



Staff Report Item 8

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, CEO

SUBJECT: **Approval of Contract with Weideman Group for Legislative Advocacy and Advisory Services**

DATE: January 17, 2018

Recommendation

Approve selection of Weideman Group to provide legislative advocacy and advisory services and delegate to Chief Executive Officer to negotiate and execute a one year contract not to exceed \$120,000.

Background

On October 31, 2017, EBCE issued Request for Proposal (RFP) No. 17-4, seeking proposals for legislative advocacy and advisory services. The following eight firms responded by November 6 with conforming proposals: 1) MVM Strategy Group & Sen. Don Perata, 2) Weideman Group, 3) Gualco Group, 4) Law Offices of Alberto Torrico, 5) Kidane & Associates, 6) Stone/BBC, 7) Aaron Read & Associates, and 8) Smith, Watts & Hartmann. After reviewing proposals, EBCE staff met separately with each firm on November 20-21 to discuss the firm's background, qualifications, experience, abilities, and proposed approach. Bids were evaluated and scored based on the following criteria:

Evaluation Criteria		Points
1.	Understanding of the scope of work required by EBCE <ul style="list-style-type: none"> Quality, clarity and responsiveness of the proposal Proposed approach in providing services 	25
2.	Contractor's capabilities <ul style="list-style-type: none"> Ability to provide required services Reliability and quality of client service Commitment to EBCE's mission, goals and positive legislative outcomes 	25
3.	Management, personnel, and experience <ul style="list-style-type: none"> Demonstrated competence and professional qualifications necessary for successfully performing the work required by EBCE Recent experience in successfully performing similar services Background and related experience of the specific individuals to be assigned to this account Information provided by Contractor's References 	25
4.	Cost <ul style="list-style-type: none"> Cost of proposed services Terms to defer payment until summer 2018 	25
TOTAL		100

Analysis & Discussion

Staff selected Weideman Group as the successful bidder in the RFP and recommends Board approval of a one-year contract for legislative advocacy and advisory services. Weideman Group rose to the top of the selection pool based on the quality of its personnel, demonstrated competence and successes, existing partnerships and relationships, strategic and tactical insights and capabilities, and ability to tailor its strategy and approach to the needs, mission, and goals of EBCE. Weideman Group has over 30 years of experience representing entities seeking to navigate California's complex policymaking landscape. Mark Weideman, Principal and Founder, would serve as EBCE's chief lobbyist and strategist. Weideman Group professionals have represented both public and private entities in energy and utility matters before the California Legislature, the Governor's Office, the California Energy Commission, the California Public Utilities Commission, the California Environmental Protection Agency, and the California Air Resources Board, among others. Weideman Group also has strong relationships with elected officials, especially the Bay Area delegation.

Weideman Group professionals were directly responsible for successfully extending and expanding a net energy metering tariff that was critical for distributed generation fuel cells, while overcoming active opposition from several powerful stakeholders, including investor-owned utilities and IBEW. The firm also successfully enacted a procurement mandate for the biomass industry, which is designed to address the state's tree mortality crisis. On behalf of another client, Weideman Group played a key role in the passage of the high-profile SB 350 (De Leon) which doubled building energy efficiency standards and set the state's Renewable Portfolio Standard at 50% by 2030. These successes, coupled with Weideman Group's clear understanding of EBCE's mission and values, and strategic insights, provide EBCE staff with confidence that Weideman Group is the best choice for providing EBCE with legislative advocacy and advisory services in 2018.

Attachment:

A. Weideman Group RFP Response



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**Weideman Group Response to East Bay Community Energy
Authority Request for Proposal No. 17-4, Legislative Advocacy
and Advisory Services**

Submitted to:

Nick Chaset, Chief Executive Officer
East Bay Community Energy
222. W. Winton Avenue, Room 111
Hayward, CA 94544
nchaset@ebce.org

November 10, 2017



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November 10, 2017

Nick Chaset
Chief Executive Officer
East Bay Community Energy
222. W. Winton Avenue, Room 111
Hayward, CA 94544

Re: Request for Proposal No. 17-4, Legislative Advocacy and Advisory Services

Dear Mr. Chaset:

Weideman Group respectfully submits this response to the East Bay Community Energy Authority's (EBCE) Request for Proposal No. 17-4, Legislative Advocacy and Advisory Services. Weideman Group is a full-service government affairs firm headquartered in Sacramento, California. With over 30 years of experience representing entities seeking to navigate California's complex policymaking landscape, Weideman Group brings a potent blend of high-level relationships, legislative expertise, political acumen and policy depth that will ensure EBCE achieves its legislative and administrative goals.

