RESOLUTION NO: 12-04-11-21d

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITY OF FOSTER CITY

RESOLVED, that the State Energy Resources Conservation and Development Commission (Energy Commission) approves Agreement CBG-11-010 for a grant of up to $747,939 to the City of Foster City to install LED streetlights to replace high pressure sodium lamps. This project is estimated to save 710,200 kilowatt hours of electricity annually, and reduce greenhouse gas emissions by approximately 245 tons. (ARRA funding.)

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 February 8, 2012.

AYE: [List of Commissio**n**ers]
NAY: [List of Commissioners]
ABSENT: [List of Commissioners]
ABSTAIN: [List of Commissioners]

_____
Harriet Kallemeyn,
Secretariat

STATE OF CALIFORNIA

GRANTS/CONTINGENT AWARD REQUEST

CEC-270 (Revised 02/10) CALIFORNIA ENERGY COMMISSION

To: Grants and Loans Office Date: 2/22/2012

Project Manager: Cheng Moua Phone Number: 651-3004
Office: Special Projects Office Division: Fuels and Transportation MS- 23
Project Title: City of Foster City LED Streetlight Upgrade Project

Type of Request: *(check one)*

☒ **New Agreement:** *(include items A-F from below)* Agreement Number: CBG-11-010
Program: ARRA EECBG - Small City Phase 2
Solicitation Name and/or Number: PON-11-608
Legal Name of Recipient: City of Foster City
Recipient's Full Mailing Address: 610 Foster City Boulevard
Foster City, CA 94404
Recipient's Project Officer: Leah Edwards Phone Number: 650-286-3277
Agreement Start Date: 4/11/2012 Agreement End Date: 9/13/2012

☐ **Amendment :** *(Check all that apply)* Agreement Number: _____
- ☐ Term Extension – New End Date: _____
- ☐ Work Statement Revision *(include Item A from below)*
- ☐ Budget Revision *(include Item B from below)*
- ☐ Change of Scope *(include Items A – F as applicable from below)*
- ☐ Other: _____

ITEMS TO ATTACH WITH REQUEST:

A. Work Statement
B. Budget
C. Recipient Resolution, if applicable. (Resolution may be requested in Special Conditions if not currently available.)
D. Special Conditions, if applicable.
E. CEQA Compliance Form
F. Other Documents as applicable
- Copy of Score Sheets
- Copy of Pre-Award Correspondence
- Copy of All Other Relevant Documents

California Environmental Quality Act (CEQA)

☒ CEC finds, based on recipient's documentation in compliance with CEQA:
- ☒ Project exempt: 15301 NOE filed: _____
- ☐ Environmental Document prepared: _____ NOD filed: _____
- ☐ Other: _____

☐ CEC has made CEQA finding described in CEC-280, attached

Funding Information:

*Source #1: FED	Amount: $ 747,939.00	Statute:	FY: 11-12	Budget List #:	
*Source #2:	Amount: $	Statute:	FY:	Budget List #:	
*Source #3:	Amount: $	Statute:	FY:	Budget List #:	

If federally funded, specify federal agreement number: _____

*** Source Examples include ERPA, PIER-E, PIER-NG, FED, GRDA, ARFVT, OTHER.**

Business Meeting Approval: *(refer to Business Meeting Schedule)*

Proposed Business Meeting Date: 4/11/2012 ☐ Consent ☒ Discussion
Business Meeting Participant: Cheng Moua Time Needed: 5 minutes

Agenda Notice Statement: *(state purpose in layperson terms)*

Possible approval of agreement CBG-11-010 for a grant up to $747,939 to the City of Foster City to install LED streetlights to replace High Pressure Sodium lamps. This project is estimated to save 710,200 kWh annually and reduce greenhouse gas emissions by 245 tons. (ARRA funding)

Project Manager	Date	Office Manager	Date	Deputy Director	Date

EXHIBIT A

SCOPE OF WORK

Task 1 — Attend Kick-Off Meeting
The goal of this task is to establish the lines of communication and procedures for implementing this Agreement. The Recipient shall attend a "kick-off" meeting with the Commission Project Manager and the Grants Officer. The Recipient shall bring their Project Manager and other relevant staff. The administrative and technical aspects of this Agreement will be discussed at the meeting. Prior to the kick-off meeting, the Commission Project Manager will provide an agenda to all potential meeting participants.

Topics to be discussed at this meeting will include, but are not limited to:

- Terms and Conditions of the Agreement
- Permit Documentation
- Scope of Work
- Project Schedule (including Products and Due Dates)
- Progress Reports
- Final Report
- Use of State Identity Branding Mark Logo
- Prohibition on KEMA Inc. or its subsidiary known as KEMA Services Inc. from performing services as a subcontractor or other lower-tier contractor to achieve the objectives of this Agreement
- Historic Preservation and Consultation Package Requirements

The Commission Project Manager shall designate the date of this meeting, which will be held via teleconference call.

