



ASSOCIATION PUBLICLY OWNED
OF BAY AREA ENERGY
GOVERNMENTS RESOURCES

Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105
415.820.7900
www.abag.ca.gov

Angela Walton, Chair
City of Richmond

Doug Williams, Vice Chair
City of Santa Rosa

Andre Duurvoort
City of Cupertino

Diana Oyler
Contra Costa County

Chris Schroeder
City of Milpitas

CALL AND NOTICE OF SPECIAL EXECUTIVE COMMITTEE MEETING

Thursday, September 15, 2022, 11:00 a.m.

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
REMOTE

The ABAG POWER Executive Committee is scheduled to meet on Thursday, September 15, 2022, at 11:00 a.m. in the Bay Area Metro Center (Remotely). In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361 allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

**The meeting webcast will be available at
<https://abag.ca.gov/meetings>.**

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Attendee Link: <https://bayareametro.zoom.us/j/82827816710>

iPhone One-tap: US: +13462487799,,81312282042# or +12532158782,,81312282042#

Join by Telephone: (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 408 638 0968 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

Webinar ID: 828 2781 6710

International numbers available: <https://bayareametro.zoom.us/u/kdvNFTXr9P>

Detailed instructions on participating via Zoom are available at:

<https://abag.ca.gov/zoom-information>. Committee members

and members of the public participating by Zoom wishing to speak should use the "raise hand"

feature or dial "*9". In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

ABAG POWER Executive Committee Roster
Angela Walton, Chair
Doug Williams, Vice Chair
Andre Duurvoort, Diana Oyler, Chris Schroeder

As Chair of the ABAG POWER Executive Committee, I am calling a Special Executive Committee meeting for Thursday, September 15, 2022, at 11:00 a.m., in the Bay Area Metro Center (Remotely). The business to be transacted will include:

- 1) Welcome and Introductions
- 2) Public Comment
- 3) Consent Calendar:
 - a. Approval of ABAG POWER Resolution No. 22-09 Assembly Bill 361 (Rivas) Remote Meetings.
 - b. Authorization of Amendment to ABAG POWER Conflict of Interest Code (COIC)
- 4) Request for Proposals for Quantification and Management of Carbon Offsets
- 5) Other Business
- 6) Adjournment

Members of the public shall be provided an opportunity to directly address the Committee concerning any item described in this notice, before or during consideration of that item. An agenda will be posted and distributed for this meeting by Metropolitan Transportation Commission (MTC) staff in the normal course.

DocuSigned by:



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Angela Walton

September 1, 2022



375 Beale Street
Suite 700
San Francisco, California

Meeting Agenda - Final-revised

ABAG POWER Executive Committee

Chair, Angela Walton, City of Richmond
Vice Chair, Doug Williams, City of Santa Rosa

Thursday, September 15, 2022

11:00 AM

REMOTE

**ABAG Publicly Owned Energy Resources
Executive Committee
Special Meeting No. 2022-05**

Committee Representative Roster
Andre Duurvoort, City of Cupertino
Diana Oyler, County of Contra Costa
Chris Schroeder, City of Milpitas
Angela Walton, City of Richmond
Doug Williams, City of Santa Rosa

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee members.

The agenda will be available publicly at: <https://abag.ca.gov/meetings>.

**Attendee Link: <https://bayareametro.zoom.us/j/82827816710>
Join by Telephone: 888-788-0099 or 877-853-5247 (both toll free)
Webinar ID: 828 2781 6710**

Members of the public may participate or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line.

Due to the current circumstances, there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Welcome and Introductions

Call to order.
Angela Walton, ABAG POWER Executive Committee Chair, City of Richmond

Roll Call / Confirm Quorum.
Cindy Chen, Energy Programs Coordinator, ABAG/MTC

2. Public Comment

The public is encouraged to provide comment at Committee meetings. This public comment period is intended for items not agendized.

