

**MARIN ENERGY AUTHORITY  
THURSDAY, JULY 24, 2009  
7:12 P.M.**

**MARIN COUNTY EMPLOYMEE RETIREMENT ASSOCIATION,  
BOARD ROOM  
1 McInnis Parkway, San Rafael, California**

**Roll Call**

**Present:** Charles McGlashan, County of Marin, Chair  
Shawn Marshall, City of Mill Valley, Vice-Chair  
Richard Collins, Town of Tiburon  
Damon Connolly, City of San Rafael (*arrived at 8:03pm*)  
Jonathan Leone, City of Sausalito  
Christopher Martin, Town of Ross  
Lew Tremaine, Town of Fairfax  
Barbara Thornton, Town of San Anselmo

**Absent:** Tom Cromwell, City of Belvedere

**Staff:** Dawn Weisz, MEA Interim Executive Director

**Absent:** Jamie Tuckey, MEA Planning Aide

**1. Public Open Time**

Barbara George, Women Energy Matters (WEM) representative, announced a CPUC hearing where the public can speak out on energy proceedings. She noted that future programs are one year behind schedule and she asked that the Board take action on behalf of the rights of cities and towns to run their own energy efficiency programs without entering into partnership with PG&E.

**2. Interim Director's Report**

Interim Director Weisz reported the following:

- Each MEA member jurisdiction town or city Council, except for the Town of Fairfax which is scheduled for August 5, has been provided with an update at a regular public meeting regarding recent MEA activities and projects;
- The Community Choice Aggregation Pilot Project report, prepared for the California Energy Commission, is included in the Board packets and is an informative read;
- The Kings River Conservation District has suspended their activities on CCA temporarily due to contract and liability issues with PG&E over the 5% rate discount. Weisz explained the language used in the Frequently Asked Questions on the web site; Board member McGlashan will also address the issue.

- Twelve bid responses for the RFP were received by the Monday, July 20<sup>th</sup> deadline. Bid respondents included BP Energy Company, Cleantech American Inc, Constellation Commodities Group, Energy-Able, Kamehameha Environmental LLC, LightBeam Energy, Local Power Works, Macquarie-Cook Power, Next Era Energy Resources, Northern California Power Agency, Power Choice LLC, and Shell Energy North America.
- The timeline for the bid analysis process was reviewed via a handout and a question and answer session between Interim Director Weisz and the Board followed. Topics covered included dates for the public meetings, the three part 90 day review period, how the voting will proceed, the possible need for a closed session to give Interim Director Weisz direction for the presentation to the councils, the role of the Technical Advisory Committee, a bulleted timeline to be provided to the cities as well as for publication in the newspaper, explanation of the process of interviewing law firms on transactional experience for this task with emphasis on expertise on financial statement, the role that Navigant Consulting will play on working out the numbers, including putting the numbers in lay terms that are understandable to the public.
- Discussion on the Request for Title and Summary-Initiative Constitutional Amendment entitled “The Taxpayers Right to Vote Act.”
- Discussion and review of the Marin Energy Authority Joint Powers Agency – Critical Actions & Decision Points Matrix.

In response to questions regarding the RFP bid respondents from members of the public, Interim Director Weisz stated that there has not been enough evaluation and it was too early in the process to make an observation. Board member Thornton suggested a second person to help Interim Director Weisz.

Chair McGlashan declared the hearing open to receive public testimony.

There being no further public testimony on this item, the Chair closed the hearing and moved on to the next agenda item.

### **3. Consent Calendar: Approval of Minutes from Regular MEA Meeting on 6-7-09**

Chair McGlashan asked for a motion.

M/s, Thornton/Leone, (passed 9-1-1) to approve the minutes from the regular MEA meeting on June 7, 2009. Motion carried unanimously. Collins abstained.

### **4. Procurement overview by Ruth MacDougal**

Ruth MacDougall, retired SMUD senior staff, gave a PowerPoint presentation on Renewable Energy Procurement Strategies., which was followed by a question and answer period.

