

Resolution No. \_\_\_\_\_

WHEREAS, Power Costs Inc, (PCI) was awarded Agreement No. 47577 (Agreement) by the Los Angeles Department of Water and Power (LADWP) Board of Water and Power (Board) on November 18, 2019, to provide software, configuration, hosting, maintenance, support, and training services for the Western Energy Imbalance Market (WEIM) Merchant Bidding and Scheduling Systems (MBS) as a sole-source contract; and

WHEREAS, the Agreement was awarded under Resolution No. 020 075 for a term of three years and an amount not-to-exceed \$4,963,516, including four percent contingency; and

WHEREAS, on September 14, 2021, under Resolution No. 022 021, the Board adopted Amendment No. 1 to the Agreement to extend the Agreement term by two years to November 17, 2024 and increase the not-to-exceed Agreement amount by \$3,578,344 from \$4,963,516 to \$8,541,860, including contingency; and

WHEREAS, LADWP has determined that, due to the need for additional software options and continued configuration, hosting, maintenance and technical support services, it is necessary to extend the term by an additional three-year period with two one-year extension options, for a total term of up to ten years, and increase the Agreement not-to-exceed amount by \$9,999,887, from \$8,541,860 to \$18,541,747, including 10 percent contingency; and

WHEREAS, the Agreement term as amended exceeds the total contract time period set by Los Angeles City ordinance, and in accordance with the City Charter Section 373, City Council approval is required.

NOW, THEREFORE, BE IT RESOLVED that the Amendment No. 2 to the Agreement, approved as to form and legality by the City Attorney, and filed with the Secretary of the Board, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to City Charter Section 1022, the Board finds that it is more feasible to have the work performed by an independent contractor.

BE IT FURTHER RESOLVED that the President or Vice President of the Board, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Amendment for and on behalf of LADWP upon approval by the City Council pursuant to City Charter Section 373.

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP, upon proper certification, is authorized and directed to draw demands on the Power Revenue Fund, in accordance with the terms of this Amendment to the Agreement and this Resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held.

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Secretary

APPROVED AS TO FORM AND LEGALITY  
HYDEE FELDSTEIN SOTO, City Attorney

By

*Bethany A Burgess*,

BETHANY A. BURGESS

Deputy City Attorney

Date: September 5, 2024