

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 1/11)

CALIFORNIA ENERGY COMMISSION


 New Contract - -  Amendment to Existing Contract: 400-09-014 Amendment Number: 2

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Gabriel D. Taylor	25	916-654-4482	6/26/08

Contractor's Legal Name	Federal ID Number
Portland Energy Conservation, Inc. (PECI)	93-0770824

Title of Project
EnergySmart Jobs

Term	Start Date	End Date	Amount
New/Original Contract	6 / 30 / 10	3 / 31 / 12	\$ 18,808,717

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	11/30/11	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Gabriel Taylor	Time Needed:	5 minutes

#### Agenda Item Subject and Description

EnergySmart Jobs (ESJ) program funding reallocation: This is a no-cost request to shift funding between tasks within the ESJ program budget. The ESJ program has exceeded their performance expectations, and has expended all incentive funds ahead of schedule. This has resulted in a small excess in the administrative portion of the budget, which the program would like to shift over to the incentive task so that it can be used to fund additional projects.

**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

The EnergySmart Jobs program (ESJ) focuses on both job creation and energy efficiency. ESJ has trained 112 California Conservation Corps Members to serve on Energy Efficiency Survey Teams. These teams have conducted approximately 5500 initial lighting and refrigeration efficiency surveys at grocery stores and mini-marts, and will continue to conduct surveys as long as funding allows. The survey teams upload the data they collect to a central database that is accessible to participating energy services contracting companies (contractors).

Based on the initial surveys, contractors select stores for energy efficiency equipment retrofits. Once the retrofits are complete, the survey teams return to at least 50% of the sites for a post install check. Once the retrofits check out, ESJ pays a portion of the retrofit costs as rebates to the store owner. ESJ has and will continue to coordinate with local utilities to further buy down the cost of recommended retrofits, and to ensure that the program and utilities do not double incent a project. As of August 31, 2011, the program has secured approximately \$2.6 million of match funding.

The job creation comes from the training provided by the ESJ program to both CCC team members and to participating contractors, the efficiency surveys provided by the CCC surveyors, and the energy efficiency retrofits carried out by participating contractors. Further, participating contractors are encouraged to hire the trained CCC surveyors as full time staff, and the program then trains more CCC members.

The success rate of the surveys has been significantly higher than originally projected. Of the approximately 5500 projects surveyed, over 3000 have applied for retrofit funds. As of June 2011, the program had fully committed over 99% of the \$9,549,282 of incentive funding in the original budget, and continues to maintain a substantial queue of additional potential projects.

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**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 \_\_\_\_\_.

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: Sections 15301, 15302, 15306, 15308, 15309, and 15322

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

Explain reason why contract is exempt under the above section:

Contract will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because contract involves installing energy conserving measures in grocery stores and other retail stores with refrigeration systems.

- 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	\$		\$	No	Funding Source			\$
Federal	\$		\$	No	Funding Source			\$
PIER - E	\$		\$	No	Funding Source			\$
PIER - NG	\$		\$	No	Funding Source			\$
Reimbursement	\$		\$	No	Funding Source			\$
RRTF	\$		\$	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:	Robert Bitman	Name:	Patrice Flynn
Address:	100 California Street Suite 1320	Address:	100 SW Main Street Suite 1600
City, State, Zip:	San Francisco, CA 94111	City, State, Zip:	Portland, OR 97204
Phone/ Fax:	(415) 848-1273	Phone/ Fax:	(503) 961-6131
E-Mail:	rbitman@peci.org	E-Mail:	pflynn@peci.org

**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      RFP      Solicitation #: 400-09-014  
 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)

**CONTRACT REQUEST FORM (CRF)**



- 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:**

**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 contract was awarded from a RFP that judged based upon cost score.