3. Consent Calendar

- [22-1293](#) Approval of ABAG POWER Resolution No. 22-09 Assembly Bill 361 (Rivas) Remote Meetings.
- Action:** Approval
- Presenter:** Andrea Visveshwara, Senior Counsel, ABAG/MTC
- Attachments:** [3.a.- Summary Sheet Resolution 22-09 AB 361 Remote Meetings](#)
- [22-1386](#) Authorization of Amendment to ABAG POWER Conflict of Interest Code (COIC).
- Action:** Approval
- Presenter:** Andrea Visveshwara, Senior Counsel, ABAG/MTC
- Attachments:** [3.b.- Authorization of Amendment to ABAG POWER COIC](#)
[3.b.1.- Notice of Intention to Amend the Conflict of Interest Code for ABAG POW](#)
[3.b.2.- Proposed Second Amended Conflict of Interest Code](#)
[3.c.- Summary Approval COIC Amendment](#)

4. Request for Proposals for Quantification and Management of Carbon Offsets

- [22-1294](#) Request for authorization to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645 for services through June 30, 2024.
- Action:** Approval
- Presenter:** Noah Cohen, Contract Specialist, ABAG/MTC
Jennifer Berg, Director, Energy Section, ABAG/MTC
- Attachments:** [4.a.- Summary Sheet RFP for Quantification and Management Carbon Offsets](#)
[4.b.- Summary Approval GPT, Inc.](#)

5. Other Business

Committee to provide update on items within member agencies relevant to ABAG POWER and/or the ABAG/MTC energy programs.

6. Adjournment / Next Meeting

The next meeting is the ABAG POWER Board of Director Meeting scheduled to be held on October 20, 2022.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1293 **Version:** 1 **Name:**
Type: Action Item **Status:** Committee Approval
File created: 8/10/2022 **In control:** ABAG POWER Executive Committee
On agenda: 9/15/2022 **Final action:**
Title: Approval of ABAG POWER Resolution No. 22-09 Assembly Bill 361 (Rivas) Remote Meetings.
Sponsors:
Indexes:
Code sections:
Attachments: [3.a.- Summary Sheet Resolution 22-09 AB 361 Remote Meetings](#)

Date	Ver.	Action By	Action	Result
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Subject:
Approval of ABAG POWER Resolution No. 22-09 Assembly Bill 361 (Rivas) Remote Meetings.

Presenter:
Andrea Visveshwara, Senior Counsel, ABAG/MTC

Recommended Action:
Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

September 15, 2022

Agenda Item 3.a.

Resolution No. 22-09 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of Resolution No. 22-09 regarding remote meetings pursuant to AB 361.

Background:

AB 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings retroactive to Oct. 1 of this year and prospectively for 30 days following the action of the Board of Directors for the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER).

Issues:

Findings in support of Resolution No. 22-09 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Executive Committee for ABAG POWER is requested to adopt Resolution No. 22-09 authorizing its committees and related entities to meet remotely pursuant to the provisions of AB 361.

Attachments:

- ABAG POWER Resolution 22-09

Reviewed:

DocuSigned by:

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Brad Paul

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 22-09

ABSTRACT

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Association of Bay Area Governments (ABAG) Publicly Owned Energy Resources (ABAG POWER), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the ABAG POWER Summary Sheet dated September 15th, 2022.

**ABAG PUBLICLY OWNED ENERGY RESOURCES
EXECUTIVE COMMITTEE**

RESOLUTION NO. 22-09

**FINDINGS PURSUANT TO AB 361 TO CONTINUE VIRTUAL PUBLIC MEETINGS FOR THE
ASSOCIATION OF BAY AREA GOVERNMENTS PUBLICLY OWNED ENERGY
RESOURCES (ABAG POWER) AND ITS RELATED ENTITIES AND COMMITTEES DURING
THE COVID-19 STATE OF EMERGENCY**

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Association of Bay Area Governments Publicly Owned Energy Resources (ABAG POWER) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee on behalf of ABAG POWER hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of ABAG POWER, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days after the first meeting held in accordance with AB 361.

