

Sample Template¹

PROGRAM OPPORTUNITY NOTICE

INSERT TITLE HERE



PON-XX-XXX

<http://www.energy.ca.gov/contracts/index.html>

**State of California
California Energy Commission**

Insert Month & Year here

¹ This is a sample template for illustrative purposes only and the actual PON may be different

Sample for Illustrative Purposes Only

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Attachments

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2	Scope of Work Instructions
3	Scope of Work Template
4	Prevailing Wage Special Condition
5	Prevailing Wage Certificate
6	Prevailing Wage Q&A Information
7	Budget Forms
8	Schedule and Products
9	CEQA Attachment
10	Invoice Instructions
11	Sample Resolution (for public agencies)

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I. Introduction

PURPOSE OF PON

Insert purpose here

KEY ACTIVITIES AND DATES

Dates and times for key activities under this PON are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
PON Release	
Deadline for Written Questions*	
Pre-Application Workshop*	
Distribute Questions/Answers and Addenda (if any) to PON	
Deadline to Submit Applications by 3:00 p.m.*	
Anticipated Notice of Proposed Award Posting Date	
Anticipated Commission Business Meeting Date	
Anticipated Agreement Start Date	
Agreement Termination Date	

FUNDING

A. Available Funding

Funding for this solicitation comes from the California Public Utilities Commission's (CPUC) Electric Program Investment Charge (EPIC) Program. The CPUC retains authority over the program but has selected the Energy Commission as one of the administrators of EPIC funds. There is **\$(insert dollar amount)** available for the agreement(s) resulting from this PON. (If applicable, explain how funds would be distributed)

The Energy Commission reserves the right to reduce the agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission agreements. In this event, the Recipient and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

B. Match Funding

Specify match funding requirements and what is considered eligible match funding and what is ineligible for match.

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Example: Match funding equivalent to _____% of the requested EPIC funds is required. Eligible match funding includes: equipment, materials and _____. Match funds may come from the prime contractor, subcontractors, or the demonstration site. Note that funding awards already earned from other agencies for the proposed technologies count as “cash in hand” for the recipient and this funding is acceptable as match because it is already in the recipient’s possession.

Under no circumstances will future, contingent awards from other entities count as match funds. Proposals having a greater proportion of match funds are more desirable, and these projects will be scored higher. Match funds must be used either before or concurrently with EPIC grant funds.

PROGRAMS AND POLICIES APPLICABLE TO THE PROJECT

State and describe related program and policies

Example:

- A. Electric Program Investment Charge Program
- B. Integrated Energy Policy Report
- C. Governor’s Clean Energy Jobs Plan
- D. Assembly Bill 32

II. Eligibility Requirements

ELIGIBLE APPLICANTS

A. Research Area Eligibility

Describe what applicants are eligible to apply.

Example: This solicitation is open to all public, nonprofit and private entities that can meet the requirements of this solicitation and agree to the attached terms and conditions that will be included in the resulting agreement(s). Even if public entities cannot meet these requirements or agree to the terms, they can still participate as subcontractors. Every entity that applies under this solicitation must meet the solicitations requirements and must agree to the terms and conditions included. The Energy Commission will not award agreements to non-complying entities.

B. Terms and Conditions

Each applicant must agree to use the version of the Terms and Conditions that corresponds to its organization: (1) University of California terms and conditions; (2) National Laboratory terms and conditions; (3) general terms and conditions. The terms and conditions can be found at: <http://www.energy.ca.gov/contracts/index.html>. **The Energy Commission reserves the right to modify the Terms and Conditions** prior to executing grant agreements.

C. California Secretary of State Registration

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California business entities as well as non-California business entities conducting intrastate business in California are required to register and be in good standing with the California Secretary of State to enter into a funding agreement with the Energy Commission. If not currently registered with the California Secretary of State, Applicants are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the project if successful under this PON. For more information, visit the California Secretary of State's website at www.sos.ca.gov.

D. Electricity Ratepayer Benefits

The EPIC funds for this PON come from electricity ratepayers. Proposed projects must provide direct benefits to electricity ratepayers, and applications must clearly describe the benefits.

E. Economic Investment in California

State any minimum investment requirement

Example: The budget must show that **at least** _____ % of EPIC funds will be spent in **California** (please see the budget instructions). Additional points will be awarded to projects that spend over this amount in California.

F. Additional Requirements

Describe any Additional requirements for Eligible Applicants.

ELIGIBLE PROJECTS

Describe eligible projects

PRE-APPLICATION WORKSHOP

There will be one Pre-Application Workshop; participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held through in-person participation, WebEx, and conference call at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov/contracts/index.html to confirm the date and time.

(insert start time only)
California Energy Commission
Insert room location
1516 9th Street
Sacramento, CA 95814

To join the WebEx meeting, click the following link and enter the meeting number and password provided below:

Topic: _____ Workshop

Meeting Number: _____

Meeting Password: _____

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COMPUTER LOGON WITH A DIRECT PHONE NUMBER

1. Please go to <https://energy.webex.com> and enter the unique meeting number: _____
2. When prompted, enter your information and the following meeting password: _____
3. After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

COMPUTER LOGON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC.

1. Please go to <https://energy.webex.com> and enter the unique meeting number: _____
2. When prompted, enter your information and the following meeting password: _____
3. After you login, a prompt will ask for your phone number. CLICK CANCEL.
4. Instead call **1-866-469-3239** (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

TELEPHONE ONLY (NO COMPUTER ACCESS)

1. Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

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TECHNICAL SUPPORT

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239.

System Requirements: To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>

Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files require appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://energy.webex.com/energy/systemdiagnosis.php>

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For assistance before the meeting, you may also contact _____.

QUESTIONS

During the PON process, questions of clarification about this PON must be directed to the Grants Officer listed in the following section. You may ask questions at the Pre-Application Workshop, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the date listed in the Key Activities and Dates table earlier in this solicitation.

Question and answer sets will be e-mailed to all parties who attended the Pre-Application Workshop and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

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Any verbal communication with a Commission employee concerning this PON is not binding on the State and shall in no way alter a specification, term, or condition of the PON. Therefore, all communication should be directed in writing to the Energy Commission's Grant Officer assigned to the PON.

CONTACT INFORMATION

(Insert your name), Grants Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654- (insert your phone #)
FAX: (916) 654-4423
E-mail: (insert your e-mail)@energy.ca.gov

REFERENCE DOCUMENTS

Applicants responding to this PON may want to familiarize themselves with the following documents: _____

All above reference documents are on display and available for review in the Energy Commission's Library. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch 12:00-1:00p.m. The Library is located at: California Energy Commission, 1516 Ninth Street, First Floor, Sacramento, CA 95814, (916) 654-4292.

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III. Application Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit an application. The format is prescribed to assist the Applicant in meeting State requirements and to enable the Commission to evaluate each application uniformly and fairly. Applicants must follow all Application format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A APPLICATION

All applications submitted under this PON must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged. Original of application should be bound only with a binder clip.

NUMBER OF COPIES

Applicants must submit the original and _____ copies of the application (Sections 1 and 2).

Applicants must also submit electronic files of the application on [CD-ROM or USB memory stick](#) along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, [Attachment 7](#), must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the application must be labeled "Program Opportunity Notice ([Insert PON number](#))," and include the title of the application.

Include the following label information and deliver your application, in a sealed package:

Person's Name, Phone #
Applicant's Name
Street Address
City, State, Zip Code
FAX #

PON ([Insert PON number](#))
Contracts, Grants & Loans Office, MS-18
California Energy Commission
1516 Ninth Street, 1st Floor
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

An Applicant may deliver an application by:

- U. S. Mail
- In Person
- Courier service

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Applications must be delivered **no later than 3:00 p.m.**, to the Commission Contracts, Grants and Loans Office during normal business hours and prior to the date and time specified in this PON. Applications received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR APPLICATION AS FOLLOWS

SECTION 1, Administrative Response

1	Application Form	Attachment 1
2	Table of Contents	

SECTION 2, Technical and Cost Application

1	Project Team Description	
2	Client References	
3	Executive Summary	
4	Project Narrative	
5	Scope of Work Instructions	Attachment 2
6	Scope of Work Template	Attachment 3
7	Prevailing Wage Special Condition	Attachment 4
8	Prevailing Wage Certificate	Attachment 5
9	Prevailing Wage Q&A	Attachment 6
10	Budget	Attachment 7
11	Schedule	Attachment 8
12	CEQA Worksheet	Attachment 9

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PROPOSAL REQUIREMENTS

(AGREEMENT MANAGER MAY MODIFY THE FOLLOWING SECTIONS AND ENSURE TIE IN WITH THE EVALUATION CRITERIA)

1. Application Form

- a. Applicants must include a complete and signed Application Form shown in Attachment 1. The proposal must include an original Application Form signed by an authorized representative of the Applicant's organization. This signature certifies that all information in the application is correct and complete to the best of the applicant's knowledge AND that the applicant has read the Terms and Conditions, and will accept them without negotiation if awarded.
- b. The Application Form shall also include, at a minimum, a project description, project goals, and quantitative and measurable objectives to be achieved.

