



## Consent Item 11

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

**FROM:** Dan Lieberman, Director of Marketing

**SUBJECT:** Amendment to Consulting Services Agreement with Celery Design Collaborative

**DATE:** June 21, 2023

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### **Recommendation**

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute the Fifth Amendment to EBCE's Consulting Services Agreement with Celery Design Collaborative to add \$400,000 in compensation for Fiscal Year 2023-24, to extend the term, and to update the hourly rates of compensation.

### **Background and Discussion**

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 (SLEB) with the County of Alameda. The Board approved a contract with Celery at the regular meeting on July 17, 2019. The First Amendment to expand the scope and budget of the agreement was approved by the Board on February 19, 2020 for the term ending on July 31, 2020. A Second Amendment was approved by the Board on July 15, 2020 to extend the term to June 30, 2021 and setting a budget of \$200,000 for the remainder of the term. A Third Amendment was approved by the Board on April 21, 2021 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. A Fourth Amendment was approved by the Board on July 20, 2022 to add \$445,000 to the not-to-exceed amount for the fiscal year 2022-23.

During the coming fiscal year, the programs team will be busy developing and launching programs including a \$10 million e-bike program, and EBCE will implement a re-brand initiative, significantly increasing demand on the Marketing team to develop and implement a broad range of customer engagement tactics. Therefore, staff recommends increasing the budget for these services with Celery. EBCE plans to do a competitive solicitation for design services for the next fiscal year, as well as bring more design capabilities in-house.

**Fiscal Impact**

There are funds in the current Marketing and Account Services budget to accommodate this additional amount. EBCE receives a discounted non-profit hourly rate from Celery.

**Attachments**

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

**RESOLUTION NO. R-2023-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS**

**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A FIFTH 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. The city of Stockton, located in San Joaquin County was added as a member of EBCE and party to the JPA in September of 2022.

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

**WHEREAS** four amendments have been executed to extend the contract term and increase the not-to-exceed limit on the contract; and

**WHEREAS** EBCE’s workload for graphic design and website development is forecast to be high in FY23-24 due to the launch of new programs including a \$10 million e-bike program, and EBCE will implement a re-brand initiative.

**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 the Fifth Amendment to the Consulting Services Agreement between EBCE and Celery Design Collaborative, to extend the term through June 30, 2024, and to increase the compensation by \$400,000, for a total amount not to exceed \$1,445,000, and to update the hourly rates. The Agreement will be approved by General Counsel.

ADOPTED AND APPROVED this 21<sup>st</sup> day of June, 2023.

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Elisa Márquez, Chair

ATTEST:

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Adrian Bankhead, Clerk of the Board