

Amended EXHIBIT A SCOPE OF WORK

PURPOSE

The purposes of this Agreement are to:

1. Improve the efficiencies of the Energy Commission's New Solar Homes Partnership (NSHP) by bringing the applicants in direct contact with their utility companies and utilizing the inherent synergies already in place between the utilities and their service area customers.
2. Bring together the processing of solar incentives and the energy efficiency incentives for builders of residential homes under one administrator within each utility company service area for improved administrative efficiency and superior customer service.
3. Form a team between the utility companies participating in the NSHP and the Energy Commission that will help create a self-sustaining market for solar homes where builders incorporate high levels of energy efficiency and high performing solar systems.

BACKGROUND

The NSHP was established in January 2007 as part of a comprehensive, statewide solar program known as the California Solar Initiative (CSI), which is jointly overseen by the Energy Commission and the California Public Utilities Commission (CPUC). The Energy Commission is solely responsible for the NSHP portion of the CSI. These responsibilities include but are not limited to maintaining and updating the NSHP Guidebook, PV Calculator maintenance, consumer outreach, technical support and maintenance of the NSHP web-based system, equipment certification, field verification protocol, retailer registration and others. The NSHP provides financial incentives as well as support activities and resources for installation of eligible solar photovoltaic systems. Such systems must be placed on energy efficient new residential buildings that receive electricity from specified utility companies.

COORDINATION WITH ~~MEDIA~~, MARKETING, AND OUTREACH EFFORTS

The Energy Commission has entered into contracts for ~~media~~, NSHP marketing, and outreach efforts associated with the NSHP. The Contractor shall coordinate activities with the Energy Commission's ~~Media and Public Communications Office~~ Consumer Education Program staff where possible.

TASK 1 Application and Payment Claim Review

The objective of this task is to process applications including payment claims submitted for NSHP funding. The Contractor shall be responsible for all NSHP applications of projects located within the Contractor's service area. The Contractor shall determine the completeness and accuracy of the submitted information and communicate with applicants when necessary for clarification and to request additional information as needed.

The Energy Commission has developed a web-based system that allows NSHP applicants to apply to the program by directly entering information via the web. A chart of the process is contained in Exhibit G.

Prior to approving reservations, the Contractor shall confirm that submitted information from NSHP applicants conforms to the requirements of the appropriate NSHP Guidebook edition and a "plan check"¹ has been completed and approved. When conducting a plan-check, the Contractor is expected to verify that the information on the Certificate of Compliance Form (CF-1R/~~PERF-1~~) matches the data on the electronic input file and is consistent with the information illustrated on the construction plan-set. In the event of uncertainty or inconsistency, the Contractor shall contact the applicant or the applicant's agent for clarification on the information provided. Once all of the information is confirmed accurate and complete, the plan-check is complete. The Contractor shall upload the ~~information~~electronic input files from the CF-1R/~~PERF-1~~ and CF-1R-PV (Certificate of Compliance Form produced by the NSHP CECPV Calculator) to the appropriate Home Energy Rating System (HERS) registry once a HERS rater has been identified for the project. The Contractor will be compensated for the expenses associated with the uploading of projects to the HERS Registry in accordance with the invoicing procedures of Exhibit B.

If requested by the Contractor, the Energy Commission will move batchloads of the information from the web-based system to the Contractor's designated data backup service as agreed upon between the parties. The Energy Commission will provide the Contractor backup information for the applicants within its territory and general information, as determined by the Energy Commission, for the other applicants statewide.