**Disabled Veteran Business Enterprise Program (DVBE)**

- 1.  Not Applicable
- 2.  Meets DVBE Requirements DVBE Amount:\$ 669,262 - 774,262 DVBE %: 3%
  - Contractor is Certified DVBE
  - Contractor is Subcontracting with a DVBE: Gilbert Associates, Inc.
- 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:
- Gilbert Associates, Inc.  No  SB  MB  DVBE
- Aztec Energy Partners  No  SB  MB  DVBE
- Motus Recruiting and Staffing  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
  - 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 term of the contract conforms to the term of the American Recovery and Reinvestment Act (ARRA).

# 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

**Recommended update - Shift to Incentive Funding**

**Summary**

2.12 INCTV FUND (Incentives - Funding through re-balancing budget)	\$662,906
2.12 Incentive Funding - Program labor	\$180,000
Program labor - various tasks	(\$475,400)
Program directs - various tasks	(\$123,000)
Sub-Contractor - Forecasted unspent	(\$244,506)
	<hr/>
	\$0

**Task Detail**

**Net Impact**

1.1 PROGRESS RPT	(\$25,000)
1.7 ID MTCH FUND	(\$5,900)
2.2 IMPLMNT PLN	(\$18,500)
2.4 TRNG MATRLS	(\$44,000)
2.5 PR-MRK-O/R	(\$60,000)
2.6 WRKFRCE DEV	(\$155,000)
2.8 MSR AUDT/DI	(\$145,000)
2.9 INSTL RETRF	(\$115,000)
2.11 VERFY SVNG	(\$30,000)
2.12 INCTV FUND (Labor)	\$ 180,000.00
	<hr/>
<b>PECI Budget Update - Subtotal</b>	<b>(\$418,400)</b>

2.12 INCTV FUND (Finance charges)	\$20,000
2.12 INCTV FUND (Incentives - reallocation)	\$ 642,906.00
	<hr/>
<b>Incentive Budget Update - Subtotal</b>	<b>\$662,906</b>

2.4 Community Colleges	(\$5,832)
2.12 Gilbert Associates	\$351,326
2.1 Gilbert Associates (Shift to 2.12 task)	(\$351,326)
2.1 Gilbert Associates (shift to incentives)	(\$173,674)
2.6 Community Colleges	(\$65,000)
2.8 CCC	\$8,000
2.11 CCC	(\$8,000)
	<hr/>
<b>ESJ Subcontractor Budget Update - Subtotal</b>	<b>(\$244,506)</b>

**Total Budget Impact** **\$0**

**Recommended update - Shift to Incentive Funding**

Shift within existing budget for labor tasks and sub-contractor budgets as detailed below:

**Summary**

2.12 INCTV FUND (Incentives - Funding through re-balancing budget)		<b>\$662,906</b>
Incentives	\$642,906	
Finance Charges	\$20,000	
2.12 Incentive Funding - Program labor		<b>\$180,000</b>
Program labor - various tasks		<b>(\$475,400)</b>
Program directs - various tasks		<b>(\$123,000)</b>
Sub-Contractor - Forecasted unspent		<b>(\$244,506)</b>
		<b>\$0</b>