## 5. Joint Exercise of Powers Agreement

Greg Stepanicich, General Counsel, Richards, Watson, & Gershon, presented the draft Joint Exercise of Power Agreement (JEPA) which permits local agencies that are not parties to the MEA to participate in MEA approved or established energy programs, not involving Community Choice Aggregation. Discussion followed on:

- Financial requirements including indemnification and liability;
- Members locked into the agreement and contracts;
- Allowing the agreement to be amended;
- Need to establish how liabilities would be shared;
- Explanation of how the program would work and how our cost would be covered was given Chair McGlashan; and
- Each member program would have a member agency agree to participate under Section 3.02.

Chair McGlashan asked for a motion.

M/s, Connolly/McGlashan, (passed 9-0-1), to accept the Joint Exercise of Powers Agreement. Cromwell absent

## 6. Authorization for Director to Communicate with Non-member Jurisdictions Regarding Joint Exercise of Powers Agreement

Chair McGlashan asked for a motion.

M/s, Connolly/Thornton, (passed 9-0-1), to authorize the Interim Director to Communicate with Non-member Jurisdictions Regarding Joint Exercise of Powers Agreement. Motion carried unanimously. Cromwell absent.

## 7. Seed Program

A memorandum labeled Agenda item #7 was discussed regarding a new draft on the program implementation plan borrowed from Palm Desert's successful AB811 program. Recommendations from the Home Energy Retrofit Coordinating Committee have been incorporated into the draft implementation plan and grant applications have been developed and submitted to cover start-up expenses of the SEED program. Recommendations from BERST can also be incorporated into the implementation plan as appropriate.

Interim Director Weisz explained why more time was spent on solar and how they can be sure the contractors are charging the correct amount. Discussion followed on the validation action on the lien priority

## **8. Contract Agreement with Nixon Peabody, LLP**

Interim Director Weisz explained how Nixon Peabody LLP has been assisting the Marin Energy Authority and how they are keeping to our budget limit. Discussion followed on:

- The standard short form contract form and Exhibit “B”;
- Explanation of how the rates are calculated and structured, including interest;
- Suggestion for a negotiated lower interest rate; and
- Consideration of a short term contract to lower costs and possible elimination of the middle bar.

Although we cannot agree on a contract until the next Board meeting, we can authorize an interim contract based upon the first tier rate. We will agree to pay \$445 per hour, subject to some agreement for the final rate which will be under negotiations. Interim Director Weisz can proceed with the attorneys on an interim basis.

Chair McGlashan asked for a motion.

M/s, Thornton/Marshall, (passed 9-0-1), to authorize the contract with Nixon Peabody, LLP as amended. Motion carried unanimously. Cromwell absent.

## **9. Resolution Approving DOE Grant Submittal**

Interim Director Weisz explained how communities can use available technology and resource tools to optimize energy use. A two phase 20 million dollar grant will enable communities across the nation to make green decisions.

Interim Director Weisz previously went to Washington D.C. for this grant. The grant requires a 50 % match and is for a four year period.

Chair McGlashan asked for a motion.

M/s, Tremaine/Collins, (passed 9-0-1), to approve the resolution authorizing submittal of the grant to the Department of Energy (DOE). Motion carried unanimously. Cromwell absent.

## **10. Board Member & Staff Matters**

Board member Marshall noted that the SEED, BERST, and other grant proposals require knowledge and understanding and are worth pursuing. She suggested that a neutral entity should provide training to the Board on these items, without politics. All agreed that it would be worth pursuing. The information cannot be biased.

**9. Adjournment**

By order of the Chair, the meeting adjourned at 10:01pm.

**ATTEST:**

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**Charles McGlashan, Chair**

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**Dawn Weisz, Interim Director**



August 20, 2009

TO: Marin Energy Authority Board  
FROM: Dawn Weisz, Interim Director  
THROUGH: Jamie Tuckey, MEA Planning Aide  
RE: Responses to RFP and Process  
(Agenda item #4)

Dear Board Members:

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Twelve bids were submitted in response to MEA's Request for Proposals (RFP) for Full Requirements Energy, Renewable Energy and Resource Adequacy Capacity to serve Marin's retail customers that participate in MEA's Clean Energy (MCE) program, by the July 20, 2009 submittal deadline.

The following is a comprehensive list of the bid respondents.