The Contractor is responsible for the following, including, but not limited to:

- Utilizing the Energy Commission's web-based system to receive application and payment documents. Applicants who do not utilize the web-based system may submit information by postal mail. In either event, the Contractor will require the applicant to submit a Payment Claim Form (NSHP-2) with wet signatures. For applications received by postal mail, the Contractor must scan and/or manually input the data into the web-based data system.
- Reviewing applications for completeness and accuracy. The Contractor must respond to applicants within 30 calendar days of the submission of reservation documentation on whether the applicant's reservation is approved, missing required information, lacking clarity or accuracy, or rejected. The Contractor shall issue correction notifications to applicants who are missing required information or whose submitted information lacks clarity or accuracy. The Contractor shall provide a rejection notification and all associated reservation documentation to each applicant whose reservation it rejects. The Contractor shall determine whether to approve or reject an application or seek additional information from an applicant in accordance with the appropriate NSHP Guidebook edition and requirements of the Contractor's energy efficiency new construction program.
- Notifying the Energy Commission that an application meets the NSHP Guidebook requirements by submitting to the Energy Commission for approval using the web-based system. When the information has been verified to be complete and accurate, the Energy Commission will ~~review~~ approve the application. The Energy Commission will attempt, but cannot guarantee, to review and approve the reservation applications within an average of three (3) business days of receiving the web-based notifications. In the event of uncertainty, the Energy Commission will work with the Contractor to fix the lack of completeness and/or accuracy of the information provided. The Contractor shall not approve an application prior to Energy Commission approval. The Contractor shall provide the appropriate payment information to applicants whose reservations are approved.

¹ NSHP "Plan check" requirements are referenced in the NSHP Guidebook and must be in accordance with the participating Investor Owned Utility's energy efficiency new construction program requirements.

- Reviewing any revised information after an application has been approved and determining whether the project still meets NSHP program eligibility and requirements. The Contractor shall confirm that any changes from the original application are included in the web-based system.
- Reviewing, when applicable, an applicant's ~~Six-Month Reservation Update package (NSHP 1.6) and subsequent status checks to be informed of any changes made to the project.~~ Per the Energy Commission's direction on reviewing status checks, The Contractor shall confirm that the application remains eligible for the NSHP and that any changes from the original application are included in the web-based system.
- Reviewing the payment claim information for completeness and accuracy, and reviewing the field inspection report submitted by a third party inspector. The parties agree that Contractor has no responsibility for the accuracy of the field inspection report, and Contractor is entitled to rely upon the field inspection report, without any due diligence required by Contractor, in its approval or rejection of the applicant's payment claim. The Contractor must respond to applicants within 30 calendar days of the submission of complete payment claim information on whether the applicant's payment claim is approved, missing required information, lacking clarity or accuracy, or rejected. The Contractor shall issue correction notifications to applicants who are missing required information or whose submitted information lacks clarity or accuracy. The Contractor shall provide a rejection notification and all associated documentation to each applicant whose payment claim it rejects. The Contractor shall determine whether to approve or reject a payment claim or seek additional information from an applicant in accordance with the appropriate NSHP Guidebook edition.
- Notifying the Energy Commission that an applicant's payment claim meets the NSHP Guidebook requirements by submitting the payment claim to the Energy Commission for approval, ~~the applicant's original Payee Data Record (STD-204) and Rebate Claim Form (NSHP-2) and~~ using the web-based system. The Energy Commission will attempt, but cannot guarantee, to review the payment claim information ~~agrees that,~~ within an average of three (3) business days of receiving the STD-204, NSHP-2 and the web-based notifications, ~~to review the payment claim information.~~ In the event of uncertainty, the Energy Commission will work with the Contractor to fix the lack of completeness and/or accuracy of the information provided. When the information has been verified to be complete and accurate, the Contractor will mail the applicant's Rebate Claim Form (NSHP-2) and Payee Data Record (STD-204) to the Energy Commission within three (3) business days of receiving the payment approval notification from the Energy Commission. Once the Energy Commission receives the applicant's NSHP-2 and STD-204, the Energy Commission will request that the State Controller's Office pay the rebate to the recipient designated in the application material. In contrast, all of the Contractor's non-rebate costs under this Agreement will be paid monthly in arrears pursuant to the Agreement's terms and conditions (see for example, Exhibit B, Budget Detail and Payment Provision).
- Maintaining control over its access to the web-based system. The Contractor shall not provide access to the Energy Commission's web-based system, other than applicants' access to their own information, to any third party without prior written approval from the Contract Manager.

