

CONTRACT REQUEST FORM (CRF)



A) New Agreement 400-13-008 (To be completed by CGL Office)

B) Division	Agreement Manager:	MS-	Phone
400 Efficiency Renewable Energy Division	Maunee Berenstein	25	916-653-1639

C) Contractor's Legal Name	Federal ID Number
University Enterprises, Inc.	94-1337638

D) Title of Project
Appliance Efficiency Testing

E) Term and Amount	Start Date	End Date	Amount
	6 / 30 / 2014	06 / 30 / 2015	\$ 200,000

F) Business Meeting Information

- Operational agreement (see CAM Manual for list) to be approved by Executive Director
- ARFVTP agreements under \$75K delegated to Executive Director.

Proposed Business Meeting Date	6 / 18 / 2014	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Maunee Berenstein	Time Needed:	5 minutes

Please select one list serve. Efficiency

Agenda Item Subject and Description

UNIVERSITY ENTERPRISES, INC. Proposed resolution approving Agreement 400-13-008 with University Enterprises, Inc. for a \$200,000 contract to purchase and test appliances to determine compliance with Title 20 energy efficiency standards. Testing results are used to support enforcement actions and for general data collection purposes. (SEP Federal funding.) Contact: Maunee Berenstein (5 minutes)

G) California Environmental Quality Act (CEQA) Compliance

1. Is Agreement considered a "Project" under CEQA?
 - Yes (skip to question 2)
 - No (complete the following (PRC 21065 and 14 CCR 15378)):

Explain why Agreement is not considered a "Project":
 Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because contract involves only the testing of appliances in a laboratory setting.
2. If Agreement is considered a "Project" under CEQA:
 - a) Agreement **IS** exempt. (Attach draft NOE)
 - 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 Agreement is exempt under the above section:
 - b) Agreement **IS NOT** exempt. (Consult with the legal office to determine next steps.)

Check all that apply

 - Initial Study
 - Negative Declaration
 - Mitigated Negative Declaration
 - Environmental Impact Report
 - Statement of Overriding Considerations

H) List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)

Legal Company Name:	Budget	SB	MB	DVBE
TBD	\$ 12,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I) List all key partners: (attach additional sheets as necessary)

Legal Company Name:

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CEC-94 (Revised 01/13)

CALIFORNIA ENERGY COMMISSION



J) Budget Information			
Funding Source	Funding Year of Appropriation	Budget List No.	Amount
ERPA- SEP	13/14	400.004	\$200,000
Funding Source			\$
R&D Program Area:	Select Program Area	TOTAL:	\$200,000
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #: DE-EE0003941	

K) Contractor's Administrator/ Officer				Contractor's Project Manager			
Name:	Lise Loeffler-Welton			Name:	Timothy Marbach		
Address:	6000 J Street, Suite 3400			Address:	6000 J Street		
City, State, Zip:	Sacramento, CA 95819-6111			City, State, Zip:	Sacramento, CA 95819-6031		
Phone:	916-278-2451	Fax:	916-278-6163	Phone:	916-278-6089	Fax:	916-278-7713
E-Mail:	ll929@saclink.csus.edu			E-Mail:	marbach@csus.edu		

L) Selection Process Used (For amendments, address amendment exemption or NCB, do not identify solicitation type of original agreement.)	
<input type="checkbox"/> Solicitation	Select Type Solicitation #: _____ - - _____ # of Bids: _____ Low Bid? <input type="checkbox"/> No <input type="checkbox"/> Yes
<input type="checkbox"/> Non Competitive Bid	(Attach CEC 96)
<input checked="" type="checkbox"/> Exempt	Other Governmental Entity

M) Contractor Entity Type
<input type="checkbox"/> Private Company (including non-profits)
<input type="checkbox"/> CA State Agency (including UC and CSU)
<input checked="" type="checkbox"/> Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

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

O) Civil Service Considerations
<input checked="" type="checkbox"/> Not Applicable (Agreement 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 type="checkbox"/> temporary, or
<input type="checkbox"/> occasional nature
that the delay to implement under civil service would frustrate their very purpose.
Justification:

P) 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:

Q) Retention	
1. Is Agreement subject to retention?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
If Yes, Will retention be released prior to Agreement termination?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

**R) Justification of Rates**

Rates are consistent with industry standards for laboratories performing similar work.

