STATE OF CALIFORNIA

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 09/10) CALIFORNIA ENERGY COMMISSION

☐ New Contract ☒ Amendment to Existing Contract: 400-08-003 Amendment Number: 1

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Tovah Ealey	25	916-651-3003	11/14/07

Contractor's Legal Name	Federal ID Number
BR Laboratories, Inc	-

Title of Project
Appliance Standards Enforcement Testing

Term	Start Date	End Date	Amount
New/Original Contract	4 / 1 / 09	3 / 31 / 11	$ 170,000

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

Amendment #	End Date *(mm/dd/yy)*	Amount
1	3/31/13	$173,394

Business Meeting Information			
Proposed Business Meeting Date	1/26/11	☐ Consent	☒ Discussion
Business Meeting Presenter	Tovah Ealey	Time Needed:	10 minutes

Agenda Item Subject and Description

Possible approval of an extension, by two years, of an existing two year $170,000 contract with BR Laboratories, Inc.

Business Meeting approval is not required for the following types of contracts: *Executive Director's signature is required in all cases.*

☐ Contracts less than $10k *(Policy Committee's signature is also required)*

☐ Amendment for a no-cost time extension. Must be first extension, less than one year and original contract less than $100k.

☐ Contracts less than $25k for Expert Witness in Energy Facility licensing cases and amendments.

Purpose of Contract or Purpose of Amendment, if applicable

Purpose of the amendment is to allow the contractor to continue the Appliance Standards Enforcement testing of Title 20-regulated appliances listed in the current contract.

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 the contract will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because contract involves appliance testing and research work.
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	$		$	No	Funding Source			$
ECAA	$		$	No	Funding Source			$
State- ERPA	$173,394	10/11	$173,394	Yes	State - ERPA	10/11	400.004	$173,394
Federal	$		$	No	Funding Source			$
PIER - E	$		$	No	Funding Source			$
PIER - NG	$		$	No	Funding Source			$
Reimbursement	$		$	No	Funding Source			$
Other	$		$	No	Funding Source			$
TOTAL:	$173,394	TOTAL:	$173,394				TOTAL:	$173,394
Reimbursement Contract #:					Federal Agreement #:			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Bodh Subherwal	Name:	Bodh Subherwal
Address:	15161 Triton Lane, P.O. Box 1249	Address:	15161 Triton Lane, P.O. Box 1249
City, State, Zip:	Huntington Beach, CA 92647	City, State, Zip:	Huntington Beach, CA 92647
Phone/ Fax:	(714) 891-0206 / (714) 893-0816 fax	Phone/ Fax:	(714) 891-0206 / (714) 893-0816 fax
E-Mail:	bsbrli@aol.com	E-Mail:	bsbrli@aol.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 — Select Solicitation Type — Solicitation #: - -
☒ Non Competitive Bid *(Attach CEC 96)*
☐ Exempt — Select Exemption (see instructions)

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:
BR Laboratories is the only California test lab approved to test the widest variety of Title 20- regulated appliances. The testing of the 26 regulated appliance types is a specialized field, requiring knowledge of unique test methods specific to a broad range of appliance types. The Commission does not maintain its own testing facilities; nor are there any state-operated facilities with whom the Commission could contract.

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

We have previously contracted with this company, and they proposed to charge a flat rate for testing (per appliance type), and are proposing only a 3% increase in testing and labor costs over their current contract costs. We believe that this is reasonable.

Disabled Veteran Business Enterprise Program (DVBE)

1. ☒ Not Applicable
2. ☐ Meets DVBE Requirements DVBE Amount:$ _____ DVBE %: _____
   - ☐ Contractor is Certified DVBE
   - ☐ Contractor is Subcontracting with a DVBE: _____
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:		
	☐ No ☐ SB ☐ MB	☐ DVBE
	☐ No ☐ SB ☐ MB	☐ DVBE
	☐ No ☐ SB ☐ MB	☐ 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

The following items should be attached to this CRF		
1. Scope of Work, Attach as Exhibit A.	☐ N/A	☒ Attached
2. Budget Detail, Attach as Exhibit B.	☐ N/A	☒ Attached
3. CEC 96, NCB Request	☐ N/A	☒ Attached
4. CEC 30, Survey of Prior Work	☐ N/A	☒ Attached
5. CEC 95, DVBE Exemption Request	☐ N/A	☒ Attached
6. Draft CEQA Notice of Exemption (NOE)	☒ N/A	☐ Attached
7. Resumes	☒ N/A	☐ 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