2. Executive Summary

The Executive Summary must include, at a minimum, a project description, project objectives, and quantitative and measurable goals to be achieved. The maximum length of the Executive Summary is ___ pages.

3. Project Narrative

The Project Narrative must include a detailed description of the proposed project(s), including the entity that will own and operate the proposed project(s), operational goals and objectives of the proposed project(s), and an explanation of how the proposed project(s) will directly benefit electric utility ratepayers. The description of activities in the Project Narrative must conform to the tasks described in the scope of work. The maximum length of the project narrative is ___ pages. The narrative must include (indicate any minimum requirements):

Example:

- a. Detailed discussion of how the proposed project addresses the scoring criteria
- b. Description of the current status
- c. Description of project collaboration and coordination
- d. Project budget information
- e. Any other significant factors.

4. Scope of Work

Instructions for completing the Scope of Work as well as a sample are included in Attachment 2. **Electronic files for the Scope of Work must be in MS Word.**

The Scope of Work should provide anticipated direct and indirect benefits to California electricity ratepayers.

5. Schedule of Products and Deliverables

Sample for Illustrative Purposes Only

All work must be scheduled for completion by _____. **Electronic files for the Schedule of Products and Due Dates must be in MS Excel.**

Instructions for the Schedule of Products and Due Dates are included in the document template. **Electronic files for the Schedule of Products and Due Dates must be in MS Excel.**

The description of activities proposed in the Project Narrative must conform to the Tasks described in the Scope of Work.

6. Project Team Description

- a. Identify, by name, all key personnel assigned to the project, including the project manager, and clearly describe their individual areas of responsibility. The project manager is the one individual responsible for interacting with the Energy Commission Grant Manager on all issues relating to the overall project and coordinating all aspects of work under the project.
- b. For each individual, include company, position title, job description, individual resume (maximum of two pages), and contact information.
- c. Include a letter of commitment from key project partners.
- d. Provide a list of past projects detailing relevant technical and business experience.

7. Client References

- Provide the required references

8. Budget

a. Budget Forms

Task Summary	Attachment 7, Att B-1
Category Summary	Attachment 7, Att B-2
Prime Labor Rates	Attachment 7, Att B-3
Labor Rates for each Subcontractor	Attachment 7, Att B-3a-z
Prime Non-Labor Rates	Attachment 7, Att B-4
Non-Labor Rates for each Subcontractor	Attachment 7, Att B-4a-z
Direct Operating Expenses	Attachment 7, Att B-5
Match Funding	Attachment 7, Att B-6
Prime Loaded Rates	Attachment 7, Att B-7
Loaded Rates for each Subcontractor	Attachment 7, Att B-7a-z
Rates Summary	Attachment 7, Att B-8

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Detailed instructions for completing these forms are included at the beginning of Attachment 7 (Budget Forms). Applicants must read and follow the instructions and complete Attachments B-1 through B-6. Attachments B-7 and B-8 will automatically calculate based on information from Attachments B-3 and B-4.

The applicant must submit information on **all** of the budget forms in Attachment 7, and this will be deemed the equivalent of a formal Cost Application

Rates and personnel shown must reflect rates and personnel the applicant will charge if chosen as the Recipient for this PON. The salaries, rates, and other costs entered on these forms become a part of the final agreement.

The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the agreement. The Recipient will only be reimbursed for its **actual** rates up to these rate caps. The hourly rates provided in all B-3s must be unloaded (before fringe benefits, overheads, general and administrative (G&A) or profit).

NOTE: The information provided in these forms will **not** be kept confidential.

b. Budget Requirements

1. All project expenditures (match share and reimbursable) must occur within the approved term of the agreement.
2. The Budget should allow for the expenses of a Kick-off Meeting, at least one Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted at the Energy Commission, located in Sacramento, CA.
3. Applicants should budget for items such as permits and insurance. The Energy Commission will not pay for permitting, but it may be accounted for in match share.
4. The Budget should allow for the preparation and submission of monthly/ quarterly progress reports (1-2 pages each) and a Final Report during the approved term of the agreement. Instructions for preparing the Final Report will be provided to successful applicants.
5. Equipment (defined as items with a unit cost greater than \$5,000 and a useful life of greater than one year) purchased with Energy Commission funds will require disposition at the end of the project. Typically, Grant Recipients may continue to use equipment purchased with Energy Commission funds if the use is consistent with the intent of the original Grant Agreement. *There are no disposition requirements for equipment purchased with match share funding.*
6. The Budget must reflect estimates for **actual** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Terms and Conditions.
7. The Budget must **NOT** include any profit from the proposed project, either as a reimbursed item or as match share. Please review the Grant Terms and Conditions for additional restrictions and requirements.

Sample for Illustrative Purposes Only

8. In addition to the Budget forms (Attachment 7), Applicants must submit letters of commitment identifying the source(s) and availability of match funding.

9. Prevailing Wage Special Condition

This condition identifies prevailing wage compliance requirements.

10. Prevailing Wage Compliance Certificate

If the project requires payment of prevailing wages, the Recipient must: (1) complete and sign this certificate; and (2) obtain signatures from all of its contractors and any subcontractors involved in public works funded by this Agreement.

11. Information on Compliance with Prevailing Wages

This question and answer form clarifies the prevailing wage compliance requirement.

12. CEQA Worksheet

The Energy Commission requires the information in this worksheet to assist its evaluation under the California Environmental Quality Act (California Public Resources Code Section 21000 et. seq.).

SAMPLE

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IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section describes the evaluation stages and scoring process for applications.

APPLICATION EVALUATION

Applications will be evaluated and scored based on responses to the information requested in this PON. The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award (NOPA) is confidential.

To evaluate all applications, the Energy Commission will organize an Evaluation Committee that may consist of Energy Commission staff or staff of other California state entities. The Evaluation Committee might utilize technical expert reviewers to provide an analysis of applications.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with an Applicant that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the application. However, these interviews may not be used to change or add to the contents of the original Application. Applicants will not be reimbursed for time spent answering clarifying questions.

The total score for each Application will be the average of the combined scores of all Evaluation Committee members. A minimum score of 70 percent is required for the application to be eligible for funding.

The Energy Commission will propose awards starting with the highest ranked project. Applications passing Stage Two will be awarded in the order received until all funds are exhausted.

NOTICE OF PROPOSED AWARD (NOPA)

The results of the Energy Commission's decision of proposed funding level, the rank order of proposers, and the amount of each proposed award will be posted in a NOPA. The Commission will post a NOPA at the Commission's headquarters in Sacramento and on its web site, and will mail the NOPA to all parties that submitted an application.

DEBRIEFINGS

Unsuccessful applicants may request a debriefing after the release of the NOPA. A request for debriefing must be received no later than 15 days after the NOPA is released.

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SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score (% of possible points) for each criterion described in Scoring Criteria. The % of possible points will be multiplied by the possible points for each criterion.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
25%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
50%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Applicant's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the Applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the Applicant's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

SCORING CRITERIA

INSERT SCORING CRITERIA PAGE(S) HERE:

- Stage 1: Administrative and Completeness Screening
- Stage 2: Technical and Cost Evaluation of Applications

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V. Administration

DEFINITION OF KEY WORDS

Important definitions for this PON are presented below:

Word/Term	Definition
State	State of California
Energy Commission	California Energy Commission
EPIC	Electric Program Investment Charge
PON	Program Opportunity Notice, this entire document. A competitive method used to award funding.
Application	Formal written response to this document from Applicant
Applicant	Respondent to this PON
CAM	Commission Agreement Manager

COST OF DEVELOPING APPLICATION

The Applicant is responsible for the cost of developing an application. This cost cannot be charged to the State.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any applications that are marked confidential in their entirety. Applicants are strongly discouraged from requesting confidential treatment for any of the information contained in an application.

PON CANCELLATION AND AMENDMENTS

It is the policy of the Energy Commission not to solicit proposals unless there is a bona fide intention to award an Agreement. However, if it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this PON;
- Revise the amount of funds available under this PON;
- Amend this PON as needed; or
- Reject any or all applications received in response to this PON

If the PON is amended, the Energy Commission will send an addendum to all parties who requested the PON and will also post it on the Energy Commission's website at www.energy.ca.gov/contracts.

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ERRORS

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the PON, the Applicant shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice to all parties who requested the PON, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFICATION OR WITHDRAWAL OF APPLICATION

An Applicant may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted application before the deadline to submit applications. Applications cannot be changed after that date and time. An Application cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the PON: “This application and the cost estimate are valid for 60 days.”

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in an Applicant’s application. However, the Energy Commission’s waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

DISPOSITION OF APPLICANT’S DOCUMENTS

On the Notice of Proposed Award posting date, all applications and related material submitted in response to this PON become a part of the property of the State and public record. Applicants who want any work examples submitted with their applications to be returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

APPLICANTS’ ADMONISHMENT

This PON contains the instructions governing the requirements for a firm quotation to be submitted by interested Applicants, the format in which the technical information is to be submitted, the material to be included, the requirements that must be met to be eligible for consideration, and Applicant responsibilities. Applicants are responsible for carefully reading the entire PON, asking appropriate questions in a timely manner, submitting all required responses in a complete manner by the required date and time, making sure that all procedures and requirements of the PON are followed and appropriately addressed, and carefully rereading the entire PON before submitting an application.

