

**CONTRACT AMENDMENT REQUEST FORM (CARF)**

CEC-276 (Revised 02/13)

CALIFORNIA ENERGY COMMISSION



Original Agreement #	400-07-006	Amendment #	
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<b>Division</b>	<b>Agreement Manager:</b>	<b>MS-</b>	<b>Phone</b>
400 Efficiency Renewable Energy Division	Le-Quyen Nguyen	45	916-654-4650

<b>Contractor's Legal Name</b>	<b>Federal ID Number</b>
San Diego Gas and Electric Company	95-1184800

<b>Revisions:</b> (check all that apply)		
<input type="checkbox"/> Term Extension	New End Date: / /	Include revised schedule and complete items A, B, C, D, & H below.
<input type="checkbox"/> Budget Augmentation	Amendment Amount: \$ 0	Include revised budget and complete items A, B, C, D, E, F, & H below.
<input type="checkbox"/> Budget Reallocation		Include revised budget and complete items A, B, C, D, & H below.
<input type="checkbox"/> Scope of Work Revision		Include revised scope of work and complete items A, B, C, D, & H below.
<input type="checkbox"/> Change in Project Location or Demonstration Site		Include revised scope of work and complete items A, B, C, D, G, & H below.
<input type="checkbox"/> DVBE Replacement		Include revised scope of work and complete items A, B, C, D, F, & H below.
<input type="checkbox"/> Novation/Name Change of Prime Contractor/Recipient		Include novation documentation and complete items A, C, D, & H below.
<input type="checkbox"/> Terms and Conditions Modification		Include applicable exhibits with bold/underline/strikeout and complete items A, B, C, D, & H below.

**A) Business Meeting Information****Business Meeting approval is not required for the following types of Agreements:**

- Operational agreement (see CAM Manual for list) to be approved by Executive Director
- ARFVTP minor amendments delegated to Executive Director.

Proposed Business Meeting Date	7 / 22 / 2014	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Le-Quyen Nguyen	Time Needed:	minutes

Please select one list serve. Efficiency

**Agenda Item Subject and Description**

NEW SOLAR HOMES PARTNERSHIP ADMINISTRATION CONTRACTS. Possible termination without cause of contracts for the daily application processing and call center activities of the New Solar Homes Partnership (NSHP) in Investor Owned Utility (IOU) service territories, in order for the Energy Commission to have Energy Commission staff perform the work. If approved, the transfer of activities from the IOUs to the Energy Commission will occur approximately 30 days after approval. Contact Le-Quyen Nguyen.

- PACIFIC GAS AND ELECTRIC COMPANY. Contract 400-07-005
- SAN DIEGO GAS AND ELECTRIC COMPANY. Contract 400-07-006
- SOUTHERN CALIFORNIA EDISON COMPANY. Contract 400-07-007

**B) Amendment Justification** (For contract amendments only)

- Non Competitive Bid (Attach CEC 96)
- Exempt Select Exemption (see instructions)

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

Legal Company Name:	Budget	SB	MB	DVBE
Mark Gallant	\$ 0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	\$ 0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Legal Company Name:

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<b>E) Budget Information (only include amendment amount information)</b>			
Funding Source	Funding Year of Appropriation	Budget List No.	Amount
Funding Source			\$
R&D Program Area:	Energy Systems	TOTAL:	\$ 0
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

**F) Disabled Veteran Business Enterprise Program (DVBE)**

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

**G) California Environmental Quality Act (CEQA) Compliance**

- 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 the Energy Commission is terminating an agreement that was not determined to be a project under CEQA.
- 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) The following items should be attached to this ARF (as applicable)**

1. Exhibit A, Scope of Work	<input checked="" type="checkbox"/> N/A	<input 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 95, DVBE Exemption Request	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
5. CEQA Documentation	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
6. Novation Documentation	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
7. CEC 105, Questionnaire for Identifying Conflicts	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached

Agreement Manager \_\_\_\_\_ Date \_\_\_\_\_ Office Manager \_\_\_\_\_ Date \_\_\_\_\_ Deputy Director \_\_\_\_\_ Date \_\_\_\_\_

## **EXHIBIT A SCOPE OF WORK**

### PURPOSE

The purposes of this Agreement are to:

1. Improve the efficiencies of the Energy Commission's New Solar Homes Partnership (NSHP) by bringing the applicants in direct contact with their utility companies and utilizing the inherent synergies already in place between the utilities and their service area customers.
2. Bring together the processing of solar incentives and the energy efficiency incentives for builders of residential homes under one administrator within each utility company service area for improved administrative efficiency and superior customer service.
3. Form a team between the utility companies participating in the NSHP and the Energy Commission that will help create a self-sustaining market for solar homes where builders incorporate high levels of energy efficiency and high performing solar systems.