S) Disabled Veteran Business Enterprise Program (DVBE)

1. Exempt (Interagency/Other Government Entity)
2. Meets DVBE Requirements DVBE Amount:\$ 0 DVBE %: _____
 - Contractor is Certified DVBE
 - Contractor is Subcontracting with a DVBE: Name of DVBE Company
3. Contractor selected through CMAS or MSA with no DVBE participation.
4. Requesting DVBE Exemption (attach CEC 95)

T) Miscellaneous Agreement 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 Agreement, with amendments, longer than a year? If yes, why? No Yes

U) The following items should be attached to this CRF (as applicable)

- | | | |
|---|---|--|
| 1. Exhibit A, Scope of Work | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |
| 2. Exhibit B, Budget Detail | <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 type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |
| 6. CEQA Documentation | <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 |

Agreement Manager

Date

Office Manager

Date

Deputy Director

Date

Exhibit A SCOPE OF WORK

TASK LIST

Task #	Task Name
1	Administration
2	Acquisition and Purchase of Appliances
3	Testing of Appliances
4	Delivery of Tested Appliances

Background/Problem Statement

The Appliance Energy Efficiency Program is designed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under Public Resources Code Section 25402(c)(1), the California Energy Commission (Energy Commission) is directed to develop, implement, and enforce standards that require either appropriate minimum efficiencies or maximum energy consumption allowances for each category of affected appliance.

Section 1608(d) of the Appliance Efficiency Regulations requires the Energy Commission to periodically inspect appliances sold or offered for sale in the State, to determine whether they conform with energy and water efficiency standards, design standards, and applicable marking requirements.

Section 1608(e) of the Appliance Efficiency Regulations requires the Energy Commission to conduct enforcement testing to ensure that appliances sold or offered for sale in California comply with the standards. Testing results are used as the basis for taking enforcement action against non-complying manufacturers and sellers.

Goals and Objectives of the Agreement

The contractor shall purchase appliances as directed by the CAM, inspect them, perform energy or water efficiency testing by following the applicable test method, and generate a test report documenting the findings. No later than the completion of the contract, the tested appliances shall be delivered to the Department of General Services warehouse in Sacramento, California.

FORMAT/REPORTING REQUIREMENTS

Deliverables/Reports

When creating reports, the Contractor shall use and follow, unless otherwise instructed in writing by the CAM, the latest version of the Consultant Reports Style Manual published on the Energy Commission's web site:

http://www.energy.ca.gov/contracts/consultant_reports/index.html

Each final deliverable shall be delivered as one original, reproducible, 8 ½" by 11", camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½" by 11" page and readable if printed in black and white.

Electronic File Format

The Contractor shall deliver an electronic copy (CD ROM or memory stick or as otherwise specified by the CAM) of the full text in a compatible version of Microsoft Word (.doc).

The following describes the accepted formats of electronic data and documents provided to the Energy Commission as contract deliverables and establishes the computer platforms, operating systems and software versions that will be required to review and approve all software deliverables.

- Data sets shall be in Microsoft (MS) Access or MS Excel file format.
- PC-based text documents shall be in MS Word file format.
- Documents intended for public distribution shall be in PDF file format, with the native file format provided as well.
- Project management documents shall be in MS Project file format.

Task 1: Administration

Task 1.1 Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a "kick-off" meeting with the CAM, the Commission Agreement Officer (CAO), and a representative of the Accounting Office. If the contractor is located in Northern California, the kick-off meeting shall be held at the California Energy Commission offices at 1516 9th Street, Sacramento, CA. If the contractor is located in Central or Southern California, the kick-off meeting will be held via WebEx or telephone conference call. The date, time and location of the kick-off meeting shall be scheduled by the Contract Manager. The purpose of the meeting will be to discuss the tasks in the Scope of Work and the administrative requirements of the Agreement. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by

the CAM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.

- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

The CAM shall:

- Arrange the meeting including scheduling the date and time.
- Prior to the kick-off meeting, provide an agenda to all potential meeting participants.

Deliverables:

- An Updated Schedule of Deliverables (if applicable)

TASK 1.2 Invoices

The Contractor shall:

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Terms and Conditions of the Agreement. Invoices shall be submitted consistent with the frequency of progress reports. Invoices must be submitted to the Energy Commission's Accounting Office.

Deliverables:

- Invoices

TASK 1.3 Manage Subcontractors

The goal of this task is to ensure quality products, to enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

The Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the terms and conditions of the contract, and 2) notify the CAM who will follow the Energy Commission's process for adding or replacing subcontractors.

Task 1.4 Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

The Contractor shall:

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the CAM within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.
- Prepare quarterly reports when no activity is performed during the reporting period to document that CAM did not request any test during the previous quarter.

Deliverables:

- Monthly Progress Reports (when work is performed).
- Quarterly Progress Reports (when no work is performed for three months).

Task 1.5 Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report must be completed before the termination date of the Agreement in accordance with the Schedule of Deliverables.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission and will be preparing both a public and a confidential version of the Final Report, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

Task 1.5.1 Final Report Outline**The Contractor shall:**

- Prepare and submit a draft outline of the Final Report for review and approval. The CAM will provide written comments to the Contractor on the draft outline. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.
- Prepare and submit the final outline of the Final Report, incorporating CAM comments.

