

## CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION



New Contract 400-11-001  Amendment to Existing Contract: - - Amendment Number: \_\_\_\_\_

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Tovah Ealey	25	916-651-3003	11/14/2007

Contractor's Legal Name	Federal ID Number
Benningfield Group Inc.	20-0653273

Title of Project
Appliance Market Surveys

Term	Start Date	End Date	Amount
New/Original Contract	02 / 01 / 12	03 / 31 / 13	\$ 179,000

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

Amendment #	End Date (mm/dd/yy)	Amount

### Business Meeting Information

Proposed Business Meeting Date	1/11/12	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Tovah Ealey	Time Needed: 10 minutes	

### Agenda Item Subject and Description

Possible approval of a contract to conduct market surveys of 26 Title 20-regulated appliance types sold in California via the internet, via catalogs, and in wholesale/retail outlets. This will be a one-year contract for \$179,000.

**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 results of the market surveys will enable the Energy Commission to focus its enforcement efforts on those regulated appliance types, and market participants, for which the most non-compliance occurs.



### 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 consists only of a visual survey of appliances being sold or offered for sale in California.

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	\$35,800	11/12	\$35,800	Yes	State - ERPA	11/12	400.003	\$35,800
Federal	\$143,200	11/12	\$143,200	Yes	Federal	11/12		\$143,200
PIER - E	\$		\$	No	Funding Source			\$
PIER - NG	\$		\$	No	Funding Source			\$
Reimbursement	\$		\$	No	Funding Source			\$
RRTF	\$		\$	No	Funding Source			\$
Other:	\$		\$	No	Other:			\$
TOTAL: \$179,000		TOTAL: \$179,000			TOTAL: \$179,000			
Reimbursement					Federal Agreement #:			

### Contractor's Administrator/ Officer

Name: Lynn Benningfield, President  
 Address: Benningfield Group, Inc  
 400 Plaza Drive, Suite 120  
 City, State, Zip: Folsom, CA 95630  
 Phone/ Fax: (916) 221-3110 ext 12  
 E-Mail: lynn@benningfieldgroup.com

### Contractor's Project Manager

Name: Lynn Benningfield, President  
 Address: Benningfield Group, Inc.  
 400 Plaza Drive, Suite 120  
 City, State, Zip: Folsom, CA 95630  
 Phone/ Fax: (916) 221-3110 ext 12  
 E-Mail: lynn@benningfieldgroup.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 IFB Solicitation #: 400-11-401 # of Bids: 1 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:**  
 To staff's knowledge, there are no state agencies that provide appliance market survey services.

**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 contractor's rates are consistent with the rates of prior market survey contractors.

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

1.  Not Applicable

2.  Meets DVBE Requirements      DVBE Amount:\$ 11,000      DVBE %: ~~6.10%~~ 6.10% *766*

- Contractor is Certified DVBE
- Contractor is Subcontracting with a DVBE: Robert Thomas Brown, 2245 Avenida Salvador, San

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:

Robert Thomas Brown	<input type="checkbox"/> No	<input checked="" type="checkbox"/> SB	<input checked="" type="checkbox"/> MB	<input checked="" 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?  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

# CONTRACT REQUEST FORM (CRF)



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 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

Timothy Foley      12/6/11      Michael Dean      12/6/11      A. Lee      12/6/11  
 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

## **Exhibit A**

### **SCOPE OF WORK**

#### **BACKGROUND**

The California Energy Commission's (Energy Commission) Appliance Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the Energy Commission is directed to develop, implement, and enforce standards that require either appropriate minimum energy or water efficiencies or maximum energy or water consumption allowances for each category of regulated appliances.

The Appliance Energy Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the California Energy Commission (Energy Commission) is directed to develop, implement, and enforce standards that require either appropriate minimum efficiencies or maximum energy consumption allowances for each category of affected appliance.

The Energy Commission's Appliance Efficiency Regulations (Regulations) found in the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Sections 1601-1608), was adopted on November 3, 1976. The efficiency standards within the Regulations became effective one year later. Since then, these Regulations have been updated with the most recent amendments adopted in 2010.

The Regulations apply to new appliances "if they are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles or other mobile equipment".

#### **GENERAL REQUIREMENTS OR GOALS AND OBJECTIVES**

The Contractor will conduct surveys of new appliances sold or offered for sale in California in retail and wholesale outlets, through catalogs, and via the internet. The purpose of this survey will be to assess the extent of compliance with the Regulations. The results of the market surveys will enable the Energy Commission to focus its enforcement efforts on; (1) those regulated appliance types for which the most non-compliance occurs; and (2) those market participants who are most non-compliant.

The Contractor shall perform wholesale, retail, internet and catalog market surveys for each of the appliances shown in the list of Appliances to be Surveyed below. For the Energy Commission to make the best use of limited resources, the list of Appliances to be Surveyed may be prioritized according to appliance category by the CCM.

