To allow time to develop clear program goals and measurements of success for a redesigned program so that such goals and measurements could be articulated in a competitive solicitation process, Energy Trust staff recommends approval of an amendment to extend the current New Buildings program management agreement with CLEAResult for one additional year through December 31, 2024. This action would extend the term of the contract to six years from the current five-year term and postpone the rebid process for program management of Energy Trust's new commercial construction program for one year while program redesign parameters are identified and clarified.

Current expenditures for external program management and delivery of the New Buildings program are about \$6 million per year. These efforts generally bring in 40 million kWh and 600,000 therms per year. In addition to providing incentives, the program is engaged in market transformation activities such as grants and training<sup>1</sup>.

Each year, the program works with hundreds of new buildings that will be on the grid for many decades, ensuring that the design of these buildings takes energy efficiency into account. Because whole building projects have measure lives of 25 years or more, the impact of the program is felt far into the future which makes the importance of thoughtful program design critical.

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<sup>1</sup> The program is engaged in market transformation activities, such as [Net Zero grants](#), which advance market knowledge of Net Zero construction, resilience, and costs related to energy efficiency, and helped Oregon firms report on their Net Zero projects for the [AIA 2030 Commitment](#). Additionally, the program's [training and education](#) events have recently seen increases in attendance, most significantly among women and people of color.

## Discussion

- Energy Trust staff manages the New Buildings program, which is designed to achieve Net Zero or low-energy-use commercial buildings through whole-building integrated design. The program currently uses training and education, grant programs, early design assistance, technical assistance and energy incentives to influence projects. As code advances, the program will need to focus more efforts on whole building and market transformation activities such as training and education.
- Energy Trust management of new construction programs allows for market consistency across much of the state, making it possible for key allied firms to work with Energy Trust on projects in various communities, regardless of utility service. This, along with a stable funding source and key relationships with energy stakeholders, helps to provide stability in the market.
- Outreach Managers work directly with project owners across the state to support the use of whole building design early in the building process, making it possible to achieve savings that often exceeds the expectations of project owners. This work takes the form of early design assistance, technical assistance, and post-installation verification for final construction incentives.
- The whole building tracks, which currently deliver over half of the program's savings and are expected to continue to grow, are under exception from the OPUC for Total Resource Cost (TRC), which is the calculation that determines cost-effectiveness for the customer. Whole building design approaches the building as an integrated system, with calculations that go beyond technology and have interactivity among multiple design components. Because the calculation of TRC requires full design and costing of a fictional building that could take a multitude of shapes, it is costly to customers to imagine, design, and model for the energy use of that fictional building.
- Recent changes to code have also created a delay in market research to inform program redesign. Construction takes years, and with further recent construction delays, buildings are only recently completing under the new code. COVID-19 also created uncertainty in the market. There was a significant dip in projects in 2020 and then 2021, and these buildings may not be used as designed, in particular if they are office or restaurant buildings.
- The OPUC exception is in place through Q1 2024, at which time Energy Trust staff expects to identify a revised program design. Depending on the approach that the OPUC accepts, the program may be delivered very differently in future.
- National laboratories and other new construction programs are also grappling with new code. The simplified model that the program is now testing was only finished by Pacific Northwest National Laboratory at the end of last year, and staff will need several months to test and potentially incorporate the model into the program. There is currently no leader in managing advancing commercial construction code, and Energy Trust is often expected to lead nationally.
- Due to the scale of Energy Trust's program management services, staff must typically issue the competitive solicitation by February or early March of the year that the contract is ending to allow time to complete the process and enable a successful transition by year end. The current contract ends on December 31, 2023, so building a program scope for a request for proposals (RFP) would need to begin in September 2022 to meet that schedule.
- An RFP process in 2023 would be premature because;
  - The design would not be complete, and the scope would be unclear. Without

clear direction in the RFP, we would risk having a low response rate for the rebid.

- RFP content written in 2022, and bidder’s responses in early 2023, could not take into consideration the final program design and approach to TRC cost effectiveness for whole building projects that is accepted by OPUC in late 2023.
- Energy Trust would need to negotiate a contract in 2023 for a 2024 program design that could be very different from what the bidder initially proposed in terms of scope, cost, and resource.
- Program staff are working toward a program redesign through 2022 and 2023.
- Energy Trust staff have confidence CLEAResult can continue to successfully implement the program during the proposed additional one-year extension period to achieve 2024 savings goals for the following reasons:
  - During the initial contract term beginning January 1, 2019 through December 31, 2021, CLEAResult achieved strong annual electric and gas savings performance in spite of a pandemic that shut down or delayed many construction projects. While not finalized yet, the 2022 forecast currently indicates CLEAResult will exceed their combined electric goal but may not achieve their combined gas goal.
  - CLEAResult has increased outreach initiatives across the state and expanded participation of women and people of color in key trainings, leveraging strategic partnerships with new organizations to help deliver on the organization’s DEI goals.
  - CLEAResult has successfully managed the New Buildings contract during a tumultuous period, developing strategies to reach goals amid construction delays and demonstrating an understanding of changing code requirements and market needs, as demonstrated by the table below.