GROUND TO REJECT A APPLICATION

An Application shall be rejected if:

- It is received after the exact time and date for receipt of applications as identified in Section 1 (Public Contract Code, Section 10344).
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
- It is intended to erroneously and fallaciously mislead the State in its evaluation of the Application and the attribute, condition, or capability is a requirement of this PON.
- It contains confidential information.

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- The Applicant does not agree to the terms and conditions attached to the solicitation either by not signing the Application Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

An Application may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple applications for each task.
- It does not literally comply or contains caveats that conflict with the PON and the variation or deviation is not material, or it is otherwise non-responsive.
- The budget forms are not filled out completely.

AGREEMENT REQUIREMENTS

The content of this PON shall be incorporated by reference into the final agreement. See the Agreement terms and conditions included in this PON.

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval.

Public agencies that receive funding under this PON must provide an authorizing resolution (approved by their governing authority) that authorizes the Agreement with the Energy Commission and designates an authorized representative to sign the Agreement.

The Energy Commission will send the approved Grant Agreement, including the general Terms and Conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature. Once the grant recipient signs, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.

No Agreement Until Signed and Approved

No agreement between the Commission and the successful Applicant is in effect until the agreement is signed by the Recipient, approved at a Commission Business Meeting, and signed by the Energy Commission representative.

The Energy Commission reserves the right to modify the award documents prior to executing the Agreement.

Agreement Amendment

The Agreement executed as a result of this PON may be amended by mutual consent of the Commission and the Recipient. The Agreement may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

Sample for Illustrative Purposes Only

PAYMENT OF PREVAILING WAGES

Some projects under this solicitation might be considered public works pursuant to the California Labor Code. If the project is a public work, prevailing wage is required. The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Examples of the activities that would probably lead DIR to find that the project involves public works include: cement work, site preparation such as grading, surveying, electrical work such as wiring, and carpentry work. Certain workers are entitled to prevailing wage, such as operating engineers, surveyors, carpenters, laborers, etc. However, other workers are not subject to State prevailing wage laws, such as design or pre-construction engineers or project superintendent who do not perform work on the projects.

Applicants must determine if the proposed project(s) involve(s) public works, and ensure that the project budget for labor reflects all prevailing wage requirements. The budget should indicate which job classifications are subject to prevailing wage.

In order to determine if the proposed project(s) involve(s) public works, please contact DIR as advised in Attachment 6. If the Applicant is unsure whether the proposed project(s) involve(s) public works and has not received a determination from DIR that the project is not a public work, the Applicant is advised to prepare a budget assuming that prevailing wage laws apply.

If the proposed project is a public work, or is assumed to be a public work, the Applicant can contact DIR for a list of covered trades and the applicable prevailing wage. Any agreement resulting from this solicitation will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the sample terms and conditions, the Special Condition regarding Prevailing Wage Compliance (Attachment 4), and Prevailing Wage Compliance Certification Form (Attachment 5).

For detailed information about prevailing wage and the process to determine if the proposed project(s) is a public work, see the Prevailing Wage Compliance Questions and Answers (Attachment 6).

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designating an authorized representative to sign.

The Energy Commission will send the approved Grant Agreement, including the general Terms and Conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature. Once the grant recipient signs, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.

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PON Application Form

This document provides the Energy Commission with basic information about the Applicant and its subcontractors. Each Applicant must complete, sign and include this attachment in its Application.

Applicant's Legal Name	Federal ID Number
	-

Proposed Term	
Start Date	End Date
/ /	/ /

Funding			
Amount of Funds Requested	\$		
Match Funding	\$	Source of Match:	<input type="checkbox"/> Cash <input type="checkbox"/> In-Kind <input type="checkbox"/> Prior Investments

Title of Project

Project Location

Project Description (brief paragraph)

California Environmental Quality Act (CEQA) Compliance
1. Is Contract considered a "Project" under CEQA? <input type="checkbox"/> Yes: skip to question 2 <input type="checkbox"/> No: complete the following (PRC 21065 and 14 CCR 15378): Explain why contract is not considered a "Project": Contract will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because .
2. If contract is considered a "Project" under CEQA, have you complied? <input type="checkbox"/> Yes (if so, provide documentation in application) <input type="checkbox"/> No

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Applicant's Project Manager (serves as point of contact for all communications)	
Name:	
Address:	
City, State, Zip:	
Phone/ Fax:	
E-Mail:	

Applicant Is
<input type="checkbox"/> Private Company <i>(including non-profits)</i> <input type="checkbox"/> CA State Agency <i>(including UC and CSU)</i> <input type="checkbox"/> Government Entity <i>(i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)</i>

Proprietary/ Confidential Information:
<input type="checkbox"/> Yes (all confidential documents must be submitted in a separately sealed and clearly designated package) <input type="checkbox"/> No – Application does not contain proprietary information, unrestricted distribution is authorized.

Is Applicant subcontracting any services?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	
Insert Subcontractor Legal Name	

Project Work Site Location _____

IOU Service Territory (PG&E, SCE, SDG&E) _____

Research Area Addressed – Please check only one

- A) Name of research area in PON
- B) Name of research area in PON
- C) Name of research area in PON

Technologies Targeted – Please check at least one of each

- | | |
|--|--|
| <input type="checkbox"/> _____
<input type="checkbox"/> _____
<input type="checkbox"/> _____
<input type="checkbox"/> _____ | <input type="checkbox"/> _____
<input type="checkbox"/> _____
<input type="checkbox"/> _____
<input type="checkbox"/> _____ |
|--|--|

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1. Project Costs

EPIC Funding Requested \$ _____ Match Funding Offered \$ _____ Total \$ _____

2. Funding Detail

	Organization Name	EPIC Funds Requested	State \$ Spent in California	Match Funding
Prime Recipient				
Sub # 1				
Sub # 2				
Sub # 3				
TOTAL				

3. Average Loaded and Unloaded Hourly Rates

Average Loaded Rate (see Attachment 7, Budget Forms-Rate Summary Worksheet) \$ _____

Average Unloaded Rate (see Attachment 7, Budget Forms-Rate Summary Worksheet) \$ _____

Certifications:

I hereby authorize the California Energy Commission to make any inquiries necessary to verify the information I have presented in my Application.

I hereby certify to the best of my knowledge and belief that I have read, understand, and do hereby accept the terms and conditions contained in this PON package, including the provisions of the Agreement Terms and Conditions and, further, I am willing to enter into an agreement with the Commission to conduct the proposed project according to the terms and conditions without negotiation.

I hereby certify to the best of my knowledge that the information contained in this Application is correct and complete.

Signature of Principal Investigator/ Project Manager		Date:	
Signature of Authorized Representative		Date:	

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Attachment 2 – Instructions for the Scope of Work

The Scope of Work Template contains the framework to use to complete the Scope of Work. The template has instructions in blue type within < > that are to be deleted as it is filled out. The following are additional instructions for the items in the Scope of Work. At the end of these instructions, there are examples of Technical Tasks to provide guidance in drafting your own.

I. Technical Task List

Insert the Task numbers and Task names for the project. Put an "X" in the CPR column next to the Tasks that contain a Critical Project Review. Add additional rows as necessary.

II. Key Name List

List key parties within the agreement as described below. See Terms and Conditions for more information regarding key parties within the agreement.

Key Personnel are employees or consultants who are critical to the outcome of the project and are being paid with Energy Commission funds. Key Personnel have expertise in the project field or experience that is not available from another source. Replacing these individuals may be difficult due to their expertise and may affect the outcome of the project. Since key personnel can come from various organizations working on the agreement, they should be written as follows to avoid confusion: "John Smith – Acme Company"

Key Subcontractors are contractors, subcontractors, or vendors who are critical to the outcome of the project and are being paid with Energy Commission funds. Key Subcontractors have expertise in the project field or experience that is not available from another source. Replacing these individuals may be difficult due to their expertise and may affect the outcome of the project.

Key Partners are participants in the Project who are not receiving Energy Commission funds and are not providing Match Funds but are integral to the outcome of the Project. Key Partners may be providing space, testing facilities, demonstration sites or may be a manufacturer or other implementer of the Project results. Individual key employees from the Key Partner organizations are listed under "Key Personnel." "Key Partners" are company names.

III. Glossary

Spell out each acronym used in the Scope of Work. Also include definitions of odd or unusual terms. Think about the document from the perspective of someone who does not work in the particular industry or discipline.

IV. Problem Statement

Describe the problem that this activity and funding will address in one to two paragraphs maximum.

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Identify and discuss the principal barriers, key unresolved issues, and knowledge gaps that hinder the development and widespread use of the resource or the products of the proposed project in California. Barriers may be grouped under the following categories, or other categories that the Applicant deems appropriate:

- Scientific and technological – such as insufficient scientific understanding of relevant phenomena and processes, inadequate data acquisition technologies, low reliability, low power density, low energy density, lack of detailed engineering designs and design trade-off analyses, inadequate component development, high cost of fabrication techniques, insufficient field testing, or insufficient field demonstrations.
- Market – such as inadequate consumer knowledge or limited system supply and maintenance infrastructure.
- Institutional – such as regulatory hurdles (e.g., atmospheric emission limitations) or lack of adopted standards.
- Environmental – such as H₂S emissions, excessive noise, or ground water contamination.
- Cost and financial hurdles

Explain why these barriers have not been addressed by the marketplace or by other institutions.

