



Consent Item 8

TO: East Bay Community Energy Board of Directors

FROM: Taj Ait-Laoussine, VP Technology & Analytics

SUBJECT: Amendment to Agreement with AIQUEOUS, LLC

DATE: October 20, 2021

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute an Amendment to the Agreement with AIQUEOUS, LLC to extend the term through October 31, 2022, and to increase the compensation by up to \$60,000 for a total amount not to exceed \$142,500.

Background and Discussion

EBCE entered an agreement with AIQUEOUS, LLC (AIQUEOUS) in October 2020 to license AIQUEOUS' POWERPATH application and receive consulting services to implement, configure and support that application on EBCE's Customer Relationship Management (CRM) platform.

EBCE has been pleased with both the performance of the software and the implementation and support services it has received from AIQUEOUS. In addition to receiving expert assistance in configuring its own CRM application, EBCE was also able to automate the processing of two of its local development programs via its CRM by working with AIQUEOUS and the POWERPATH application.

EBCE staff would like to continue to license POWERPATH and continue to receive support from AIQUEOUS as it plans to roll out more CRM functionality and additional local programs. EBCE staff is therefore recommending an amendment to the existing agreement to support that continued collaboration.

Fiscal Impact

EBCE staff seeks to amend its existing Subscription Agreement with AIQUEOUS to increase the total compensation by up to \$60,000 for a 1-year term ending on October 31, 2022, for a total amount not to exceed \$142,500. Specifically, the additional costs break down as follows:

- POWERPATH licensing, for an additional total estimated at \$18,420;
- Additional configuration and support, for an additional total estimated at \$35,000.
- A contingency amount of \$6,580.

Attachments

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute an Amendment with AIQUEOUS, LLC for Software Licensing and Consulting Services

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 CONTRACT AMENDMENT WITH
AIQUEOUS, LLC FOR SOFTWARE LICENSING AND CONSULTING SERVICES**

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 EBCE is pursuing the implementation and use of a Customer Relationship Management (“CRM”) solution to support its marketing and local development activities;

WHEREAS EBCE executed a contract with AIQUEOUS, LLC (“AIQUEOUS”) in October 2020 to provide Software Licensing and Consulting Services associated with its CRM activities (“Agreement”);

WHEREAS EBCE is pleased with the software and services it has received from AIQUEOUS;

WHEREAS EBCE wishes to continue licensing the software from AIQUEOUS and has identified additional configuration needs; and

WHEREAS EBCE would like to amend the Agreement for an additional term of 12 months at a cost of up to \$60,000 for that term, total compensation not to exceed \$142,500.

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

Section 1. The Board hereby authorizes the Chief Executive Officer to enter negotiations and execute an amendment to the Agreement, subject to the approval of General Counsel, with AIQUEOUS for additional Software Licensing and Consulting Services, to extend the term of the Agreement for an addition twelve (12) month period to expire October 31, 2022, and to provide additional compensation up to the amount of \$60,000 for a total compensation amount not to exceed \$142,500.

ADOPTED AND APPROVED this 20th day of October 2021.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board