Utility	PGE	PAC	NWN+	CNG	AVI
2019	94%	97%	96%	109%	97%
2020	91%	103%	96%	99%	101%
2021	87%	84%	103%	102%	70%



## **Recommendation**

Authorize staff to execute an amendment to extend the current New Buildings Program Management Contract with CLEAResult for one additional extension year for approximately \$6,000,000 in projected 2024 program management and delivery costs, with final amendment amount consistent with board approved 2024 budget and a total contract term not to exceed six years.

### **RESOLUTION 985**

#### **AUTHORIZE AN AMENDMENT FOR AN ADDITIONAL ONE YEAR EXTENSION TO THE NEW BUILDINGS PROGRAM MANAGEMENT CONTRACT**

##### **WHEREAS:**

- 1. The board's initial authorization for this contract as set forth in Resolution 841 did not allow for any additional extensions beyond December 31, 2023 and established a total not to exceed contract term of five years.**
- 2. Energy Trust staff has requested board authorization to allow for one additional one-year extension period, which would be set forth by the parties in a contract amendment, to extend the term of the agreement from January 1, 2024 through December 31, 2024.**
- 3. This additional extension period would provide New Buildings staff the opportunity to redesign the program and develop a scope document for a comprehensive competitive solicitation process that Energy Trust would conduct in 2024.**
- 4. Staff estimates a total one-year program management budget of approximately \$6,000,000 for the New Buildings program management services that would be contracted during the proposed 2024 extension period.**
- 5. Actual savings and costs will be reviewed by the Energy Trust board as part of the 2024 budget and action plan process.**

##### **IT IS THEREFORE RESOLVED:**

- 1. The executive director or his designee is authorized to enter into a contract amendment to extend the term of the New Buildings Program Management Contract with CLEAResult through December 31, 2024 consistent with the basic terms herein;**
- 2. Actual 2024 contract costs and savings goals included in the contract amendment shall be consistent with the board-approved 2024 budget and two-year action plan; and**
- 3. Staff will report to the board on the redesign and competitive solicitation plans for the contract services described herein by no later than July 31, 2023.**

Moved by:

Seconded by:

Vote:

In favor:

Abstained:

Opposed:

**PINK PAPER**

## **Authorize a Program Management Contract for Residential Program Services with CLEAResult Consulting, Inc. (CLEAResult)**

### **RESOLUTION 986 AUTHORIZE A PROGRAM MANAGEMENT CONTRACT (PMC) WITH CLEAResult CONSULTING, INC FOR RESIDENTIAL PROGRAM SERVICES**

#### **WHEREAS:**

1. With the assistance of outside expertise, Energy Trust staff conducted a fair and open Request for Proposals (RFP) procurement process to select a program management contractor to manage and deliver Residential program services for the next 2-5 years;
2. Staff recommends CLEAResult as providing the Residential program management contract proposal that would best meet the needs of Energy Trust and Energy Trust customers;
3. Staff has estimated a total first-year Residential program management and program delivery budget to be delivered as a PMC contract for 2023 up to \$11,000,000 based on identified savings levels from the RFP. Final details for the exact cost will be approved by this Board as part of the Residential 2023 annual budget approval process;
4. Staff presented information on the RFP process and reviewed the recommendation of CLEAResult to the Energy Trust board Finance & Audit Committee on August 29, 2022; and
5. If approved, the Energy Trust board will review actual savings and costs of the recommended PMC contract each year as part of the annual budget and action plan process.

#### **IT IS THEREFORE RESOLVED:**

1. Subject to determination of a contract cost amount based on the board-approved 2023 annual budget, the executive director or his designee is additionally authorized to negotiate and to enter into a PMC contract with CLEAResult to manage the Residential program for an initial term from January 1, 2023, through December 31, 2024.
2. First-year PMC contract costs and savings goals included in the contract shall be consistent with the board-approved 2023 annual budget and action plan(s). Thereafter, staff may amend the contract consistent with the board's annual budget and action plan decisions and the executive director or his designee is authorized to sign any such contract amendments.
3. The PMC contract may include a provision allowing staff to offer up to three one-year extensions beyond the initial term if the program management contractor meets certain established performance criteria, including but not limited to Diversity, Equity, and Inclusion contracting performance criteria.
4. Before extending this PMC contract beyond the initial term, staff will report to the board on the program management contractor's progress and staff's

recommendation for any additional extension time periods. If the board approves an extension, contract terms would remain as approved in the most recent action plans, budgets, and contract at the time of extension, and the executive director or his designee would be authorized to sign any such contract extensions.