<b>Task Detail</b>	<b><u>Update</u></b> <b><u>Labor</u></b>	<b><u>Update</u></b> <b><u>Directs</u></b>	<b>Net Impact</b>
1.1 PROGRESS RPT	(\$25,000)		(\$25,000)
1.7 ID MTCH FUND	(\$5,900)		(\$5,900)
2.2 IMPLMNT PLN	(\$18,500)		(\$18,500)
2.4 TRNG MATRLS	(\$41,000)	(\$3,000)	(\$44,000)
2.5 PR-MRK-O/R	(\$25,000)	(\$35,000)	(\$60,000)
2.6 WRKFRCE DEV	(\$145,000)	(\$10,000)	(\$155,000)
2.8 MSR AUDT/DI	(\$70,000)	(\$75,000)	(\$145,000)
Travel		(\$25,000)	
Miscellaneous		(\$50,000)	
2.9 INSTL RETRF	(\$115,000)		(\$115,000)
2.11 VERFY SVNG	(\$30,000)		(\$30,000)
2.12 INCTV FUND (Labor )	<b>\$180,000</b>		\$ 180,000.00
<b>PECI Budget Update - Subtotal</b>	<b>(\$295,400)</b>	<b>(\$123,000)</b>	<b>(\$418,400)</b>
2.12 INCTV FUND (Finance charges)		<b>\$20,000</b>	\$20,000
2.12 INCTV FUND (Incentives - reallocation)		<b>\$642,906</b>	\$ 642,906.00
<b>Incentive Budget Update - Subtotal</b>	<b>\$0</b>	<b>\$662,906</b>	<b>\$662,906</b>
2.4 Community Colleges		<b>(\$5,832)</b>	(\$5,832)
2.12 Gilbert Associates		<b>\$351,326</b>	\$351,326
2.1 Gilbert Associates (Shift to 2.12 task)		<b>(\$351,326)</b>	(\$351,326)
2.1 Gilbert Associates (shift to incentives)		<b>(\$173,674)</b>	(\$173,674)
2.6 Community Colleges		<b>(\$65,000)</b>	(\$65,000)
2.8 CCC		<b>\$8,000</b>	\$8,000
2.11 CCC		<b>(\$8,000)</b>	(\$8,000)
<b>ESJ Subcontractor Budget Update - Subtotal</b>	<b>\$0</b>	<b>(\$244,506)</b>	<b>(\$244,506)</b>
<b>Total Budget Impact</b>	<b>(\$295,400)</b>	<b>\$295,400</b>	<b>\$0</b>

400-09-14 EnergySmart Jobs Budget Update Request November, 2011

The requested update consists of:

- Shifts of multiple Program labor and direct expense tasks: to Incentive Funding Mechanism (2.12)
- Sub-contractor expense budget adjustments

