

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

WHEREAS, Power Settlements Consulting and Software, LLC (Power Settlements) was awarded Agreement No. 47565 (Agreement) by the Los Angeles Department of Water and Power (LADWP) Board of Water and Power Commissioners (Board) on September 24, 2019, to provide software, configuration, hosting, maintenance, and technical support services for the Energy Imbalance Market (EIM) Merchant and Entity Settlements and Transmission Billing Systems (Systems) as a result of a competitive solicitation process under Request for Proposal (RFP) No. 90478; and

WHEREAS, the Agreement was awarded under Resolution No. 020 050 for a term of three years and an amount not-to-exceed \$2,898,430, including 15 percent contingency; and

WHEREAS, on September 13, 2022, the Board adopted Amendment No. 1 to the Agreement, under Resolution No. 023 046, to extend the Agreement term by two one-year extension options to October 8, 2024, and increase the not-to-exceed Agreement amount by \$1,010,800 from \$2,898,430 to \$3,909,230, including contingency; and

WHEREAS, LADWP has determined that, due to the need for additional software configuration and continued hosting, maintenance, and technical support services from Power Settlements for the EIM Systems, it is necessary to extend the term of the Agreement by an additional three-years with two one-year extension options for a total term of up to ten years; and increase the Agreement not-to-exceed amount by \$5,959,710, from \$3,909,230 to \$9,868,940 including contingency; and

WHEREAS, the term of the Agreement exceeds the total contract time period set by Ordinance, and in accordance with City Charter Section 373, City Council approval is required.

NOW, THEREFORE, BE IT RESOLVED that the Amendment No. 2 (Amendment) 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 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.

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.

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: August 12, 2024