Explain why the barriers should be addressed at this time. For example, place the proposed work into the context of the spectrum of barriers to widespread deployment and adoption.

V. Goal of the Agreement

At the beginning of this section, complete the following sentence. Please be succinct.

The goal of this project is to ... *<Complete the sentence with a brief description of the goal(s) and how the goal(s) will be met. Goals can be technical, economic or social. Please be brief, two to three sentences maximum.>*

VI. Objectives of the Agreement

The objectives of this project are to ... *<Complete this sentence with the objectives, which are things that will be measurable or knowable at the end of this project.>*

If the improvements that your project will make are not amenable to measurement, surrogate performance metrics that can be measured must be given. Describe the methodology or procedure that will be used at the completion of the project to determine if the performance metrics have been achieved.

List and describe how meeting the objectives of this agreement will directly benefit electricity ratepayers. Also list and describe technical or economic objectives, or desired conditions outside the project itself that will result from the success of the project.

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VII. Task 1.0 Administration

The administrative tasks must be included in every agreement and the language does not change. Do NOT change anything in the administrative tasks.

VIII. Technical Tasks (Tasks 2 and up)

This is the area in the Scope of Work where the technical work to be performed under this Agreement is set forth. The work effort should be divided into a series of logical, discrete and sequential tasks. Each task has the following components:

- Task Name
- The goal of this task is to ...
- The Recipient shall:
- Products

A. The Goal

The goal of this task is to ... *<Complete the sentence with a brief description of the goal(s). Please be brief, two to three sentences maximum.>*

B. The Recipient shall ...

List each individual **activity** with a separate bullet if there are more than two individual activities and begin each bullet with a verb to complete the sentence beginning with "The Recipient shall." Organize activities in the order in which they will occur. Use this section to describe the essential elements of the process you will use to complete the project. The contents of each product shall also be described in this section.

For Example:

The Recipient shall:

- Prepare the X Test Plan. This plan shall include, but is not limited to ...
- Conduct research in accordance with the X Test Plan.
- Prepare the X Test Results Report. This report shall include, but is not limited to, the following ...

Please note that if a project is for demonstration, or if a project involves testing, one of the tasks should be Test Plan preparation. The Test Plan should include considerations such as the number of hours of operation, the type of monitoring to be performed, and the manner in which data will be validated, analyzed, and reported.

C. Products:

Product(s):

- *<Insert 1st product (name only)>*
- *<Insert 2nd product (name only)>*

Only the names of each product shall appear in the "Products" section. Use exactly the same name to identify a product (report, data set, project plan, etc.) in the activity and in the list of products.

Products incorporate the knowledge and understanding gained by performing the activities, and are submitted to the Energy Commission for review, comment and

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approval. Products include, but are not limited to, written reports that describe methods, test plans, results of testing, analysis of data, conclusions, and recommendations for future study, workshop agendas and summaries, description and photographs of equipment/product developed, summaries of advisory group meetings, computer software with written instructions for data input and use of the software, if intended for public or Energy Commission use, and production prototypes. The summaries of the Products should be sufficiently detailed to be of use to stakeholders and other researchers. The level of detail should be sufficient for an observer to assess whether the project objectives and goals have been successfully met.

IX. **Examples of Different Types of Technical Products** *(These are examples, which you may modify for use in your project. You may create other products as needed, but please adhere to the patterns shown.)*

1. **Written Notification**

- Provide a Written Notification regarding _____, to the Commission Project Manager. *(Give it a unique name based on the content and the project.)* The letter shall include but is not limited to written documentation that the _____ is ready for *(testing, viewing, submission for certification, etc.)* and the date such *(testing, viewing, submission for certification, etc.)* shall begin, and shall include photographs.

Product: Written Notification regarding _____

2. **Test Plans**

- Prepare the _____ Test Plan. *(Give it a unique name, such as the Site A Test Plan. Test plans and testing procedures should be described in detail including factors such as instrumentation, data collection, data analysis, statistical analyses, and performance curves. Test results shall include relationships among performance, efficiency, emissions, temperature, pressure and all other parameters that qualify and quantify the subject technology.)* The Test Plan shall include, but is not limited to:
 - a description of the process to be tested;
 - the rationale for why the tests are required;
 - predicted performance based on calculations or other analyses;
 - test objectives and technical approach;
 - a test matrix showing the number of test conditions and replicated runs;
 - a description of the facilities, equipment, instrumentation required to conduct the tests;
 - a description of test procedures, including parameters to be controlled and how they will be controlled; parameters to be measured and instrumentation to measure them; calibration

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- procedures to be used; recommended calibration interval; and maintenance of the test log;
- a description of the data analysis procedures;
- a description of quality assurance procedures;
- contingency measures to be considered if the test objectives are not met;
- *<add additional bullets specific to the project as needed>*.

Product(s):

- Draft _____ Test Plan
- Final _____ Test Plan

3. Interim Reports *(This applies to all product reports. Examples include task and subtask reports, test reports, data sets, databases and computer model development or application. Monthly reports and the final report are treated separately as shown in the Scope of Work.)*

- Prepare the _____ Report *(Give it a unique name, such as the ABC Test Report or 123 Database. If an interim report is based on earlier work in this project, then the titles should relate to each other. After the title insert a description of the product.)* This report shall include, but is not limited to, the following: *(List the elements of the report in separate bullets.)*

For example, if the Interim Report is a Test Report, use the following description:

The Test Report shall include, but is not limited to, the following:

- the Test Plan;
- test results;
- analysis;
- conclusions;
- recommendations;
- photographs as appropriate;
- *<add additional bullets specific to the project as needed>*.

For example, if the Interim Report is a Task or Subtask Report, use the following description:

The Task or Subtask Report shall include, but is not limited to, the following:

- the goal of the task or subtask;
- the description of the approach used;
- list of activities performed;
- description of the results and to what degree the goal was achieved;
- significant issues encountered and how they were addressed;
- a discussion of the implications regarding the success or failure of the results, and the effect on the budget and the overall objectives of the project;
- photographs as appropriate;

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- *<add additional bullets specific to the project as needed>.*

Product(s):

- Draft _____ Test (Task, Database, etc.) Report
- Final _____ Test (Task, Database, etc.) Report

4. Bills of Materials or Equipment Lists

- Prepare a Bill of Materials (or Equipment List) for _____.
(Give it a unique name.) This document shall include but is not limited to:
 - a description of each item;
 - test protocols and codes applicable to each item;
 - cost estimates or bids for each item.

Product: Bill of Materials (or Equipment List) for _____

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Attachment 3

Exhibit A

WORK STATEMENT

TECHNICAL TASK LIST

<Insert the Task numbers and Task names for your Agreement.>

Task #	Task Name
1	Administration
2	<Insert Task Name>
3	<Insert Task Name>
<Etc.>	<Insert Task Name>
<Etc.>	<Insert Task Name>
<Etc.>	<Insert Task Name>

KEY NAME LIST

<Insert the Task numbers and the Key names for each Task in your Project. Add additional lines as needed.>

Task #	Key Personnel	Key Subcontractor(s)	Key Partner(s)
1	<Name>	<Name>	<Name>
2	<Name>	<Name>	<Name>
3	<Name>	<Name>	<Name>
<Etc.>	<Name>	<Name>	<Name>

GLOSSARY

Specific terms and acronyms used throughout this scope of work are defined as follows:

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Term/ Acronym	Definition
CPR	<i>Critical Project Review</i>
	<Insert additional rows as needed.>

Problem Statement:

<see instructions>

Goals of the Agreement:

The goal of this Agreement is to ... <see instructions>

Objectives of the Agreement:

The objectives of this Agreement are to... <see instructions>

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TASK 1 ADMINISTRATION

Task 1.1 Attend Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Recipient shall:

- *Attend a “Kick-Off” meeting with the Commission Project Manager, the Grants Officer, and a representative of the Accounting Office. The Recipient shall bring its Project Manager, Agreement Administrator, Accounting Officer, and others designated by the Commission Project Manager to this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting. Prior to the kick-off meeting, the Commission Project Manager will provide an agenda to all potential meeting participants.*

The administrative portion of the meeting shall include, but not be limited to, the following:

- *Discussion of the terms and conditions of the Agreement*
- *Discussion of Critical Project Review (Task 1.2)*
- *Match fund documentation (Task 1.6) No work may be done until this documentation is in place.*
- *Permit documentation (Task 1.7)*
- *Discussion of subcontracts needed to carry out project (Task 1.8)*

The technical portion of the meeting shall include, but not be limited to, the following:

- *The Commission Project Manager’s expectations for accomplishing tasks described in the Scope of Work*
- *An updated Schedule of Products*
- *Discussion of Progress Reports (Task 1.4)*
- *Discussion of Technical Products (Product Guidelines located in Section 5 of the Terms and Conditions)*
- *Discussion of the Final Report (Task 1.5)*

The Commission Project Manager shall designate the date and location of this meeting.

