

## **Federal Energy Experts Release Paper Outlining Roadmap for Federal Agencies to Successfully Implement Climate, Resilience Goals**

WASHINGTON, DC (May 4, 2021) – Seth Kirshenbergh of Kutak Rock LLP and Brian Oakley of JLL have released a paper designed to serve as a roadmap for federal agencies seeking to meet the goals of the Biden Administration’s Executive Order 1408 (EO 1408) addressing the threat of global climate change.

“Federal procurement can be a powerful initiative to drive, among other activities, greater adoption of carbon-free energy sources by federal agencies,” Kirshenbergh and Oakley point out in their paper. “As the largest power purchaser in the country, the federal government affects the types and cost of power available for the entire United States and can potentially increase the market for carbon-free electricity.”

The Biden Administration has indicated it will move forward with significant federal purchasing of carbon-free power. The key to implementing the policy will be whether individual federal agencies, especially those with large power requirements, will implement the policies quickly and on a large scale.

The authors outline recommendations for federal agencies to facilitate energy projects as they move from concept through to procurement, including strategies for negotiation, development, finance, construction and implementation. They also identify the tools and processes that can be used by both federal agency leaders and the people implementing the programs, including how to utilize acquisition strategies.

Highlighted recommendations include:

### **Recommended improvements to legal authority**

- Empower GSA and DOE to authorize agreements for up to 40 years
- Enable current authorities to execute virtual PPAs
- Enable all federal agencies to authorize PPAs

### **Empower agencies through executive order**

- Clarify legal authorities and the use of federal power marketing agencies
- Address needs of financial community
- Develop appropriate budget scoring

### **Recommendations for federal agency leaders**

- Prioritize carbon-free energy
- Create accountability measures for meeting carbon-free energy goals
- Acknowledge that carbon-free energy may cost more than fossil fuels in the short run
- Utilize Agency offices that purchase the power and manage the real estate to implement the programs.
- Accelerate currently planned projects
- Create teams and develop expertise to implement carbon-free energy projects
- Accelerate ESPC/UESC use

The following is the link to access [“Roadmap to Implementing Climate and Resilience Goals: Federal Agency Solutions.”](#)

Seth Kirshenberg is a partner and co-leader of the energy practice at Kutak Rock LLP, where he has completed billions of dollars in renewable energy and energy efficiency projects. Brian Oakley is executive vice president of the energy and infrastructure advisory group at JLL. Oakley and Kirshenberg have co-authored position papers and legislative proposals on government incentives to promote the purchasing and development of renewable and other carbon-free energy.

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