1. BP Energy Company
2. Cleantech American, Inc
3. Constellation Commodities Group
4. Energy-Able
5. Kamehameha Environmental, LLC
6. LightBeam Energy
7. Local Power Works
8. Macquarie-Cook Power
9. Next Era Energy Resources
10. Northern California Power Agency
11. Power Choice, LLC
12. Shell Energy North America

MEA staff and technical consultants are in the process of reviewing and analyzing these proposals and will be making recommendations to the MEA Board of Directors. A draft contract will be negotiated with the selected energy providers between August and November. The councils and the nine member jurisdictions will then have 90 days to review the contract before it is submitted to the California Public Utilities Commission for approval in early 2010.

**Recommendation:** None. This is an informational item only.

**Attachment:** Draft Schedule for Energy Procurement Contract Approval

## **Marin Energy Authority**

### **DRAFT Schedule for Energy Procurement Contract Approval**

*July 2009 to February 2010*

*\*\*All dates and schedules set forth are subject to change due to postponements, delays, or deferrals, at which time the dates will be extended accordingly.*

#### **July – August Actions**

**July 20 – Aug 14:** Initial review of bids and preparation of bid summary and recommendations for Technical Committee. Participants in this process include: MEA Technical Committee members, Ad Hoc Technical Advisory Group members, MEA staff, MEA technical consultants, legal counsel.

**August 17:** Bid summary and preliminary recommendations presented to Technical Committee for feedback.

**August 19:** Bid summary and preliminary recommendations presented to Executive Committee for feedback.

**August 20:** Bid summary and recommendations presented to MEA Board for feedback and direction.

**Week of August 24** (date TBD): Interviews held with bidders on ESP (Energy Service Provider) short list. Participants in this process include: MEA Technical Committee members, Ad Hoc Technical Advisory Group members, MEA staff, MEA technical consultants, legal counsel.

#### **September Actions**

**September 3:** MEA Board meeting. Direction from Board on beginning contract negotiations with selected bidders.

**September 7:** Contract negotiations begin with selected bidders. Participants in this process include: MEA Technical Committee members, Ad Hoc Technical Advisory Group members, MEA staff, MEA technical consultants, legal counsel.

**Early to mid September:** Interviews held with project-based bidders. Participants in this process include: MEA Technical Committee members, Ad Hoc Technical Advisory Group members, MEA staff, MEA technical consultants, legal counsel.

#### **October Actions**

**October 1:** Board approves early draft contract(s).

**October 2:** Approved contract submitted to each member agency. Ninety-day review period begins.

**October 9 – 28:** Early loop-out to each member Council; feedback solicited

**December Actions**

**December 3:** Board approves final contract.

**December 6 – January 23:** Final loop-out to each member Council and vote on participation.

**February Actions**

**February 2:** Ninety-day review period ends.

**February 4:** MEA votes on approval of final contract(s)



August 20, 2009

TO: Marin Energy Authority Board  
FROM: Dawn Weisz, Interim Director  
THROUGH: Jamie Tuckey, MEA Planning Aide  
RE: Discussion of Bid Review Criteria  
(Agenda item #5)

Dear Board Members:

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MEA representatives will be reviewing the 12 bids submitted in response to MEA's Request for Proposals (RFP), released in May, 2009. The requirements and evaluation criteria contained within the RFP will be used to aide in the assessment of these bids.

In order to be considered for selection, proposals must provide a certified scheduling coordinator, a description of the proposed invoicing process, pricing for Variation 1 or Variation 2, monthly Environmental Attributes and Renewable Energy Certificates for all renewable energy purchased by MEA, and identification of the proposed sources of power supply. Proposals must also address a minimum term length of five years, commencing on May 1, 2010 and concluding on April 30, 2015, indicate the date after which the offered prices are no longer valid and subject to re-pricing, and accommodate and include proposed terms for the integration/substitution of electric energy produced by renewable generating facilities owned and/or controlled by MEA.

In addition to the aforementioned minimum proposal requirements, bids will also be evaluated based on financial viability of the respondent and proposed financing plan, operational experience of the respondent and key personnel, the reliability and environmental attributes of the proposed power supply, pricing, the demonstrated understanding of Program requirements through the creativity, responsiveness, and comprehensiveness of the proposal, the use of local renewable resources, quantifiable demand reductions (e.g. energy efficiency savings, conservation, load interruption, demand response, etc.), as demonstrated by the respondent, and performance guarantees for technologies being proposed and for supplier's obligations contained within its proposal.

MEA may also consider other factors than those specified in the RFP and may request additional information from respondents as needed to assist in selecting the proposals for further consideration.