Recipient Products:

- Updated Schedule of Products
- Updated List of Match Funds
- Updated List of Permits

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Commission Project Manager Product:

- Kick-Off Meeting Agenda

Task 1.2 Critical Project Review (CPR) Meetings

The goal of this task is to determine if the project should continue to receive Energy Commission funding to complete this Agreement and to identify any needed modifications to the tasks, products, schedule or budget.

CPRs provide the opportunity for frank discussions between the Energy Commission and the Recipient. The Commission Project Manager may schedule CPRs as necessary, and CPR costs will be borne by the Recipient.

Participants include the Commission Project Manager and the Recipient and may include the Commission Grants Officer, the Energy Research and Development Division (ERDD) team lead, other Energy Commission staff and Management as well as other individuals selected by the Commission Project Manager to provide support to the Energy Commission.

The Commission Project Manager shall:

- Determine the location, date, and time of each CPR meeting with the Recipient. These meetings generally take place at the Energy Commission, but they may take place at another location.
- Send the Recipient the agenda and a list of expected participants in advance of each CPR. If applicable, the agenda shall include a discussion on both match funding and permits.
- Conduct and make a record of each CPR meeting. One of the outcomes of this meeting will be a schedule for providing the written determination described below.
- Determine whether to continue the project, and if continuing, whether or not modifications are needed to the tasks, schedule, products, and/or budget for the remainder of the Agreement. Modifications to the Agreement may require a formal amendment (please see section 8 of the Terms and Conditions). If the Commission Project Manager concludes that satisfactory progress is not being made, this conclusion will be referred to the Transportation Committee for its concurrence.
- Provide the Recipient with a written determination in accordance with the schedule. The written response may include a requirement for the Recipient to revise one or more product(s) that were included in the CPR.

The Recipient shall:

- Prepare a CPR Report for each CPR that discusses the progress of the Agreement toward achieving its goals and objectives. This report shall include recommendations and conclusions regarding continued work of the projects. This report shall be submitted along with any other products identified in this scope of work. The Recipient shall submit these documents to the Commission Project Manager and any other designated reviewers at least 15 working days in advance of each CPR meeting.

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- Present the required information at each CPR meeting and participate in a discussion about the Agreement.

Commission Project Manager Products:

- Agenda and a list of expected participants
- Schedule for written determination
- Written determination

Recipient Product:

- CPR Report(s)

Task 1.3 Final Meeting

The goal of this task is to closeout this Agreement.

The Recipient shall:

- Meet with Energy Commission staff to present the findings, conclusions, and recommendations. The final meeting must be completed during the closeout of this Agreement.

This meeting will be attended by, at a minimum, the Recipient, the Commission Grants Office Officer, and the Commission Project Manager. The technical and administrative aspects of Agreement closeout will be discussed at the meeting, which may be two separate meetings at the discretion of the Commission Project Manager.

The technical portion of the meeting shall present an assessment of the degree to which project and task goals and objectives were achieved, findings, conclusions, recommended next steps (if any) for the Agreement, and recommendations for improvements. The Commission Project Manager will determine the appropriate meeting participants.

The administrative portion of the meeting shall be a discussion with the Commission Project Manager and the Grants Officer about the following Agreement closeout items:

- What to do with any equipment purchased with Energy Commission funds (Options)
- Energy Commission's request for specific "generated" data (not already provided in Agreement products)
- Need to document Recipient's disclosure of "subject inventions" developed under the Agreement
- "Surviving" Agreement provisions
- Final invoicing and release of retention

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- Prepare a schedule for completing the closeout activities for this Agreement.

Products:

- Written documentation of meeting agreements
- Schedule for completing closeout activities

Task 1.4 Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the research objectives of this Agreement on time and within budget.

The objectives of this task are to summarize activities performed during the reporting period, to identify activities planned for the next reporting period, to identify issues that may affect performance and expenditures, and to form the basis for determining whether invoices are consistent with work performed.

The Recipient shall:

- Prepare a Monthly Progress Report which summarizes all Agreement activities conducted by the Recipient for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the Commission Project Manager within 10 days of the end of the reporting period. The recommended specifications for each progress report are contained in Section 6 of the Terms and Conditions of this Agreement.
- In the first Monthly Progress Report and first invoice, document and verify match expenditures and provide a synopsis of project progress, if match funds have been expended or if work funded with match share has occurred after the notice of proposed award but before execution of the grant agreement. If no match funds have been expended or if no work funded with match share has occurred before execution, then state this in the report. All pre-execution match expenditures must conform to the requirements in the Terms and Conditions of this Agreement.

Product:

- Monthly Progress Reports

Task 1.5 Final Report

The goal of the Final Report is to assess the project's success in achieving its goals and objectives, advancing science and technology, and providing energy-related and other benefits to California.

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The objectives of the Final Report are to clearly and completely describe the project's purpose, approach, activities performed, results, and advancements in science and technology; to present a public assessment of the success of the project as measured by the degree to which goals and objectives were achieved; to make insightful observations based on results obtained; to draw conclusions; and to make recommendations for further projects and improvements to the project management processes.

The Final Report shall be a public document. If the Recipient has obtained confidential status from the Energy Commission and will be preparing a confidential version of the Final Report as well, the Recipient shall perform the following activities for both the public and confidential versions of the Final Report.

The Recipient shall:

- Prepare an Outline of the Final Report.
- Prepare a Final Report following the approved outline and the latest version of the Final Report guidelines which will be provided by the Commission Project Manager. The Commission Project Manager shall provide written comments on the Draft Final Report within fifteen (15) working days of receipt. The Final Report must be completed at least 60 days before the end of the Agreement Term.
- Submit one bound copy of the Final Report with the final invoice.

Products:

- Draft Outline of the Final Report
- Final Outline of the Final Report
- Draft Final Report
- Final Report

Task 1.6 Identify and Obtain Matching Funds

The goal of this task is to ensure that the match funds planned for this Agreement are obtained for and applied to this Agreement during the term of this Agreement.

The costs to obtain and document match fund commitments are not reimbursable through this Agreement. Although the Energy Commission budget for this task will be zero dollars, the Recipient may utilize match funds for this task. Match funds shall be spent concurrently or in advance of Energy Commission funds for each task during the term of this Agreement. Match funds must be identified in writing and the associated commitments obtained before the Recipient can incur any costs for which the Recipient

The Recipient shall:

- Prepare a letter documenting the match funding committed to this Agreement and submit it to the Commission Project Manager at least 2 working days prior to

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the kick-off meeting. If no match funds were part of the proposal that led to the Energy Commission awarding this Agreement and none have been identified at the time this Agreement starts, then state such in the letter. If match funds were a part of the proposal that led to the Energy Commission awarding this Agreement, then provide in the letter a list of the match funds that identifies the:

- Amount of each cash match fund, its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied.
- Amount of each in-kind contribution, a description, documented market or book value, and its source, including a contact name, address and telephone number and the task(s) to which the match funds will be applied. If the in-kind contribution is equipment or other tangible or real property, the Recipient shall identify its owner and provide a contact name, address and telephone number, and the address where the property is located.
- Provide a copy of the letter of commitment from an authorized representative of each source of cash match funding or in-kind contributions that these funds or contributions have been secured. For match funds provided by a grant a copy of the executed grant shall be submitted in place of a letter of commitment.
- Discuss match funds and the implications to the Agreement if they are reduced or not obtained as committed, at the kick-off meeting. If applicable, match funds will be included as a line item in the progress reports and will be a topic at CPR meetings.
- Provide the appropriate information to the Commission Project Manager if during the course of the Agreement additional match funds are received.
- Notify the Commission Project Manager within 10 days if during the course of the Agreement existing match funds are reduced. Reduction in match funds must be approved through a formal amendment to the Agreement and may trigger an additional CPR.

Products:

- A letter regarding match funds or stating that no match funds are provided
- Copy(ies) of each match fund commitment letter(s) (if applicable)
- Letter(s) for new match funds (if applicable)
- Letter that match funds were reduced (if applicable)

Task 1.7 Identify and Obtain Required Permits

The goal of this task is to obtain all permits required for work completed under this Agreement in advance of the date they are needed to keep the Agreement schedule on track.

Permit costs and the expenses associated with obtaining permits are not reimbursable under this Agreement. Although the Energy Commission budget for this task will be zero dollars, the Recipient shall budget match funds for any expected expenditures associated with obtaining permits. Permits must be identified in writing and obtained before the Recipient can make any expenditure for which a permit is required.

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The Recipient shall:

- Prepare a letter documenting the permits required to conduct this Agreement and submit it to the Commission Project Manager at least 2 working days prior to the kick-off meeting. If there are no permits required at the start of this Agreement, then state such in the letter. If it is known at the beginning of the Agreement that permits will be required during the course of the Agreement, provide in the letter:
 - A list of the permits that identifies the:
 - Type of permit
 - Name, address and telephone number of the permitting jurisdictions or lead agencies
 - The schedule the Recipient will follow in applying for and obtaining these permits.
- Discuss the list of permits and the schedule for obtaining them at the kick-off meeting and develop a timetable for submitting the updated list, schedule and the copies of the permits. The implications to the Agreement if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in the Progress Reports and will be a topic at CPR meetings.
- If during the course of the Agreement additional permits become necessary, provide the appropriate information on each permit and an updated schedule to the Commission Project Manager.
- As permits are obtained, send a copy of each approved permit to the Commission Project Manager.
- If during the course of the Agreement permits are not obtained on time or are denied, notify the Commission Project Manager within 5 working days. Either of these events may trigger an additional CPR.

