STATE OF CALIFORNIA

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 5/11) CALIFORNIA ENERGY COMMISSION

☐ New Contract - - ☒ Amendment to Existing Contract: 400-10-015 Amendment Number: 1

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Martha Brook	37	916-654-4086	1/1/90

Contractor's Legal Name	Federal ID Number
Architectual Energy Corporation	84-0876062

Title of Project
Nonresidential Building Energy Science

Term	Start Date	End Date	Amount
New/Original Contract	2011 / 06 / 30	2014 / 03 / 31	$ 1,200,000

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

Amendment #	End Date *(mm/dd/yy)*	Amount
1	03/31/14	250,000

Business Meeting Information			
Proposed Business Meeting Date	5/9/12	☐ Consent	☒ Discussion
Business Meeting Presenter	Martha Brook	Time Needed:	10 minutes

Agenda Item Subject and Description

Possible approval of amendment #1 to the Nonresidential Building Energy Science contract with Architectual Energy Corporation to add an additional $250,000 for continual technical support services to implement the 2013 Residential Building Energy Efficiency Performance Standards, modify the terms and conditions, and extend the rates through the end of the contract term.

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

This architectural and engineering professional services technical support contract provides the Energy Commission access to nonresidential building energy science experts that are not available within state service. The Contractor works under the direction of the Energy Commission to complete engineering and econometric analyses as well as the analysis tool development that is needed to support the advancement of nonresidential building energy performance that is the objective of the state's Building Energy Efficiency Standards (Standards).

The purpose of this amendment #1 is to add $250,000 to provide for additional work to complete work listed in the original contract scope of work that has not been possible to date, due to the lack of funding; modify the terms and conditions specific to Ownership Rights to support the development of open source software; and, update the rates in the agreement to go through the end of the term. Additionally, as directed by the Department of General Services, Office of Legal Services, the Exhibit D, Special Terms and Conditions, Disputes Provision is being amended to remove the Binding Arbitration language and other edits are being made to the remaining language.

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 .
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	$1,200,000	10-11	$336,379	Yes	State - ERPA	10-11	400.001	$336,379
Federal	$	11-12	$863,621	No	State - ERPA	11-12	400.001	$863,621
PIER - E	$	12-13	$250,000	No	State - ERPA	12-13	400.001	$250,000
PIER - NG	$		$	No	Funding Source			$
Reimbursement	$		$	No	Funding Source			$
RRTF	$		$	No	Funding Source			$
Other:	$		$	No	Other:			$
TOTAL:	$1,200,000	TOTAL:	$1,450,000				TOTAL:	$1,450,000
Reimbursement					Federal Agreement #:			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Patti Farouche	Name:	Dimitri Contoyannis
Address:	2540 Frontier Avenue, Suite 100	Address:	142 Minna Street
City, State, Zip:	Boulder, Colorado 80301	City, State, Zip:	San Francisco, CA 94105
Phone/ Fax:	(303)459-7457	Phone/ Fax:	(415)970-6521
E-Mail:	pfarouche@archenergy.com	E-Mail:	Dcontoyannis@archenergy.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 Select Type Solicitation #: - - # of Bids: Low Bid? ☐ No ☐ Yes
☐ Non Competitive Bid *(Attach CEC 96)*
☒ Exempt Amendment to AE, Title 20 CCR 2566.b

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:

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

Disabled Veteran Business Enterprise Program (DVBE)

1. ☐ Not Applicable
2. ☒ Meets DVBE Requirements DVBE Amount:$ TBD - Work Auths DVBE %: 5
   - ☐ Contractor is Certified DVBE
   - ☒ Contractor is Subcontracting with a DVBE: Hicks Consulting
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:		

SAC Software Solutions, Taylor Engineering, Benningfield Group,	☒ No	☐ SB	☐ MB	☐ DVBE
L'Monte Information Services, Gard Analytics, Hitchcock Consulting,	☒ No	☐ SB	☐ MB	☐ DVBE
Hicks Consulting	☐ 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

A multi-year contract is necessary to complete the software development, testing and deployment

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