This foregoing was adopted by the Executive Committee at its meeting on this 15th day of September, 2022.

By: _____
Angela Walton, Chair

AYES:
NOES:
ABSENT:
ABSTAIN:

Certification of Executive Committee Approval

I, the undersigned, the appointed and qualified Secretary of the ABAG Publicly OWned Energy Resources (ABAG POWER), do hereby certify that the foregoing resolution was adopted by the Executive Committee of ABAG POWER at a duly called meeting held on the 15th day of September, 2022.

Jennifer Berg, Secretary
ABAG POWER



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1386 **Version:** 1 **Name:**
Type: Action Item **Status:** Committee Approval
File created: 8/25/2022 **In control:** ABAG POWER Executive Committee
On agenda: 9/15/2022 **Final action:**
Title: Authorization of Amendment to ABAG POWER Conflict of Interest Code (COIC).

Sponsors:

Indexes:

Code sections:

Attachments: [3.b.- Authorization of Amendment to ABAG POWER COIC](#)
[3.b.1.- Notice of Intention to Amend the Conflict of Interest Code for ABAG POWER](#)
[3.b.2.- Proposed Second Amended Conflict of Interest Code](#)
[3.c.- Summary Approval COIC Amendment](#)

Date	Ver.	Action By	Action	Result
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Subject:

Authorization of Amendment to ABAG POWER Conflict of Interest Code (COIC).

Presenter:

Andrea Visveshwara, Senior Counsel, ABAG/MTC

Recommended Action:

Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

September 15, 2022

Agenda Item 3.b.

Authorization of Amendment to ABAG POWER Conflict of Interest Code

Subject:

Amendment of ABAG POWER Conflict of Interest Code

Background:

A local agency's Conflict of Interest Code (COIC) must reflect the current structure of the agency and properly identify officials and employees responsible for filing Form 700, Statement of Economic Interests. A COIC also details what must be disclosed on the California Fair Political Practices Commission (FPPC), Form 700 (Statement of Economic Interests). To ensure a COIC remains current and accurate, each local agency is required to review its Code at least every even-numbered year. In connection with the 2022 biennial review of ABAG POWER's COIC, staff determined that the designated positions that need to report should be updated to include positions in the Office of General Counsel that perform work for ABAG POWER and the creation of a Director of Energy Program position.

The following positions have been determined to make or participate in the making of ABAG POWER decisions that may foreseeably have a material financial effect on an economic interest, thereby requiring the filing of Form 700: Deputy General Counsel; Associate Counsel; and Director, Energy Programs. These positions have been added to Appendix B of ABAG POWER's COIC.

All of the ABAG POWER proposed changes have been reviewed and given initial approval by the FPPC.

Written notice of intent to amend a COIC must be given 45 days prior to the time the proposed amendment is submitted to the FPPC for formal approval. A comment period for interested parties to submit comments to the COIC amendment will run from November 1, 2022 to December 15, 2022. (A copy of the Notice is attached to this Summary Sheet.)

Any interested person may request a public hearing to comment on the proposed COIC amendment, no later than 15 days prior to the close of the comment period, or by November 30, 2022. If no request for a hearing is received, staff would submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days following FPPC approval.

Agenda Item 3.b. – Authorization of Amendment to ABAG POWER COIC

September 15, 2022

Page 2 of 2

Issues:

None.

Recommended Action:

The ABAG POWER Executive Committee is requested to authorize staff to submit the proposed changes for public comment and to schedule a public hearing upon request.

Assuming no comments are received, authorize staff to submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days after FPPC approval.

Attachments:

- Notice of Intention to Amend the Conflict of Interest Code of ABAG Publicly Owned Energy Resources
- Proposed Second Amended Conflict of Interest Code
- Summary Approval

Reviewed:

DocuSigned by:

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Brad Paul

Agenda Item 3.b.1. – Notice of Intention to Amend the COIC of ABAG POWER

September 15, 2022

Page 1 of 1

**NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
OF ABAG PUBLICLY OWNED ENERGY RESOURCES**

NOTICE IS HEREBY GIVEN that ABAG Publicly Owned Energy Resources (ABAG POWER), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict of interest code. A comment period has been established commencing on November 1, 2022, and closing on December 15, 2022. All inquiries should be directed to the contact listed below.

