



Consent Item 10

TO: Ava Community Energy Authority Board of Directors

FROM: Theresa McDermit, Head of Brand

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

DATE: February 21, 2024

Recommendation

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute the sixth amendment to Ava Community Energy's Consulting Services Agreement with Celery Design Collaborative, LLC to add \$925,000 in compensation for Fiscal Year 2023 – 24.

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, LLC ("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 increase the budget by \$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, add \$300,000 to the not-to-exceed amount for fiscal year 2021-2022, bringing the not-to-exceed amount for both fiscal years to \$300,000 each, and to extend the term through June 30, 2022. 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 and extend the term through June 30, 2023. A Fifth Amendment, which added \$400,000

to the not-to-exceed amount, extended the term through June 30, 2024, and updated the hourly rate of compensation, was approved by the Board on June 21, 2023.

During the second half of this fiscal year, Celery is supporting Ava on the territory-wide awareness advertising campaign designed to inform and engage our constituents about our recent rebrand and the role Ava plays in their lives. The funds requested in this amendment will cover creative development, media (i.e., the purchase of advertising), content development, production, and optimization activities associated with the campaign. Additionally, Celery continues to support our ongoing and emerging marketing activities, including those associated with programs, including DC Fast Charging, Health-e Communities, Induction Cooktop Lending Program (ICLP), and evFleet Consulting; therefore, staff recommends increasing the budget for these services with Celery.

Fiscal Impact

There is no additional fiscal impact associated with this request. There are approved funds in the current Marketing and Account Services budget to accommodate this request. Ava receives a discounted non-profit hourly rate from Celery.

Attachments

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

RESOLUTION NO. R-2024-xx

A RESOLUTION OF THE BOARD OF DIRECTORS

OF AVA COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A SIXTH AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH CELERY DESIGN COLLABORATIVE

WHEREAS The Ava Community Energy Authority (“Ava”) 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 Ava and parties to the JPA in March of 2020. The city of Stockton, located in San Joaquin County was added as a member of Ava and party to the JPA in September of 2022. The city of Lathrop, located in San Joaquin County, was added as a member to Ava and party to the JPA in October of 2023. On October 24, 2023, the Authority legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.

WHEREAS in July 2019, through a competitive solicitation, EBCE selected and entered into a Consulting Services Agreement with Celery Design Collaborative, LLC of Berkeley, California to provide graphic and web design services; and

WHEREAS five amendments have been executed to extend the contract term, increase the not-to-exceed amount on the contract, and amend the hourly compensation rate; and

WHEREAS Ava’s workload for outsourced marketing services is forecast to be high in support of our post-rebrand awareness advertising campaign, and the launch and expansion of numerous local development programs.

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

Section 1. The CEO is hereby authorized to negotiate and execute the Sixth Amendment to the Consulting Services Agreement between Ava Community Energy (formerly EBCE) and Celery Design Collaborative, LLC to increase the compensation by \$925,000, for a total amount not to exceed \$2,670,000. The Agreement will be approved by the General Counsel.

ADOPTED AND APPROVED this 21st day of February, 2024.

Elisa Márquez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board