### Appliances to be Surveyed

Ceiling Fan Light Kits
Ceiling Fans (Excluding Low-Profile Ceiling Fans)
Commercial Convection Ovens
Commercial Hot Food Holding Cabinets
Commercial Ice Makers (Automatic Commercial Ice Makers)
Commercial Range Tops
Compact Audio Products
Commercial Pre-Rinse Spray Valves
Computer Room Air-Cooled Air Conditioners
Computer Room Water-Cooled Air Conditioners
DVD Player & DVD Recorders
Evaporative Coolers
Infrared Gas Space Heaters (Patio Heaters & Non-Patio Heaters)
Metal Halide Luminaires
Portable (Spot) Air Conditioners
Portable Luminaires
Refrigerated Canned/Bottled Beverage Vending Machines
Refrigerators w/o Doors (For Beverages)
Residential Exhaust Fans
Residential Pool Pumps
Residential Wine Chillers
Showerheads
Televisions
Tub Spout Diverters
Water Dispensers
Whole House Fans
To Be Determined *

\* The Commission Contract Manager may request additional appliances to be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission (see Task 4).

## **FORMAT/REPORTING REQUIREMENTS**

### **Deliverables/Reports**

When creating reports, the Contractor shall use and follow, unless otherwise instructed in writing by the Commission Contract Manager (CCM), the latest version of the Consultant Reports Style Manual published on the Energy Commission's web site:

[http://www.energy.ca.gov/contracts/consultant\\_reports/index.html](http://www.energy.ca.gov/contracts/consultant_reports/index.html)

Each final deliverable shall be delivered as one original, reproducible, 8 ½" by 11", camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½" by 11" page and readable if printed in black and white.

### **Electronic File Format**

The Contractor shall deliver an electronic copy (CD ROM or memory stick or as otherwise specified by the CCM) of the full text in a compatible version of Microsoft Word (.doc).

The following describes the accepted formats of electronic data and documents provided to the Energy Commission as contract deliverables and establishes the computer platforms, operating systems and software versions that will be required to review and approve all software deliverables.

- Data sets shall be in Microsoft (MS) Access or MS Excel file format.
- PC-based text documents shall be in MS Word file format.
- Documents intended for public distribution shall be in PDF file format, with the native file format provided as well.
- Project management documents shall be in MS Project file format.

### **Software Application Development**

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

### **Task 1.1 Kick-off Meeting**

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

#### **The Contractor shall:**

- Attend a “kick-off” meeting with the CCM, the Contracts Officer, and a representative of the Accounting Office. If the contractor is located in Northern California, the kick-off meeting shall be held at the California Energy Commission offices at 1516 9th Street, Sacramento, CA. If the contractor is located in Central or Southern California, the kick-off meeting will be held via WebEx or telephone conference call. The date, time and location of the kick-off meeting shall be scheduled by the Contract Manager. The purpose of the meeting will be to discuss the tasks in the Scope of Work and the administrative requirements of the Agreement. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CCM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.
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#### **The CCM shall:**

- Arrange the meeting including scheduling the date and time.
- Prior to the kick-off meeting, provide an agenda to all potential meeting participants

#### **Deliverables:**

- An Updated Schedule of Deliverables (if applicable)

### **TASK 1.2 Invoices**

#### **The Contractor shall:**

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Terms and Conditions of the Agreement. Invoices shall be submitted consistent with the frequency of progress reports. Invoices must be submitted to the Energy Commission’s Accounting Office.

#### **Deliverables:**

- Invoices

### **TASK 1.3 Manage Subcontractors**

The goal of this task is to ensure quality products, to enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

#### **The Contractor shall:**

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the terms and conditions of the contract, and 2) notify the CCM who will follow the Energy Commission’s process for adding or replacing subcontractors.

### **Task 1.4 Progress Reports**

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

#### **The Contractor shall:**

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the CCM within 15 calendar days after the end of the reporting period. The CCM will provide the format for the progress reports.

#### **Deliverables:**

- Monthly Progress Reports

### **Task 2: Catalog and Internet Surveys**

#### **The Contractor shall:**

- Search a minimum of five (5) catalogs, and ten (10) websites ensuring models of each category of appliance are found on a minimum of three (3) catalogs, three (3) manufacturer websites, two (2) distributor websites, two (2) retail websites, and other sites determined appropriate by the Contractor. Included in the websites searched shall be at least one auction-type website (for example, eBay and craigslist) to determine if regulated new appliances are being made available to California purchasers through these types of websites.
- If possible and when allowed by the website, make note of the number of each appliance sold.
- Survey the twenty-six (26) regulated appliance categories shown in the list of Appliances to be Surveyed which are offered for sale in California through the internet or through manufacturer's catalogs.
- In addition, the Contractor may also be asked by the CCM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed.
- Compile a list of appliance models of each of the twenty-six (26) categories of appliances specified that the surveys determine are being sold or offered for sale through catalogs and internet sites in California.
- When compiling this list, they should compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database.
- Identify the surveyed models that are not in the Database.
- Compile interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted to the Contract Manager in an electronic format suitable for sorting, filtering and further analysis.
- Upon completion of the surveys, compile final data sets of all survey data gathered during the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the CCM. The CCM understands that a comprehensive list of appliance models sold through the internet or through websites on the internet may not be feasible.

