

CONTRACT REQUESTS FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION



New Contract _____ Amendment to Existing Contract: 500-08-050 Amendment Number: 2

Division	Contract Manager:	MS-	Phone	CM Training Date
ERDD - Buildings End-Use Energy Efficiency	Heather Bird	51	916-327-1473	12/13/2011

Contractor's Legal Name	Federal ID Number
Sensus MI	20-8949949

Title of Project
Enterprise Plug n Play Diagnostics and Optimization for Smart Buildings

Term	Start Date	End Date	Amount
New/Original Contract	6/30/2009	12/31/2012	\$ 1,262,252

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

Amendment #	End Date (mm/dd/yy)	Amount
Amendment 1	12/31/2013	\$0
Amendment 2	12/31/2013	\$0

Business Meeting Information			
Proposed Business Meeting Date	4/10/2013	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Heather Bird	Time Needed:	

Agenda Item Subject and Description
Possible approval of Amendment 2 to 500-08-050 with Sensus MI for a company name change from Sensus MI to Ezenics Inc., and to reallocate funds within the budget. The name change is due to a trademark conflict with another company of the same name, in a related industry. There is no change in the total funding amount. (PIER electricity funding) Contact: Heather Bird."

Business Meeting approval is not required for the following types of contracts: *Executive Director's signature is required in all cases.*

<input type="checkbox"/> Contracts less than \$10k (<i>Policy Committee's signature is also required</i>)
<input type="checkbox"/> Amendment for a no-cost time extension. Must be first extension, less than one year and original contract less than \$100k.
<input type="checkbox"/> 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 amendment is to incorporate Sensus MI's company name change to Ezenics, Inc.(Ezenics) pursuant to a trademark conflict with another company of the same name. Additionally, budget reallocations in four areas have been requested to: 1) correct a calculation error by moving funds from the contractor's Fringe Benefit (FB), General & Administrative (G&A), and Overhead (OH) budget to its Direct Labor (DL) budget; 2) move funds from a subcontractor to Sensus MI's (Ezenics') budget to cover additional expenses Sensus MI (Ezenics) incurred in 2012 and will continue to incur in 2013 related to reassignment of tasks from the subcontractor to Sensus MI (Ezenics); 3) move funds from the materials category to the DL, FB, Indirect OH and G&A categories because less money was spent on materials and more direct labor hours were required than expected; and 4) increase the contractor's DL budget to account for greater than anticipated labor associated with these tasks.

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**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 project involves virtual monitoring of existing mechanical equipment over the internet without any physical contact or presence.

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:	Brian Thompson	Name:	Brian Thompson
Address:	6910 PACIFIC ST STE 102	Address:	6910 PACIFIC ST STE 102
City, State, Zip:	OMAHA, NE 68106-1044	City, State, Zip:	OMAHA, NE 68106-1044
Phone/ Fax:	(765) 387-0344 /	Phone/ Fax:	(765) 387-0344 /
E-Mail:	b.thompson@ezenics.com	E-Mail:	b.thompson@ezenics.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 RFP Solicitation #: 50007503 # of Bids: _____ Low Bid? No Yes
 Non Competitive Bid (Attach CEC 96)
 Exempt Select Exemption

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)

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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

The rates in this contract are fair and reasonable for work being conducted under a research agreement, and in comparison with rates charged for similar work in other contracts. In addition, the overhead costs in this contract are low when compared to contracts involving like work.

Disabled Veteran Business Enterprise Program (DVBE)

1. Not Applicable

2. Meets DVBE Requirements DVBE Amount:\$ 40,000.00 DVBE %: 3.2

Contractor is Certified DVBE

Contractor is Subcontracting with a DVBE: Katin Engineering

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? No Yes

If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or DVBE:

University of Nebraska, Lincoln	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB	<input type="checkbox"/> MB	<input type="checkbox"/> DVBE
The Planet.com	<input checked="" type="checkbox"/> No	<input type="checkbox"/> SB	<input type="checkbox"/> MB	<input type="checkbox"/> DVBE
Katin Engineering	<input type="checkbox"/> No	<input checked="" type="checkbox"/> SB	<input type="checkbox"/> MB	<input checked="" type="checkbox"/> 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 _____

5. Will a final report be required? No Yes

6. Is the contract, with amendments, longer than a year? If yes, why? No Yes

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.

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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 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