
CITY ATTORNEY'S OFFICE

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 90409 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) ENTER INTO A STATUTORY PARTNERSHIP AGREEMENT WITH PEOPLE POWER SOLAR COOPERATIVE TO APPLY TO THE ENVIRONMENTAL PROTECTION AGENCY COMMUNITY CHANGE GRANT FOR NINETEEN MILLION, NINE HUNDRED AND NINETY-NINE THOUSAND, NINE HUNDRED AND TWENTY FIVE DOLLARS (\$19,999,925) TO IMPLEMENT THE OAKLAND THERMAL RENEWABLE ENERGY AND ELECTRIFICATION (OAKTREE) PROJECT IN OAKLAND FRONTLINE COMMUNITIES; (2) ACCEPT AND APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FROM THE FEDERAL DEPARTMENT OF ENERGY'S ENERGY FUTURE GRANTS PROGRAM (EFG GRANT), INCLUDING ONE HUNDRED AND FIFTY SIX THOUSAND, ONE HUNDRED AND FORTY SEVEN DOLLARS (\$156,147) TO HIRE A PROGRAM ANALYST 1; (3) WAIVE THE COMPETITIVE BIDDING REQUIREMENT AND AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MMCI SOLAR, A LOCAL CLEAN ENERGY INNOVATION FIRM, FOR THREE HUNDRED AND FORTY THREE THOUSAND EIGHT HUNDRED FIFTY THREE DOLLARS (\$343,853) FROM THE EFG GRANT TO SERVE AS PROJECT TECHNICAL LEAD FOR OAKTREE; (4) AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO A THREE THOUSAND DOLLAR (\$3,000) PROFESSIONAL SERVICES CONTRACT WITH OAKLAND-BASED REVALUE.IO TO PROVIDE TECHNICAL ASSISTANCE, DOCUMENT REVIEW, STAFF TRAINING, AND RELATED SERVICES TO SUPPORT ONGOING ADVANCEMENT OF THE CITY OF OAKLAND'S EQUITABLE ELECTRIFICATION POLICIES AND PROGRAMS, PURSUANT TO THE CITY'S EQUITABLE CLIMATE ACTION PLAN; (5) WAIVE THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) CERTIFICATION REQUIREMENT FOR BOTH MMCI SOLAR AND REVALUE.IO; AND (6) MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, communities that are most vulnerable to the impacts of climate change face

adverse health impacts of historically inequitable policies; and

WHEREAS, on November 21, 2023, the Environmental Protection Agency issued a Notice of Funding Opportunity (NOFO) for the Environmental and Climate Justice Community Change Grants Program; and

WHEREAS, the EPA received \$2 Billion through the Inflation Reduction Act for the Community Change Grant and will award 150 grants across the United States in all 50 States and Tribal Territories; and

WHEREAS, per EPA Community Change Grant funding requirements, the grants must be a partnership between a community-based organization and a local government; and

WHEREAS, a legally binding Statutory Partnership Agreement (Agreement) must be executed prior to submission of the application and entering into such an agreement requires Council authorization; and

WHEREAS, the EPA has already begun making initial selections for the NOFO, and EPA staff have advised that applications received after mid-September, 2024, are unlikely to be awarded; and

WHEREAS, the Sustainability and Resilience Division has been meeting since 2023 with People Power Solar Cooperative (PPSC), and Oakland-based nonprofit organization, and MMCI Solar, an Oakland-based clean energy firm, to develop a proposal and agreed that PPSC is the best choice to be the community-based organization in this partnership due to their ongoing work in Oakland's frontline communities, their role as a trusted messenger in the community, and their experience in solar and clean energy projects; and

WHEREAS, the City of Oakland will be the local government entity; and

WHEREAS, the Statutory Partnership Agreement will lay the foundation for implementation and expansion of the Oakland Thermal Renewable Energy and Electrification (OakTREE) project, which will reduce renewable energy costs, air pollution, and greenhouse gas emissions by deploying and validating a thermal microgrid at one or more frontline community locations; and