### BACKGROUND

The NSHP was established in January 2007 as part of a comprehensive, statewide solar program known as the California Solar Initiative (CSI), which is jointly overseen by the Energy Commission and the California Public Utilities Commission (CPUC). The Energy Commission is solely responsible for the NSHP portion of the CSI. These responsibilities include but are not limited to maintaining and updating the NSHP Guidebook, PV Calculator maintenance, consumer outreach, technical support and maintenance of the NSHP web-based system, equipment certification, field verification protocol, retailer registration and others. The NSHP provides financial incentives as well as support activities and resources for installation of eligible solar photovoltaic systems. Such systems must be placed on energy efficient new residential buildings that receive electricity from specified utility companies.

### COORDINATION WITH MARKETING AND OUTREACH EFFORTS

The Energy Commission may enter into contracts for NSHP marketing and outreach. The Contractor shall coordinate activities with the Energy Commission's Media and Public Communications Office where possible.

### **TASK 1      Application and Payment Claim Review**

The objective of this task is to process applications including payment claims submitted for NSHP funding. The Contractor shall be responsible for all NSHP applications of projects located within the Contractor's service area. The Contractor shall determine the completeness and accuracy of the submitted information and communicate with applicants when necessary for clarification and to request additional information as needed.

The Energy Commission has developed a web-based system that allows NSHP applicants to apply to the program by directly entering information via the web. A chart of the process is contained in Exhibit G.

Prior to approving reservations, the Contractor shall confirm that submitted information from NSHP applicants conforms to the requirements of the appropriate NSHP Guidebook edition and a "plan check"<sup>1</sup> has been completed and approved. When conducting a plan-check, the Contractor is expected to verify that the information on the Certificate of Compliance Form (CF-1R/PERF-1) matches the data on the electronic input file and is consistent with the information illustrated on the construction plan-set. In the event of uncertainty or inconsistency, the Contractor shall contact the applicant or the applicant's agent for clarification on the information provided. Once all of the information is confirmed accurate and complete, the plan-check is complete. The Contractor shall upload the electronic input files from the CF-1R/PERF-1 and CF-1R-PV (Certificate of Compliance Form produced by the NSHP CECPV Calculator) to the appropriate Home Energy Rating System (HERS) registry once a HERS rater has been identified for the project. The Contractor will be compensated for the expenses associated with the uploading of projects to the HERS Registry in accordance with the invoicing procedures of Exhibit B. The Contractor shall determine whether to approve or reject a plan-check or seek additional information from an applicant or the applicant's agent in accordance with the appropriate NSHP Guidebook edition and requirements of the Contractor's energy efficiency new construction program.

The contractor may choose to outsource the plan-check review to external vendors that have the technical expertise, equipment, and resources to perform the task in a satisfactory manner. Subcontracts will be subject to the Special Terms and Conditions, Exhibit D, of this Agreement. The contractor anticipates using, but is not limited to, the following vendor to perform plan reviews for NSHP applications in SDGE's service territory:

- Mark Gallant

If requested by the Contractor, the Energy Commission will move batchloads of the information from the web-based system to the Contractor's designated data backup service as agreed upon between the parties. The Energy Commission will provide the Contractor backup information for the applicants within its territory and general information, as determined by the Energy Commission, for the other applicants statewide.

