RESOLUTION NO: 12-0314-1k

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: Kema, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (Energy Commission) approves Contract 400-07-030 for a no-cost time extension of 20 months to December 31, 2013 to complete current projects and to fulfill program obligations. The contract supports developing policies and protocols, analyzing the renewable industry and market context, and ensures the effectiveness of the overall Renewable Energy Program. (RRTF funding.) Contact: Otto Tang.

FURTHER BE IT RESOLVED, that this document authorizes the Executive Director to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on March 14, 2012.

AYE: [List of Commissioners]
NAY: [List of Commissioners]
ABSENT: [List of Commissioners]
ABSTAIN: [List of Commissioners]

_____
Harriet Kallemeyn,
Secretariat

STATE OF CALIFORNIA

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	04/30/2013	0.00

Business Meeting Information			
Proposed Business Meeting Date	3/14/12	☒ Consent	☐ 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 no-cost time extension to complete current projects and to fulfill the Renewable Energy Program's (REP) obligations during the wind 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 moves forward, 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 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:$ 271,165.18 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

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:		
	☐ 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
Allows increased understanding of the REP and renewable energy market, and is more cost-effective for CA.		

The following items should be attached to this CRF		
1. Scope of Work, Attach as Exhibit A.	☐ N/A	☒ Attached
2. Budget Detail, Attach as Exhibit B.	☐ N/A	☒ Attached
3. CEC 96, NCB Request	☐ N/A	☒ Attached
4. CEC 30, Survey of Prior Work	☒ N/A	☐ Attached
5. CEC 95, DVBE Exemption Request	☒ N/A	☐ Attached
6. Draft CEQA Notice of Exemption (NOE)	☒ N/A	☐ Attached
7. Resumes	☒ N/A	☐ Attached
8. CEC 105, Questionnaire for Identifying Conflicts		☒ Attached
9. CEC 106, IT Component Reporting Form		☒ 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