STATE OF CALIFORNIA

CONTRACT REQUEST FORM (CRF)

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

☐ New Contract - - ☒ Amendment to Existing Contract: 400-09-027 Amendment Number: 1

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Lance D. Shaw	26	916-653-1227	1/10/12

Contractor's Legal Name	Federal ID Number
E3M Inc.	19-429127

Title of Project
U.S. Department of Energy (DOE) Industrial Technologies Program (ITP)

Term	Start Date	End Date	Amount
New/Original Contract	June / 30 / 10	July / 31 / 12	$ 105,000

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

Amendment #	End Date *(mm/dd/yy)*	Amount
1	7/31/2013	0

Business Meeting Information			
Proposed Business Meeting Date	6/13/12	☒ Consent	☐ Discussion
Business Meeting Presenter	Lance D. Shaw	Time Needed:	5 minutes

Agenda Item Subject and Description

Possible approval of amendment 1 to contract 400-09-027 with E3M Inc. for a 12-month no-cost time extension to align the contract end date with the end date of the funding grant with the U. S. Department of Energy (DOE) and to include changes to update contract terms and conditions.

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

The purpose of this contract is to deliver up to thirty-six (36) workdays of energy efficiency training workshops using the U.S.DOE BestPractices Process Heat System Assessment Tools and curricula. Workshops, which will be one-day, are to be conducted in partnership with selected utilities throughout the state, and possibly at specific plant sites in conjunction with process heat system audits.

The purpose of this amendment is to extend the contract end date from July 31, 2012 to July 31, 2013. This amendment would enable the contractor to complete workshops and plant energy assessments. Additionally, as directed by the Department of General Services, Office of Legal Services, the Exhibit D, Special Terms and Conditions are being amended to remove the Binging 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.

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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	Federal			$0
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	Contract #				Federal Agreement #:	DE-EE0000346		

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Dr. Arvind Thekdi	Name:	Dr. Arvind Thekdi
Address:	5303 Pocahontas Street	Address:	5303 Pocahontas Street
City, State, Zip:	Bellaire, TX, 77401	City, State, Zip:	Bellaire, TX, 77401
Phone/ Fax:	240-715-4333/ cell: 240-605-7545	Phone/ Fax:	240-715-4333/ cell: 240-605-7545
E-Mail:	athekdi@e3minc.com	E-Mail:	athekdi@e3minc.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 Federal Grant Funding Agency required

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:
Contractor must be a U.S. Department of Energy (DOE) Best Practices Qualified Instructor in this systems specialty to be awarded the contract to conduct workshops in a classroom setting.

Payment Method

☒ A. Reimbursement in arrears based on:
☒ Itemized Monthly ☐ Itemized Quarterly ☒ Flat Rate ☐ One-time
☐ B. Advanced Payment
☐ C. Other, explain: When invoice is received after: workshop, site assessment or contracted task is completed.

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

Competitive Survey

Disabled Veteran Business Enterprise Program (DVBE)

1. ☒ Not Applicable
2. ☐ Meets DVBE Requirements DVBE Amount:$ _____ DVBE %: _____
   - ☐ Contractor is Certified DVBE
   - ☐ Contractor is Subcontracting with a DVBE: _____
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...Reports are filed when work is being invoiced for reimbursement.		
5. Will a final report be required?	☐ No	☒ Yes
6. Is the contract, with amendments, longer than a year? If yes, why?	☐ No	☒ Yes
Primarily for scheduling and planning workshops and energy site assessments.		

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

Contractor shall also provide technical support to Commission staff to clarify any technical considerations that may arise regarding implementation of recommended energy savings measures.

Technical support might also include, but is not limited to, the following activities:

1. Conducting pre- and post-monitoring and verification protocols to track, assess, verify and report energy use reductions.
2. Assisting selected industrial customers in implementing identified energy savings.
3. Submitting site assessment reports to DOE as case studies for use by others.
4. Evaluating and presenting the trends and the benefits of emerging industrial technologies.
5. Consulting with Commission staff in developing, recommending, and evaluating energy efficiency measures, and then recommending adoption of those measures to targeted industrial customers.

Deliverables:	Due Dates:
Appropriate technical report	30 days after support provided

Written report to Commission Contract Manager after providing additional expert technical support listed above.

Task 4: Annual Reports

This will be an annual report due on May 1 each year of the contract summarizing workshop attendance, results and recommended changes, in a format to be specified by the Commission Contract Manager. This report is due to the Commission Contract Manager on May 1st of each year of the contract. The last Annual Report will be due 5/1/~~2012~~**2013**.

This report will include a description of the BestPractices training content delivered and results from each site visit/energy assessment performed. It will also discuss how the workshop content is evolving, such as perception of changing industry needs, interests and feedback gained during interactions with participants during the workshops.

The report should also include participants' names, email addresses (if available), roles (operations, maintenance, administration or technical), feedback from the participants, evaluation forms, and discussions of problems encountered and their suggested solutions.

Also, the annual report shall include a summary of the industrial site visits. The energy use reductions recommended whether by changes in operating procedures, or by equipment changes. What estimated savings were (or potentially could have been) achieved by implementing the recommended improvements.

Deliverables:	Due Dates:
Written Annual Report	May 1st of each year
Final Report	May 1, ~~2012~~ **2013**

Billing

Work will be compensated for the four above tasks: workshops, site visits/energy assessments, technical support, and annual reports. See Ex. B budget for payment detail on this work.