



Consent Item 7

TO: East Bay Community Energy Board of Directors

FROM: Dan Lieberman, Marketing Director

SUBJECT: Amendment to Consulting Services Agreement with Celery Design Collaborative

DATE: April 21, 2021

Recommendation

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute a Third Amendment to the Consulting Services Agreement with Celery Design Collaborative to add \$100,000 to the not-to-exceed amount for fiscal year 2020 - 2021, and to extend the term through June 30, 2022, with an amount not to exceed \$300,000 for fiscal year 2021-2022, bringing the not-to-exceed amount for both fiscal years to \$300,000 each.

Background and Discussion

East Bay Community Energy (EBCE) staff issued a competitive solicitation for an independent graphic and web design consultant on April 25, 2019 and selected Celery Design Collaborative (Celery), a small firm located in Berkeley and registered as a Small, Local, and Emerging Business with the County of Alameda.

The Board approved a Consulting Services Agreement (CSA) with Celery at the regular meeting on July 17, 2019. A First Amendment to the CSA, to expand the scope of the CSA and to increase the budget of the CSA to an amount not-to-exceed \$300,000, for the term ending on July 31, 2020, was approved by the Board on February 19, 2020. A Second Amendment was approved by the Board on July 15, 2020 to extend the term to June 30, 2021 and to set the budget at an amount not to exceed \$200,000 for the remainder of the term.

During this current fiscal year, we have slightly exceeded our “burn rate” on the CSA due to unanticipated graphic design and website development projects and we now

foresee exhausting the not-to-exceed amount before the end of the fiscal year. The shelter-in-place order has led to a greater demand for the services of the marketing team, in the form of online activities, web resources, and digital collateral. The additional completed work this fiscal year by Celery included formatting our first Supplier Diversity Report required by the California Public Utilities Commission, adding new functionality to our website, and building our social media design capabilities. The remaining scope of work this fiscal year should be in line with our original forecasted burn rate.

Staff continues to be very pleased with the quality work this vendor has performed, in their design and web development tasks, and would benefit from continued engagement. Therefore, staff recommends adopting this Third Amendment to the CSA, increasing the budget for Celery's services for this fiscal year by \$100,000 and to allow extending their work through the next fiscal year, with compensation for FY 2021-2022 not to exceed \$300,000.

Fiscal Impact

This Third Amendment will result in additional costs not-to-exceed \$400,000. There are funds in the current Marketing and Account Services budget to accommodate the \$100,000 for this fiscal year, and it is expected that the budget for next fiscal year will accommodate at least the \$300,000 for these services.

Attachments

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute a Third Amendment to the Consulting Services Agreement with Celery Design Collaborative

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH CELERY DESIGN COLLABORATIVE

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, in July 2019, EBCE selected and entered into a Consulting Services Agreement with Celery Design Collaborative of Berkeley, California, to provide Consulting Services for Graphic and Web Design Services; and

WHEREAS, a First amendment to the Agreement was approved in February 2020; and

WHEREAS, a Second Amendment to the Agreement was approved in July 2020; and

WHEREAS, Celery Design Collaborative has been executing said services to the satisfaction of EBCE staff; and

WHEREAS, EBCE’s forecasted workload for graphic design and website development will likely surpass the not-to-exceed amount specified in the Second Amendment referenced above prior to the end of the term on June 30, 2021,

WHEREAS, EBCE would like to continue work with this vendor through June 30, 2022.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The CEO is hereby authorized to negotiate and execute a Third Amendment to the Consulting Services Agreement between EBCE and Celery Design Collaborative, for an amount not to exceed \$600,000 through the term ending June 30, 2022. This Agreement is billed on a time and material basis, and consultant rates are contained in Exhibit E of the Consulting Services Agreement. The CEO is further authorized to execute any clarifying or clerical changes to the Agreement, which must be approved by General Counsel.

ADOPTED AND APPROVED this 21st day of April, 2021.

Dan Kalb, Chair

ATTEST:

Adrian Bankhead, Assistant Clerk of the Board