What We Do

Weideman Group is respected as an influential voice in government circles and its relationships with California's leaders run deep. The firm has a proven track record of protecting and advancing the interests of some of the largest and most sophisticated entities in the state, often in the face of strident opposition. Weideman Group professionals have represented both public and private entities in energy and utility matters before the California Legislature, the Governor's Office, the California Energy Commission, the California Public Utilities Commission, the California Environmental Protection Agency, and the California Air Resources Board, among others.

In representing EBCE, Weideman Group will implement tactical, goal-oriented strategies focused on consistently delivering positive policy outcomes, while remaining committed to EBCE's mission. Weideman Group professionals, in close coordination with EBCE staff, will provide comprehensive strategic, legislative/regulatory and administrative services to EBCE that will include the following core elements: (1) development and implementation of sophisticated strategies that will advance EBCE's proactive policy agenda and protect against outside attacks, (2) direct lobbying of elected officials, administration officials and staff at all levels of government, (3) unparalleled access to key decision-makers, (4) building and coordinating coalitions of third party validators

from key stakeholder groups, and (5) developing persuasive messaging that breaks through the clutter and resonates with decision-makers and external audiences alike.

What We Envision for EBCE

Our overarching goal is to carve out a strong voice for EBCE as the statewide leader in the Community Choice Energy (CCE) industry and a respected presence in the broader energy sector. The advent of the CCE model has sparked a revolution in energy delivery and consumer choice – it is disrupting a century-old model defended by influential entrenched stakeholders. EBCE must not only help elevate the greater CCE mission, which is already under attack from powerful interests, but also forcefully protect its own interests and the interests of the communities it serves. It is through this lens that we propose a plan to help EBCE establish itself as an influential player in Sacramento.

In the first year of our representation of EBCE, we are confident we can build a firewall that will protect EBCE from adverse legislative and administrative outcomes. The foundation of the firewall will come from strong relationships between EBCE and elected officials that represent EBCE's service territory. The firewall will be further bolstered by strong relationships between EBCE and leaders of the key policy and fiscal committees in the legislature. Attention will be given to educating these members on EBCE's value to the communities it serves and to the role EBCE plays in achieving California's greenhouse gas reduction goals, while also ensuring that EBCE has an opportunity to develop its own personal relationships with these members.

Weideman Group's strong relationships with elected officials, especially the Bay Area delegation, and regulators form a key part of the firewall and will provide EBCE with early identification of issues, often well before a measure has been introduced. This early engagement strategy will give EBCE the ability to shape how matters are considered and may create opportunities to completely avoid adverse legislative or administrative action. Our firm will analyze, track and monitor proposals, always keeping EBCE well informed of even the smallest developments. We will develop sophisticated strategies designed to shape outcomes for EBCE, we will draft written and oral comments on proposals, provide direct testimony in legislative and regulatory hearings, lobby state officials and ensure EBCE has direct access to decision-makers.

In the second year of our representation of EBCE, we are confident we can position EBCE to enact meaningful affirmative legislation. This will be done by laying an early policy and relationship foundation with legislative leadership and committee chairs in both houses, securing a strong author, building a diverse coalition of supporters and crafting a powerful, succinct narrative. This top-down strategy will be reinforced by a bottom-up grassroots effort that involves coalescing broad support from powerful local stakeholders. EBCE and its coalition of supporters will walk into hearings knowing they have the votes, not wondering what their fate might be.