Products:

- Letter documenting the permits or stating that no permits are required
- A copy of each approved permit (if applicable)
- Updated list of permits as they change during the term of the Agreement (if applicable)
- Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)

Task 1.8 Obtain and Execute Subcontracts

The goal of this task is to ensure quality products and to procure subcontracts required to carry out the tasks under this Agreement consistent with the terms and conditions of this Agreement and the Recipient's own procurement policies and procedures. It will also provide the Energy Commission an opportunity to review the subcontracts to ensure that the tasks are consistent with this Agreement, that the budgeted expenditures are reasonable and consistent with applicable cost principles.

The Recipient shall:

- Manage and coordinate subcontractor activities.

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- Submit a draft of each subcontract required to conduct the work under this Agreement to the Commission Agreement Manager for review.
- Submit a final copy of the executed subcontract.
- If Recipient decides to add new subcontractors, it shall notify the Commission Agreement Manager.

Products:

- Draft subcontracts
- Final subcontracts

TECHNICAL TASKS

TASK 2 <insert task name using ALL CAP >

The goal of this task is to ... *<Complete the sentence with a brief description of the goal(s). Please be brief, two to three sentences maximum.>*

The Recipient shall:

- *<Insert verb in active tense ... complete the sentence.>*
- *<Insert verb in active tense ... complete the sentence.>*
- *<Etc. See instructions>*

Products:

*<Products incorporate the knowledge and understanding gained by performing the activities, and are **submitted to the Energy Commission** for review, comment and approval. Products include, but are not limited to, written reports that describe methods, test plans, results of testing, analysis of data, conclusions, and recommendations for future study, workshop agendas and summaries, description and photographs of equipment/product developed, summaries of advisory group meetings, computer software with written instructions for data input and use of the software, if intended for public or Energy Commission use, and production prototypes. For each product there must be a bullet under "The Recipient Shall:" explaining it in more detail.>*

- *<Insert 1st product (name only) and include draft and final versions as necessary>*
- *<Insert 2nd product (name only) and include draft and final versions as necessary>*
- *<Etc. See instructions>*

Sample for Illustrative Purposes Only

TASK 3 <insert task name using ALL CAP>

The goal of this task is to ... <Complete the sentence with a brief description of the goal(s). Please be brief, two to three sentences maximum. See instructions.>

The Recipient shall:

- <Insert verb in active tense ... complete the sentence.>
- <Insert verb in active tense ... complete the sentence.>
- <Etc. See instructions>

Products:

- <Insert 1st product (name only) and include draft and final versions as necessary>
- <Insert 2nd product (name only) and include draft and final versions as necessary>
- <Etc. See instructions>

<Add the appropriate number of tasks for the Agreement, remove the Data Collection and Analysis Task only when applicable.>

Task <last> DATA COLLECTION AND ANALYSIS

The goal of this task is to collect operational data, to analyze that data for economic and environmental impacts, and to include the data and analysis in the Final Report.

The Recipient shall:

- Develop data collection test plan.
- Troubleshoot any issues identified.
- Collect 6 months of usage and operations data from the project including, but not limited to:
 - _____
- Compare any project performance and expectations provided in the proposal to Energy Commission with actual project performance and accomplishments.
- Other....

Products:

- None. Data collection information and analysis will be included in the Final Report

Sample for Illustrative Purposes Only

Attachment 4 – Prevailing Wage Special Condition Template

PUBLIC WORKS AND PAYMENT OF PREVAILING WAGE

A. Recipient/General Requirements

1. Recipient shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for any “public works” (as that term is defined in the statutes) performed on the Project funded by this Agreement. For purpose of compliance with prevailing wage law, the Recipient shall comply with provisions applicable to an awarding body. Compliance with state prevailing wage law includes without limitation: payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. Recipient shall certify to the Energy Commission on each Payment Request Form, that prevailing wages were paid to eligible workers who provided labor for work covered by the payment request and that the Recipient and all contractors complied with prevailing wage laws.
3. Prior to the release of any retained funds under this Agreement, the Recipient shall submit to the Energy Commission a certificate signed by the Recipient and all contractors performing public works activities stating that prevailing wages were paid as required by law. The required certificate follows these special conditions.

B. Flowdown Requirements

Recipient shall ensure that all agreements with its contractors to perform work related to this Project contain the following provisions:

1. Contractor shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for all construction, alteration, demolition, installation, repair or maintenance work over \$1,000 performed under the contract. Contractor's obligations under prevailing wage laws include without limitation: pay at least the applicable prevailing wage for public works activities performed on the Project; comply with overtime and working hour requirements; comply with apprenticeship obligations; comply with payroll recordkeeping requirements; and comply with other obligations as required by law.
2. Contractor shall ensure that the above requirements are included in all its contracts and any layer of subcontracts for activities for the Project.

Sample for Illustrative Purposes Only

Attachment 5 – Prevailing Wage Compliance Certificate

After the public works² activities funded by this Agreement are complete, Recipient must fill out and sign this certificate and obtain the signatures from all of its contractors and any layer of subcontractors involved in public works funded by this Agreement.

This certificate must be completed and submitted to the Energy Commission Project Manager prior to the release of the retained funds under this Agreement.

Recipient:

Energy Commission Agreement Number:

Date Public Works Completed:

Recipient hereby certifies as follows:

1. State prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, has been complied with for the “public works” (as that term is defined in the statutes) funded by this Agreement, including payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. All contracts and every layer of subcontracts involving public works funded by the above-referenced Agreement contained requirements that the contractor or subcontractor comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
3. The contractors and subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned Recipient acknowledges that disbursement of the retention by the California Energy Commission is expressly made in reliance upon the representations made in this certification.

² Public works is defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720.

Sample for Illustrative Purposes Only

Recipient:

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Each contractor and subcontractor performing public works (e.g., construction, alteration, demolition, installation, repair or maintenance work) for the Project must sign below. Include additional pages if necessary.

Contractors and subcontractors hereby certify as follows:

1. The contract with the Recipient or the Recipient's contractor to perform work funded by the above-referenced Agreement contained requirements that the contractor and all its subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
2. Prevailing wages have been paid as required by law.
3. Contractor and all its subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned acknowledges that disbursement of the retention by the California Energy Commission to the Recipient is expressly made in reliance upon the representations made in this certification.

Construction Contractor #1

Company Name:

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Construction Contractor #2

Company Name:

Sample for Illustrative Purposes Only

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Construction Contractor #3

Company Name:

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Construction Contractor #4

Company Name:

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Construction Contractor #5

Company Name:

Signature of Authorized Representative: _____

Printed/Typed Name:

Title:

Date:

Sample for Illustrative Purposes Only

Attachment 6– Information on Compliance with Prevailing Wage

Basic Provisions

- **What are prevailing wage requirements under California law?**

California law requires payment of locally prevailing wages (including employer payments for employee benefits) to workers, laborers, and mechanics on state government contracts in excess of \$1,000 for public works projects.³ California

prevailing wage requirements may also apply where a construction contract between private persons involves public works.⁴

Contractors and subcontractors on covered projects must also comply with additional requirements, such as providing workers' compensation coverage, maintaining certified payroll records and making such records available for inspection, and complying with apprenticeship obligations.⁵

- **What constitutes a prevailing rate under California law?**

Under California law, a "Prevailing Rate" is comprised of three components: (1) the basic hourly rate paid on public works projects to a majority of workers engaged in a particular craft, classification or type of work within the locality and in the nearest labor market area (if a majority of such workers are paid at a single rate);⁶ (2) the rate for holiday or overtime work, as specified in an applicable collective bargaining agreement, or otherwise included with the prevailing basic hourly rate; and, (3) the prevailing rate of employer payments for any or all programs or benefits for employees, their families and

³ Cal. Labor Code §§ 1723 (defining the statutory term "worker" to include "laborer, worker, or mechanic"), 1771 (stating general prevailing wage requirements applicable to workers on qualifying public works projects). 8 C.C.R. § 16000 (defining general prevailing rate of per diem wages to include the prevailing rate of employer payments for employee benefits). Labor Code Sections may be found online at <http://www.leginfo.ca.gov/calaw.html>.

⁴ Cal. Labor Code § 1720.2 (stating that "public works" is defined to include construction work done under a private contract where prescribed conditions exist). See also Cal. Labor Code § 1720(c).

⁵ See 8 C.C.R. § 16100(c) (enumerating obligations for contractors and subcontractors under California prevailing wage law).

⁶ 8 C.C.R. § 16000 (explaining alternative methods of calculating the basic hourly rate if there is no single rate being paid to a majority in a particular locality). See also Frequently Asked Questions – Prevailing Wage, Department of Industrial Relations, available at http://www.dir.ca.gov/dlsr/faq_prevailingwage.html.