The following data shall be displayed in the interim and completed survey data sets:

- Where a catalog search is performed (name of the catalog)
- Internet address (hyperlink) of each site searched
- Store or business name, address, contact information, and internet address(s)
- Dates of internet queries

- Physical location of the manufacturer (address, including country)
- Complete list of appliance models that were surveyed. For each appliance model, list:
  - Appliance category
  - Manufacturer's name
  - Brand name
  - Model number
  - Date of model was manufactured (if available)
  - Rated capacity
  - Energy efficiency or energy consumption
  - Whether the model complies with the marking requirements of the Regulations (if able to determine)
  - Whether the model complies with the applicable efficiency standard (if able to determine)
  - Whether the model appears in the Energy Commission's Active Appliance Database
  - For non-complying or non-certified models, include a notation stating whether the website or catalog states that those models cannot be sold or offered for sale in California.
  - An indication of any information itemized in this list that was not available at the time of the survey.

**Deliverables:**

- Interim Catalog/Internet Survey Data Sets
- Final (completed) Catalog/Internet Survey Data Sets

**Task 3: Retail / Wholesale Store Surveys**

**The Contractor shall:**

- Develop, for the review and approval of the CCM, a list of the physical locations of retail/wholesale store survey sites prior to beginning the survey work. The list of sites shall include the name of the store or business, address, and appliance(s) to be surveyed at the specified locations. This list shall include a minimum of five (5) physical locations each within Northern, Central, and Southern California. Whenever possible, multiple appliance categories shall be surveyed at each location.
- Survey the twenty-six (26) appliance categories listed in the list of Appliances to Survey which are sold or offered for sale in California through retail/wholesale stores.
- In addition, the Contractor may also be asked by the CCM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed.
- Compile a list of all appliance models of each of the twenty-six groups of appliances specified above that the surveys find are being sold or offered for sale through retail/wholesale stores in California.
- When compiling this list, compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database.
- Identify the surveyed models that are not in the Database.
- Prepare interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the Contract Manager.

- Upon completion of the surveys, compile data sets of all survey data gathered during the contract period.

The following data shall be displayed in the interim and Final (completed) data sets:

- Store or Business name, address and phone number
- Date of visit
- Name and title of contact person(s)
- Complete list of appliance models that were surveyed. For each appliance model, list:
  - Appliance category
  - Manufacturer's name
  - Brand name
  - Model number
  - Date of model was manufactured (if available)
  - Rated capacity
  - Energy efficiency or energy consumption
  - Whether the model complies with the marking requirements of the Regulations (if able to determine)
  - Whether the model complies with the applicable efficiency standard (if able to determine)
  - Whether the model appears in the Energy Commission's Active Appliance Database
  - For non-complying or non-certified models, include a notation stating whether the website or catalog states that those models cannot be sold or offered for sale in California.
  - An indication of any information itemized in this list that was not available at the time of the survey.

**Deliverables:**

- List of Sites (physical locations) to be Surveyed
- Interim wholesale/retail store survey data sets
- Final (completed) wholesale/retail store survey data sets

**Task 4: Additional Surveys As Needed**

The Commission Contract Manager may request additional appliances or other specific sales venues to be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission. This additional work will be similar to that in Task 3 but may be abbreviated at the direction of the Commission Contract Manager.

**Task 5: Final Summary Report of All Surveys**

**The Contractor shall:**

- Prepare a Draft Summary Report summarizing the results of all the retail/wholesale, catalog and internet surveys performed, and shall submit the draft report to the CCM for review and approval. The draft report shall include a summary table of each appliance surveyed and the Contractor's analysis of any non-compliance found. The draft report shall also include recommendations for further surveys or methods of surveying in the future. The draft report shall be submitted in a Microsoft Word for Windows format.

- Review the Draft Summary Report with the CCM and incorporate any agreed-upon changes into the final version of the report both in printed form, and electronically on CD Rom or DVD.
- Submit a CD Rom or DVD containing the raw survey data.

**Deliverables:**

- Draft Summary Report
- Final Summary Report
- CD Rom or DVD Containing Raw Survey Data

**DELIVERABLES AND DUE DATES**

<b>Task</b>	<b>Deliverable</b>	<b>Due Date</b>
1	Kick-off Meeting	February 3, 2012
1	Monthly Progress Reports	Monthly
2	List of survey locations	February 17, 2012
2	Interim catalog/internet survey data sets	July 16, 2012
2	Final catalog/internet survey data sets	January 31, 2013
3	Interim retail/wholesale survey data sets	July 16, 2012
3	Final retail/wholesale survey data sets	January 31, 2013
5	Draft Summary Report	February 1, 2013
5	Final Summary Report	March 1, 2013
5	CD Rom or DVD	March 1, 2013