

October 12, 2017

To: WCI, Inc. Board of Directors
From: Greg Tamblyn, WCI, Inc. Executive Director
Subject: Justification for the Procurement of California Carbon Info Subscription

Summary and Recommendation

In support of its purpose to “provide administrative and technical services” to its Participating Jurisdictions, WCI, Inc. proposes to procure a subscription to California Carbon Info to support the market monitoring activities performed by the Participating Jurisdictions. This document summarizes the justification for a non-competitive procurement consistent with the WCI, Inc. Procurement Policy.

The contract is expected to be effective no later than October 13, 2017. The total cost of the contract is \$15,000 (USD dollars) and the duration of the contract is one (1) year.

Description of California Carbon Info Subscription

California Carbon Info is a comprehensive information service covering the WCI carbon market in North America. Their offerings include emissions and price forecasts for all jurisdictions across the program, regular analytical content covering the allowance and offset markets, as well as analysis on program design and legal issues.

Subscribing to this service will provide Market Monitoring staff access to news and analysis pertinent to the WCI carbon market. It will also allows staff to better observe how stakeholders are informed on auction results and other market events and trends. Finally, a full subscription will provide Market Monitoring staff with access to historical data currently not available and will facilitate improved trend analysis and forecasting internally, while the dashboards provided in various weekly, monthly and quarterly California Carbon Info publications will facilitate the development of better monitoring tools internal to WCI, Inc.

Justification for a Non-Competitive Procurement

In accordance with Section VI. of the WCI, Inc. Procurement Policy (The Use of Non-competitive Procurement Process), the WCI, Inc. Board of Directors (Board) may enter into an agreement that is not fully open and competitive if it fits within one of the following categories:

- A. Contracts for goods and services under \$5,000.
- B. Contracts for services provided by contractors that have been selected by a federal, state, city, county, provincial, or other regulatory entity, usually through a competitive process.
- C. Agreements where only one supplier is able to meet the requirements of a procurement to ensure compatibility with existing products, to recognize exclusive rights, such as

exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representatives.

- D. Contracts for which only per diem and travel expenses are paid and do not exceed \$5,000.
- E. Contracts solely for the purpose of obtaining expert witnesses for litigation.
- F. Contracts for legal defense, legal advice, or legal services.
- G. Contracts for conference or meeting facilities, including room accommodations for conference attendees, not to exceed \$50,000.
- H. Proprietary subscriptions, proprietary publications and/or technical manuals regardless of media format. This includes access to pre-existing proprietary research data through a non-IT services contract.
- I. Emergency contracts which are necessary for the immediate preservation of life or property.
- J. Contract amendments:
 - a. To extend the original term for services.
 - b. To add additional funding to a contract.
 - c. To make minor changes to the original scope of the contract.
- K. Other conditions as determined by the Board.

The CCI agreement is a proprietary subscription (H) and is therefore exempt from the requirement to follow a competitive procurement.

In accordance with the WCI, Inc. Procurement Policy, review of the agreement terms and conditions was sought from WCI, Inc. corporate counsel (Chris Delfino). Comments received from Mr. Delfino have been incorporated into the agreement presented to the Board for consideration.



Terms of Agreement for subscription services provided to the Western Climate Initiative Inc. by CaliforniaCarbon.info

1. CaliforniaCarbon.info will provide the Western Climate Initiative Inc. ('WCI, Inc.' hereinafter) and its Participating Jurisdictions an overarching subscription of 32 access accounts to the Pricing & Forecasts membership level as detailed on CaliforniaCarbon.info's membership page ([link](#)).
2. In addition to WCI, Inc. staff, the following Participating Jurisdictions are covered under the subscription:
 - a. California Air Resources Board
 - b. Ontario Ministry of Energy and Environment
 - c. Quebec Ministry of Sustainable Development, Environment, and Action against Climate Change
3. WCI, Inc. will pay CaliforniaCarbon.info an annual subscription fee of USD 15,000 for the year 2017-18.
4. CaliforniaCarbon.info agrees to the sharing of its propriety information within WCI, Inc. and each of the Participating Jurisdictions including non-account holders within these organizations. Each organization will be responsible for meeting the confidentiality clause and ensuring that propriety information provided by CaliforniaCarbon.info does not exceed the boundaries of WCI, Inc. or the Participating Jurisdiction, as applicable.
5. WCI, Inc. and its Participating Jurisdiction users of CaliforniaCarbon.info must agree to the standard Terms of Use detailed on this web page ([link](#)) unless mentioned otherwise in the above clauses or unless permission is granted beforehand

Signed on behalf of WCI, Inc

Signed on behalf of CaliforniaCarbon.info

Name:
Designation:
Date:

Name:
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