

# Exhibit A

## Scope of Work

### Background

The Appliance Energy Efficiency Program is designed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under Public Resources Code Section 25402(c)(1), the California Energy Commission (Energy Commission) is directed to develop, implement, and enforce standards that require either appropriate minimum efficiencies or maximum energy consumption allowances for each category of affected appliance.

The Energy Commission's first set of Appliance Efficiency Regulations (California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608) was adopted November 3, 1976, and the efficiency standards within the Appliance Efficiency Regulations became effective one year later. Since then, these regulations have been updated more than two dozen times, with the most recent amendments adopted in 2004, 2005, 2006, ~~and~~ 2007 and 2009.

Section 1608(d) of the Appliance Efficiency Regulations requires the Energy Commission to periodically inspect appliances sold or offered for sale in the State, to determine whether they conform with energy and water efficiency and design standards, and with the applicable marking requirements.

Section 1608(e) of the Appliance Efficiency Regulations requires the Energy Commission to conduct enforcement testing to ensure that appliances sold or offered for sale in California comply with the standards. Testing results are used as the basis for taking enforcement action against non-complying manufacturers and sellers.

- Upon completion of the initial enforcement test, if the performance of the appliance is no worse than required by the standards and is no worse than certified by the manufacturer, the Energy Commission pays for the test.
- Upon completion of the initial enforcement test, if the performance of the appliance is worse than required by the standards or is worse than is certified by the manufacturer, the manufacturer pays for the test. Additionally, all subsequent testing beyond the initial test is paid for by the manufacturer. The following chart identifies the conditions and who pays for testing and the cost of appliances.

Payment Procedures for Appliance Testing

**Table 1**

For Appliances that <u>are</u> Certified:		
If:	Then: Payment for <b>TEST</b>	Then: Payment for cost of <b>APPLIANCE</b>
• Test fails standards	Manufacturer pays Contractor	Manufacturer pays Contractor
• Test fails reported values	Manufacturer pays Contractor	Manufacturer pays Contractor
• Test meets standards	Energy Commission pays Contractor	Energy Commission pays Contractor
• Test meets reported values	Energy Commission pays Contractor	Energy Commission pays Contractor
For Appliances that are <u>Not</u> Certified		
• Energy Commission notifies manufacturer and if within 60 days the manufacturer does not certify the appliance, Energy Commission will order Contractor to perform test	Manufacturer pays Contractor	Manufacturer pays Contractor

Agreement #400-08-003, Amendment #1

The existing contract is set to end on March 31, 2011. This Amendment #1 extends the contract for two years (to end on March 31, 2013), and adds \$173,394 in FY 2010/2011 ERPA funding.

The new total amount of this amended contract will be \$343,394.

Unexpended funds from the original contract, plus the added funds, will be used for the Contractor to perform additional appliance tests. New tests are ordered at the discretion of the Contract Manager.

The only deliverable date that will change will be the due date of the Draft Summary Report of all testing (Task 5). The new deliverable date will be January 15, 2013.

## **Primary Tasks**

The major categories of work are divided into the following tasks:

**Table 2**

<b>Task</b>	<b>Description of Task</b>
1	Kick-off meeting
2	Progress Reports
3	Acquisition and Purchase of Appliances
4	Testing of Regulated Appliances
5	Summary Report

When a task refers to a deliverable to be reviewed by the Contract Manager, the Contractor will provide the deliverable to the Contract Manager in the version of Microsoft Word (or Microsoft Excel, if appropriate) specified in the following table:

**Table 3**

<b>Type</b>	<b>Name</b>	<b>Version</b>
Desktop Operating System	Windows XP	Service Release 1
Word Processing	Microsoft Word (Office Suite 2007)	
Spreadsheet	Microsoft Excel (Office Suite 2007)	
Presentation	Microsoft PowerPoint (Office Suite 2007)	
Utility	WinZip	8.1
Publishing	Adobe Acrobat	8
Internet Browser	Internet Explorer	7

### **Task 1: Kick-Off Meeting**

Contractor shall attend a “kick-off” meeting at the Energy Commission at a date, time and location set by the Contract Manager to discuss the tasks in the Scope of Work and the administrative requirements of the Agreement.

