

CONTRACT REQUEST FORM (CRF)

New Contract - - Amendment to Existing Contract: 170-09-002 Amendment Number: 01

Division	Contract Manager:	MS-	Phone	CM Training Date
170 Hearing Advisers Office	RoseMary Avalos	9	916-654-3893	2/15/11

Contractor's Legal Name	Federal ID Number
Elhert Business Group	56-9780657

Title of Project
Hearing Reporter Services

Term	Start Date	End Date	Amount
New/Original Contract	June / 02 / 10	June / 30 / 12	\$ 200,000

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

Amendment #	End Date (mm/dd/yy)	Amount
01	06/30/13	\$0.00

Business Meeting Information			
Proposed Business Meeting Date	6/13/12	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	RoseMary Avalos	Time Needed:	5 minutes

Agenda Item Subject and Description
A one-year - no cost time extension for hearing reporter services. The terms and conditions are being modified.

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
Purpose of contract is to retain the services of trained hearing reporters and transcribers to produce verbatim transcripts of power plant siting case hearings, workshops, and other siting proceedings as necessary. 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. In addition, 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 : This is a service contract for hearing and reporter services. This is not a program or project as defined in CEQA and will have no direct or indirect impacts on the environment.

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	\$200,000	10-13	\$200,000	Yes	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: \$200,000		TOTAL: \$200,000			TOTAL: \$ 0			
Reimbursement					Federal Agreement #:			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Elhert Business Group	Name:	Ronald Peters
Address:	c/o Thomas Ehlert, Owner 1717 Short Hills Road, Suite D	Address:	2239 Green Blossom Court
City, State, Zip:	Sacramento, California, 95864	City, State, Zip:	Rancho Cordova, California, 95670
Phone/ Fax:	916/973-9982	Phone/ Fax:	916/362-2393
E-Mail:	tme.ebg@gmail.com	E-Mail:	rip.ebg@gmail.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 competitively bid contract



Civil Service Considerations	
<input type="checkbox"/> Not Applicable (Contract is with a CA State Entity or a membership/co-sponsorship) <input type="checkbox"/> Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER) <input type="checkbox"/> The Services Contracted: <input type="checkbox"/> are not available within civil service <input type="checkbox"/> cannot be performed satisfactorily by civil service employees <input type="checkbox"/> are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system. <input type="checkbox"/> The Services are of such an: <input type="checkbox"/> urgent <input checked="" type="checkbox"/> temporary, or <input type="checkbox"/> occasional nature that the delay to implement under civil service would frustrate their very purpose. Justification: 	

Payment Method	
<input checked="" type="checkbox"/> A. Reimbursement in arrears based on: <input checked="" type="checkbox"/> Itemized Monthly <input type="checkbox"/> Itemized Quarterly <input type="checkbox"/> Flat Rate <input type="checkbox"/> One-time <input type="checkbox"/> B. Advanced Payment <input type="checkbox"/> C. Other, explain:	

Retention	
1. Is contract subject to retention? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, Do you plan to release retention prior to contract termination? <input type="checkbox"/> No <input type="checkbox"/> Yes	

Justification of Rates	
The rates are in accordance with the industry standard for like work. These rates are comparable to the current provider of this service as well as the other bidder.	

Disabled Veteran Business Enterprise Program (DVBE)	
1. <input type="checkbox"/> Not Applicable 2. <input checked="" type="checkbox"/> Meets DVBE Requirements DVBE Amount:\$ <u>200,000.00</u> DVBE %: <u>100%</u> <input checked="" type="checkbox"/> Contractor is Certified DVBE <input type="checkbox"/> Contractor is Subcontracting with a DVBE: _____ 3. <input type="checkbox"/> Contractor selected through CMAS or MSA with no DVBE participation. 4. <input type="checkbox"/> Requesting DVBE Exemption (attach CEC 95)	

Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
If yes, check appropriate box:		<input checked="" type="checkbox"/> SB	<input type="checkbox"/> MB <input checked="" type="checkbox"/> DVBE

Is Contractor subcontracting any services?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or 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
_____	<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? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 2. Is the Contractor providing confidential information? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 3. Is the contractor going to purchase equipment? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 4. Check frequency of progress reports <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Other... _____ 5. Will a final report be required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 6. Is the contract, with amendments, longer than a year? If yes, why? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 type="checkbox"/> Attached	
9. CEC 106, IT Component Reporting Form		<input type="checkbox"/> 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

Exhibit A

SCOPE OF WORK

SITING CASES/COMMITTEE SITING HEARINGS AND WORKSHOPS

The purpose of this contract is to obtain hearing reporter services for Siting Cases/Committee Meetings, Hearings and Workshops. The Energy Commission does not guarantee any minimum amount of work under this contract. This is a service contract whose deliverables and due dates are outlined below. Deliverables are random as requested and due dates are also as requested by Contract Manager, i.e., expedited, or standard delivery.

