

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 09/10)

CALIFORNIA ENERGY COMMISSION



New Contract Amendment to Existing Contract: 400-07-026 Amendment Number: 2

Division	Contract Manager:	MS-	Phone	CM Training Date
600 Fuels and Transportation Division	Joji Castillo	23	916-653-6471	6/26/08

Contractor's Legal Name	Federal ID Number
Digital Energy, Inc.	77-0543869

Title of Project
Technical Assistance Contract for Planned and Existing Public Agency Facili

Term	Start Date	End Date	Amount
New/Original Contract	03 / 01 / 08	03 / 31 / 11	\$ 2,800,000

Line up the Amendment information as best as possible in the following boxes

Amendment #	End Date (mm/dd/yy)	Amount
2	03/31/12	0

Business Meeting Information			
Proposed Business Meeting Date	1/12/11	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Joji Castillo	Time Needed:	0 minutes

Agenda Item Subject and Description
Possible approval of a one year no-cost time extension to the Digital Energy, Inc. contract, #400-07-026. This will extend the contract to March 31, 2012. This contract provides technical assistance and support to the Energy Commission's Bright Schools, Energy Partnership, and Energy Efficiency Financing Programs

Business Meeting approval is not required for the following types of contracts: <i>Executive Director's signature is required in all cases.</i>
<input type="checkbox"/> Contracts less than \$10k (<i>Policy Committee's signature is also required</i>)
<input type="checkbox"/> Amendment for a no-cost time extension. Must be first extension, less than one year and original contract less than \$100k.
<input type="checkbox"/> Contracts less than \$25k for Expert Witness in Energy Facility licensing cases and amendments.

Purpose of Contract or Purpose of Amendment, if applicable
<p>This amendment consists of a no-cost time extension of one year. This contract provides technical assistance to eligible public entities under the Energy Commission's Bright Schools, Energy Partnership and Energy Efficiency Financing Programs. In general, technical assistance consists of energy audits, studies and reports to identify cost-effective, energy efficient measures and opportunities in planned and existing facilities. The facilities include buildings, streetlights, traffic lights, water/wastewater facilities, etc. In addition, this contract is used to assist local agencies in developing and implementing their energy efficiency projects under the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) Program, State Energy Program (SEP), and/or other ARRA funding solicitations administered by various departments of the federal government.</p> <p>This amendment is needed to ensure that a large number of public agencies can receive assistance through all phases of their energy improvement projects with the same contractor. This is more efficient than getting a new contractor "up to speed" on technical assistance projects that are already being planned and/or implemented. This amendment will allow the Special Projects Office to continue to assist eligible entities to reduce energy use and demand as specified in the Energy Commission's 2008 Integrated Energy Policy Report (IEPR).</p> <p>In addition, a no-cost time extension will allow the continued support of this technical assistance contract without redirecting staff from the management of their current ARRA projects to issue a new Request for Qualifications (RFQ).</p>

**California Environmental Quality Act (CEQA) Compliance**

1. Is Contract considered a "Project" under CEQA?
 Yes: skip to question 2 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 contract involves auditing planned and existing buildings and writing energy studies. The environmental effects, if any, will be positive because if the public agencies implement the recommendations in the studies under this technical assistance contract, they will reduce energy use during peak and non-peak hours.

2. If contract is considered a "Project" under CEQA:

- a) Contract **IS** exempt. (Draft NOE required)

Statutory Exemption. List PRC and/or CCR section number: _____

Categorical Exemption. List CCR section number: _____

Common Sense Exemption. 14 CCR 15061 (b) (3)

Explain reason why contract is exempt under the above section:

- b) Contract **IS NOT** exempt. The Contract Manager needs to consult with the Energy Commission attorney assigned to their division and the Siting Office regarding a possible Initial Study.