Products: List of Permits, if applicable

Due Date: April 30, 2012

Task 2 — Identify and Obtain Required Permits
The goal of this task is to obtain all permits required for work completed under this Agreement in advance of the date they are needed to keep the Agreement schedule on track.

Permit costs and the expenses associated with obtaining permits are not reimbursable under this Agreement. Permits must be identified in writing and obtained before the Recipient can incur any costs related to the use of the permits for which the Recipient will request reimbursement.

The Recipient shall prepare a letter documenting the permits required to conduct this Agreement and submit it to the Commission Project Manager at least 2 working days prior to the kick-off meeting:

1. If there are no permits required at the start of this Agreement, then state such in the letter.

2. If it is known at the beginning of the Agreement that permits will be required during the course of the Agreement, provide in the letter:
   - Type(s) of permit(s)
   - Name, address and telephone number of the permitting jurisdictions or lead agencies
   - Schedule the Recipient will follow in applying for and obtaining these permits

The list of permits and the schedule for obtaining them will be discussed at the kick-off meeting and a timetable for submitting the updated list, schedule and the copies of the permits will be developed. The implications to the Agreement if the permits are not obtained in a timely fashion or are denied will also be discussed. If applicable, permits will be included as a line item in the progress reports.

If during the course of the Agreement additional permits become necessary, then provide the appropriate information on each permit and an updated schedule to the Commission Project Manager.

As permits are obtained, send a copy of each approved permit to the Commission Project Manager.

If during the course of the Agreement permits are not obtained on time or are denied, notify the Commission Project Manager within 5 working days.

Product: Letter documenting the Permits or stating that no Permits are required
Due Date: May 15, 2012

Product: Updated list of permits as they change during the approved term of the Agreement
Due Date: As necessary, within 10 days of change

Product: A copy of each approved Permit
Due Date: As necessary, within 10 days of receipt of each permit

Task 2a — Submission of Waste Management Plan
The goal of this task is to submit a Waste Management Plan to the Commission Project Manager prior to the proposed project activities generating any waste. This Waste Management Plan will describe the Recipient's plan to dispose of any sanitary or

hazardous waste generated by the proposed project activities. Sanitary and hazardous waste includes, but is not limited to, construction and demolition debris, old light bulbs, fluorescent ballasts and lamps, piping, roofing material, discarded equipment, debris, and asbestos.
The Recipient's Waste Management Plan must comply with all federal, state, and local laws and regulations governing waste disposal. Exhibit 10 of the EECBG funding solicitation (PON-11-608) provides a template for the Waste Management Plan. Guidance on completing the waste management plan template can be found at http://www.energy.ca.gov/2010publications/CEC-150-2010-002/CEC-150-2010-002.PDF

Products: Waste Management Plan (no draft)

Due Date: May 31, 2012

Task 2b — Award Subcontract
The goal of this task is to approve a subcontract for the purchase and installation of approved materials/equipment as identified in Attachment A-1 of this Agreement. All equipment must adhere to the requirements and specifications set forth in Exhibit 2 of the EECBG funding solicitation (PON-11-608). A listing of the specific materials/equipment purchased shall be documented in the next monthly progress report submitted under this agreement.

NOTE: The list of materials and equipment identified in Attachment A-1 includes the total possible universe of materials and equipment that the Recipient may purchase with EECBG funds. The Recipient may not purchase any material or equipment that is not on this list. The Recipient may purchase more or less of a certain type of material or equipment than the exact number listed in Attachment A-1, provided that such modifications are made in accordance with the rules governing changes to the Agreement in the terms and conditions of this Agreement. These restrictions do not apply to materials and equipment which are entirely paid for with cost-share funds.
NOTE: The requirement to submit copies of all executed subcontracts applies to all subcontracts for services to achieve the objectives of this Agreement, including subcontracts paid for entirely with cost share funds.

Products: Copy of Executed Subcontract (no draft)

Due Date: May 31, 2012

Task 2c — Submit Prevailing Wage Rates and Weekly Certified Payrolls
Within 30 days before execution of any subcontract for services under this Agreement the Recipient must submit to the Commission Project Manager a copy of applicable wage determinations for any and all labor and mechanic work to be performed under the subcontract. If the Recipient cannot determine whether the Davis-

Bacon Act prevailing wage requirement apply to the project, or if the Recipient is unsure which job classifications and/or prevailing wage rates are appropriate for use, then the Recipient shall consult with the Commission Project Manager to identify the appropriate job classifications and/or prevailing wage rates to be used.