The contractor must have **more than two reporters available to work on Commission proceedings.**

1. **Contractor agrees to perform the following tasks and provisions for reporting services:**
 - A. Services will include, but not be limited to, the development and production (recording and transcribing) of accurate verbatim transcripts submitted typographically free of error. Although the majority of the services will be in Sacramento, there may be required travel to various locations within California, if necessary.
 - B. The exact nature of the time and place for reporter assignments will be confirmed either by telephone or written request from the Commission Contract Manager or designee. The request shall indicate audiotape or stenographic form of reporting.
 - C. Contractor will provide hearing reporters and all necessary equipment at the request of the Contract Manager. Contractor will ensure that there are three trained hearing reporters available to work Siting Cases/Committee Siting Hearings and Workshops at all times, two of which are not currently assigned to any other Energy Commission proceeding.
 - D. Contractor shall comply with all the standards contained in the California Rules of Court, Title 3, Division 4, Rule 980.5 and 980.6 (electronic recording).
 - E. The Reporter must be present and have the specified stenographic and electronic verbal recording equipment fully operational not less than one (1) hour prior to the scheduled beginning of a proceeding. Each assigned reporter must be experienced and proficient in setting up and monitoring all equipment used under the terms of this contract.
 - F. If the Contractor is notified by telephone within a reasonable period of time before the commencement of a proceeding that the proceeding has been canceled, and the reporter has not as yet left for the proceedings, there will be no charges under this contract. If for any reason a transcript order is cancelled before the transcript is delivered, the Contractor will be paid for all work completed as of the time of cancellation.
 - G. The Reporter using the electronic audiotape form of reporting shall monitor recording of the proceedings at all times off-tape, and will never monitor the proceedings off-source.
 - H. Unless otherwise indicated, all transcripts shall be delivered to the Commission Contract Manager.
 - I. Reporters must be available during the hours of 8 a.m. to 6 p.m. Reporters are required to remain until the conclusion of the proceedings, even if it continues past 6:00 p.m.
 - J. The Contractor will correct, at Contractor's expense, all errors as requested by the Contract Manager. The Commission will be entitled to a credit equivalent to the applicable charge for each page that contains an error after the Contractor has had an opportunity to correct the error.

2. Reporters

- A. Due to the difficult technical, scientific, and lengthy content of Commission work assignments, and the demand for hard copies of precise and verbatim transcripts, all reporters assigned to the proceedings must have a minimum of two years of experience in recording and transcribing lengthy scientific and technical proceedings for state agencies.
- B. Reporters at each Commission proceeding will perform duties in a professional manner and will be properly attired consistent with professional protocol and appearance expected in a court-like setting. Standards of professionalism and appearance are at the discretion of the Commission Contract Manager. The Commission Contract Manager may request the substitution of Reporters not meeting the standards of professionalism and appearance.
- C. Certified Shorthand Reporters (CSR) are **not** mandatory for this contract, but may be requested on occasion. However, each assigned reporter **must be a Notary Public** and shall administer oaths. It is the Contractor's responsibility to ensure that all reporters assigned to Commission proceedings maintain notary certification throughout the term of the contract.
- D. Prior to assigning reporters to provide services to the Energy Commission, the Contractor will present a copy of each assigned reporter's resume to the Commission Contract Manager. Each resume must detail the number of years of recording and transcribing lengthy scientific and technical proceedings for state agencies; a detailed listing of previous employers; and, professional references, if the prime contractor subcontracts.
- E. The Commission Contract Manager reserves the right to replace any reporter who does not meet the minimum qualifications or requirements of this contract. Replacement of reporters shall be done at no additional cost to the Commission and with no reduction or interruption in service to support Commission proceedings.

3. Transcripts

Transcripts are considered ordered by the Commission on the first day of the proceedings, unless otherwise indicated. If so ordered, the date for the delivery of the transcript shall be the date requested on the order. Unless otherwise ordered, transcripts for each proceeding shall be delivered within eleven to fifteen calendar days. The Contractor must also be prepared to deliver expedited transcripts in 1 to 3 calendar days if requested by the Commission Contract Manager. Each transcript will include a dated and signed Reporter's Certificate as the last page, including the name of the transcriber.

A hard copy of transcripts, including **an original and one (1) copy**, shall be prepared according to the following specifications:

- 1) 8-1/2" x 11", 20 lb. bond paper
- 2) Double-spaced, one-sided original
- 3) Pages numbered consecutively
- 4) Bound in report folder comparable to Amberg 588 (three-hole, clear plastic front)
 - a) 1st page format to be provided by Contract Manager, including:

Title of Proceeding
Docket number
Location

Date and Time
Contract Number
California Energy Commission
Contractor Name
Reporter name

- b) 2nd Page:
Participant Names
Titles and Affiliations
- c) 3rd Page:
Index of Agenda Items
- d) 4th Page:
List of Exhibits and Page #
- e) 5th Page:
1st Page of Proceedings

4. Compact Disks

The Contractor shall provide computer readable Compact Disks (CD) in a protective case to the Commission Contract Manager. CDs shall be provided as follows:

1. Contractor shall furnish a computer readable CD copy of the official transcript.
2. Transcripts will be burned in both Word and .pdf onto the CD.
3. The CD will be IBM compatible and produced by Microsoft Word.
4. The digital information will be burned on an archival grade, high quality, long-term preservation CD such as the Mitisui Gold CD.
5. The CD must contain upper/lower case text that is 100 percent equivalent (excluding the line numbers) to the official transcript.
6. Each CD will be clearly labeled with the proceeding date, time, and city. When a transcript exceeds more than one CD, the CDs shall be labeled in sequential order (i.e. 1 of 6, 2 of 6, etc.).