#### **DUE DATE:**

April 3, 2009

### **Task 2: Progress Reports**

Contractor will provide monthly progress reports by the 15<sup>th</sup> of each month. For any month in which significant work related to the progress report is done, the Contractor may (with e-mail agreement of the Contract Manager) provide more frequent progress reports. These reports will be in a format provided by the Contract Manager.

#### **DELIVERABLES:**

Monthly progress reports

#### **DUE DATES:**

By the 15<sup>th</sup> of each month.

### **Task 3: Acquisition and Purchase of Appliances**

The Contract Manager shall provide written direction to the Contractor about which appliances listed in Table 4 to purchase (not all appliances in Table 4 will actually be purchased). Contractor shall select and purchase the specified number of appliances listed in Table 4 as directed by the Contract Manager to be tested as described in Task 4. For each appliance proposed for purchase, the Contractor shall submit a form titled "Proposed Purchase of [appliance name] Model Number [model number] Manufactured by [manufacturer name]" to the Contract Manager for approval providing the specific details of appliances to be purchased, including appliance category; manufacturer name; brand name; model number; size/capacity (as appropriate); vendor name, address and phone number; price details (including unit cost, tax, shipping, other charges, details if item is on limited-time sale); other vendors contacted (if any). These details will be provided to and approved by the Contract Manager prior to the Contractor acquiring the appliance. After Contract Manager approves the report, Contractor shall purchase the approved appliances.

When the Contractor knows of more than one source selling an appliance to be tested, the Contractor shall contact and identify three sources and purchase the appliance to be tested from the lowest price source.

**Table 4**

<b>Appliance Category</b>	<b>Estimated # of Tests</b>
Ceiling Fans	3
Commercial Convection Ovens	3
Commercial Hot Food Holding Cabinets	3
Commercial Range Tops	3
Commercial Refrigerators/Freezers/Refrigerator-Freezers	3
Computer Room Air-Cooled A/C	3
Computer Room Evaporatively-Cooled A/C	3
Computer Room Glycol-Cooled A/C	3
Computer Room Water-Cooled A/C	3
Consumer Electronics - Compact Audio Products	3
Consumer Electronics - DVD Players & DVD Recorders	3
Consumer Electronics - Televisions	3
Evaporative Coolers	3
Heat Pump Pool Heaters	3
Ice Makers	3
Infrared Heaters (Patio Heaters and non-Patio Heaters)	4
Portable (Spot) Air Conditioners	3
Portable Electric Spas	3
Refrigerated Canned/Bottled Beverage Vending Machines	3
Refrigerators w/o Doors (for beverages)	3
Residential Exhaust Fans	3
Showerheads	12

Torchieres	12
Tub Spout Diverters	10
Under-Cabinet Luminaires	6
Whole House Fans	3
<u>Hot &amp; Cold Water Dispensers</u>	<u>3</u>
<u>Residential Wine Chillers</u>	<u>3</u>
To Be Determined <sup>1</sup>	To Be Determined

If the results of initial testing (shown in Task 4) demonstrates that the tested appliance meets the applicable standard or reported values, the Contractor shall invoice the Energy Commission for cost of the tested appliances<sup>2</sup>. If the results of initial testing (shown in Task 4) demonstrates that the tested appliance fails to meet applicable standards or reported values, or when any subsequent testing is performed, the cost of the appliances will be invoiced by the Contractor to the appliance manufacturer.

**DELIVERABLES:**

“Proposed Appliance Purchase” Forms.

**DUE DATES:**

A Proposed Appliance Purchase Form is due within 10 business days after direction is received from the Contract Manager to purchase the appliance.

**Task 4: Testing of Appliances**

The Contractor shall conduct tests on appliances acquired in Task 3 using the specific editions of the referenced test methods provided in the most recent version of the Appliance Efficiency Regulations document which can be found at: <http://www.energy.ca.gov/appliances/>.

As a testing laboratory, the Contractor must apply to the Energy Commission to be an approved testing laboratory for each of the appliance categories tested under this contract. This application process includes compliance with the requirements found in the Appliance Efficiency Regulations, Section 1603(a)(1)-(5) (inclusive), including requirements that the laboratory:

- (1) has conducted tests using the applicable test method within the previous 12 months<sup>3</sup>;
- (2) agrees to and does interpret and apply the applicable test method set forth in Section 1604 precisely as written;

<sup>1</sup> The Contract Manager may request the Contractor to purchase and test certain state and/or federally regulated appliances that do not appear in Table 4. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission.