Our Expertise

Weideman Group specializes in representing entities dealing with heavily regulated and complex policy areas, including comprehensive engagement in the energy sector and its

increasing intersection with environmental policy. Although the firm has not directly represented any entities in the CCE arena to date, we have served as the chief architect behind numerous legislative and regulatory victories in the energy space at large. For example, Weideman Group professionals were directly responsible for successfully extending and expanding a net energy metering tariff that was critical for distributed generation fuel cells, while overcoming active opposition from several powerful stakeholders, including investor-owned utilities and IBEW. The firm also successfully enacted a procurement mandate for the biomass industry, which is designed to address the state's tree mortality crisis. Moreover, the firm recently carried out a multi-faceted campaign utilizing the introduction of a targeted legislative vehicle to negotiate our desired outcome between solar firms and load-serving entities that opened up new markets for our client. And as part of our representation of NextGen Climate Action, Weideman Group played a key role in the passage of the high-profile SB 350 (De Leon) which doubled building energy efficiency standards and set the state's Renewable Portfolio Standard at 50% by 2030. This victory was followed by the firm's pivotal role on behalf of NextGen in the reauthorization of California's world-renowned cap and trade program. Beyond pushing affirmative legislation, the firm regularly leverages its legislative expertise and relationships to block and defeat measures in the energy space that are adverse to our clients' interests.

Our Team and Proposed Fee

A team of Weideman Group professionals will represent EBCE on all legislative, administrative and other matters of interest. Mark Weideman, Principal and Founder, will serve as EBCE's chief lobbyist and strategist. Managing Director Tim Valderrama will provide a second layer of direct day-to-day lobbying for EBCE and will oversee other firm professionals supporting EBCE. Associates Vincent Wiraatmadja and Alejandra Duran, along with Legislative Aide Bethany Heckman, will provide day-to-day legislative monitoring, representation and support services to EBCE. Weideman Group does not believe that any of its current clients raise conflict concerns.

In consideration for providing the services outlined above, Weideman Group proposes a 12 to 24 month engagement at a flat monthly retainer fee of \$10,000. The firm is willing to offer payment terms that allow deferral of some or all fees until summer of 2018. No additional fees would be charged by Weideman Group other than reimbursement for customary costs associated with business travel, meals and the like that are approved by EBCE. No outside contractors will be used.

With our combination of legislative experience, policy expertise and substantial relationships, Weideman Group will give EBCE a powerful voice in Sacramento. If you have any questions, please do not hesitate to contact me at mark@weidemangroup.com or 916.600.2288.

Sincerely,



Mark Weideman
Principal



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Key Personnel

A team of Weideman Group professionals will staff and represent EBCE for all legislative, administrative and other matters of interest. Mark Weideman, Principal and Founder, will serve as EBCE's chief lobbyist and strategist. Managing Director Tim Valderrama will also provide direct day-to-day lobbying services for EBCE and will oversee other firm professionals supporting EBCE. Associates Vincent Wiraatmadja and Alejandra Duran will provide day-to-day representation and support services to EBCE. Weideman Group Legislative Aide Bethany Heckman will provide administrative support.

Mark Weideman, Founder and Principal

Weideman is the founder and principal of Weideman Group and has over two decades of experience as a regulatory attorney and legislative advocate representing some of the nation's most sophisticated clients. He provides strategic advice and counsel to his clients designed to achieve their objectives before government entities and acts as their chief advocate before legislative, regulatory and administrative bodies. Weideman designs grassroots campaigns that provide broad organic support for policy initiatives and he coordinates activity in local, state and national elections. Under his leadership, Weideman Group was founded in 2010 and has become one of the most influential, respected and fastest-growing government affairs firms in Sacramento.

Weideman has served as an officer of two large corporations, Blue Shield of California and AT&T of California, with responsibility for legislative, regulatory, legal and political activities in California and Washington D.C. At AT&T, Weideman was the architect of a successful regulatory strategy that allowed the company to enter the long distance business and successful legislative campaigns that preserved funding for key public programs serving California communities. At Blue Shield, Weideman spearheaded a multi-year political and legislative effort that positioned the company for success on federal and state health reform.

Weideman is a licensed attorney with the State Bar of California. He has practiced regulatory law before the California Public Utilities Commission and other agencies with the international law firm Pillsbury and with the Sacramento firm Wilke Fleury. Weideman received his Bachelor of Arts degree with honors from the University of California at Berkeley. He earned his law degree with honors in written and oral advocacy from the University of California Hastings College of Law.

