

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION


 New Contract - - Amendment to Existing Contract: 400-07-030 Amendment Number: 02

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Otto Tang	45	916-654-4405	7/26/10

Contractor's Legal Name	Federal ID Number
KEMA, Inc.	54-1067916

Title of Project

Term	Start Date	End Date	Amount
New/Original Contract	06 / 09 / 08	04 / 30 / 12	\$ 3,681,000

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

Amendment #	End Date (mm/dd/yy)	Amount
02	12/31/2013	0.00

Business Meeting Information			
Proposed Business Meeting Date	12/14/12	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Otto Tang	Time Needed:	5 minutes

Agenda Item Subject and Description
Possible approval of Amendment 2 to Contract 400-07-030-01 with KEMA, Inc., for a one-year and eight months, no-cost time extension to complete current projects to fulfill the Renewable Energy Program's (REP) obligations during the winding down phase. The contract supports developing policies and protocols, analyzing the renewable industry and market context, and ensures the effectiveness of the overall REP. Contact: Otto Tang.

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
In the last legislative session, reauthorization of the Energy Commission's Renewable Energy Program (REP) failed to pass, thus the REP will not receive additional funding for a future technical support contract. The current technical support contract, 400-07-030-01, is set to expire on April 30, 2012. As the phasing out of the programs within the REP begin on December 31, 2011, these programs have obligations that require technical support services beyond the current contract's expiration date.
The purpose of this amendment is to do a second no-cost time extension to finish funding for projects that support developing policies and protocols, analyzing the renewable industry and market context, and ensuring the effectiveness of the overall Renewable Energy Program.



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 consulting services where the deliverables are in the form of reports..

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	\$		\$	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	Other:			\$
TOTAL: \$ 0		TOTAL: \$ 0			TOTAL: \$ 0			
Reimbursement					Federal Agreement #:			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Nellie Tong	Name:	Richard Bratcher
Address:	155 Grand Avenue Suite 500	Address:	155 Grand Avenue Suite 500
City, State, Zip:	Oakland, CA 94612	City, State, Zip:	Oakland, CA 94612
Phone/ Fax:	510-891-0446 / 510-891-0440	Phone/ Fax:	510-891-0446 / 510-891-0440
E-Mail:	nellie.tong@us.kema.com	E-Mail:	

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 #: 400-07-404 # of Bids: _____ Low Bid? No Yes
 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:

This contract is for highly specialized technical support services that are to be provided on an as-needed basis with very short notice. It would be very difficult to find civil service personnel with the necessary expert knowledge, experience, and ability in the energy policy arena to perform these tasks. It is also impossible to ensure that civil service personnel with the appropriate skills, if such could be found, could perform the tasks requested within this contract within the necessary abbreviated time frame. In addition, portions of the contract will involve evaluating the effectiveness of the Program; it will best serve the purposes of the Renewable Energy Program if that analysis and reporting is done by an outside entity to ensure independent and unbiased findings.

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

Two members of the Selection Committee have multiple years experience in managing technical assistance contracts and have had opportunities to compare rates with other technical support contracts, in particular, contracts supporting the Public Interest Energy Research (PIER) program. Certain areas of expertise and scopes of work in the PIER technical support contracts parallel that used for the REP, therefore a valid comparison of rates can be made.

Additionally, this solicitation was a DGS-approved secondary method RFP in which an award was made to the bidder utilizing a point-count system for the technical and cost proposals. Under this type of solicitation, the submitted proposal's technical and cost bid was simultaneously opened and viewed by the Selection Committee. Consequently, it was straightforward for the Selection Committee to do a cost comparison for the same scope of work and comparable expertise.

Taking into account the above considerations, it was determined that the awardee's rates were reasonable.

Disabled Veteran Business Enterprise Program (DVBE)

1. Not Applicable
2. Meets DVBE Requirements DVBE Amount:\$ 110,430.00 DVBE %: 3%
- Contractor is Certified DVBE
 - Contractor is Subcontracting with a DVBE: Engage
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

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Is Contractor subcontracting any services?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or DVBE:		
	<input type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
	<input type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
	<input type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE

Miscellaneous Contract Information		
1. Will there be Work Authorizations?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
2. Is the Contractor providing confidential information?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
3. Is the contractor going to purchase equipment?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
4. Check frequency of progress reports <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Other...		
5. Will a final report be required?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
6. Is the contract, with amendments, longer than a year? If yes, why? Allows increased understanding of the REP and renewable energy market, and is more cost-effective for CA.	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

The following items should be attached to this CRF		
1. Scope of Work, Attach as Exhibit A.	<input type="checkbox"/> N/A	<input checked="" 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 type="checkbox"/> N/A	<input checked="" 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