**Recommendation:** None. This is an informational item only.

**Attachment:** Marin Energy Authority Bid Review Criteria (Excerpted from RFP dated May, 2009).

**Marin Energy Authority**  
**Bid Review Criteria July 20, 2009**

*(Excerpted from RFP dated May 2009)*

**Proposal Requirements**

All proposals must adhere to the following requirements in order to be considered for selection:

1. Respondents must be certified by CAISO as a scheduling coordinator, or must put forward a certified scheduling coordinator that will be responsible for scheduling loads and resources under the proposal. If the respondent is not a certified CAISO scheduling coordinator and will be putting forward a third-party to serve in this capacity, MEA will require these respondents to submit proposals that are co-signed by the anticipated scheduling coordinator, verifying the intended business relationship and the anticipated scope of services to be provided.
2. Proposals must identify the proposed sources of power supply, including resources that will be used to fulfill the renewable portfolio standards requirements and the resource adequacy reserves in compliance with the CPUC's and/or CAISO's resource adequacy standards. Proposals must describe whether electricity would be provided from generation owned by the respondent, obtained under long-term contracts, obtained under short-term contracts and spot market purchases, and/or provided from generation developed by the respondent and owned by MEA. Sufficient information regarding resource type and location must be provided to determine whether the resources qualify to meet the California Renewable Portfolio Standards (RPS).
3. Proposals must include a description of the proposed invoicing process, including timelines for when payments would be due to the supplier for electricity purchases by MEA. Customer usage data will be available on a meter read cycle as described in the utilities' community choice aggregation tariffs (Rule 23).
4. All proposals must include pricing for Variation 1 or Variation 2 as specified below. Pricing proposals for Variation 3 are strongly encouraged but are not required.
5. For all renewable energy purchased by MEA, the supplier shall provide monthly all Environmental Attributes and Renewable Energy Certificates, evidencing that MEA has exclusive rights to the Environmental Attributes/Renewable Energy Certificates.
6. Proposals must address a minimum term length of five years, commencing on May 1, 2010 and concluding on April 30, 2015; longer contract terms will be accepted.
7. All proposals must indicate the date after which the offered prices are no longer valid and subject to re-pricing.

8. Proposals must accommodate and include proposed terms for the integration/substitution of electric energy produced by renewable generating facilities owned and/or controlled by MEA.
9. MEA reserves the right to negotiate with any bidder and to engage in simultaneous negotiations with multiple bidders.
10. These requirements do not preclude proposals related to Energy Efficiency.
11. MEA reserves the right to reject all responses related hereto.

## **Evaluation Criteria**

In addition to the aforementioned minimum proposal requirements, bids will be evaluated based on the following non-exhaustive list of factors:

- Financial viability of respondent and proposed financing plan, including structuring options for tax purposes.
- Operational experience of respondent and of key personnel, including a description of similar services, number of times provided, years of experience and volume of energy supplied; respondents should provide a minimum of three related references with the following information for each reference – organization, name of contact, phone number of contact, title/role of contact and a description of services provided.
- Reliability and environmental attributes of proposed power supply, including the anticipated fuel source(s) associated therewith; preference will be given to respondents that demonstrate supply portfolios with the lowest projected level of total emissions.
- Price - evaluations will be conducted based on resultant Program rates compared to bundled distribution utility rates over the contract term.
- Demonstrated understanding of Program requirements through the creativity, responsiveness, and comprehensiveness of the proposal, including discussion of respondent's sustainable business practices.
- Use of local renewable resources; use of CEC Eligible Renewable Resources and bundled Environmental Attributes/Renewable Energy Certificates in meeting MEA's prescribed renewable energy requirements.
- Quantifiable demand reductions (e.g. energy efficiency savings, conservation, load interruption, demand response, etc.), as demonstrated by the respondent, will receive strong preference during proposal evaluation.
- Performance guarantees for technologies being proposed and for supplier's obligations contained within its proposal.

MEA reserves the right to consider other factors than those specified above and to request additional information from respondents as needed to assist in selecting the proposal(s) for further consideration. Through issuance of this RFP, MEA makes no commitment to any bidder that it will be awarded a contract to provide the solicited services. MEA reserves the right to discontinue this RFP process at any time for any reason.