



## Staff Report Consent Item 6

**TO:** East Bay Community Energy Board of Directors

**FROM:** Nick Chaset, Chief Executive Officer

**SUBJECT:** Authority to Negotiate and Execute a Professional Services Agreement with Circlepoint in Continuation of Existing but Expiring Contract with Alameda County

**DATE:** March 21, 2018

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### **Recommendation**

Adopt a Resolution authorizing the Chief Executive Officer (CEO) to negotiate and execute a contract with Circlepoint with a term of April 12, 2018 to June 30, 2019, in an amount not to exceed \$350,000 which is the remaining contract amount budgeted under the Alameda County Procurement Contract No. 14862.

### **Background**

Alameda County issued a request for proposals in December 2016 for Community Outreach, Marketing and Customer Notification services. Four proposals were received by the Community Development Agency's (CDA) Planning Department and were reviewed pursuant to the County's procurement process. On January 13, 2017, a County Selection Committee (CSC) panel of two Community Choice Aggregation (CCA) Steering Committee members convened to interview, score, and rank the proposals.

Circlepoint, a certified Small, Local, Emerging Business (SLEB), was the top scoring proposal and recommended to the board, resulting in Procurement Contract No. 14862 that went into effect on April 11, 2017 and ends on April 11, 2018. To date, Circlepoint has billed approximately \$227,000 with an estimated \$110,000 to be invoiced through April 11th. Estimated costs include expenses for customer notification printing and mailing, media advertising, translation, residential market research, and staff hours to supporting ongoing support for Phase 1 and Phase 2 program launches.

## Analysis & Discussion

EBCE staff has met with staff from CDA. CDA does not wish to exercise the extension clause in section 35 of the agreement in order to allow for the full expenditure of the contract budget. As such, EBCE intends to enter into a Professional Services Agreement with Circlepoint to cover the remaining budget originally allocated to this agreement. Based on current invoices and estimated expenditures through April 11, 2018, approximately \$300,000-\$350,000 will remain from the original \$627,800 contract.

EBCE requests that the Board provide authority for the CEO to negotiate and execute a Professional Services Agreement with Circlepoint in order to complete the customer notification for Phase 1, complete residential market research, continuation of marketing and outreach plans for Phase 1, and continue to develop a communications strategy for Phase 2 launch. The contract will include the following terms:

- **Budget:** Amount to reflect the remaining unbilled portion of the original budget of \$627,800 up to a total of \$350,000
- **Term:** April 12, 2018 through June 30, 2019
- **Scope:** Support for community outreach, marketing and customer notification services to prepare for program launch (Phase 1 and 2)

## Attachments

A. Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY  
AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE  
A PROFESSIONAL SERVICES AGREEMENT WITH CIRCLEPOINT**

**THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:**

Section 1. The East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Castro Valley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City, to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all the member jurisdictions.

Section 2. In December 2016, Alameda County Community Development Agency in its capacity as interim staff to EBCE issued a request for proposals for Community Outreach, Marketing and Customer Notification services. Alameda County received four responsive proposals, which were reviewed and scored consistent with Alameda County procurement policies.

Section 3. Alameda County selected Circlepoint as the successful proposer and entered into Alameda County Procurement Contract No. 14862 with a one-year term commencing on April 11, 2017 in an amount not to exceed \$627,800.

Section 4. The scope of work included preparing Phase 1 marketing and outreach plans, conducting market research, customer notifications, including without limitation, the opt out notices, and preparing a Phase 2 communications strategy. Circlepoint is in the process of conducting the Phase 1 notifications and developing the Phase 2 communications strategy.

Section 5. The Board of Directors hereby finds that because 1) Circlepoint was selected through a robust competitive process by Alameda County, 2) Circlepoint has not exhausted the funding allocated to Alameda County Procurement Contract No. 14862, and 3) Circlepoint has not completed the scope of work therein, it is in the best interest of EBCE to enter into a Professional Services Agreement with Circlepoint commencing upon the termination of the Alameda County Procurement Contract No. 14862.

Section 6. The Chief Executive Officer is hereby authorized to negotiate and execute a Professional Services Agreement with Circlepoint to complete the scope of work in the Alameda County Procurement Contract No. 14862 for a term commencing on April 12, 2018 through June 30, 2019, with compensation not to exceed \$350,000.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Scott Haggerty, Chair

ATTEST:

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Stephanie Cabrera, Clerk of the Board