

This Proposed Resolution is Back up Material for Item # 3, titled “ARRA-Funded Contracts and Loans” on the Business Meeting Agenda for the February 8, 2012 Business Meeting

RESOLUTION NO: 12-0208-03

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RE: Executive Director authority to extend the term of ARRA-funded contracts and loans by 30 days consistent with the Energy Commission’s ARRA State Energy Program award from the U.S. Department of Energy.

WHEREAS, the U.S. Department of Energy (DOE) has awarded the State Energy Resources Conservation and Development Commission (Energy Commission) \$226 million in American Recovery and Reinvestment Act of 2009 (ARRA) funds to implement a State Energy Program (SEP) pursuant to DOE Award No. DE-EE0000221; and

WHEREAS, DOE Award No. DE-EE0000221 sets a deadline for the expenditure of these ARRA SEP funds and requires the funds to be expended for SEP projects by no later than April 30, 2012; and

WHEREAS, the Energy Commission has awarded numerous ARRA SEP-funded contracts and loans under DOE Award No. DE-EE0000221, and has included standard terms in these agreements requiring the ARRA SEP funds to be expended by no later than March 31, 2012, thereby securing a 30-day “buffer” period for the Energy Commission during which the ARRA SEP-funded agreements can be closed out prior to DOE’s April 30, 2012 deadline; and

WHEREAS, the 30-day buffer period is not needed by the Energy Commission to close out the ARRA-funded agreements by the April 30, 2012 deadline; and

WHEREAS, the 30-day buffer period can be added to the term of the Energy Commission’s ARRA SEP-funded contracts and loans to provide the contractors and borrowers additional time to complete their SEP projects prior to the April 30, 2012 deadline; and

WHEREAS, extending the term of the Energy Commission’s ARRA SEP-funded contracts and loans by 30 days, from March 31, 2012, to April 30, 2012, will provide contractors and borrowers additional time to complete their SEP projects and expend the funds ahead of the April 30, 2012 deadline, will benefit California through the completion of such SEP projects, and may avoid the loss and/or return of any unspent ARRA SEP funds to DOE under Award No. DE-EE0000221; and

THEREFORE BE IT RESOLVED, that the Energy Commission hereby directs the Executive Director, or his designee, to formally amend ARRA SEP-funded contracts and loans to extend the term of these agreements by 30 days, from March 31, 2012, to April 30, 2012, under the following circumstances:

1. The contractor or borrower under the agreement requests a 30-day extension in writing; and
2. The contractor or borrower under the agreement acknowledges, as part of the written request, that the 30-day extension will help the contractor or borrower complete their SEP project by DOE's April 30, 2012 deadline.

Dated: February 8, 2012

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION

ROBERT B. WEISENMILLER
Chairman