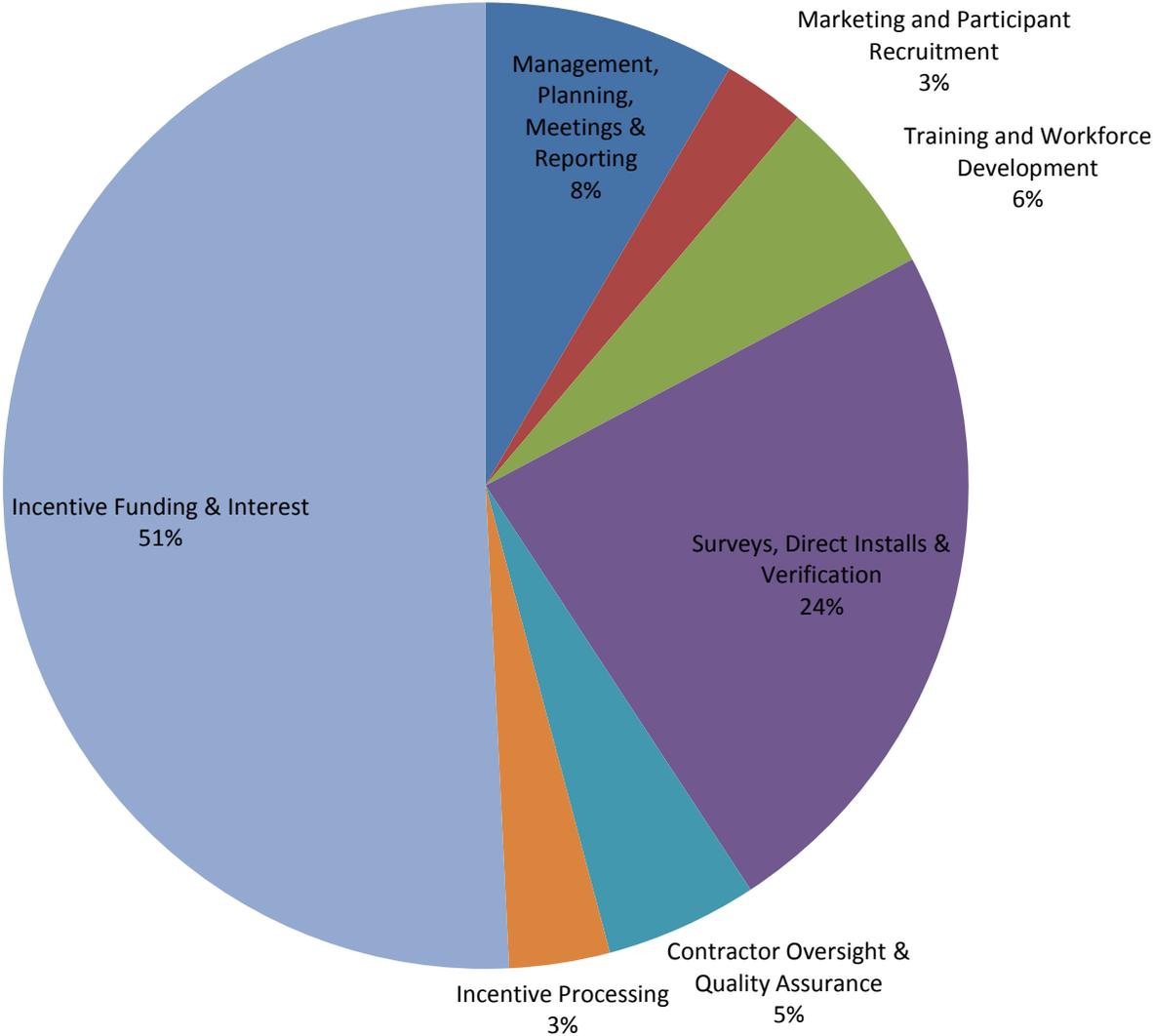
Budget Tasks	Original Budget	Update	Approved 11/2010	Requested Update 3/2011	Approved 6/2011	Requested Update 11/2011	Recommended Budget 11/2011	Details
<b>Admin Expenses</b>	1.1%						0.9%	
<b>Task</b>								
1.1 Attend Kick-off Meeting	\$5,514	\$195	\$5,709	(\$1,000)	\$4,709	\$0	\$4,709	
1.2 CPR Meetings	\$16,738	\$0	\$16,738	\$0	\$16,738	\$0	\$16,738	
1.3 Final Meeting	\$5,514	\$0	\$5,514	\$0	\$5,514	\$0	\$5,514	
1.4 Monthly Progress Reports	\$151,356	\$0	\$151,356	\$0	\$151,356	(\$25,000)	\$126,356	
1.7 Identify and Obtain Leverage Funds	\$26,109	\$0	\$26,109	\$0	\$26,109	(\$5,900)	\$20,209	
2.1 Program Management	\$991,877	\$0	\$991,877	\$351,300	\$1,343,177	(\$525,000)	\$818,177	Shift in Gilbert Associates budget tasks - updated Program Scope of Work to assist in processing and reviewing incentives
2.2 Implementation Plan	\$215,381	\$0	\$215,381	\$0	\$215,381	(\$18,500)	\$196,881	
2.3 Implement Incentive Processing Structure	\$6,925	\$0	\$6,925	(\$300)	\$6,625	\$0	\$6,625	
2.4 Finalize and Package Training Curricula	\$201,579	\$4,300	\$205,879	(\$40,000)	\$165,879	(\$49,832)	\$116,048	
2.5 Build PR and Market Outreach Components	\$425,750	\$5,500	\$431,250	\$30,000	\$461,250	(\$60,000)	\$401,250	
2.6 Workforce Development	\$936,146	\$0	\$936,146	(\$200,000)	\$736,146	(\$220,000)	\$516,146	Program has largely satisfied the Contractor and surveyor training Program component
2.7 Participant (Owner) Recruitment	\$94,977	\$0	\$94,977	\$0	\$94,977	\$0	\$94,977	