Sample for Illustrative Purposes Only

dependents, and retirees, as enumerated in prevailing wage regulations issued by the California Department of Industrial Relations (DIR).⁷

- **What types of work are covered by California prevailing wage requirements?**

The California Labor Code beginning at section 1720 deals with this issue. Labor Code sections 1720 and 1771 define public works as:⁸

- Construction (includes work performed during the design and preconstruction phases of construction including but not limited to, inspection and land surveying work).
- Alteration.
- Demolition.
- Installation.
- Repair work.
- Maintenance work.

Below are some examples (this list is not exhaustive) of the types of activities that typically lead to finding that a project is a public work:

- Cement work such as pouring a cement pad.
- Site preparation such as grading.
- Surveying.
- Electrical work such as wiring.
- Carpentry work.
- Limited inspection activities.

Specific Job Categories

- **What kind of trades or workers must be paid prevailing wages under California law?**

The California Department of Industrial Relations (DIR) Division of Labor Statistics and Research (DLSR) makes the final determination on which trades and/or workers are

⁷ 8 C.C.R. § 16000. The full text of DIR's prevailing wage regulations can be found at: <http://ccr.oal.ca.gov> (Title 8, Division 1, Chapter 8, Subchapter 3).

⁸ See also 8 C.C.R. § 16001.

Sample for Illustrative Purposes Only

covered by prevailing wage laws. DLSR maintains a list of the covered trades/workers that are entitled to prevailing wage for public works commercial construction projects.⁹

Generally, workers such as the following would be covered trades:

- Operating engineer (heavy equipment operator)
- Surveyor
- Carpenter
- Cement Mason
- Electrician
- Laborer

The following types of workers usually would NOT be covered trades entitled to payment of prevailing wages:

- Engineer
- Project superintendent / construction manager / project manager
- Architect
- Planner
- Computer programmer

The above examples are for general information only. If you have questions about whether a worker is in a covered trade requiring payment of prevailing wages, you should check directly with DIR.

- **Are apprentices covered by prevailing wage requirements under California law?**

An apprentice is permitted to work on a project subject to California prevailing wage requirements at less than the prevailing rate prescribed for the trade she performs. However, persons may only be employed at the apprentice wage rate on projects involving public works in limited circumstances. More specifically, in order to be eligible the employment and training of each apprentice must be in accordance with either the apprenticeship standards and apprentice agreements under which she is training, or the rules and regulations of the California Apprenticeship Council.¹⁰

⁹ See www.dir.ca.gov/dlsr/statistics_research.html or call the DLSR Prevailing Wage Hotline (415) 703-4774 for more information about these trades.

¹⁰ Additional requirements that must be satisfied in order for persons employed in these classifications to be paid an apprentice wage rate on projects involving public works are found in California Labor Code Section 1775.5.

Sample for Illustrative Purposes Only

- **Are helpers covered by prevailing wage requirements under California law?**

Under DIR prevailing wage regulations, a helper is defined as any subjourneyman classification traditionally used to assist a journeyman.¹¹

In the absence of a determination that the use of such a subclassification prevails in a particular area, the helper classification may not be used as a substitute for a journeyman or apprentice.¹²

Miscellaneous Issues

- **Do California prevailing wage requirements apply to a public agency that performs project work with its own employees?**

No. California prevailing wage requirements do not apply to work carried out by a public agency with its own employees.¹³

- **If my project is a public work, how do I know what prevailing wages are required in order to prepare a budget?**

If your project is a public work, please submit your budget with the applicable prevailing wage for each trade entitled to prevailing wages as determined by DLSR. For prevailing wage rate information for commercial projects, see www.dir.ca.gov/dlsr/statistics_research.html or call the Prevailing Wage Hotline at (415) 703-4774. If your project involves residential construction, the rates are not listed on DIR's website, and you must call the DLSR Prevailing Wage Hotline.

- **How should I budget if I am unsure whether my project involves public works and requires the payment of prevailing wages?**

You are encouraged to determine if your project involves public works as soon as possible. In order to determine if your project is a public work, you will need to contact DIR. They can be reached at (415) 703-4774. If you do not know whether your project is a public work and you have not obtained a determination from DIR that the project is not a public work, you must budget with the assumption that the project is a public work and comply with the prevailing wage laws, including but not limited to the payment of prevailing wages.

¹¹ 8 C.C.R. § 16000.

¹² 8 C.C.R. § 16200(a)(3)(H).

¹³ Cal. Labor Code § 1771.

Sample for Illustrative Purposes Only

On the budget, please indicate whether your budget includes amounts for the payment of prevailing wage. You must indicate “yes” unless you have received a determination from DIR that the project is not a public work.

If you do not budget for prevailing wage, and it is later determined that the project involves public works and prevailing wage must be paid, you may be liable for damages and penalties.¹⁴ You also cannot later increase your grant award if it is determined that prevailing wages apply and increase project costs higher than budgeted. The amount requested in your proposal is the maximum that will be paid. Any increased costs for payment of prevailing wage must be paid with match funds. The Energy Commission’s grant award amount does not change or increase if the Applicant’s costs increase for any reason.

- **How do I get assistance in determining whether the project involves public works?**

First, call the DLSR Prevailing Wage Hotline, (415) 703-4774. The Prevailing Wage Hotline can frequently give advice quickly on routine questions. If the Prevailing Wage Hotline is unable to answer your question, you will need to write to the Director of DIR for a coverage determination on whether your project involves public works. You would include all the relevant facts and documents related to the project. DIR regulations, Title 8 California Code of Regulations, section 16001(a)(1), provides that any interested party may file a request with the Director of DIR to determine coverage under the prevailing wage laws. The request can be either for a specific project or type of work to be performed that the interested party believes may be subject to or excluded from coverage as public works under the Labor Code. Send requests for a coverage determination to:

Department of Industrial Relations
Office of the Director
455 Golden Gate Avenue
San Francisco CA 94102

- **How long will it take to get an answer?**

Generally the question can be asked and answered informally and quickly through the Prevailing Wage Hotline. However, if you need to submit a request to the Director of DIR, it will take longer to get a coverage determination.

- **What happens if I make a request to DIR but do not have a decision or am still unsure whether prevailing wages must be paid by the time the Energy Commission makes an award at a business meeting, or by the time I execute the grant agreement?**

¹⁴ Cal. Labor Code § 1775.

Sample for Illustrative Purposes Only

In this case, the Energy Commission would execute a grant agreement with a budget that assumes prevailing wage is required. If the Recipient, prior to performing the activities in question, then receives a determination from DIR that the project is not a public work, then the Energy Commission can execute an amendment with the Recipient to decrease the budget accordingly. The prevailing wage terms and conditions can also be removed.

- **What if I submit a proposal to the Energy Commission with a project that I say is not a public work, and the Energy Commission believes that it might be a public work?**

The Energy Commission would request that you first call the Prevailing Wage Hotline. If you do not receive an answer, the Commission would request that you write a letter to DIR and ask DIR to make the decision. If DIR says the project is a public work, then you will need to pay prevailing wages. If you do not obtain a DIR determination that the project is not a public work requiring the payment of prevailing wages, then you must assume that the project is a public work and comply with the prevailing wage laws, including paying prevailing wages.

- **What do I do if workers will be used who do not fit neatly into one of the categories on the DIR website?**

Contact DLSR and describe the type of trade you anticipate will be required in your project and ask whether there is an existing prevailing wage already set by DLSR.

Additional Information on State Prevailing Wage

- Department of Industrial Relations (DIR) Public Works Manual, May 2009, available at <http://www.dir.ca.gov/dlse/PWManualCombined.pdf>.
- Public Works Determination No. 2003-029, available at <http://www.dir.ca.gov/dlsr/coverage/year2005/2003-029.pdf>.

Sample for Illustrative Purposes Only

Attachment 7 – Budget Forms (see Excel Spreadsheet Template)

SAMPLE

Sample for Illustrative Purposes Only

Attachment 8

SCHEDULE

I. Instructions for Schedule of Products and Due Dates

This workbook contains the spreadsheet for the Schedule of Products and Due Dates. Items in <blue type> need to be completed. All other items should remain unchanged.

For each Administrative Task, insert the planned start and completion dates. For the Critical Project Reviews (CPRs), add as many CPRs as the project requires. If this form is being completed by an Applicant as part of a proposal to the Energy Commission, leave the CPR sections blank. These sections will be completed by the Energy Commission prior to issuing a funding award.

For each Technical Task, insert the name of each task as it is titled in the Scope of Work, the name of each product(s) associated with each task as they are titled in the Scope of Work (using Caps and Bold), and the planned completion dates. Delete or insert rows as necessary.