Deliverables:

- Draft Outline of the Final Report
- Final Outline of the Final Report

Task 1.5.2 Final Report

The Contractor shall:

- Prepare the draft Final Report for this Agreement in accordance with the approved outline.
- Submit the draft Final Report for review and comment. The CAM will provide written comments to the Contractor. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.
- Prepare and submit the Final Report, incorporating CAM comments.

Deliverables:

- Draft Final Report
- Final Report

Task 1.6 Final Meeting

The goal of this task is to discuss closeout of this Agreement and review the project.

The Contractor shall:

- Meet with Energy Commission staff prior to the term end date of this Agreement. The meeting will be held in Sacramento, CA and the CAM will designate the specific location. This meeting will be attended by the Contractor Project Manager and the CAM. The CAM will determine any additional appropriate meeting participants. The administrative and technical aspects of Agreement closeout will be discussed at the meeting.
- Present findings, conclusions, and recommended next steps (if any) for the Agreement, based on the information included in the Final Report.
- Prepare a written document of meeting agreements and unresolved activities.
- Prepare a schedule for completing the closeout activities for this Agreement, based on determinations made within the meeting.

Deliverables:

- Written documentation of meeting agreements
- Schedule for completing closeout activities

Task 2: Acquisition and Purchase of Appliances

The goal of this task is to locate and purchase appliances from the following list for testing:

Appliance Category
Ceiling fans
Commercial Convection Ovens
Commercial Hot Food Holding Cabinets
Commercial Range Tops

Commercial Refrigerators/Freezers/Refrigerator-freezers
Computer Room Air-Cooled A/C
Computer Room Evaporatively-Cooled A/C
Computer Room Glycol-Cooled A/C
Computer Room Water-Cooled A/C
Consumer Electronics - Compact Audio Products
Consumer Electronics - DVD Players & DVD Recorders
Consumer Electronics - Televisions
Evaporative Coolers
Heat Pump Pool Heaters
Ice Makers
Infrared Heaters (Patio Heaters and non-Patio Heaters)
Large Battery Chargers
Portable (Spot) Air Conditioners
Portable Electric Spas
Refrigerated Canned/Bottled Beverage Vending Machines
Refrigerators w/o doors (for beverages)
Residential Exhaust Fans
Showerheads
Small Battery Chargers
Torchieres
Tub Spout Diverters
Under-Cabinet Luminaires
Whole House Fans
Other Appliances as Directed by CAM ^[1]

^[1] The Contract Manager may request the Contractor to purchase and test other appliances that do not appear in this table.

^[1] The Contract Manager may request the Contractor to purchase and test other appliances that do not appear in this table.

The Contractor shall:

- Receive written direction from the CAM about which appliances listed in the table to purchase (not all appliances in the table will actually be purchased). The contractor shall identify and select three sources to purchase the appliance to be tested.
- Submit a form titled “Proposed Purchase of [appliance name] Model Number [model number] Manufactured by [manufacturer name]” to the CAM for approval providing the specific details of appliances to be purchased, including appliance category; manufacturer name; brand name; model number; size/capacity (as appropriate); vendor name, address and phone number; price details (including unit cost, tax, shipping, other charges, details if item is on limited-time sale); other vendors contacted (if any). After CAM approves the report, Contractor shall purchase the approved appliance(s) from the lowest price source.

Deliverables:

- “Proposed Appliance Purchase” Forms are due within 10 business days after direction is received from the CAM to purchase the appliance.

Task 3: Testing of Appliances

The goal of this task is to conduct tests on appliances acquired in Task 2 using the specific referenced test methods provided in the most recent version of the Appliance Efficiency Regulations <http://www.energy.ca.gov/2012publications/CEC-400-2012-019/CEC-400-2012-019-CMF.pdf>

The Contractor shall:

- Apply to the Energy Commission to be an approved testing laboratory for each of the appliance categories tested under this contract. This application process includes compliance with the requirements found in the Appliance Efficiency Regulations, Section 1603(a)(1)-(5) (inclusive), including requirements that the laboratory:
 - (1) has conducted tests using the applicable test method within the previous 12 months¹;
 - (2) agrees to and does interpret and apply the applicable test method set forth in Section 1604 precisely as written;
 - (3) has, and keeps properly calibrated and maintained, all equipment, material, and facilities necessary to apply the applicable test method precisely as written;
 - (4) agrees to and does maintain copies of all test reports, and provides any such report to the Executive Director on request, for all basic models that are still in commercial production; and

¹ Pursuant to Section 1603(a)(1)-(5) of Title 20, California Code of Regulations the testing lab is allowed to show compliance with this paragraph by referencing the testing done under this contract as the tests conducted “within the previous 12 months.”