<sup>2</sup> See Exhibit B for information on invoicing and payment.

<sup>3</sup> Pursuant to Section 1603(a)(1)-(5) of Title 20, California Code of Regulations the testing lab is allowed to show compliance with this paragraph by referencing the testing done under this contract as the tests conducted “within the previous 12 months.”

- (3) has, and keeps properly calibrated and maintained, all equipment, material, and facilities necessary to apply the applicable test method precisely as written;
- (4) agrees to and does maintain copies of all test reports, and provides any such report to the Executive Director on request, for all basic models that are still in commercial production; and
- (5) agrees to and does allow the Executive Director to witness any test of such an appliance on request, up to once per calendar year for each basic model.

The Contractor shall prepare a test report for each appliance tested. Test reports must:

Follow any formats indicated within the specific test methods referenced in the Appliance Efficiency Regulation; if no test method format is specified, the test report must follow the specifications shown immediately below:

- o summarize the test procedure and detailed calculation and test results for each appliance category, including values as appropriate for calculating energy efficiency or energy consumption;
- o specify what efficiency standards (if appropriate) the specific appliance must meet, as referenced in the Energy Commission's Appliance Efficiency Regulations, and include a statement regarding compliance or non-compliance of each tested appliance to that standard;
- o specify what design standards (if appropriate) the specific appliance must meet, as referenced in the Energy Commission's Appliance Efficiency Regulations, and include a statement regarding compliance or non-compliance of each tested appliance to that standard;
- o include a statement regarding compliance or non-compliance with all appropriate marking provisions referenced in Section 1607 of the Energy Commission's Appliance Efficiency Regulations;
- o include a summary page specifying whether the tested appliance does or does not comply with all necessary requirements of the Energy Commission's Appliance Efficiency Regulations;
- o include all the details necessary to enable the manufacturer to complete the appropriate California Energy Commission appliance data certification form found on the Energy Commission's website at:  
[http://www.energy.ca.gov/appliances/appliance/2007\\_forms\\_instructions\\_labs/](http://www.energy.ca.gov/appliances/appliance/2007_forms_instructions_labs/)  
[http://www.energy.ca.gov/appliances/database/2011\\_forms\\_instructions\\_labs/Generic\\_Test\\_Lab\\_Application.pdf](http://www.energy.ca.gov/appliances/database/2011_forms_instructions_labs/Generic_Test_Lab_Application.pdf)

Each test report provided under the Contract must include specific identification information for each model tested under the Contract, including manufacturer name, address, website, and contact person(s).

**DELIVERABLES:**

1. Application for laboratory approval for each appliance category tested.
2. Test report for each appliance tested.

**DUE DATES:**

Each test report is due within 30 days after completion of the testing.

Application for laboratory approval is due within 30 days after completion of testing of the second appliance of each category referenced in the table shown in Task 4.

**Task 5: Summary Report of All Testing**

After testing of all models of each specific appliance category referenced in table 4 is concluded, the Contractor will submit a preliminary report summarizing all testing performed to the Contract Manager for approval. This report will include a summary table of all the appliances tested and the Contractor's analysis of any deficiencies inherent in the specific test method, with related recommendations for improvement (if any). If the Contractor's analysis determines that there are no deficiencies inherent in the specific test method, the report for that specific appliance category's test method must state that conclusion.

When all testing of all appliances has been completed, the Contractor will provide a Draft Summary Report of All Testing, summarizing all testing completed, including the information shown in the preliminary reports summarizing the testing of all the models for each specific appliance category.

After review by the Contract Manager of the Draft Summary Report of All Testing, the Contractor will incorporate the Contract Manager's comments and changes into the Final Summary Report of All Testing.

**DELIVERABLES:**

1. Preliminary report after completion of the testing for all models of each appliance category, summarizing that testing, including Contractor's analysis of any deficiencies inherent in the specific test method(s) and related recommendations for improvement (if any; if none, so state)
2. Draft Summary Report of All Testing summarizing all testing completed
3. Final Summary Report of All Testing incorporating the Contract Manager's comments and suggested changes

**DUE DATES:**

Each preliminary report summarizing the results of each appliance category tested is due within 60 days of the completion of testing for each specific appliance category tested. Draft Summary Report of All Testing is due no later than ~~January 15, 2011~~ January 15, 2013. Final Summary Report of All Testing is due 30 days after the Contractor receives final comments from the Contract Manager.