Address: 1215 K Street, Suite 2290, Sacramento, CA 95814

Phone: (916) 600-2288

Fax: (916) 448-4005

Email: mark@weidemangroup.com

Tim Valderrama, Managing Director

Valderrama is the Managing Director at Weideman Group and will provide a second layer of direct day-to-day lobbying for EBCE along with overseeing other firm professionals supporting EBCE. Valderrama is a Capitol veteran, having served in staff leadership roles in both the Senate and Assembly. As Managing Director of the Weideman Group, he spearheads strategic engagement with legislative, administrative and regulatory entities. Clients benefit from Valderrama's extensive knowledge of the legislative process and his strong bipartisan relationships with legislators, staff and administration officials. He has experience in all phases of political work including coalition building, grassroots mobilization, strategic planning, PAC management and legislative/initiative campaigns.

Over the last 15 years, Valderrama has served as Chief of Staff to State Senator Ed Hernandez, Chief Consultant to an Assembly Policy Committee, Legislative Director and Special Assistant for two Assembly Speakers. He was also the California Executive Director of TechNet, the bipartisan organization of high tech companies that promotes the growth of technology-led innovation. There he represented the interests of the nation's leading companies in the fields of information technology, biotechnology, clean energy, venture capital, e-commerce and finance. Valderrama received his bachelor's degree from the California State University, Chico and has been with the firm nearly two years. Valderrama is a registered lobbyist with the State of California.

Address: 1215 K Street, Suite 2290, Sacramento, CA 95814

Phone: (916) 447-1488

Fax: (916) 448-4005

Email: tim@weidemangroup.com

Vincent Wiraatmadja, Associate

Wiraatmadja is a registered lobbyist and has been an associate at Weideman Group for nearly three years. He will provide direct lobbying, strategic counsel and legislative tracking for EBCE. Wiraatmadja previously worked in the California State Legislature, including for an Assembly policy committee, and on legislative campaigns. He also clerked for an administrative law judge and worked in the legal division of the State Treasurer's Office. Wiraatmadja received his bachelor's degree from the University of California, Irvine, and his law degree with the Capitol Certificate in Public Policy from the University of Pacific, McGeorge School of Law. Wiraatmadja is a registered lobbyist with the State of California.

Address: 1215 K Street, Suite 2290, Sacramento, CA 95814

Phone: (916) 447-1488

Fax: (916) 448-4005

Email: vincent@weidemangroup.com

Alejandra Duran, Associate

Duran is a registered lobbyist and associate that joined Weideman Group this year. She will provide direct lobbying, strategic counsel and legislative tracking services for EBCE. Duran previously worked in the California State Assembly, on legislative campaigns and

in an advocacy position for a government affairs firm. Duran received her bachelor's degree in Political Science from the University of California, Davis.

Address: 1215 K Street, Suite 2290, Sacramento, CA 95814

Phone: (916) 447-1488

Fax: (916) 448-4005

Email: alejandra@weidemangroup.com

Bethany Heckman, Legislative Aide

Heckman oversees the internal business operations of the firm and will provide legislative tracking and support services for EBCE. She has been with Weideman Group for over a year. Heckman previously worked in the California Senate in policy and constituent facing roles. She is well versed in the timelines and culture of the Legislature and ensures that documents and letters are timely delivered to policymakers. Heckman received her bachelor's degree in Journalism from the California State University, Chico.

Address: 1215 K Street, Suite 2290, Sacramento, CA 95814

Phone: (916) 447-1488

Fax: (916) 448-4005

Email: bethany@weidemangroup.com



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Overview of the Firm

Weideman Group has a history of providing effective results-oriented representation to its clients, both public agencies and private entities, in the legislative and administrative arenas. Weideman Group's experience and expertise in the environmental and energy sectors make the firm particularly well positioned to provide legislative representation for EBCE. Weideman Group has built a reputation as a known and respected advocate on environmental and energy matters under consideration by state policymakers and regulators. The Chairs, Vice Chairs, Members and staff of the key policy and fiscal committees view the firm as a fierce and trusted ally collaborating with them to achieve sound energy policy on behalf of Californians. Indeed, part of the value Weideman Group can offer to EBCE is the fact that the firm already enjoys tremendous credibility on energy and environmental issues due to its representation of other respected public agency, environmental and energy clients.

Weideman Group professionals have represented both public and private entities on energy and environmental matters before the California Legislature, the Governor's Office, the California Natural Resources Agency, the California Environmental Protection Agency, the California Energy Commission, the California Public Utilities Commission, the California Air Resources Board, the State Water Resources Control Board, the State Lands Commission, local boards and other regulatory bodies.

