

**CONTRACT REQUEST FORM (CRF)**



A) New Agreement \_\_\_\_\_ (To be completed by CGL Office)

B) Division	Agreement Manager:	MS-	Phone
200 Financial Services	Mark Hutchison	19	916-654-6718

C) Contractor's Legal Name	Federal ID Number
Citizens Oversight Board	-

D) Title of Project
Memorandum of Understanding between California Energy Commission and the Citizens Oversight Board

E) Term and Amount	Start Date	End Date	Amount
	5 / 18 / 2016	7 / 1 / 2019	\$ 0

**F) Business Meeting Information**

Operational agreement (see CAM Manual for list) to be approved by Executive Director

ARFVTP agreements \$75K and under delegated to Executive Director.

Proposed Business Meeting Date	5 / 17 / 2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Mark Hutchison	Time Needed:	minutes

Please select one list serve. Efficiency

**Agenda Item Subject and Description**

CITIZENS OVERSIGHT BOARD. Proposed resolution approving MOU-15-004 between the California Energy Commission and Citizens Oversight Board. This memorandum of understanding is to affirm that the California Energy Commission will provide operational and administrative services to the Citizens Oversight Board to the extent feasible and allowed by law. This memorandum of understanding also details the Energy Commission's responsibility to hold and administer the funds for the Citizens Oversight Board with the Board maintaining discretion in how those funds are spent, including entering into and approving agreements with third parties. Contact: Mark Hutchison.

**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 it is a Memorandum of Understanding.

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       Environmental Impact Report  
 Negative Declaration       Statement of Overriding Considerations  
 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
NA	\$ 0	<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:  
 NA

**J) Budget Information**

Funding Source	Funding Year of Appropriation	Budget List No.	Amount
Funding Source			\$
R&D Program Area:	Select Program Area	TOTAL:	\$ 0
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

**K) Contractor's Administrator/ Officer**

Contractor's Administrator/ Officer				Contractor's Project Manager			
Name:	Kate Gordon			Name:	Jack Bastida		
Address:	1516 9 <sup>th</sup> Street			Address:	1516 9 <sup>th</sup> Street		
City, State, Zip:	95814			City, State, Zip:	95814		
Phone:	916-327-2224	Fax:	- -	Phone:	916-327-2224	Fax:	- -
E-Mail:				E-Mail:	jack.bastida@energy.ca.gov		

**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 MOU

**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: N/A

**Q) Retention**

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



<b>R) Justification of Rates</b>
N/A

<b>S) Disabled Veteran Business Enterprise Program (DVBE)</b>
1. <input checked="" type="checkbox"/> Exempt (Interagency/Other Government Entity)
2. <input type="checkbox"/> Meets DVBE Requirements      DVBE Amount:\$ <u>0</u> DVBE %: _____ <input type="checkbox"/> Contractor is Certified DVBE <input type="checkbox"/> Contractor is Subcontracting with a DVBE: _____
3. <input type="checkbox"/> Contractor selected through CMAS or MSA with no DVBE participation.
4. <input type="checkbox"/> Requesting DVBE Exemption (attach CEC 95)

<b>T) Miscellaneous Agreement Information</b>
1. Will there be Work Authorizations? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
2. Is the Contractor providing confidential information? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
3. Is the contractor going to purchase equipment? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
4. Check frequency of progress reports <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Other... _____
5. Will a final report be required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
6. Is the Agreement, with amendments, longer than a year? If yes, why? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Duration of MOU is until 7/1/2019; end date of statute governing the Citizens Oversight Board

<b>U) The following items should be attached to this CRF (as applicable)</b>
1. Exhibit A, Scope of Work <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Attached
2. Exhibit B, Budget Detail <input checked="" type="checkbox"/> N/A <input 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. Resumes <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Attached
7. CEC 105, Questionnaire for Identifying Conflicts <input checked="" type="checkbox"/> Attached

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

# MEMORANDUM OF UNDERSTANDING

Between the  
**Citizens Oversight Board**  
and  
**The California Energy Commission**

## **I. Parties**

This Memorandum of Understanding (MOU) is between the State Energy Resources Conservation and Development Commission (Energy Commission) and the Citizens Oversight Board (Board), both of which are state entities within the California Natural Resources Agency. Hereafter, the Energy Commission and Board are collectively referred to as “the Parties,” and individually, as appropriate, as “a Party.”