ABAG POWER proposes to amend its conflict of interest code to include Metropolitan Transportation Commission (MTC) employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict of interest code include: changes reflecting the assignment of additional staff from the Office of General Counsel and the creation of the position of Director of Energy Program.

The proposed amendment and explanation of the reasons for the changes can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **5:00 p.m. on Thursday, December 15, 2022**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **5:00 p.m. on Wednesday, November 30, 2022**

ABAG POWER has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

Copies of the proposed amendment and explanation of the reasons for it will be made available to any interested person who contacts Ryan Jacoby, Program Manager, ABAG POWER, at (415) 820-7956 or rjacoby@bayareametro.gov. Written comments on the amendment, may be sent to Mr. Jacoby at rjacoby@bayareametro.gov. Any inquiries concerning the proposed amendment should be directed to Andrea Visveshwara, MTC Senior Counsel, at (415) 778-6637, or avisveshwara@bayareametro.gov.

Revisions in ~~strikeout~~ and underline

SECOND AMENDED CONFLICT OF INTEREST CODE

ABAG PUBLICLY OWNED ENERGY RESOURCES

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference in an agency's Code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices in which officials and positions are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Second Amended Conflict of Interest Code of ABAG Publicly Owned Energy Resources (ABAG POWER).

Persons who hold designated positions shall file Statements of Economic Interests with the Association of Bay Area Governments (ABAG) who will make the statements available for public inspection and reproduction (Government Code Section 81008). Statements for all persons who hold designated positions will be retained by ABAG.

CONFLICT OF INTEREST DISCLOSURE DESIGNATIONS

ABAG POWER has identified three (3) disclosure categories: (1) requires disclosure of business entities and business positions in which designated parties have investments or sources of income to them if such entities or sources of income have filed claims against any member of ABAG POWER or ABAG POWER itself; (2) requires designated persons to disclose business entities and business positions in which they have investments or sources of income to them if such entities are of the type which contract with ABAG POWER or the Association of Bay Area Governments (ABAG), its administrator, to supply goods, services, materials, supplies, lease space or which are energy consultants, research firms, engineering firms or entities which design, build, manufacture, sell, distribute or service equipment of the type that is either presently utilized by natural gas or electric power suppliers or that is used by the federal, state or local government or by private industry in research designed to refine or develop new methods of electrical power generation or natural gas production; and (3) requires designated persons to disclose business entities and business positions in which designated parties have investments or sources of income to them if such entities or sources of income are private electric or natural gas utility companies.

The designated position list is intended to include all persons with decision-making powers or influence concerning how, where and with whom ABAG POWER invests funds and contracts for goods and services to disclose any bias such parties may have in making substantive decisions concerning the operations of ABAG POWER.

Effective July 1, 2017, the Metropolitan Transportation Commission (MTC), pursuant to the Contract for Services dated as of May 30, 2017 (Contract for Services) between MTC and ABAG, provides consolidated staff to perform work for ABAG and its affiliated Local Collaboration Programs, including ABAG POWER.

The primary decision-making positions of ABAG POWER are the members and alternate members of the Board of Directors (Board). The members and alternate members of the Board are not included in the Code because "city, county and local agency public officials who manage public investments" are not "designated employees" and file Statements of Economic Interest pursuant to Government Code § 87200. However, under the Contract for Services, certain MTC

Agenda Item 3.b.2. – Proposed Second Amended COIC, ABAG POWER

September 15, 2022

Page 3 of 7

staff may make recommendations to or bring information or proposals to the members of the Board and thus may influence the Board's decisions concerning ABAG POWER. MTC staff serving ABAG and ABAG POWER under the Contract for Services are not employees of ABAG but are included in the list of designated positions under this Code as consultants pursuant to Government Code Section 82019, which includes consultants within the definition of “designated employee”. Additionally, with the exception of; consultants whose duties are limited in scope and who thus may have limited disclosure responsibilities, consultants shall be required by ABAG POWER’s Code to file Statements of Economic Interest and any supplementary information that may from time to time be required annually and upon assuming and leaving office/job position as set forth in 2 California Code of Regulations, § 18730(b)(5).