- (5) agrees to and does allow the Executive Director to witness any test of such an appliance on request, up to once per calendar year for each basic model.
- Perform the appliance testing following the required test method. Should the unit fail to meet the efficiency standards, a second test of another unit (of the same model) may be requested.
 - Prepare a test report. Test reports must follow any formats indicated within the specific test methods referenced in the Appliance Efficiency Regulation; if no test method format is specified, the test report must follow the specifications shown immediately below:
 - (1) summarize the test procedure and detailed calculation and test results for each appliance category, including values as appropriate for calculating energy efficiency or energy consumption;
 - (2) specify what efficiency standards (if appropriate) the specific appliance must meet, as referenced in the Energy Commission's Appliance Efficiency Regulations, and include a statement regarding compliance or non-compliance of each tested appliance to that standard;
 - (3) specify what design standards (if appropriate) the specific appliance must meet, as referenced in the Energy Commission's Appliance Efficiency Regulations, and include a statement regarding compliance or non-compliance of each tested appliance to that standard;
 - (4) include a statement regarding compliance or non-compliance with all appropriate marking provisions referenced in Section 1607 of the Energy Commission's Appliance Efficiency Regulations;
 - (5) include a summary page specifying whether the tested appliance does or does not comply with all necessary requirements of the Energy Commission's Appliance Efficiency Regulations;
 - (6) include all the details necessary to enable the manufacturer to complete the appropriate California Energy Commission appliance data certification form found on the Energy Commission's website at:
http://www.energy.ca.gov/appliances/database/forms_instructions_cert/

Deliverables:

- Application for laboratory approval for each appliance category tested.
- Test report for each appliance tested.

Task 4: Delivery of Tested Appliances

Contractor shall deliver all appliances purchased and tested under this Agreement to:
Department of General Services (DGS) warehouse
1700 National Drive, Sacramento, CA 95834

When the test is complete, Contractor shall provide a test report to the CAM.
CAM will provide a written response.
The timing of when to deliver the appliances is detailed below.

Appliances that Pass Test

If CAM provides written approval to the Contractor that the test is complete and the appliance passed, Contractor has two options for when to deliver an appliance to the DGS warehouse.

- **Earliest delivery timeframe:**
The Contractor may deliver the appliance to the DGS warehouse as soon as CAM provides written approval that the test is complete and appliance passed.
- **Latest delivery timeframe:**
The Contractor may choose to keep the appliances and deliver in batches, or deliver all appliances at one time. In this case, the Contractor must deliver the appliances so they are received by the DGS warehouse no later than 20 calendar days before the end date of the Agreement.

Appliances that Fail Test (fail standards or fail reported values) and Appliances that are Not Certified

If CAM provides written response to the Contractor that the appliance has failed the test or the appliance is not certified, Contractor shall:

- Label the appliance pursuant to instructions from the CAM, as either a failed test, or a non-certified appliance, or both.
- Keep the appliance until CAM provides instructions to the Contractor on delivery of the appliance. Before the end date of the Agreement, the CAM will inform Contractor on the Energy Commission's decision for removal of the appliance:
--The Energy Commission may arrange for the manufacturer to pick up the appliance from the Contractor's location;
Or
--The Energy Commission may instruct Contractor to deliver the appliance to the DGS warehouse no later than 20 calendar days before the end date of the Agreement.

DELIVERABLES AND DUE DATES

Task Number	Deliverable	Due Date
1		
1.1	An Updated Schedule of Deliverables	If applicable
1.2	Invoices	Monthly
1.4	Monthly Progress Reports	Monthly
1.5	<ul style="list-style-type: none">• Draft Final Report• Final Report	June 1, 2015 June 25, 2015

2	Proposed Appliance Purchase Form	10 business days after CCM gives direction
3	Application for laboratory approval	within 30 days of completing testing of the second appliance in each category
	Test report for each appliance tested	within 30 days of completing of the test
4	Delivery of Tested Appliances	No later than June 11, 2015

RESOLUTION NO:

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: UNIVERSITY ENTERPRISES, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (Energy Commission) adopts the staff CEQA findings contained in the CEC 94 Contract Request Form or CEC 270 Grant Request Form (as applicable).

RESOLVED, that the Energy Commission approves Agreement 400-13-008 with **University Enterprises, Inc.** for **\$200,000 contract**, to purchase and test appliances to determine compliance with Title 20 energy efficiency standards. Testing results are used to support enforcement actions and for general data collection purposes.

FURTHER BE IT RESOLVED, that the Executive Director shall execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on June 18, 2014.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

Harriet Kallemeyn,
Secretariat