Moved by:

Seconded by:

Vote:

In favor:

Abstained:

Opposed:

**PINK PAPER**

## **Authorize a Program Delivery Contract for Residential Program Services with CLEAResult Consulting, Inc (CLEAResult)**

### **RESOLUTION 987 AUTHORIZE A PROGRAM DELIVERY CONTRACT (PDC) WITH CLEAResult CONSULTING, INC FOR RESIDENTIAL PROGRAM SERVICES**

#### **WHEREAS:**

1. With the assistance of outside expertise, Energy Trust staff conducted a fair and open Request for Proposals (RFP) procurement process to select a program delivery contractor to manage and deliver Residential program services for the next 2-5 years;
2. Staff recommends CLEAResult as providing the Residential program delivery contract proposal that would best meet the needs of Energy Trust and Energy Trust customers.
3. Staff has estimated a total first-year Residential program delivery budget to be delivered as a PDC contract for 2023 up to \$1,500,000 based on identified savings levels from the RFP and scope needed to support an effective program. Final details for the exact cost will be approved by this Board as part of the Residential 2023 annual budget approval process;
4. Staff presented information on the RFP process and reviewed the recommendation of CLEAResult to the Energy Trust board Finance & Audit Committee on August 29, 2022; and
5. If approved, the Energy Trust board will review actual savings and costs of the recommended PDC contract each year as part of the annual budget and action plan process.

#### **IT IS THEREFORE RESOLVED:**

1. Subject to determination of a contract cost amount based on the board-approved 2023 annual budget, the executive director or his designee is additionally authorized to negotiate and to enter into a PDC contract with CLEAResult to manage the Residential program for an initial term from January 1, 2023, through December 31, 2024.
2. First-year PDC contract costs and savings goals included in the contract shall be consistent with the board-approved 2023 annual budget and action plan(s). Thereafter, staff may amend the contract consistent with the board's annual budget and action plan decisions and the executive director or his designee is authorized to sign any such contract amendments.
3. The PDC contract may include a provision allowing staff to offer up to three one-year extensions beyond the initial term if the program management contractor meets certain established performance criteria, including but not limited to Diversity, Equity, and Inclusion contracting performance criteria.

4. Before extending this PDC contract beyond the initial term, staff will report to the board on the program management contractor's progress and staff's recommendation for any additional extension time periods. If the board approves an extension, contract terms would remain as approved in the most recent action plans, budgets, and contract at the time of extension, and the executive director or his designee would be authorized to sign any such contract extensions.

Moved by:

Vote:

In favor:

Opposed:

Seconded by:

Abstained:

**PINK PAPER**



## **Authorize a Program Delivery Contract for Residential Program Services with TRC Engineers, Inc (TRC)**

### **RESOLUTION 988 AUTHORIZE A PROGRAM DELIVERY CONTRACT (PDC) WITH TRC ENGINEERS, INC. FOR RESIDENTIAL PROGRAM SERVICES**

#### **WHEREAS:**

1. With the assistance of outside expertise, Energy Trust staff conducted a fair and open Request for Proposals (RFP) procurement process to select a program management contractor to manage and deliver Residential program services for the next 2-5 years;
2. Staff recommends TRC as providing the Residential program management delivery contract proposal that would best meet the needs of Energy Trust and Energy Trust customers;
3. Staff has estimated a total first-year Residential program management and program delivery budget to be delivered as a PDC contract for 2023 up to \$3,300,000 based on identified savings levels from the RFP. Final details for the exact cost will be approved by this Board as part of the Residential 2023 annual budget approval process;
4. Staff presented information on the RFP process and reviewed the recommendation of TRC to the Energy Trust board Finance & Audit Committee on August 29, 2022; and
5. If approved, the Energy Trust board will review actual savings and costs each year as part of the annual budget and action plan process.

#### **IT IS THEREFORE RESOLVED:**

1. Subject to determination of a contract cost amount based on the board-approved 2023 annual budget, the executive director or his designee is additionally authorized to negotiate and to enter into a contract with TRC to manage the Residential program for an initial term from January 1, 2023, through December 31, 2024.
2. First-year PDC contract costs and savings goals included in the contract shall be consistent with the board-approved 2023 annual budget and action plan(s). Thereafter, staff may amend the contract consistent with the board's annual budget and action plan decisions and the executive director or his designee is authorized to sign any such contract amendments.
3. The PDC contract may include a provision allowing staff to offer up to three one-year extensions beyond the initial term if the program management contractor meets certain established performance criteria, including but not limited to Diversity, Equity, and Inclusion contracting performance criteria.
4. Before extending this PDC contract beyond the initial term, staff will report to the board on the program management contractor's progress and staff's recommendation for any additional extension time periods. If the board approves an extension, contract terms would remain as approved in the most recent action plans,

budgets, and contract at the time of extension, and the executive director or his designee would be authorized to sign any such contract extensions.

Moved by:

Seconded by:

Vote:      In favor:  
              Opposed:

Abstained: