

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 23, 2023

FROM

DON DAY, Director, Project and Facilities Management Department

SUBJECT

Service Agreement with Loop Global Inc. and Alliance Electrical Systems, Inc. for Operation and Access to their Electric Vehicle Charging Station Network

RECOMMENDATION(S)

1. Approve Service Agreement, including non-standard terms, with Loop Global Inc. and Alliance Electrical Systems, Inc. for access to the Loop Network electric vehicle charging station network, for the period of July 1, 2023 through June 30, 2024, for the charging stations located at the County Government Center Lot 7, corner of 3rd Street and North Mountain View Avenue in San Bernardino.
2. Authorize the Director of Project and Facilities Management Department to execute the renewal of the electric vehicle charging station network Service Agreement for a maximum of three, one-year extensions, subject to review by County Counsel.
- ~~3. Authorize the Director of Project and Facilities Management Department to execute additional service agreements with Loop Global Inc. that are substantially similar to this Service Agreement, for other locations to access to the Loop Network electric vehicle charging station network, subject to review by County Counsel.~~
- 4.3. Direct the Director of Project and Facilities Management Department to transmit all amendments to the electric vehicle charging station network Service Agreement in Recommendation No. 1 to the Clerk of the Board of Supervisors within 30 days of execution.
(Presenter: Don Day, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The networking costs are recovered via user fees through County Ordinance No. 4457, Section 16.0209 (a). Under the Service Agreement (Agreement), Loop Global Inc. will collect the user fees and keep a \$1.00 activation fee, plus 10% of each kilowatt-hour (kWH) fee charged. The remaining amount is returned to the County. Also, the Agreement states the charge is \$.32 per kWH for the first four hours. Thereafter, following a 10-minute grace period, the charge is \$.20 per minute but up to \$48 maximum.

BACKGROUND INFORMATION

The approval of this Agreement with Loop Global Inc. and Alliance Electrical Systems, Inc. (collectively Loop) will allow for the activation of the 10 newly installed electric vehicle charging stations at the County Government Center Lot 7, corner of 3rd Street and North Mountain View Avenue in San Bernardino by providing electric vehicle customers with access to the Loop Network through their electronic devices.

The County, in attaining its sustainable energy goals, has installed the first electric vehicle charging stations. These charging stations were installed as part of the County Government Center Lot 7 Electric Vehicle Charging Stations Project (Project) (WBSE 10.10.1240) and will be accessed by County employees and employees of the Court.

This Agreement ensures that the charging stations are activated and functioning optimally, by providing ongoing customer service and standard warranty support, including periodic software updates. The terms of this Agreement also provide the option to renew the Agreement by providing notice at least 30 days prior to the expiration date.

On September 27, 2022 (Item No. 80), the Board of Supervisors adopted Ordinance No. 4446, Section 16.0209 (a) relating to San Bernardino County parking lots, electric vehicle charging station fees and enforcement mechanisms to expand access to electric vehicle charging throughout the unincorporated portion of the county. Construction of the Project has been completed and approval of the Agreement is recommended to provide the County with the ability to electronically collect the charging fees.

The Agreement includes non-standard terms and omits certain County standard terms. The non-standard and missing terms includes the following:

1. The venue is any state or federal court in California.
 - The County standard contract requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: If there is litigation, the County could incur additional expenses for travel throughout California.
2. Loop provides a limited warranty for parts, excludes any indirect, incidental, special, punitive or consequential damages, and limits liability for all claims to the price paid for the charging station.
 - There is no warranty requirement in the County standard contract. The County expects its vendors and service providers to fully warrant the products and services provided to the County.
 - Potential Impact: The County's ability to seek recovery for any damages is limited, which may result in the County failing to recover full damages if there is a claim.

The department recommends approval of the Agreement, including the non-standard terms, as it provides for electric vehicle charging stations for county residents and employees.

PROCUREMENT

Under the California Public Contract Code section 22032, the construction of the Project was estimated to be \$60,000 or less and therefore Project and Facilities Management Department (PFMD) contacted five contractors to obtain proposals for the installation of electrical vehicle chargers for the Project and set up a pre-bid job walk for the five contractors on December 16, 2021. On January 5, 2022, PFMD received proposals from Alliance Electrical Systems, Inc., EV Connect, and Berg Electric.

On January 11, 2022, denial of award and notice of award were sent via email and no protests were received. The proposal from Alliance Electrical Systems, Inc. (Alliance) was selected, which included Loop Global Inc. as the manufacturer of the electric vehicle charger stations installed by Alliance and the provider of the Project's electric vehicle charging station network. On March 9, 2022, Alliance received their Notice to Proceed. Construction started on May 16, 2022, and was completed on June 29, 2022. No further procurement activities are required for this item.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on April 17, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on April 17, 2023; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on April 19, 2023; Finance (Garrett Baker, Administrative Analyst, 387-3077, and Yael Verduzco, Principal Administrative Analyst, 387-5285) on May 11, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 11, 2023.

(MM, 693-0220)