WHEREAS, the City of Oakland has already received preliminary notification of a \$500,000 planning grant award from the US Department of Energy (US DOE), Energy Futures Grants (EFG) Program for pre-implementation planning and partnership development of OakTREE; and

WHEREAS, the EFG award is designed to fund one Program Analyst-1 position in the City Administrator's Office for one year, with the remainder of funds going to MMCI Solar as the technical lead for planning the OakTREE project; and

WHEREAS, the OakTREE concept and the City's partnership with MMCI Solar and PPSC represent an effort to address the historic impacts of underinvestment in frontline communities and communities of color specifically; to develop, test, and expand affordable and accessible strategies for eliminating the use of natural gas in buildings and replacing it with clean, renewable, and efficient electricity; and to jumpstart a strong, Oakland-based, high-road,

green economy consistent with the goals and numerical targets of Oakland's Equitable Climate Action Plan; and

WHEREAS, waiver of the competitive bidding requirement for MMCI Solar is warranted due to the firm's unique positioning in Oakland as well as the fact that MMCI Solar originated the OakTREE concept and therefore has unique knowledge of the project's goals and components, as well as unique relationships with PPSC and other grassroots community partners who will support the project in its planning and construction phases; and

WHEREAS, waiver of the S/LBE requirement for MMCI Solar is warranted due to the fact that the firm is a small, Black-owned, Oakland-based firm, and has already begun the process to gain certification as such with the City; and

WHEREAS, Revalue.io is an Oakland-based firm specializing in residential energy efficiency, electrification, and home energy upgrade project development, with additional expertise and experience in contractor training, minority construction workforce development, and collaborative program implementation with local government agencies; and

WHEREAS, a professional services agreement with Revalue.io will support needed internal staff training, capacity building, and technical analysis to advance the City's equitable building electrification activities consistent with the City's adopted Equitable Climate Action Plan; and

WHEREAS, waiver of the competitive bidding requirement for Revalue.io is warranted due to that firm being the sole respondent, to an informal solicitation, with the necessary expertise, capacity, partnerships in place, and interest to fulfill the needed scope; and

WHEREAS, waiver of the S/LBE requirement for Revalue.io is warranted due to the fact that the firm is a small, Black-owned, Oakland-based firm, and has already begun the process to gain certification as such with the City; therefore be it

RESOLVED: That the City Administrator is hereby authorized to enter into an Agreement with People Power Solar Cooperative to apply for the EPA Community Change Grant for up to \$19,999,925; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to accept and appropriate \$500,000 from the US DOE EFG Program into Fund 2122 (Department of Energy), Account 46129 (Federal Miscellaneous) Project TBD, to support planning for the Oakland Thermal Renewable Energy and Electrification; and be it

FURTHER RESOLVED: That the requirements for competitive bidding and for S/LBE certification are hereby waived for the present Agreements with MMCI Solar and Revalue.io to conduct the activities described herein; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and execute an Agreement with MMCI Solar for \$343,853 out of the City's \$500,000 EFG award for professional services to lead the OakTREE planning process; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and execute an Agreement with Revalue.io for \$3,000 for professional services in building

internal City staff capacity for electrification policy and program leadership; and be it

FURTHER RESOLVED: That these actions are not considered projects under the California Environmental Quality Act (CEQA), specifically Public Resources Code section 21065, because they do not cause “either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment” given these are simply administrative actions to implement measures already set forth in the Equitable Climate Action Plan (ECAP). Alternatively, these actions would be exempt from CEQA under CEQA Guidelines section 15061(b)(3) (common sense exemption) because there is no possibility that they will result in any physical change to the environment. In addition, if any changes to the physical environment would result from these actions, they would result in the maintenance, restoration, or enhancement of natural resources pursuant to CEQA Guidelines section 15307 and preservation of the environment under CEQA Guidelines section 15308.

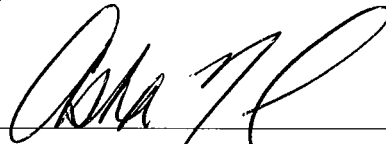
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: SEP 17 2024

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8 Ayes

NOES -
ABSENT -
ABSTENTION -

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California