Deliverable and Due Dates:

- Notify the Energy Commission of application and payment review using the web-based system.
- Originals of the Payee Data Records (STD-204) and the Rebate Payment Claim Form (NSHP-2).

- Activities from this Task will be reported in the Monthly Progress Reports (Task 4).

TASK 2 Treatment of Special Cases

Special cases are defined as processing scenarios where the NSHP Guidebook does not clearly identify eligibility requirements or procedures to address the situation. The objective of this task is for the Contractor to identify special cases and communicate them to the Contract Manager immediately for guidance and resolution.

The Contractor is responsible for the following, including, but not limited to:

- Following the eligibility requirements and procedures as stated in the NSHP Guidebook (current and all subsequent Guidebook editions).
- Communicating with the Contract Manager in a timely manner by phone or email on cases that are deemed by the Contractor to be special cases.
- Sending information regarding special cases to the Contract Manager to determine the appropriate resolution.
- Assisting in facilitating a resolution to cases as directed by the Contract Manager.
- Inputting results of resolution of special cases into the web-based system.
- The Energy Commission agrees to work on special cases in a timely manner.

Deliverables and Due Dates: (None for this Task)

TASK 3 Program Support

The objective of this task is to allow the general public, applicants, and parties working with applicants to have contact with Contractor staff who have NSHP program knowledge. Throughout the Agreement's term, upon request, the Contractor will provide NSHP program information to individuals through various communication methods (phone, fax, email, etc.). The Contractor shall function as an information clearing house for application processing and payment-claim inquiries on application processing status and the NSHP. The Contractor will direct inquiries that they do not have information on to appropriate parties, including the Energy Commission, if known.

The Contractor is responsible for the following, including, but not limited to:

- Responding to public inquiries regarding the NSHP and application processing status sent to the Contractor via faxes, emails, phone calls and phone messages. Phone messages, emails, and faxes should be responded to within two (2) business days.
- Directing unanswered questions to other entities that are best able to provide knowledge on the requested subject matter.
- Immediately directing any requests under the California Public Records Act (CPRA) for NSHP information or documents to the Energy Commission's webpage that provides information on how to make a CPRA request to the Energy Commission (currently http://www.energy.ca.gov/public_records/index.html) and to the Contract Manager. All CPRA requests shall be forwarded to the Energy Commission for responses. The Contractor shall reasonably assist Energy Commission staff in the response to the extent that Contractor is in possession of data that the Energy Commission has a legal right to obtain or to disclose pursuant to the terms of Exhibit D of this Agreement but that it does not have direct access to (e.g., paper copies of applications that have not been scanned or otherwise electronically placed in the web-based system). Contractor shall not have any obligation to locate or provide proprietary data (as defined in Exhibit D of this Agreement) in response to a CPRA request.

The Energy Commission will notify the Contractor in advance of any proposed changes to NSHP Guidebook, PV Calculator, new releases of the NSHP web-based system, and changes to incentive application approval and payment processes. Contractor will be notified of these changes via direct email, notification through the applicable list servers the Energy Commission maintains, phone, and/or a statewide working group meeting.

Deliverables and Due Dates:

- Report on the volume and subject matter of inquiries in the Monthly Progress Reports (Task 4)

TASK 4 Reporting

The objective of this task is to monitor the Contractor's progress.

The Energy Commission shall provide public notice when there will be a change in rebate incentive levels as indicated in the current version of the New Solar Homes Partnership Guidebook and subsequent editions.

The Contractor is responsible for the following, including, but not limited to:

- Responding to information requests or direction from the Contract Manager via email or telephone as directed by the Contract Manager.
- Attending program support and project-related development meetings or telephone conferences regarding project management and administration issues.
- Preparing and submitting Monthly Progress Reports to the Contract Manager. Each report will be submitted no later than the 15th of the month following the end of the previous month reporting period; provided, if the 15th is a non business day, then Contractor shall submit the Monthly Progress Report on the next business day following the 15th, in a format provided by the Contract Manager. Monthly Progress Reports will summarize all contract activities conducted by the Contractor in the applicable month including expenditures to date. The Contractor will submit the Monthly Progress Reports to coincide with and accompany monthly invoices. The Contract Manager will specify the number of copies to be submitted.
- Preparing and submitting End of Fiscal Year Reports. The Contractor shall submit this report by July 31, 2008, and subsequent ones by July 31, ~~of 2009 and July 31, 2010, 2011, and 2012.~~ The reports will describe the activities to date over the course of the Contractor's administration of the NSHP for each prior fiscal year. Format for this report will be determined by the Contractor. After each report is approved by the Commission Contract Manager, the Contractor can submit an invoice for the Retention (see Exhibit B, #4) withheld from invoices for work done for each prior fiscal year (i.e., between the start of the Agreement and June 30, 2008 for the first; July 1, 2008 through June 30, 2009 for the second one; and July 1, ~~2009~~ through June 30, ~~2010~~ for ~~the last one~~ all subsequent fiscal years up to 2012). The Contractor can submit an invoice for the Retention withheld for the last fiscal year of the Agreement upon completion and approval of the Final Report.
- Preparing and submitting a Draft Final Report to the Contract Manager for approval at least 90 calendar days prior to the end date of the Agreement and in a format provided by the Contract Manager. Upon approval of the Draft Final Report, the Contractor shall meet with the Contract Manager to present the findings, conclusions, and recommendations. The Contractor shall submit the Final Report by the later of 60 calendar days prior to the end date of the Agreement or 10 calendar days from Contract Manager's delivery of the approved Draft Final Report. Format of the Final Report will be determined by the Contractor.

Deliverables and Due Dates:

- Monthly Progress Reports due monthly, 15 calendar days following the end of the reporting period
- End of Fiscal Year Reports ~~-('07-'08, '08-'09, '09-'10, '10-'11, '11-'12 (Contractor already submitted this deliverable)~~
- ~~End of Fiscal Year Report ('08-'09)~~
- ~~End of Fiscal Year Report ('09-'10)~~
- Draft Final Report due 90 calendar days prior to the end date of the Agreement
- Final Report due on the later of 60 calendar days prior to the end date of the Agreement or 10 calendar days following the Contract Manager's delivery of the approved Draft Final Report

TASK 5 Training and Outreach

The objective of this task is to provide the Contractor funding for NSHP training workshop and outreach expenses. Throughout the Agreement term, training workshops and outreach opportunities will take place as suggested by the Contractor and Energy Commission staff and approved by the Energy Commission Contract Manager. Training workshops are defined as events the Contractor coordinates and educates NSHP stakeholders on NSHP program eligibility, requirements, tools, application process, and any other program-related information. Outreach is defined as events the Contractor is attending to inform NSHP stakeholders on the NSHP program. Expenses for ~~this training~~ these activities cannot exceed the dollar amount specified in the Contract Budget Detail. The Contractor shall coordinate activities with the Energy Commission's Media and Public Communications Office Consumer Education Program staff where possible.

The Contractor is responsible for the following, including, but not limited to:

- Receiving written approval from the Energy Commission Contract Manager in advance of any training event for which the Contractor will invoice the Energy Commission for training expenses. Contractor shall include as part of its request the purpose, location, and anticipated costs of the training event. The Energy Commission is under no obligation to pay the Contractor for training the event unless the Contractor obtains written approval from the Energy Commission Contract Manager before the training event.
- Invoicing the Energy Commission for pre-approved training expenses in accordance with the Budget Detail and Agreement terms. The Energy Commission is under no obligation to pay for any training expenses beyond the amount listed for training in the Budget Detail.

If the training event is pre-approved by the Energy Commission Contract Manager, the Energy Commission will pay certain travel and per diem expenses of Contractor's employees and any subcontractor employees in accordance with Exhibit B, Section 3. However, the Energy Commission will not reimburse the Contractor for providing food, beverage, or any sort of snacks or dining at an training event.

Deliverables and Due Dates:

- Written approval from the Energy Commission Contract Manager for training expenses prior to the training an event. (Ongoing)
- Invoices for training expenses in accordance with the terms and conditions of this contract. (Ongoing)