APPENDIX A

DISCLOSURE CATEGORIES

Category 1

Persons designated in this category must disclose all investments and business positions in business entities and sources of income if such entities or sources of income filed claims against any member jurisdiction of ABAG POWER or ABAG POWER itself during the reporting period.

Category 2

Persons designated in this category must disclose all investments and business positions in business entities and sources of income if the business entities or sources of income are of the type that contract with ABAG POWER or ABAG, its administrative agency, to supply goods, services, materials, supplies, leased space or which are energy consultants, research firms, engineering firms or entities which design, build, manufacture, sell, distribute or service equipment of the type that is either presently utilized by natural gas or electric power suppliers or that is used by the federal, state or local government or by private industry in research designed to refine or develop new methods of electrical power generation or natural gas production.

Category 3

Persons designated in this category must disclose all investments and business positions in business entities and sources of income if the business entities or sources of income are private electric or natural gas utility companies.

APPENDIX B

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category</u>
MTC Staff serving ABAG and ABAG POWER pursuant to the Contract for Services, including:	1, 2, 3 (except where otherwise indicated)
<ul style="list-style-type: none">• Deputy Executive Director, Local Government Services• General Counsel• Senior Deputy General Counsel• <u>Deputy General Counsel</u>• Senior Counsel• <u>Associate Counsel</u>• Director, Finance & Accounting (Categories 2, 3)• Director, Treasury & Revenue (Categories 2, 3)• Assistant Director, Energy Program	

Consultants/New Positions *

* With respect to consultants/new positions, the Executive Director of MTC may determine in writing that a particular consultant or new position, although a "designated person," is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements and shall be retained in ABAG POWER's files. Nothing herein

excuses any such consultant or new position from any other provision of this Conflict of Interest Code.

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

The following individuals are not covered by the conflict of interest code because they must file under Political Reform Act's section 87200 and, therefore, are listed for informational purposes only:

Members and Alternate Members of ABAG POWER Board of Directors

Executive Director of MTC, acting pursuant to the Contract for Services

Chief Financial Officer of MTC, acting pursuant to the Contract for Services

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.

Agenda Item 3.b.2. – Proposed Second Amended COIC, ABAG POWER

September 15, 2022

Page 7 of 7

This is the last page of the conflict of interest code for ABAG POWER.

LEAVE REST OF PAGE BLANK FOR CERTIFICATION OF FPPC APPROVAL.



SUMMARY OF EXECUTIVE COMMITTEE APPROVAL

Work Item No.:	N/A
Consultant:	N/A
Work Project Title:	Conflict of Interest Code (COIC) Update
Purpose of Project:	Update the COIC Code
Brief Scope of Work:	The COIC Code needs to be updated to account for changes in positions.
Project Cost Not to Exceed:	N/A
Funding Source:	N/A
Fiscal Impact:	N/A
Motion by Committee:	The ABAG POWER Executive Committee is requested to authorize staff to submit the proposed changes to the COIC for public comment and to schedule a public hearing upon request. Assuming no comments are received, authorize staff to submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days after FPPC approval.
Executive Committee Approval:	Angela Walton, Chair, Executive Committee
Approval Date:	September 15, 2022



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1294 **Version:** 1 **Name:**

Type: Action Item **Status:** Committee Approval

File created: 8/10/2022 **In control:** ABAG POWER Executive Committee

On agenda: 9/15/2022 **Final action:**

Title: Request for authorization to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645 for services through June 30, 2024.

