



## Consent Item 10

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

**FROM:** Taj Ait-Laoussine, SVP and CIO

**SUBJECT:** Agreement with Google LLC

**DATE:** January 18, 2023

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### **Recommendation**

Adopt a Resolution authorizing the CEO to negotiate and execute an Agreement with Google for a term of 3 years, in order to benefit from a 5% discount on standard pricing from Google for EBCE's use of the Google Cloud Platform, in exchange for a commitment to spend \$450,000 over 3 years. The agreement is expected to save EBCE a minimum of \$22,500 over those 3 years. This Agreement is a "pay as you use" contract that does not have a contractual not-to-exceed amount, but this Agreement is expected to offer the agency savings overall, and the total amount expended will not exceed the funds budgeted for this purpose.

This resolution was brought forth in the previous board meeting, but due to a clerical error, the resolution language was not correct. This resolution corrects and clarifies the nature of the agreement. The memo provided in the December 14 Board Meeting Packet provides the background details.

### **Attachments**

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute an Agreement with Google LLC.

**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 AN AGREEMENT WITH GOOGLE  
LLC FOR CLOUD INFRASTRUCTURE 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; and

**WHEREAS** EBCE has developed a robust data analytics platform using Google Cloud Platform services (“Google Cloud Services”); and

**WHEREAS** EBCE has to-date been paying list prices for its use of Google Cloud Services; and

**WHEREAS** Google LLC is offering EBCE a discount of 5% on its published pricing for Google Cloud Services in exchange for a 3-Year Agreement and a minimum expenditure of \$450,000 over those 3 years; and

**WHEREAS** EBCE expects to be spending more than the minimum required amount on Google Cloud Services given its previous usage and expected growth, and to be benefitting from preferential pricing for usage beyond the minimum of \$450,000 over 3 years; and

**WHEREAS** EBCE staff and the Chief Executive Officer will ensure that expenditures associated with Google Cloud Services do not exceed the annual budgeted amounts as approved by the Board.

**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 negotiate and execute, subject to the approval of General Counsel, an Agreement with Google LLC, for a term of 3 years, to secure a 5% discount over published list prices for Google Cloud Services, in exchange for committing to spend a minimum of \$450,000 over 3 years. The CEO’s authorization to expend funds under the Agreement shall not exceed the funds budgeted for this purpose.

ADOPTED AND APPROVED this 18<sup>th</sup> day of January, 2023.

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Dan Arriola, Chair

ATTEST:

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Adrian Bankhead, Clerk of the Board