The Contractor is responsible for the following, including, but not limited to:

- Utilizing the Energy Commission's web-based system to receive application and payment documents. Applicants who do not utilize the web-based system may submit information by postal mail. In either event, the Contractor will require the applicant to submit a Payment Claim Form (NSHP-2) with wet signatures. For applications received by postal mail, the Contractor must scan and/or manually input the data into the web-based data system.
- Reviewing applications for completeness and accuracy. The Contractor must respond to applicants and/or the applicant's agent within 30 calendar days of the submission of reservation documentation on whether the applicant's reservation is approved, missing required information, lacking clarity or accuracy, or rejected. The Contractor shall issue correction notifications to applicants who are missing required information or whose submitted information lacks clarity or accuracy. The Contractor shall provide a rejection notification and all associated reservation documentation to each applicant whose reservation it rejects. The Contractor shall determine whether to approve or reject an application or seek additional information from an applicant or the applicant's agent in accordance with the appropriate NSHP Guidebook edition and requirements of the Contractor's energy efficiency new construction program.

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<sup>1</sup> NSHP "Plan check" requirements are referenced in the NSHP Guidebook and must be in accordance with the participating Investor Owned Utility's energy efficiency new construction program requirements.

- Notifying the Energy Commission that an application meets the NSHP Guidebook requirements by submitting to the Energy Commission for approval using the web-based system. When the information has been verified to be complete and accurate, the Energy Commission will review the application. The Energy Commission will attempt, but cannot guarantee, to review and approve the reservation applications within an average of three (3) business days of receiving the web-based notifications. In the event of uncertainty, the Energy Commission will work with the Contractor to fix the lack of completeness and/or accuracy of the information provided. The Contractor shall not approve an application prior to Energy Commission approval. The Contractor shall provide the appropriate payment information to applicants whose reservations are approved.
- Reviewing any revised information after an application has been approved and determining whether the project still meets NSHP program eligibility and requirements. The Contractor shall confirm that any changes from the original application are included in the web-based system.
- Reviewing, when applicable, an applicant's status check. Per the Energy Commission's direction on reviewing status checks, the Contractor shall confirm that the application remains eligible for the NSHP and that any changes from the original application are included in the web-based system.
- Reviewing the payment claim information for completeness and accuracy, and reviewing the field inspection report submitted by a third party inspector. The parties agree that Contractor has no responsibility for the accuracy of the field inspection report, and Contractor is entitled to rely upon the field inspection report, without any due diligence required by Contractor, in its approval or rejection of the applicant's payment claim. The Contractor must respond to applicants and/or the applicant's agent within 30 calendar days of the submission of complete payment claim information on whether the applicant's payment claim is approved, missing required information, lacking clarity or accuracy, or rejected. The Contractor shall issue correction notifications to applicants who are missing required information or whose submitted information lacks clarity or accuracy. The Contractor shall provide a rejection notification and all associated documentation to each applicant whose payment claim it rejects. The Contractor shall determine whether to approve or reject a payment claim or seek additional information from an applicant or the applicant's agent in accordance with the appropriate NSHP Guidebook edition.

- Notifying the Energy Commission that an applicant's payment claim meets the NSHP Guidebook requirements by submitting the payment claim to the Energy Commission for approval using the web-based system. The Energy Commission will attempt, but cannot guarantee, to review the payment claim information within an average of three (3) business days of receiving the web-based notifications. When the information has been verified to be complete and accurate, the Energy Commission will approve the Contractor's payment of the rebate. In the event of uncertainty, the Energy Commission will work with the Contractor to fix the lack of completeness and/or accuracy of the information provided. The Contractor will not pay a rebate prior to Energy Commission approval. Once the Contractor makes payment to the applicant, the Contractor will supply information to receive reimbursement for the rebate payments. Specifics on the rebate invoice can be found in Exhibit B-1, Payment Provisions for NSHP Rebates. A chart of the process is contained in Exhibit G. Upon the receipt of a rebate invoice, NSHP-2 and Payee Data Record (STD-204) forms, and the Energy Commission deeming the information complete and satisfactory, the Energy Commission will request payment from the State Controller's Office to reimburse the Contractor for rebates the Contractor has paid. Invoices for the rebate payments can be submitted by Contractor up to twice a month (the 15<sup>th</sup> and last day of the month and if either falls on a weekend or holiday then by the next business day) and the Energy Commission shall make requests to the State Controller's Office within 10 business days of receiving the rebate invoices. In contrast, all of the Contractor's non-rebate costs under this contract will be paid monthly in arrears pursuant to the contract terms and conditions (see for example, Exhibit B, Budget Detail and Payment Provision).
- Maintaining control over its access to the web-based system. The Contractor shall not provide access to the Energy Commission's web-based system, other than applicants' access to their own information, to any third party without prior written approval from the Contract Manager.

