

CONTRACT REQUESTS FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION



New Contract _____ Amendment to Existing Contract: 500-08-049 Amendment Number: 1

Division	Contract Manager:	MS-	Phone	CM Training Date
Energy Research and Development	David Weightman	51	916-327-1631	12/4/2008

Contractor's Legal Name	Federal ID Number
New Buildings Institute, Inc.	68-0401509

Title of Project
Evidence-Based Design & Operations: Improving the Real World Performance of High-Performance Buildings

Term	Start Date	End Date	Amount
New/Original Contract	6/30/2009	11/3/2012	\$ 1,971,152

Line up the Amendment information as best as possible within the following table.

Amendment #	End Date (mm/dd/yy)	Amount
Amendment 1	3/31/2013	\$0

Business Meeting Information

Proposed Business Meeting Date	8/8/2012	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	David Weightman	Time Needed:	

Agenda Item Subject and Description

Possible approval of Amendment 1 to Contract 500-08-049 with the New Buildings Institute for a no-cost time extension of the contract by six (6) months to May 3, 2013 and to update the terms and conditions. (PIER electricity funding.) Contact: David Weightman.

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 New Buildings Institute is engaged in a linked series of projects that examines the reasons for lower-than-expected energy performance of high performance buildings through an evidence-based assessment that includes field monitoring. The assessment will be followed by a series of project elements focused on identifying key feedback loops and tools that can better inform designers, operators, and tenants regarding their role in optimizing building performance. As directed by the Department of General Services, the amendment removes the Binding Arbitration language from the Special Terms and Conditions, Disputes Provision of the agreement.

Reason for extension request:

This research contract involves a series of inter-related projects. In project one - "Key Performance Indicators" a key step was to recruit high-performance buildings sites from which to gather energy use data for analysis. Because of the need to resolve data privacy concerns, soliciting this data took 4 months longer than planned. In addition, One of the original sub-contractors (selected four years ago) who was to pilot test new energy feedback tools in conjunction with this data retired and was no longer available to conduct the work. The time to secure the services of a new contractor and the time to get that contractor approved as an alternate through the Energy Commission process delayed the pilot development tool by approximately 3 months.

Lastly, the skylight materials testing project, (project number 4) managed by Architectural Energy Consultants in collaboration with consultant Zach Rodgers and the California Lighting Technology Center, encountered a critical inconsistency in data findings from the project's two different sources of measured data on the skylight material properties. To address this concern, the team established an advisory group to investigate the reasons for, and the implications of the differences. This delayed the final results which will be used to update the algorithms in public domain software used by architects who incorporate natural lighting into their building designs.

Extending the contract will allow adequate time for fully completing the analysis of measured performance data using the pilot energy feedback tools and resolving data conflicts from the testing of skylight materials to better measure their lighting characteristics.

CONTRACT REQUESTS FORM (CRF)



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":
 The Contract will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because this project involves data collection and analysis and proposes no changes to the physical 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	\$		\$					\$
ECAA	\$		\$					\$
State- ERPA	\$		\$					\$
Federal	\$		\$					\$
PIER - E	\$		\$					\$
PIER - NG	\$		\$					\$
Reimbursement	\$		\$					\$
Other	\$		\$					\$
TOTAL:	\$0	TOTAL:	\$0		TOTAL:			\$0
Reimbursement Contract #:					Federal Agreement			

Contractor's Administrator/ Officer		Contractor's Project Manager	
Name:	Pat Heatherly	Name:	Cathy Higgins
Address:	1601 BROADWAY ST	Address:	1601 BROADWAY ST
City, State, Zip:	VANCOUVER, WA 98663-3435	City, State, Zip:	VANCOUVER, WA 98663-3435
Phone/ Fax:	509493446812 / 509-493-4078	Phone/ Fax:	509-493-4468 /
E-Mail:	pat@newbuildings.org	E-Mail:	higgins@newbuildings.org

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 #: _____ # of Bids: _____ Low Bid? No Yes
 Non Competitive Bid (Attach CEC 96)
 Exempt Select Exemption: No Cost time Extension

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)

CONTRACT REQUESTS FORM (CRF)



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:
Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)

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

Rates were set in the original signed contract and have not been changed.

Disabled Veteran Business Enterprise Program (DVBE)

1. Not Applicable

2. Meets DVBE Requirements DVBE Amount:\$ 60,000.00 DVBE %: 3

Contractor is Certified DVBE

Contractor is Subcontracting with a DVBE: Bedrosian & Associates

3. 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?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or DVBE:		
Architectural Energy Corporation	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
California Lighting Technology Center - UC Davis	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Western Cooling Efficiency Center - UC Davis	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Ecos Consulting Inc.	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Portland Energy Conservation, Inc.	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
EnergySoft, LLC	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Bedrosian & Associates	<input type="checkbox"/> No	<input checked="" type="checkbox"/> SB <input checked="" type="checkbox"/> MB <input checked="" type="checkbox"/> DVBE
Integrated Design Associates, Inc	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Leslie Bodi	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE
Purdue University Herrick Lab	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB <input type="checkbox"/> MB <input type="checkbox"/> DVBE

CONTRACT REQUESTS FORM (CRF)



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"/> _____		
5. Will a final report be required?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
6. Is the contract, with amendments, longer than a year? If yes, why?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<p>The Department of General Services has agreed to give the Commission blanket authority to execute multi-year contracts to support the Commission's RD&D Programs.</p>		

The following items should be attached to this CRF		
1. Scope of Work, Attach as Exhibit A.	<input checked="" type="checkbox"/> N/A	<input 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 checked="" 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