Sponsors:

Indexes:

Code sections:

Attachments: [4.a.- Summary Sheet RFP for Quantification and Management Carbon Offsets](#)
[4.b.- Summary Approval GPT, Inc.](#)

Date	Ver.	Action By	Action	Result
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Subject:
Request for authorization to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645 for services through June 30, 2024.

Presenter:
Noah Cohen, Contract Specialist, ABAG/MTC
Jennifer Berg, Director, Energy Section, ABAG/MTC

Recommended Action:
Approval

Attachments: List any attachments.

Association of Bay Area Governments Publicly Owned Energy Resources

ABAG POWER

Executive Committee

September 15, 2022

Agenda Item 4.a.

Request for Proposals for Quantification and Management of Carbon Offsets

Subject:

Request for authorization to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645 for services through June 30, 2024.

Background:

On April 20, 2022, staff released a Request for Proposals for Quantification and Management of Carbon Offsets for ABAG POWER's Natural Gas Aggregation Program (RFP) as part of an initiative to diversify ABAG POWER's program offerings, as recommended by the Strategic Implementation Roadmap¹. The RFP sought to identify firms exhibiting exemplary experience developing methodologies to quantify greenhouse gas emissions (GHGs) associated with energy consumption and developing webpages and materials to communicate the value of environmental investment. The preliminary scope of work included:

- Developing a methodology to quantify each ABAG POWER member's annual (fiscal year) GHGs associated with the natural gas usage for enrolled accounts.
- Identifying a range of suitable certified carbon offsets aligning with the quantified emissions, including associated project details (i.e., geographic location, emissions reductions, project type, etc.), with an emphasis on supporting the development of new, local, carbon offset projects.
- Overseeing the purchase and retirement of certified carbon offsets, including but not limited to registration, participation, and all regulatory and/or legislative compliance reporting.
- Developing a webpage(s) with the capability for member-accessible display (i.e., PDF format) that identifies members' annual carbon emissions and a geospatial listing of relevant carbon offset projects including relevant project and economic information that corresponds to each member's investment in emissions reduction.

An email advertising the RFP on ABAG's website was sent to 3,400 firms and individuals. Non-mandatory proposers' conferences were held on May 5 and 12, 2022. A total of 12 representatives from 8 firms attended the proposers' conferences.

The procurement did not include an estimated budget per fiscal year, and firms were invited to submit either a fixed-price deliverables-based cost structure, or a time and materials-based cost

¹ <https://abag.ca.gov/sites/default/files/documents/2022-01/ABAG-POWER-Strategic-Implementation-Roadmap.pdf>

Agenda Item 4.a. – RFP for Quantification and Management of Carbon Offsets

September 15, 2022

Page 2 of 4

structure. The procurement closed on Friday, June 2. Three proposals were received from the following firms:

- Bluesource/Element Markets (“Bluesource”)
- ClearlyEnergy Inc.
- GPT, Inc. (“GPT”)

Evaluation Process

Scoring of proposals concluded on June 2, 2022. The evaluation panel met on June 10, 2022, to discuss the evaluations. Scoring consisted of the following criteria and weighting:

- Experience in desirable qualifications and experience of the personnel assigned to the project (40 points)
- Hourly rates and cost effectiveness (40 points)
- Communications, including clarity, structure, effectiveness and readability of the qualifications and writing samples (e.g., grammar, content organization, etc.) (20 points)

Firms had the opportunity to qualify for an additional 10 points by participating in the Small Business Enterprise (SBE) program.

The proposal received by Bluesource contained conditional language, contrary to MTC’s procurement policy. Bluesource refused to remove the conditional language resulting in their disqualification from the procurement.

The evaluation panel reviewed the proposals submitted by GPT and ClearlyEnergy Inc. and determined that GPT’s proposal was best suited to fulfill the services desired by the solicitation. GPT and the proposed team members have extensive experience with relevant, related projects, and are fully capable of meeting project needs and expectations. As a result, the evaluation panel unanimously recommended the selection of GPT. A scoring summary is provided below.