Budgets Information

Contract Amount Funded		Breakdown by FY			Funding Sources			
Funding Source	Amount	FY	Amount	Approved ?	Funding Source	FY	Budget List No.	Amount
ARFVTF	\$		\$	Yes	ECAA			\$
ECAA	\$		\$	Yes	Reimbursement			\$
State- ERPA	\$		\$	Yes	Funding Source			\$
Federal	\$		\$	Yes	Funding Source			\$
PIER - E	\$		\$	No	Funding Source			\$
PIER - NG	\$		\$	No	Funding Source			\$
Reimbursement	\$		\$	No	Funding Source			\$
Other	\$		\$	No	Funding Source			\$
TOTAL: \$ 0		TOTAL: \$ 0			TOTAL: \$ 0			
Reimbursement Contract #:					Federal Agreement #:			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Robin Ertel	Name:	Jai Agaram
Address:	128 Auburn Court, Suite 106	Address:	128 Auburn Court, Suite 106
City, State, Zip:	Westlake Village, CA 91362	City, State, Zip:	Westlake Village, CA 91362
Phone/ Fax:	805-374-1777/805-374-1779	Phone/ Fax:	05-374-1777/805-374-1779
E-Mail:	robin@digitalenergy.com	E-Mail:	jagaram@digitalenergy.com

Contractor Is

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

Selection Process Used

- Solicitation RFQ Solicitation #: - -
 Non Competitive Bid (Attach CEC 96)
 Exempt No-cost time extension

Civil Service Considerations

- Not Applicable (Contract is with a CA State Entity or a membership/co-sponsorship)
 Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)



- The Services Contracted:
- are not available within civil service
 - cannot be performed satisfactorily by civil service employees
 - are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.
- The Services are of such an:
- urgent
 - temporary, or
 - occasional nature
- that the delay to implement under civil service would frustrate their very purpose.

Justification:

Engineering consultant has specialized expertise in conducting comprehensive energy audits including providing detailed analysis of HVAC and other mechanical efficiency options.

Payment Method

- A. Reimbursement in arrears based on:
- Itemized Monthly Itemized Quarterly Flat Rate One-time
- B. Advanced Payment
- C. Other, explain:

Retention

1. Is contract subject to retention? No Yes
- If Yes, Do you plan to release retention prior to contract termination? No Yes

Justification of Rates

The original contract was developed through an RFQ process which requires a Reasonable Rate Survey. Staff conducted a survey of several similar companies' hourly rates and was able to verify the reasonableness of the costs.

Disabled Veteran Business Enterprise Program (DVBE)

1. Not Applicable
2. Meets DVBE Requirements DVBE Amount:\$ 84,000 DVBE %: 3%
- Contractor is Certified DVBE
 - Contractor is Subcontracting with a DVBE: Skye Technical Services
3. Requesting DVBE Exemption (attach CEC 95)

Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

- No Yes
- If yes, check appropriate box: SB MB DVBE

Is Contractor subcontracting any services?

- No Yes
- If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or DVBE:
- | | | | | |
|-------------------|-----------------------------|-----------------------------|-----------------------------|-------------------------------|
| see attached list | <input type="checkbox"/> No | <input type="checkbox"/> SB | <input type="checkbox"/> MB | <input type="checkbox"/> DVBE |
| | <input type="checkbox"/> No | <input type="checkbox"/> SB | <input type="checkbox"/> MB | <input type="checkbox"/> DVBE |
| | <input type="checkbox"/> No | <input type="checkbox"/> SB | <input type="checkbox"/> MB | <input type="checkbox"/> DVBE |

Miscellaneous Contract Information

1. Will there be Work Authorizations? No Yes
2. Will there be IT expenditures? No Yes
3. Is the Contractor providing confidential information? No Yes
4. Is the contractor going to purchase equipment? No Yes
5. Check frequency of progress reports
- Monthly Quarterly Other...
6. Will a final report be required? No Yes
7. Is the contract, with amendments, longer than a year? If yes, why? No Yes
- see attached

CONTRACT REQUEST FORM (CRF)



The following items should be attached to this CRF

1. Scope of Work, Attach as Exhibit A.	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
2. Budget Detail, Attach as Exhibit B.	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Attached
3. CEC 96, NCB Request	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
4. CEC 30, Survey of Prior Work	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
5. CEC 95, DVBE Exemption Request	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
6. Draft CEQA Notice of Exemption (NOE)	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
7. Resumes	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached

 Contract Manager Date Office Manager Date Deputy Director Date

The following signatures are only required when contract approval is delegated to the Executive Office and not approved at a Business Meeting.
 See Business Meeting Information Section.

 Presiding Policy Committee Date Associate Policy Committee Date Executive Director Date