



Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Jason Bartlett, Finance Manager

SUBJECT: Consulting Services Agreement with Maher Accountancy (Consent)

DATE: December 15, 2021

Recommendation

Adopt a Resolution authorizing East Bay Community Clean Energy's (EBCE's) CEO or Treasurer to negotiate and execute a new Consulting Services Agreement (CSA) with Maher Accountancy with a one-year term from January 1, 2022, through December 31, 2022, for an amount not to exceed \$255,000, and authorize EBCE's CEO or Treasurer to renew this contract for up to three subsequent annual periods with fees not increasing by more than 4-6% annually. If fully exercised this would total a four-year term.

Background and Discussion

EBCE uses an independent accountant to support ongoing financial operations. The accountant is crucial to supporting all of EBCE's financial functions, including invoicing, payments, reporting, and the audit process. EBCE has worked with Maher Accountancy since June 1, 2018. Prior to which, EBCE received accounting services from the Alameda County Finance Department.

In October 2021, EBCE staff issued a competitive solicitation for accounting services. Upon completion of the process, staff recommend that EBCE continue to use Maher Accountancy given their extensive experience in California and specifically their experience working with Community Choice Aggregations (CCAs).

During their contracted period, Maher Accountancy has assisted EBCE with four audits and has performed exceptionally well in managing EBCE's books and ledgers. Maher Accountancy's familiarity within the CCA space is unparalleled as they currently provide accounting services for eight CCAs, including Clean Power Alliance, Marin

Clean Energy, Monterey Bay Community Power, Peninsula Clean Energy, Silicon Valley Clean Energy, and Sonoma Clean Power. Over Maher Accountancy's history, they have served ten CCAs in total in some capacity.

For the 2022 calendar year, EBCE has negotiated a contract price with Maher Accountancy for \$18,500 per month. This is an increase to the previous rate of \$16,250 due to expanding additional services to support the significant volume of invoice administration and review, and a 4.6% increase due to inflation/rising costs. This new rate will place EBCE in the "middle of the pack" of what Maher Accountancy charges other CCAs for their services, which goes above \$20,000 per month for the largest CCAs. In addition to the monthly charge, Maher Accountancy charges an additional one-time fee of \$16,000 to provide accounting assistance with EBCE's annual audit. Anticipated costs are expected to total \$238,000 and staff would like to include \$17,000 for contingency costs. For subsequent years the not to exceed amount is expected to rise by approximately 4-6%.

EBCE wishes to continue to benefit from the expertise of Maher Accountancy and seeks Board approval to negotiate and execute a new CSA for a one year term, from January 1, 2022, through December 31, 2022, at an overall not to exceed amount of \$255,000 and the option to renew that term for up to three subsequent years

Fiscal Impact

The CSA will provide for a monthly fixed rate of \$18,500 through the calendar year, which is \$222,000. An additional charge of \$16,000 is included to provide accounting services to assist with EBCE's annual audit for the 2021-2022 fiscal year. Together, the total amount for the term of January 1, 2022 through December 31, 2022 is \$238,000 plus \$17,000 for contingency, totaling a not to exceed amount of \$255,000.

Attachments

- A. Resolution Authorizing the CEO or Treasurer to Negotiate and Execute a Consulting Services Agreement with Maher Accountancy

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO OR TREASURER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH MAHER ACCOUNTANCY

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

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’s Board of Directors delegated authority to EBCE’s CEO to select an accounting firm in April 2018, after EBCE solicited bids,

WHEREAS, EBCE entered into a Consulting Services Agreement (“CSA”) with Maher Accountancy for a term of one year from May 31, 2018 through June 30, 2019. EBCE then entered into another Consulting Services Agreement with Maher Accountancy from July 1, 2019 through December 31, 2019,

WHEREAS, EBCE executed a First Amendment to the July 1, 2019 Consulting Services Agreement with Maher Accountancy extending the CSA term by one year from January 1, 2020 through December 31, 2020,

WHEREAS, EBCE executed a Second Amendment to the July 1, 2019 Consulting Services Agreement with Maher Accountancy extending the CSA term by one year from January 1, 2021 through December 31, 2021,

WHEREAS, Maher Accountancy has extensive experience providing accounting services to CCAs specifically, and it continues to provide service at competitive costs relative to similar services provided to other CCAs,

WHEREAS, EBCE would like to continue to benefit from Maher Accountancy’s expertise through at least December 31, 2022, with the option to extend for three annual periods.

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

Section 1. EBCE’s Board of Directors hereby authorizes EBCE’s CEO or Treasurer to negotiate and execute a new Consulting Services Agreement with Maher

Accountancy for accounting and audit support services from January 1, 2022 through December 31, 2022 with total compensation not to exceed an amount of \$255,000.

Section 2. EBCE's Board further authorizes EBCE's CEO or Treasurer to renew the January 1, 2022 CSA for up to three subsequent annual periods with fees not increasing by more than 4-6% annually.

ADOPTED AND APPROVED this 15th day of December 2021.

Diane Martinez, Chair

ATTEST:

Clerk of the Board