Proposer	Total (110 possible)
GPT, Inc.	96.33
ClearlyEnergy Inc.	74.00

Financial Impact

GPT’s proposal included three cost and service options for consideration, summarized as follows:

Agenda Item 4.a. – RFP for Quantification and Management of Carbon Offsets

September 15, 2022

Page 3 of 4

Option	Cost for a 24-month Term	Cost of Task	Summary of Proposed Services by Task
1	\$88,945	\$0	Apply a CO ₂ conversion factor to existing natural gas consumption data.
		\$21,415	Assist in selecting a range of carbon offsets that follow the California Air Resources Board (CARB) cap and trade compliance protocols.
		\$48,530	Assist in purchasing the identified carbon offsets.
		\$19,000	Utilize GPT's Solvryn® portal to provide member access to view respective GHG emissions and offset projects.
2	\$216,645	\$23,930	Analyze different methodologies to calculate GHG emissions
		\$53,360	Review existing carbon offset registries and identify projects that best meet the program's requirements.
		\$116,110	Assist in purchasing the identified carbon offsets, develop a portfolio model, create quarterly/annual product labels and reports, and provide support for third-party audit.
		\$23,245	Utilize GPT's Solvryn® portal to provide member access to view respective GHG emissions and offset projects.
3	\$330,525	\$54,345	Analyze different methodologies to calculate GHG emissions, including the methodology approved by Green-e®.
		\$91,210	Review existing carbon offset registries, identify projects that best meet the program's requirements, and those approved by Green-e®.
		\$157,335	Assist in purchasing the identified carbon offsets, develop a portfolio model, create quarterly/annual product labels and reports, and provide support for third-party audit, as well as assist in becoming a certified Green-e® supplier.
		\$27,635	Utilize GPT's Solvryn® portal to provide member access to view respective GHG emissions and offset projects.

These costs do not include the purchase price of carbon offsets, which will vary depending on market price, project type and location. Based on information contained within the three proposals – none of which included firm offers for carbon offsets – staff anticipate a cost of approximately \$500,000 per fiscal year assuming current market conditions. Once a methodology is selected and applied, staff will initiate a separate procurement process to identify a carbon offset seller.

The adopted fiscal year 2022-23 operating budget includes \$150,000 for services anticipated by this solicitation. Based on GPT's proposed schedule, and an expected start date of November 1, 2022, staff anticipate the total cost of \$216,645 to be allocated relatively evenly among fiscal years 2022-23 and 2023-24.

Issues:

None.

Agenda Item 4.a. – RFP for Quantification and Management of Carbon Offsets

September 15, 2022

Page 4 of 4

Recommended Action:

The ABAG POWER Executive Committee is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, on behalf of ABAG POWER, to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645 to provide services related to the quantification and management of carbon offsets through June 30, 2024.

Attachments:

- Summary Approval – GPT, Inc.

Reviewed:

DocuSigned by:
Brad Paul
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Brad Paul



**S U M M A R Y O F E X E C U T I V E C O M M I T T E E
A P P R O V A L**

Work Item No.:	1707
Consultant:	GPT, Inc.
Work Project Title:	Quantification and Management of Carbon Offsets
Purpose of Project:	Indirectly offset ABAG POWER members' greenhouse gas emissions associated with natural gas usage.
Brief Scope of Work:	Application of emissions methodology, identification and management of suitable certified carbon offsets, and development of webpage and/or platform communicating environmental benefits and members' contributions to outcomes.
Project Cost Not to Exceed:	\$216,645
Funding Source:	Program Participant Fees
Fiscal Impact:	Funds programmed in FY 22/23 & 23/24 Budgets
Motion by Committee:	The ABAG POWER Executive Committee authorizes the Executive Director of the Metropolitan Transportation Commission, or her designee, on behalf of ABAG POWER, to enter into a professional services agreement with GPT, Inc. in an amount not to exceed \$216,645, to provide services related to the quantification and management of carbon offsets through June 30, 2024.
Executive Committee Approval:	Angela Walton, Chair, Executive Committee
Approval Date:	September 15, 2022