

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 01/13)

CALIFORNIA ENERGY COMMISSION

A) New Agreement 400-15-001 (To be completed by CGL Office)

B) Division	Agreement Manager:	MS-	Phone
400 Efficiency Renewable Energy Division	Bruce Helft	25	916-654-4080

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
	7 / 08 / 2015	06 / 30 / 2018	\$ 600,000

F) Business Meeting Information			
<input type="checkbox"/> Operational agreement (see CAM Manual for list) to be approved by Executive Director			
<input type="checkbox"/> ARFVTP agreements under \$75K delegated to Executive Director.			
Proposed Business Meeting Date	7 / 8 / 2015	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Bruce Helft	Time Needed:	5 minutes

Please select one list serve. Efficiency

Agenda Item Subject and Description
Proposed resolution approving Agreement 400-15-001 with University Enterprises, Inc. (CSUS) for a \$600,000 contract to purchase and test appliances to determine compliance with Title 20 energy efficiency standards. Testing results are used to support enforcement actions and general data collection purposes. Section 1608(d) of the Appliance Efficiency Regulations requires the Energy Commission to periodically test appliances sold to determine compliance with reported efficiency performance, marking, and design standards. (ERPA funding.) Contact: Bruce Helft. (Staff presentation: 5 minutes)

G) California Environmental Quality Act (CEQA) Compliance
1. Is Agreement considered a "Project" under CEQA? <input type="checkbox"/> Yes (skip to question 2) <input checked="" type="checkbox"/> 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: <input type="checkbox"/> a) Agreement IS exempt. (Attach draft NOE) <input type="checkbox"/> Statutory Exemption. List PRC and/or CCR section number: _____ <input type="checkbox"/> Categorical Exemption. List CCR section number: _____ <input type="checkbox"/> Common Sense Exemption. 14 CCR 15061 (b) (3) Explain reason why Agreement is exempt under the above section: <input type="checkbox"/> b) Agreement IS NOT exempt. (Consult with the legal office to determine next steps.) Check all that apply <input type="checkbox"/> Initial Study <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Statement of Overriding Considerations <input type="checkbox"/> Mitigated Negative Declaration

H) List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)				
Legal Company Name:	Budget	SB	MB	DVBE
minor-sub TBD	\$ 36,000	<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:

**J) Budget Information**

Funding Source	Funding Year of Appropriation	Budget List No.	Amount
ERPA- SEP	2015-2016		\$200,000
ERPA- SEP	2016-2017		\$200,000
ERPA- SEP	2017-2018		\$200,000
Funding Source			\$
Funding Source			\$
R&D Program Area: Energy Efficiency		TOTAL:	\$600,000
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

K) Contractor's Administrator/ Officer

Contractor's Administrator/ Officer				Contractor's Project Manager			
Name:	Timothy Marbach			Name:	Lise Loeffler-Welton		
Address:	Riverside Hall 4038 6000 J Street			Address:	University Enterprises, Inc. Hornet Bookstore Building		
City, State, Zip:	Scaramento, CA, 95819-6031			City, State, Zip:	Sacramento, CA, 95818		
Phone:	916-278-6089	Fax:	916-278-7713	Phone:	- -	Fax:	- -
E-Mail:	tmarbach@csus.edu			E-Mail:			

L) Selection Process Used (For amendments, address amendment exemption or NCB, do not identify solicitation type of original agreement.)

Solicitation Select Type Solicitation #: _____ - - _____ # of Bids: _____ Low Bid? No Yes
 Non Competitive Bid (Attach CEC 96)
 Exempt Other Governmental Entity

M) Contractor Entity Type

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)

N) Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

No Yes
 If yes, check appropriate box: SB MB DVBE

O) Civil Service Considerations

Not Applicable (Agreement 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:**P) Payment Method**

A. Reimbursement in arrears based on:
 Itemized Monthly Itemized Quarterly Flat Rate One-time
 B. Advanced Payment
 C. Other, explain:

Q) Retention

1. Is Agreement subject to retention? No Yes
 If Yes, Will retention be released prior to Agreement termination? No Yes



R) Justification of Rates

Rates are consistent with industry standards for laboratories performing similar work. The indirect overhead rate is the current rate charged by University Enterprises, Inc.

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
 Federal SEP funds are issued in a three-year cycle, year over year continuously.

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, tested appliances shall be delivered to the Department of General Services warehouse in Sacramento, California or to a local facility as directed by the Energy Commission.

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
Plumbing Fittings (faucets, aerators, wash fountains)
Plumbing Fixtures (toilets, urinals)
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
Other Appliances as Directed by CAM ¹

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/2014publications/CEC-400-2014-009/CEC-400-2014-009-CMF.pdf> (NOTE: The Energy Commission will update 20 CCR 1604 during the course of this contract period). Contractor shall use the most current

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

version of 20 CCR 1604, unless directed by the CAM to use an other version of the test method.

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 months²;
 - (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
 - (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;

² 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."

- (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/
(NOTE: The Energy Commission may update these forms and instructions during the course of the agreement. Contractor shall use the most recent versions of the forms and instructions.)

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 various local facilities depending on their status, and as directed by the CAM:

- 1) Department of General Services (DGS) warehouse
1700 National Drive, Sacramento, CA 95834
- 2) California Energy Commission
1516 Ninth Street, Sacramento, CA 95814
- 3) Other Sacramento area locations as directed in writing by the CAM

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 a location as directed in writing by CAM, 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 or quarterly depending on contract activity
1.4	Progress Reports	Monthly or quarterly depending on contract activity
1.5	<ul style="list-style-type: none"> • Draft Outline of the Final Report • Final Outline of the Final Report • Draft Final Report • Final Report 	May 1, 2018 May 15, 2018 June 1, 2018 June 25, 2018
1.6	<ul style="list-style-type: none"> • Written documentation of meeting agreements • Schedule for completing closeout activities 	June 1, 2018 June 1, 2018
2	Proposed Appliance Purchase Form	10 business days after CAM 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, 2018

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 Agreement Request Form; and

RESOLVED, that the Energy Commission approves Agreement 400-15-001 with **University Enterprises, Inc.** for a **\$600,000** contract to purchase and test appliances to determine compliance with Title 20 energy efficiency standards. Testing results are used to support enforcement actions and data collection that can lead to scoping new appliance efficiency regulations; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee 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 8, 2015.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

Harriet Kallemeyn,
Secretariat