

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION


 New Contract - - Amendment to Existing Contract: 400-07-026 Amendment Number: 3

| 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 Facilities |

| Term | Start Date | End Date | Amount |
|-----------------------|--------------|--------------|--------------|
| New/Original Contract | 03 / 01 / 08 | 03 / 31 / 12 | \$ 2,800,000 |

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

| Amendment # | End Date (mm/dd/yy) | Amount |
|-------------|---------------------|--------|
| 3 | 03/31/13 | 0 |

| Business Meeting Information | | | |
|--------------------------------|---------------|---|-------------------------------------|
| Proposed Business Meeting Date | 8/24/11 | <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 amendment #3 to contract 400-07-026 with Digital Energy, Inc. for a one year no-cost time extension. This amendment will extend the term of the contract to March 31, 2013. 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: *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 |
|---|
| <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 2009 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 the 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 | | | \$ |
| RRTF | | | | No | Funding Source | | | \$ |
| Other: | | | | No | Other: | | | \$ |
| TOTAL: | | | | 0 | TOTAL: \$0 | | | |
| Reimbursement | | | | | 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: | 805-374-1777/805-374-1779 |
| 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 Select Type Solicitation #: _____ - _____ # of Bids: _____ Low Bid? No Yes
 Non Competitive Bid (Attach CEC 96)
 Exempt Amendment to AE, Title 20 CCR 2566.b



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: JL Skye Inc.

3. Contractor selected through CMAS or MSA with no DVBE participation.

4. 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 No SB MB DVBE

_____ No SB MB DVBE

_____ No SB MB DVBE

Miscellaneous Contract Information

1. Will there be Work Authorizations? No Yes

2. Is the Contractor providing confidential information? No Yes

3. Is the contractor going to purchase equipment? No Yes

4. Check frequency of progress reports

- Monthly Quarterly Other...

5. Will a final report be required? No Yes

6. 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 |
| 8. CEC 105, Questionnaire for Identifying Conflicts | | <input checked="" type="checkbox"/> Attached |
| 9. CEC 106, IT Component Reporting Form | | <input checked="" 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