Weideman Group has served as the chief architect behind numerous legislative and regulatory victories in the energy space at large. For example, Weideman Group professionals were directly responsible for successfully extending and expanding a net energy metering tariff that was critical for distributed generation fuel cells, while overcoming active opposition from several powerful stakeholders, including investor-owned utilities and IBEW. In another example, the firm leveraged the legislative process to enable positive negotiated outcomes between solar clients and load-serving entities that opened up new markets. The firm also successfully enacted a procurement mandate for the biomass industry, which is designed to address the state's tree mortality crisis. And as part of our representation of NextGen Climate Action, Weideman Group played a critical role in the passage of the high-profile SB 350 (De Leon) which doubled building energy efficiency standards and set the state's Renewable Portfolio Standard at 50% by 2030. This victory was followed by the firm's centerpiece role on behalf of NextGen in the reauthorization of California's cap and trade program in this year's AB 398 (E. Garcia). Beyond pushing affirmative legislation, the firm regularly leverages its legislative process expertise and relationships to block and defeat measures in the energy space that are adverse to our clients' interests.



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Qualifications

(a) Description of the firm's experience in the government sector

Weideman Group professionals have extensive experience representing governmental entities. Representative work of Weideman Group professionals in the government sector includes the following examples.

Antelope Valley Transit Authority

Weideman Group currently provides comprehensive legislative and administrative representation to the Antelope Valley Transit Authority (AVTA), a public agency responsible for public transportation services in California's Antelope Valley and surrounding region.

Weideman Group oversees the AVTA's engagement before the legislature, Governor's office and key regulatory entities such as CalEPA, CARB and the CEC. This includes legislative representation on matters that advance clean transit and regulatory representation on proceedings such as the CARB Cap and Trade program, the Advanced Clean Transit Rule and the Scoping Plan. Weideman Group also facilitates relationship development through regular meetings and hosting site tours for CARB and other key agency officials and by drafting persuasive messaging and materials in support of the AVTA's positions.

Since being retained by the AVTA in 2015, Weideman Group has dramatically accelerated the AVTA's success at achieving its public policy agenda. For example, shortly before retaining the Weideman Group, the AVTA set an ambitious goal to transition its existing transit fleet to 100 percent zero emission vehicles by 2018. Weideman Group was the architect of a multi-faceted strategy that targeted multiple governmental agencies as well as the Legislature. Core elements included 1) crafting a compelling new narrative that positioned the AVTA as a thought leader within the transit industry; 2) launching a new engagement strategy focused on developing relationships within regulatory agencies and the legislature; 3) advocating for reauthorization of the Cap and Trade program and allocation of Greenhouse Gas Reduction Fund revenues; and 4) aggressively competing for and winning GGRF dollars. These efforts have all borne fruit. Key deliverables include:

- Secured over \$33 million in new public grant funding from the California Transportation Agency and the California Energy Commission.
- Protected Greenhouse Gas Reduction Fund monies for clean transit through state budget negotiations.

- Developed and deployed a strategy to secure \$180 million in the State Budget dedicated to incentivizing cutting-edge clean trucks and buses that will allow AVTA to fully transition its fleet to 100% electric on a much shorter timeline.
- Navigated the AVTA successfully through a series of complicated regulatory engagements, including a major 2016 Federal Transit Administration audit.

Los Angeles Department of Water & Power

Weideman Group provided comprehensive representation to the Los Angeles Department of Water & Power (DWP) from 2010-11 on high profile regulatory, legislative and administrative matters. Weideman Group served as the on-the-ground lobbying presence in Sacramento for the department, providing daily interaction with key policymakers in the Governor’s Office, the Legislature and before all relevant regulatory bodies, including the CARB, SWRCB, SLC and other agencies. Weideman Group monitored all legislative and regulatory matters and served as LADWP’s chief advocate before the administration, legislature and regulators. Outcomes produced include the following:

- Weideman Group’s representation was instrumental in the department’s successful efforts to secure a SWRCB decision on once through cooling, helping extend the department’s implementation schedule and thereby mitigating a financial impact projected at over \$2 billion to DWP ratepayers.
- Weideman Group’s representation helped the department reverse a CARB proposed cap and trade methodology that would have resulted in a financial impact to DWP ratepayers of between \$500 and \$750 million per year.
- Weideman Group produced a successful decision by the SLC in its consideration of Owen's Lake Dust Mitigation. This effort involved securing regulatory agency consensus and approval on current and future courses of action resulting in the mitigation of fugitive dust emission from the Owens Dry Lake while significantly reducing the amount of fresh water currently being utilized, optimizing any water usage on desirable lake habitat, and implementing waterless Best Available Control Measures for any current or future mitigation measures.