2.8 Targeted Measure Audits & Direct Retrofit Installations	\$3,027,993	(\$9,995)	\$3,017,998	(\$140,000)	\$2,877,998	(\$137,000)	\$2,740,998	Actual labor and expenses are lower than original forecast
2.9 Installation Contractor Retrofits	\$772,806	\$0	\$772,806	\$0	\$772,806	(\$115,000)	\$657,806	
2.10 Retrofit Quality Assurance and Customer Care	\$187,538	\$0	\$187,538	\$0	\$187,538	\$0	\$187,538	
2.11 Verification of Energy Savings	\$1,394,200	\$0	\$1,394,200	\$0	\$1,394,200	(\$38,000)	\$1,356,200	
2.12 Incentive Funding Mechanism	\$10,176,534	\$0	\$10,176,534	\$0	\$10,176,534	\$ 1,194,232.00	\$11,370,766	-Shift in Gilbert Associates budget tasks - updated Program Scope of Work to assist in processing and reviewing incentives -Shift to PECL labor requested due to ongoing volume of retrofit project and participation paperwork submitted to the program. -Shift to Finance charges - Incentive fund balances are outstanding approximately twice as long as originally projected. -Shift of remaining funds to incentive budget
Incentive Processing	\$627,252					\$ 180,000.00	\$807,252	
Incentive Processing - Gilbert Associates	\$0					\$351,326	\$351,326	
Incentive Funding	\$9,529,282					\$642,906	\$10,172,188	
finance charges	\$20,000					\$20,000	\$40,000	
2.13 Program Exit Management	\$171,780	\$0	\$171,780	\$0	\$171,780	\$0	\$171,780	
<b>Project Totals</b>	<b>\$18,808,717</b>	<b>\$0</b>	<b>\$18,808,717</b>	<b>\$0</b>	<b>\$18,808,717</b>	<b>\$1,194,232</b>	<b>\$18,808,717</b>	

