



### Consent Item 13

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

**FROM:** Annie Henderson, Vice President Marketing & Account Services

**SUBJECT:** Second Amendment to Consulting Services Agreement with MissionCTRL Inc.

**DATE:** June 21, 2023

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#### **Recommendation**

Adopt a Resolution to authorizing the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement with MissionCTRL Inc. for public relations services to increase the not-to-exceed budget by \$98,000, add the hourly rates of compensation and extend the term through June 30, 2024, with total compensation not to exceed \$296,000.

#### **Background and Discussion**

EBCE entered into a Consulting Services Agreement with MissionCTRL dated August 9, 2021 to provide support for media relations, thought leadership, and other public relations for \$100,000. The Agreement was amended by a First Amendment to the Consulting Services Agreement on June 24, 2022 to add additional compensation, increasing the not-to-exceed amount by \$98,000 for a total amount not to exceed \$198,000 and to extend the term through May 31, 2023.

As of May 2023, the actual spend with MissionCTRL for Fiscal Year 2022/2023 was \$99,000, so Board authority is required to add funds for June 2023 (\$5,000 fixed fee plus any hourly costs that are incurred) as the total spend for the fiscal year will exceed the executive signing authority of \$100,000 in any single fiscal year.

Staff requests extending the term of the Agreement through June 30, 2024, adding hourly rates of compensation and increasing the budget by \$98,000, for a total NTE of \$296,000 to continue with the services provided by MissionCTRL. These services remain outsourced and the support of MissionCTRL continues to add value to the work of EBCE staff.

**Fiscal Impact**

This contract amount is included in the proposed budget for Fiscal Year 2023/2024.

**Attachments**

- A. Resolution

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

**A RESOLUTION OF THE BOARD OF DIRECTORS**

**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY**

**TO AUTHORIZE CEO TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH MISSIONCTRL INC. FOR PUBLIC RELATIONS 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. 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** EBCE and MissionCTRL entered into that certain Consulting Services Agreement dated August 9, 2021 (C-2021-097) (“Agreement”), wherein MissionCTRL agreed to provide thought leadership services to EBCE, with a term of six months and compensation not to exceed \$100,000;

**WHEREAS** EBCE and MissionCTRL entered into that certain First Amendment to the Consulting Services Agreement on June 24, 2022 (C-2022-064) to add additional compensation, increasing the not-to-exceed amount by \$98,000 for a total amount not to exceed \$198,000 and to extend the term through May 31, 2023;

**WHEREAS** EBCE and MissionCTRL now desire to amend the Agreement to add additional compensation, increasing the not-to-exceed amount by \$98,000 to cover thought leadership and public relations services for a total amount not to exceed \$296,000 to extend the term through June 30, 2024 and to add an hourly rate of compensation in addition to the monthly fixed fees.

**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 Second Amendment to the Agreement with MissionCTRL to increase the budget by \$98,000, add an hourly rate of compensation, and extend the term through June 30, 2024, with total compensation not to exceed \$296,000.

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