(b) The firm’s experience with the CCE sector

Weideman Group has not yet had any direct engagement in the CCE sector.

(c) The firm’s experience in related sectors

Weideman Group has significant experience with energy and environmental issues and has served as the chief architect behind several legislative and regulatory victories in this space. Representative work of Weideman Group professionals in the energy and environmental sectors includes the following examples.

NextGen Climate Action

Weideman Group is and has been for several years the chief lobbyists for NextGen Climate Action, an organization that advocates for policies designed to combat climate change and advance social issues. The firm has represented NextGen before the Legislature and Governor’s Office on major environmental issues such as cap-and-trade

renewal, and has served as a primary strategist as NextGen executes on an increasingly robust, multi-jurisdictional policy platform in California and beyond. Successful representation includes:

- Enactment of AB 398 (E. Garcia), which reauthorized California's cap and trade program.
- Enactment of SB 350 (de Leon), establishing new clean energy, clean air and greenhouse gas reduction goals for 2030 and beyond.
- Enactment of SB 32 (Pavley), requiring the state to slash greenhouse gas emission to 40% below 1990 levels by 2030.
- Enactment of AB 197 (E Garcia), which creates a legislative committee to oversee regulators and pushes the state to take stronger steps to curb local pollution.

Solar Industry

Weideman Group has had the opportunity to represent several solar entities as part of discrete, single-goal campaigns. Entities have ranged from a small solar installation company to the industry's statewide association. Successful representation includes:

- During the course of its representation of RS Energy, a solar installation company, Weideman Group leveraged the legislative process to bring an investor-owned utility to the bargaining table and implement an aggregated metering program.
- Weideman Group represented the California Solar Energy Industries Association (CalSEIA) as part of an effort to push a local utility to implement a solar net energy metering program. Although legislation was introduced, a concerted negotiation effort resulted in an agreement that achieved CalSEIA's objectives and negated the need for a bill.

IHI Power Services

Weideman Group has represented IHI Power Services, a biomass power generation company, since 2015. As part of an industry facing an imbalanced energy procurement field, IHI has utilized Weideman Group to enact the following key legislative and administrative victories:

- Weideman Group's advocacy with the Administration and Legislature was instrumental in creation of the BioRAM program, which called for the procurement of biomass power capacity in order to address the Tree Mortality Crisis. This opening allowed IHI to compete successfully for new contracts.
- Weideman Group masterminded and executed the inclusion of a set-aside for biomass power as part of SB 859 (Committee on Budget and Fiscal Review, 2016).

Bloom Energy

Weideman Group provides comprehensive representation to Bloom Energy (Bloom), a manufacturer of distributed generation fuel cells, for all of its legislative and

administrative matters. The firm's representation was essential to the passage of AB 1637 (Low, 2016), which saw the extension and expansion of the fuel cell net energy metering tariff. This successful effort, which was opposed by several powerful stakeholders, including the investor-owned utilities and IBEW, required successful negotiations and lobbying at the highest levels of California government. The passage of AB 1637 gave the fuel cell industry much-needed room to grow in California.

(d) Other relevant qualifications

Beyond its legislative knowledge and policy expertise, one of the primary drivers behind Weideman Group's ability to successfully advance legislative agendas is the credibility it carries with California leaders. The firm has deep relationships with decision makers who play a determining role in matters that affect the energy industry. This includes unmatched relationships with legislative leadership, key committee Chairs and Vice Chairs, Members of the Bay Area delegation, as well as high-ranking Members within the Administration. These relationships ensure that EBCE will have direct access to key individuals leading up to and throughout the legislative session. Weideman Group will provide the logistical and substantive support needed for EBCE Board and staff to meet with members of the legislature and state agencies. Despite our heavy involvement in energy and environmental policy matters, we do not believe that any of our clients are conflicted with EBCE.