Deliverable and Due Dates:

- Notify the Energy Commission of application and payment review using the web-based system.
- Rebate invoices, NSHP-2 and STD-204 forms.
- Activities from this Task will be reported in the Monthly Progress Reports (Task 4).

**TASK 2 Treatment of Special Cases**

Special cases are defined as processing scenarios where the NSHP Guidebook does not clearly identify eligibility requirements or procedures to address the situation. The objective of this task is for the Contractor to identify special cases and communicate them to the Contract Manager immediately for guidance and resolution.

The Contractor is responsible for the following, including, but not limited to:

- Following the eligibility requirements and procedures as stated in the NSHP Guidebook (current and all subsequent Guidebook editions).
- Communicating with the Contract Manager in a timely manner by phone or email on cases that are deemed by the Contractor to be special cases.
- Sending information regarding special cases to the Contract Manager to determine the appropriate resolution.
- Assisting in facilitating a resolution to cases as directed by the Contract Manager.
- Inputting results of resolution of special cases into the web-based system.
- The Energy Commission agrees to work on special cases in a timely manner.

Deliverables and Due Dates: (None for this Task)

### **TASK 3 Program Support**

The objective of this task is to allow the general public, applicants, and parties working with applicants to have contact with Contractor staff who have NSHP program knowledge. Throughout the contract term upon request, the Contractor will provide NSHP program information to individuals through various communication methods (phone, fax, email, etc.). The Contractor shall function as an information clearing house for application processing and payment-claim inquiries on application processing status and the NSHP. The Contractor will direct inquiries that they do not have information on to appropriate parties, including the Energy Commission, if known.

The Contractor is responsible for the following, including, but not limited to:

- Responding to public inquiries regarding the NSHP and application processing status sent to the Contractor via faxes, emails, phone calls and phone messages. Phone messages, emails, and faxes should be responded to within two (2) business days.
- Directing unanswered questions to other entities that are best able to provide knowledge on the requested subject matter.
- Immediately directing any requests under the California Public Records Act (CPRA) for NSHP information or documents to the Energy Commission's webpage that provides information on how to make a CPRA request to the Energy Commission (currently [http://www.energy.ca.gov/public\\_records/index.html](http://www.energy.ca.gov/public_records/index.html)) and to the Contract Manager. All CPRA requests shall be forwarded to the Energy Commission for responses. The Contractor shall assist Energy Commission staff in the response to the extent that it has Data that the Energy Commission has a legal right to obtain pursuant to the terms of this contract but does not have direct access to (e.g., paper copies of applications that have not been scanned or otherwise electronically placed in the web-based system). Contractor shall not have any obligation to locate or provide proprietary data (as defined in Exhibit D of this Agreement) in response to a CPRA request.

The Energy Commission will notify the Contractor in advance of any proposed changes to NSHP Guidebook, PV Calculator, new releases of the NSHP web-based system, and changes to incentive application approval and payment processes. Contractor will be notified of these changes via direct email, notification through the applicable list servers the Energy Commission maintains, phone, and/or a statewide working group meeting.

Deliverables and Due Dates:

- Report on the volume and subject matter of inquiries in the Monthly Progress Reports (Task 4)

### **TASK 4 Reporting**

The objective of this task is to monitor the Contractor's progress.

The Energy Commission shall provide public notice when there has been a change in rebate incentive levels as indicated in the current version of the New Solar Homes Partnership Guidebook and subsequent editions.

The Contractor is responsible for the following, including, but not limited to:

- Responding to information requests or direction from the Contract Manager via email or telephone as directed by the Contract Manager.

