



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: GS & AGWM
Department No.: 063/051
For Agenda Of: April 2, 2024
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Jose Chang, Agricultural Commissioner/Weights and Measures
Director(s) Sealer, (805) 681-5600
Kirk Lagerquist, Director, General Services (805) 560-1011
Contact Info: Matthew Maiten, Deputy Commissioner/Sealer (805) 681-5600
Lynne Dible, Assistant Director/CFO (805) 568-2678
SUBJECT: Sole Source Purchase of TESCO EVSE testing equipment

DocuSigned by:
Jose Chang
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DocuSigned by:
Kirk Lagerquist
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County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk, Procurement

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) For the purchase of a TESCO TS4350 testing unit for the Agricultural Commissioner’s Office, waive competitive bidding by the County and authorize the County Purchasing Agent to purchase this equipment in the amount not to exceed \$105,000 as a sole source procurement from The Eastern Specialty Company (TESCO), without being required to conduct a formal bid process (Majority Vote); and
- b) Determine that the above action involves government funding mechanisms and/or fiscal activities and is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(4).

Summary Text:

This item is on the agenda for the Board to authorize the sole source purchase of electric vehicle charger testing equipment. Pursuant to County Code Section 2-39, General Services and the Agricultural Commissioner’s Office are requesting that the Board of Supervisors authorize the County’s Purchasing Agent to purchase The Eastern Specialty Company’s (TESCO) electric vehicle testing equipment, at a

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cost of approximately \$105,000 (including sales tax and shipping (Attachment A)), as a sole source procurement.

The recommended action will allow the purchase of this unique testing equipment that will be utilized by the Agricultural Commissioner's Office, Weights and Measures program to test, inspect, and enforce regulatory specifications on electric vehicle charging stations.

The equipment will be an invaluable tool used by the Agricultural Commissioner's Office to perform state required annual inspections on these commercial devices countywide and to be readily available to respond to consumer complaints.

Background:

Under Division 5, Chapter 2, Section 12210 of the California Business and Professions Code (BPC), the California Department of Food and Agriculture (CDFA) mandates the County Sealer to test and inspect commercial devices, and tools, appliances and accessories connected to those devices within their county based on performance frequencies established by the Secretary of CDFA. CDFA's Division of Measurement Standards (DMS) promulgated an Electric Vehicle Supply Equipment (EVSE) regulation that became effective April 1, 2020 and mandated inspections to begin by counties on January 1, 2021. These new regulations add additional workload to test, inspect, and enforce the measurement of time, electricity, tolerances, and regulatory specifications used to conduct commercial transactions between sellers and the public. To comply with the new regulations and meet established performance measures, General Services, in collaboration with the Agricultural Commissioner's Office, is requesting the purchase of specialized testing equipment.

Santa Barbara County Code 34-C, requires any person using a weighing or measuring device to have a current registration permit. A registration permit fee is set forth to help recover costs of inspecting and testing such devices pursuant to BPC 12210 and from authority set forth in BPC 12240.

EVSE stations provide an alternative fuel source for re-fueling various types of electric cars and trucks in the marketplace. EVSE stations are being installed at gas stations, parking structures, shopping malls, airports, commercial buildings, and other locations that can support the infrastructure, including county facilities for the county fleet. Currently, there are approximately 150 EVSE station locations with approximately 500 EVSE devices in Santa Barbara County. Of this amount, 120 EVSE chargers are owned and operated by the County, approximately 200 are privately owned, and the remaining are owned by municipalities. To test and inspect these EVSE devices, the purchase of specialized equipment is needed and will be used to achieve inspection objectives necessary to achieve 100% inspection completion rates. This is necessary to maintain equity and fairness in this new marketplace for industry and the public.

To conduct the new State-mandated inspections, the purchase of testing equipment is needed. This testing equipment must meet national standards and must have metrological traceability and certified to specifications by the US Department of Commerce, National Institute of Standards and Technology (NIST). NIST traceability and certification is required for equipment to be used as legal standards in the enforcement of weight and measures laws in the State of California.

CDFA has 5 testing units available to loan to counties that don't have their own testing equipment, but limit the borrowing time to 2 weeks. This makes it impractical during the year to properly train staff how to use equipment, plan inspections, and properly respond to complaints in a timely manner. The Agricultural Commissioner's Office was able to borrow CDFA's testing unit in December 2023 for a limited time to conduct inspections.

Currently, only one manufacturer, TESCO, has developed a testing unit which meets NIST specifications and has the capability to test the majority of all EVSE fueling stations. NIST certification for the State of California is conducted by the DMS metrology lab. Since January 12, 2021, DMS has confirmed that TESCO is the only manufacturer who has a testing unit which can be certified to the NIST standard and can be used as a legal standard to enforce the new regulations.

Since 1904, TESCO is a company which sells gas and electric meter testing equipment primarily to public utility companies. TESCO's services also include meter shop layout, statistical sampling, equipment specifications, field services, facility relocation, quality systems, project management, and custom equipment.

The TESCO TS4350 testing unit has the capability to test AC Level 1 and 2 systems, as well as DC Fast Charge systems.

Testing, inspecting, and enforcing the new regulatory requirements for EVSE devices ensures that the public receives what they pay for, provides greater consumer confidence in these transactions, and protects the consumer and the public from fraudulent activities. The purchase of the TESCO 4350 will keep the County of Santa Barbara in compliance with new state mandated requirements and the inspections conducted will ensure fair marketplace competition and ensure public confidence in these transactions.

Fiscal and Facilities Impacts:

Budgeted:

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY 2023-24 Cost</u>	<u>Annualized On-going Cost</u>	<u>Total One-Time Cost</u>
Vehicle Ops & Maintenance Internal Service Fund (ISF)	\$ 105,000		\$ 105,000
Total	\$ 105,000	\$ -	\$ 105,000

Narrative:

This TESCO TS4350 testing equipment will be purchased with General Services Fund 1900 one-time funds and the equipment/asset will be transferred to the Agricultural Commissioner's Weights and Measures office to safeguard and retain for their use to perform annual inspections on electric vehicle charging stations and respond to consumer complaints. Santa Barbara County Code 34-C, requires any

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person using a weighing or measuring device to have a current registration permit. A registration permit fee is set forth to help recover costs of inspecting and testing such devices pursuant to BPC 12210 and from authority set forth in BPC 12240.

This item is a capital asset per the County's capitalization policies and therefore the acquisition of this unit will be acquired as a Capital Assets purchase; the budget is available in the Capital Assets – Equipment account in the Vehicle Operations & Maintenance ISF Fund1900.

Special Instructions:

Please send one (1) minute order to the Agricultural Commissioner's Office and one (1) copy to Phung Loman, General Services.

Attachment A: TESCO T4350 Proposal

Authored by:

Matthew Maiten, Deputy Commissioner/Sealer