Sample for Illustrative Purposes Only
Schedule of Products and Due Dates

Task Number	Task Name	Product(s)	Due Date
1.1	Attend Kick-off Meeting	Updated Schedule of Products	<Insert Date>
		Updated List of Match Funds	<Insert Date>
		Updated List of Permits	<Insert Date>
		Kick-Off Meeting Agenda (CEC)	<Insert Date>
1.2	Critical Project Review Meetings	1st CPR Report	<Insert Date>
		CPR Meeting Written determination (CEC)	<Insert Date>
		<Add as many CPRs as required> <Utilize same products as 1st CPR Meeting>	<Insert Date>
		<Utilize same products as 1st CPR Meeting>	<Insert Date>
1.3	Final Meeting	Written documentation of meeting agreements	<Insert Date>
		Schedule for completing closeout activities	<Insert Date>
1.4	Monthly Progress Reports	Monthly Progress Reports	The 10th calendar day of each month during the approved term of this Agreement
1.5	Final Report	Final Outline of the Final Report	<Insert Date>
		Draft Final Report (no less than 60 days before the end term of the agreement)	<Insert Date>
		Final Report	<Insert Date>
1.6	Identify and Obtain Match Funds	A letter regarding match funds or stating that no match funds are provided	<Insert Date>
		Copy(ies) of each match fund commitment letter(s) (if applicable)	<Insert Date>
		Letter(s) for new match funds (if applicable)	Within 10 days of identifying new match funds
		Letter that match funds were reduced (if applicable)	Within 10 days of identifying reduced funds

Sample for Illustrative Purposes Only

Identify and Obtain Required Permits

1.7	Letter documenting the permits or stating that no permits are required	<Insert Date>
	A copy of each approved permit (if applicable)	Within 10 days of receiving each permit
	Updated list of permits as they change during the term of the Agreement (if applicable)	Within 10 days of change in list of permits
	Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)	Within 10 days of change in schedule for obtaining permits
1.8	Obtain and Execute Subcontracts	
	Letter describing the subcontracts needed, or stating that no subcontracts are required	<Insert Date>
	Draft subcontracts	15 days prior to the scheduled execution date
	Final subcontracts	Within 10 days of execution
2	<Insert Name of Task (using Caps and Bold)>	
	<Insert 1st Product Name>	<Insert Date>
	<Insert 2nd Product Name>	<Insert Date>
	<etc. Add/delete rows as necessary>	<Insert Date>
3	<Insert Name of Task (using Caps and Bold)>	
	<Insert 1st Product Name>	<Insert Date>
	<Insert 2nd Product Name>	<Insert Date>
	<etc. Add/delete rows as necessary>	<Insert Date>
4	<Insert Name of Task (using Caps and Bold)>	
	<Insert 1st Product Name>	<Insert Date>
	<Insert 2nd Product Name>	<Insert Date>
	<etc. Add/delete rows as necessary>	<Insert Date>
5	<Insert Name of Task (using Caps and Bold)>	
	<Insert 1st Product Name>	<Insert Date>
	<Insert 2nd Product Name>	<Insert Date>
	<etc. Add/delete rows as necessary>	<Insert Date>

Sample for Illustrative Purposes Only

ATTACHMENT 9

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) WORKSHEET

The California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) requires public agencies to identify the significant environmental impacts of their actions and to avoid or mitigate them, if feasible.¹⁵ Under CEQA, an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment is called a “project.” (Public Resources Code § 21065.) Approval of a contract, grant, or loan may be a “project” under CEQA if the activity being funded may cause a direct physical change or a reasonably foreseeable indirect physical change in the environment. Agencies must comply with CEQA before they approve a “project.” This can include preparing a Notice of Exemption or conducting an Initial Study and preparing a Negative Declaration, a Mitigated Negative Declaration, or, if there are significant impacts, an Environmental Impact Report.

The Lead Agency is the public agency that has the greatest responsibility for preparing environmental documents under CEQA, and for carrying out, supervising, or approving a project. Where the award recipient is a public agency, the Lead Agency is typically the recipient. Where the award recipient is a private entity, the Lead Agency is the public agency that has greatest responsibility for supervising or approving the project as a whole.¹⁶ When issuing contracts, grants or loans, the Energy Commission is typically a “Responsible Agency” under CEQA, which means that it must make its own CEQA findings based on review of the Lead Agency’s environmental documents. If the Energy Commission is the only public agency with responsibility for approving the project, then the Energy Commission must act as the Lead Agency and prepare its own environmental documents before approving the project.

This worksheet will help the Energy Commission determine what kind of CEQA review, if any, is necessary before it can approve the award, and which agency will be performing that review as a Lead Agency. Please answer all questions as completely as possible. It may also help you to think through the CEQA process necessary for your proposed project. The Energy Commission may request additional information in order to clarify responses provided on this worksheet.

¹⁵ For a brief summary of the CEQA process, please visit <http://ceres.ca.gov/ceqa/summary.html>.

¹⁶ 14 C.C.R. §§ 15050, 15051. The Lead Agency typically has general governmental powers (such as a city or county), rather than a single or limited purpose (such as an air pollution control district).

Sample for Illustrative Purposes Only

1. What are the physical aspects of the project? (Check all that apply and provide brief description of work, including any size or dimensions of the project).

Type of Project	Yes	No	Project Description
Construction (including grading, paving, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Trenching	<input type="checkbox"/>	<input type="checkbox"/>	
New or replaced pipelines	<input type="checkbox"/>	<input type="checkbox"/>	
Modification or conversion of a facility	<input type="checkbox"/>	<input type="checkbox"/>	
New or modified operation of a facility or equipment	<input type="checkbox"/>	<input type="checkbox"/>	
On-road demonstration	<input type="checkbox"/>	<input type="checkbox"/>	
Paper study (including analyses on economics, feedstock availability, workforce availability, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Laboratory research	<input type="checkbox"/>	<input type="checkbox"/>	
Temporary or mobile structures (skid-mounted)	<input type="checkbox"/>	<input type="checkbox"/>	
Design/Planning	<input type="checkbox"/>	<input type="checkbox"/>	
Other (describe and add pages as necessary)	<input type="checkbox"/>	<input type="checkbox"/>	

2. Where is the project located or where will it be located? (Attach additional sheets as necessary.)

Sample for Illustrative Purposes Only

Address	County	Type of Work to Be Completed at Site

3. Will the project potentially have environmental impacts that trigger CEQA review? (Check a box and explain for each question.)

Question	Yes	No	Don't Know	Explanation
Is the project site environmentally sensitive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the project site on agricultural land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is this project part of a larger project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there public controversy about the proposed project or larger project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will historic resources or historic buildings be impacted by the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the project located on a site the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified as being affected by hazardous wastes or cleanup problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Sample for Illustrative Purposes Only

Question	Yes	No	Don't Know	Explanation
Will the project generate noise or odors in excess of permitted levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will the project increase traffic at the site and by what amount?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4. Will the project require discretionary permits or determinations, as listed below?

Type of Permit	No	Modified	New	Approving Agency	Reason for Permit, Summary of Process, and Anticipated Date of Issuance
Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Water Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Conditional Use Permit or Variance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Building Expansion Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Hazardous Waste Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Rezoning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Authority to Construct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other Permits (List types)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Sample for Illustrative Purposes Only

5. Of the agencies listed in #4, have you identified and contacted the public agency who will be the lead CEQA agency on the project?

Yes. Provide the name of and contact information for the lead agency.

No. Explain why no contact has been made and/or a proposed process for making contact with the lead agency.

6. Has the public agency prepared environmental documents (e.g., Notice of Exemption, Initial Study/Negative Declaration/Mitigated Negative Declaration, Environmental Impact Report, Notice of Determination) under CEQA for the proposed project?

Yes.

Please complete the following and attach the CEQA document to this worksheet. (For "Not a project," the title of the document may be an e-mail, resolution, or letter.)

Type of Environmental Review	Title of Environmental Document	State Clearinghouse Number	Completion Date	Planned Completion Date (<u>must be before approval of award</u>)
"Not a project"		N/A		N/A
Exempt (Resolution of public agency or Agenda Item approving Exemption)		N/A		N/A
Exempt (Notice of Exemption)		N/A		
Initial Study				

Sample for Illustrative Purposes Only

Type of Environmental Review	Title of Environmental Document	State Clearinghouse Number	Completion Date	Planned Completion Date <u>(must be before approval of award)</u>
Negative Declaration				
Mitigated Negative Declaration				
Notice of Preparation				
Environmental Impact Report				
Master Environmental Impact Report				
Notice of Determination				
NEPA Document (Environmental Assessment, Finding of No Significant Impact, and/or Environmental Impact Statement)				

No. Explain why no document has been prepared. Propose a process for obtaining lead agency approval and estimated date for that approval (must occur before the Energy Commission will approve the award).

Sample for Illustrative Purposes Only

Certification: I certify to the best of my knowledge that the information contained in this worksheet is true and complete. I further certify that I am authorized to complete and sign this form on behalf of the proposing organization.

Name: _____

Title: _____

Signature: _____

Phone Number: _____

Email: _____

Date: _____

SAMPLE

Sample for Illustrative Purposes Only

ATTACHMENT 10

INVOICE INSTRUCTIONS

Refer to Excel Spreadsheet Template

SAMPLE

Sample for Illustrative Purposes Only

ATTACHMENT 11

RESOLUTION

Applicants are required to complete Attachment 11 Resolution for the final application only, if a Resolution is required. Below is one example of a resolution

Example 1: RESOLUTION

At a minimum, we need the following in the authorizing Resolution:

- Brief description of the project.
- Acceptance of award up to \$ (specific dollar amount).
- Authorization of a person, by title, or authorized designee, empowered to execute agreement and all future documents related to this award.
- Resolution approved by your Governing Authority with a signature.