The Recipient must also submit to the Energy Commission on a weekly basis a copy of all certified payrolls prepared for all subcontractors and lower tier contractors. The terms and conditions of this Agreement provide the required specifications.

These requirements apply to all subcontracts for services to achieve the objectives of this Agreement, including subcontracts paid for entirely with cost share funds.

Products: Copies of Applicable Wage Determinations or a request to the Commission Project Manager for consultation on Davis-Bacon Act prevailing wage requirements (no draft)

Due Date: Within 30 days before execution of any subcontract for services under this Agreement

Products: Weekly Certified Payrolls of All Lower Tier Contractors (no draft)

Due Date: Weekly for each week in which any Contract work is performed during the term of the Agreement

Task 2d — Historic Preservation

Prior to the expenditure of EECBG Program funds to alter any structure or site, the Recipient is required to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA). In order to fulfill the requirements of Section 106, the Energy Commission and the Recipient must consult with the California State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to ensure that proposed projects will have no adverse effects on any historic resources. The Energy Commission has executed a Programmatic Agreement with the SHPO to streamline the Section 106 consultation process. Under the Programmatic Agreement, the Energy Commission will evaluate projects to determine whether such projects are categorically excluded from the SHPO's direct review and consultation.

In order for the Energy Commission to determine whether a given project is categorically excluded from the SHPO's direct review and consultation, the applicant must prepare a consultation letter to the Energy Commission's cultural resources staff requesting a Section 106 consultation for the proposed project, as specified in Exhibit 6 of the EECBG funding solicitation (PON-11-608), unless the project obtained SHPO clearance prior to grant approval.

Products: Consultation Letter (no draft)

Due Date: No later than 30 days after the **execution** of the grant or the identification of the project structure(s) or site(s) to be retrofitted under the grant, whichever is later

Task 3 — Purchase Equipment
The goal of this task is to purchase the approved materials/equipment as identified in Attachment A-1 of this Agreement. All equipment must adhere to the requirements and specifications set forth in Exhibit 2 of the EECBG funding solicitation (PON-11-608).

The Recipient shall purchase the approved materials/equipment. A listing of the materials/equipment purchased shall be documented in the next monthly progress report submitted under this agreement.

Products: None

Due Date: June 15, 2012

Task 4 — Install Equipment
The goal of this task is to install the purchased equipment in Task 3 above.

The Recipient shall ensure that the subcontractor will install the approved equipment. A listing of the equipment installed shall be documented in the next monthly progress report submitted under this agreement. As appropriate, photographs should be submitted to the Energy Commission Project Manager to verify that installation has been completed. For very large projects, a sampling of photos may be used to document installation. Recipients shall work with the assigned Energy Commission Project Manager to ensure sufficient verification is provided.

Products: Photographs of Installed Equipment (no draft)

Due Date: August 10, 2012

Task 5 — ARRA OMB 1512 Monthly Report
The goal of this task is to periodically report on the number of jobs created and document progress toward completion of projects under this agreement.

The Recipient shall complete a monthly spreadsheet report that quantifies a number of metrics, including: direct jobs created; vendor data; equipment purchased; and energy cost savings. Each progress report is due to the Commission Project Manager within 3 working days after the end of the reporting period. A template of the spreadsheet and

instructions for completing the ARRA OMB 1512 report will be provided to the Recipient prior to the Kick-Off Meeting.

Product: Monthly Spreadsheet Report

Due Date: By the 3rd day of each month until the submission of the final report

Task 6 — Monthly 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 Recipient shall prepare progress reports which summarize all Agreement activities conducted by the Recipient for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. The terms and conditions of this Agreement provide the required specifications. A template of the monthly progress report will be provided to the Recipient prior to the Kick-Off Meeting.

Products: Monthly Progress Reports (no draft)

Due Date: By the 3rd day of each month until submission of the final report.

Task 7 — Final Report
The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this Agreement. The Commission Project Manager will review and approve the Final Report.

A Draft Final Report shall be submitted to the Commission Project Manager no later than the Draft Final Report Due Date. The terms and conditions of this Agreement provide the required specifications. A template of the final report will be provided to the Recipient prior to the Kick-Off Meeting.

The Commission Project Manager will review the Draft Final Report. The Recipient will incorporate applicable comments and submit the Final Report (the original and two copies) to the Commission Project Manager for review and approval. Upon receipt of the Final Report, the Commission Project Manager shall ensure that all work has been satisfactorily completed.

The Final Report must be completed on or before the Final Report Due Date.

The Final Report shall be a public document.

Product: Draft Final Report

Due Date: August 17, 2012

Product: Final Report

Due Date: September 13, 2012