\$0 Total net increase in budget

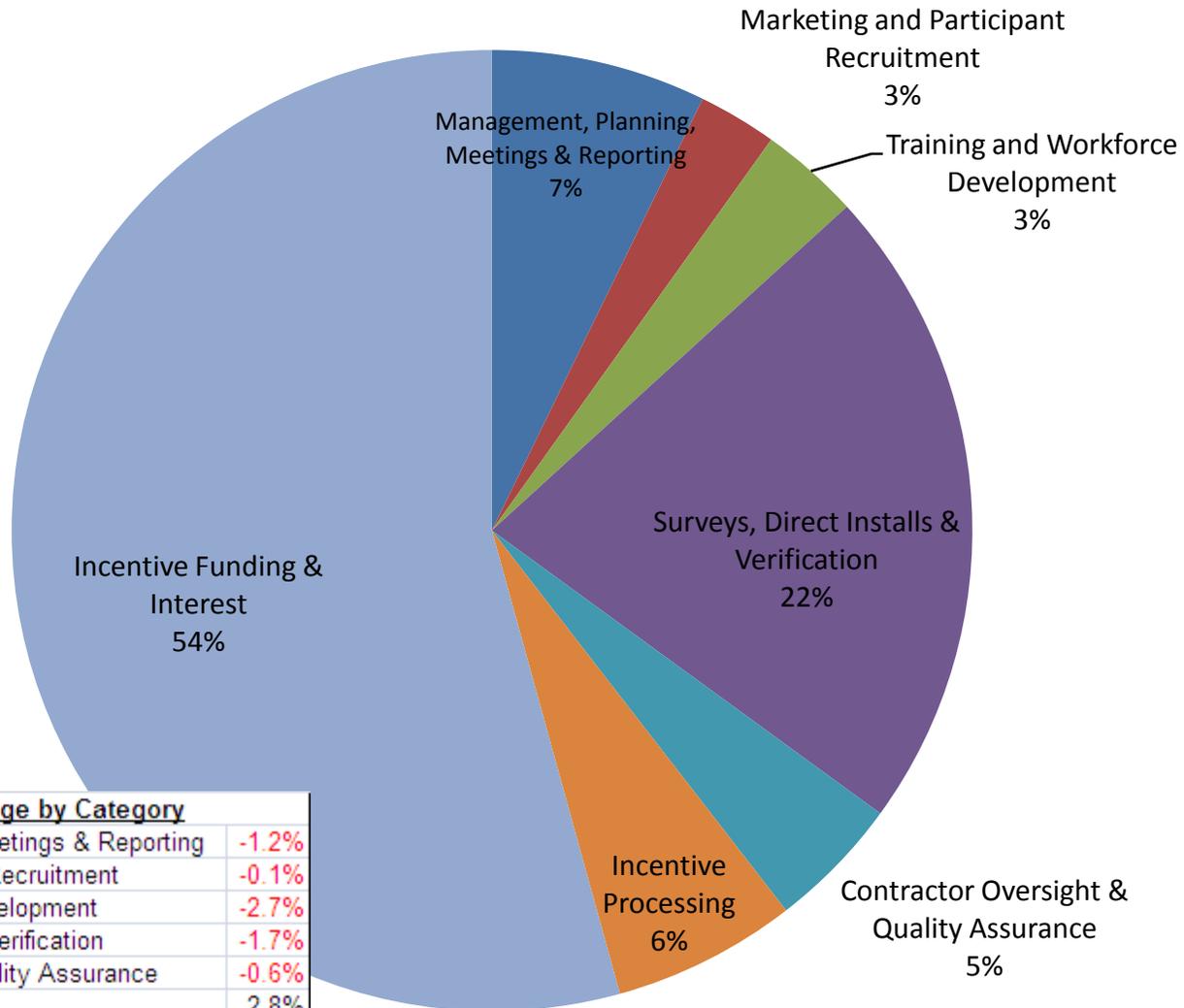
Budget Categories	Original Budget	Update	Approved 11/2010	Requested Update 3/2011	Approved 6/2011	Requested Update 11/2011	Recommended Budget 11/2011	Details
Labor	\$4,897,550	(\$6,669)	\$4,890,880	\$115,000	\$5,005,880	(\$295,400)	\$4,710,480	
Directs	\$13,911,167	\$6,669	\$13,917,837	(\$115,000)	\$13,802,837	\$295,400	\$14,098,237	\$624K additional in incentives
	<b>\$18,808,717</b>		<b>\$18,808,717</b>	<b>\$0</b>	<b>\$18,808,717</b>	<b>\$0</b>	<b>\$18,808,717</b>	

	Original Budget		Re-Balanced Budget	
Management, Planning, Meetings & Reporting	\$1,584,269	8.4%	\$1,360,364	7.2%
Marketing and Participant Recruitment	\$520,727	2.8%	\$496,227	2.6%
Training and Workforce Development	\$1,137,725	6.0%	\$632,193	3.4%
Surveys, Direct Installs & Verification	\$4,422,193	23.5%	\$4,097,198	21.8%
Contractor Oversight & Quality Assurance	\$960,344	5.1%	\$845,344	4.5%
Incentive Processing	\$634,177	3.4%	\$1,165,203	6.2%
Incentive Funding & Interest	\$9,549,282	50.8%	\$10,212,188	54.3%
	<b>\$18,808,717</b>		<b>\$18,808,717</b>	

# Original Budget



# Recommended Re-Balanced Budget



<u>Proposed Change by Category</u>	
Management, Planning, Meetings & Reporting	-1.2%
Marketing and Participant Recruitment	-0.1%
Training and Workforce Development	-2.7%
Surveys, Direct Installs & Verification	-1.7%
Contractor Oversight & Quality Assurance	-0.6%
Incentive Processing	2.8%
Incentive Funding & Interest	3.5%