- Attending program support and project-related development meetings or telephone conferences regarding project management and administration issues.
- Preparing and submitting Monthly Progress Reports to the Contract Manager. Each report will be submitted no later than 15 calendar days following the end of the reporting period in a format provided by the Contract Manager. Monthly progress reports will summarize all contract activities conducted by the Contractor including contract expenditures to date. The Contractor will submit the Monthly Progress Reports to coincide with and accompany monthly invoices. The Contract Manager will specify the number of copies to be submitted.
- Preparing and submitting End of Fiscal Year Reports. The Contractor shall submit the first report by July 31, 2008, and subsequent ones by July 31 of 2009, 2010, 2011, 2012, 2013, and 2014. The reports will describe the activities to date over the course of the Contractor's administration of the NSHP for each prior fiscal year. Format for this report will be determined by the Contractor. After each report is approved by the Commission Contract Manager, the Contractor can submit an invoice for the Retention (see Exhibit B, #4) withheld from invoices for work done for each prior fiscal year (i.e., between the start of the Agreement and June 30, 2008 for the first one; July 1, 2008 through June 30, 2009 for the second one; and July 1 through June 30 for all subsequent fiscal years up to 2014). The Contractor can submit an invoice for the Retention withheld for the last fiscal year of the Agreement upon completion and approval of the Final Report.
- Preparing and submitting a Draft Final Report to the Contract Manager for approval at least 90 calendar days prior to the end date of the Agreement and in a format provided by the Contract Manager. Upon approval of the Draft Final Report, the Contractor shall meet with the Contract Manager to present the findings, conclusions, and recommendations. The Contractor shall submit the Final Report by the later of 60 calendar days prior to the end date of the Agreement or 10 calendar days from Commission Contract Manager approval of the Draft Final Report. Format of the Final Report will be determined by the Contractor.

Deliverables and Due Dates:

- Monthly Progress Reports due monthly, 15 calendar days following the end of the reporting period
- End of Fiscal Year Reports '07-'08, '08-'09, '09-'10, '10-'11, '11-'12, '12-'13, '13-'14
- Draft Final Report due 90 calendar days prior to the end date of the Agreement
- Final Report due 60 calendar days prior to the end date of the Agreement.

## **TASK 5 Training and Outreach**

The objective of this task is to provide the Contractor funding for NSHP training workshop and outreach expenses. Throughout the Agreement term, training workshops and outreach opportunities will take place as suggested by the Contractor and Energy Commission staff and approved by the Energy Commission Contract Manager. Training workshops are defined as events the Contractor coordinates and educates NSHP stakeholders on NSHP program eligibility, requirements, tools, application process, and any other program-related information. Outreach is defined as events the Contractor is attending to inform NSHP stakeholders on the NSHP program. Expenses for these activities cannot exceed the dollar amount specified in the Contract Budget Detail. The Contractor shall coordinate activities with the Energy Commission's Media and Public Communications Office where possible.

The Contractor is responsible for the following, including, but not limited to:

- Receiving written approval from the Energy Commission Contract Manager in advance of any event for which the Contractor will invoice the Energy Commission for expenses.

Contractor shall include as part of its request the purpose, location, and anticipated costs of the event. The Energy Commission is under no obligation to pay the Contractor for the event unless the Contractor obtains written approval from the Energy Commission Contract Manager before the event.

- Invoicing the Energy Commission for pre-approved expenses in accordance with the Budget Detail and Agreement terms. The Energy Commission is under no obligation to pay for any expenses beyond the amount listed for training in the Budget Detail.

If the event is pre-approved by the Energy Commission Contract Manager, the Energy Commission will pay certain travel and per diem expenses of Contractor's employees and any subcontractor employees in accordance with Exhibit B, Section 3. However, the Energy Commission will not reimburse the Contractor for providing food, beverage, or any sort of snacks or dining at an event.

Deliverables and Due Dates:

- Written approval from the Energy Commission Contract Manager prior to an event.  
(Ongoing)
- Invoices for expenses in accordance with the terms and conditions of this contract.  
(Ongoing)

**RESOLUTION NO: 14-0722**

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: SAN DIEGO GAS AND ELECTRIC COMPANY

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (Energy Commission) adopts the staff CEQA findings contained in the CEC 276 Contract Amendment Request Form.

**RESOLVED**, that the Energy Commission approves unilateral termination without cause of Agreement 400-07-006 with **San Diego Gas and Electric Company**.

**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 July 22, 2014.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

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Harriet Kallemeyn,  
Secretariat