## **II. Background**

The Energy Commission was established in 1974 by the Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code section 25000 et seq. The Board was created in 2013 by the California Clean Energy Jobs Act, Public Resources Code section 26200 et seq.

The Clean Energy Jobs Act allocates funds to California’s K-12 schools and community colleges for eligible energy projects, such as energy efficiency upgrades and clean energy generation at schools. The Energy Commission is the lead agency for the K-12 projects. The Board is tasked to ensure accountability of the Clean Jobs Act funds by taking actions that include annually reviewing all expenditures of the Job Creation Fund, commissioning and reviewing an annual independent audit of the Job Creation Fund and a selection of completed projects, and publishing a complete accounting of its expenditures each year.

The Clean Energy Jobs Act specifies that the Board’s principal office shall be located in the Energy Commission’s Sacramento office. (Pub. Resources Code, § 26212, subd. (c).) The Board was, and may in the future be, allocated funding in the State’s budget for purposes of implementing its statutory mandates, which funds were appropriated to the Energy Commission, for administrative efficiency. The Energy Commission was also authorized to provide full-time staff to the Board who will work on the Board’s behalf under the direction and supervision of the Board Chair.

## **III. Purpose and Agreement**

The purpose of this MOU is to affirm that the Energy Commission, an entity separate and distinct from the Board, will provide operational and administrative services to the Board to the extent feasible and allowed by law, as a result of the Board and Energy Commission sharing the same office location and, the Energy Commission’s responsibility to hold and administer Board funds. For the purposes of this MOU, “operational and administrative services” means property,

equipment, or services that facilitate Board operations including, but not limited to, Energy Commission providing meeting space, hosting and maintaining a website URL for the Board, processing expense reimbursements approved by the Board for payment, providing administrative support for Board contracts with third parties, and preparing budget change proposals. In addition to providing operation and administrative services to the Board, the Energy Commission will hold and make available to the Board, the Board's budget allocation from funding appropriated annually by the Legislature and, will designate an Energy Commission employee (or employees) to work for, on behalf, and at the sole direction of the Board as long as the Legislature provides an allocation therefor.

Although the Legislature has appropriated Board-related funds to Energy Commission on the Board's behalf, which may create general, oversight fiduciary duties for the Commission, the Board has discretion in how these funds shall be spent in furtherance of its statutory mandates. Appropriately, the Board may enter into and approve agreements that encumber these funds, without obtaining prior or subsequent approval of the Energy Commission, or having to have any subcommittee or other approval by the Energy Commission.

#### **IV. Duration**

This MOU may be modified by mutual consent of authorized officials from the COB and the CEC. This MOU shall become effective upon signature by the authorized officials from the COB and the CEC, and will remain in effect until modified or terminated by mutual consent. In the absence of mutual agreement by the authorized officials from COB and the CEC for this MOU to terminate sooner than July 1, 2019, this MOU shall end on July 1, 2019.

#### **Contact Information**

Kate Gordon  
Chair, Citizens Oversight Board  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814  
916-327-2224

Robert Oglesby  
Executive Director, California Energy Commission  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814  
916-654-4996

\_\_\_\_\_ Date:

Kate Gordon  
Chair, Citizens Oversight Board

A handwritten signature in cursive script that reads "Kate Gordon". The signature is written in black ink and is positioned below the printed name and title.

\_\_\_\_\_ Date: April 21, 2016

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITIZENS OVERSIGHT BOARD

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (Energy Commission) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the Energy Commission approves Agreement MOU-15-004 between the California Energy Commission and Citizens Oversight Board. This memorandum of understanding is to affirm that the California Energy Commission will provide operational and administrative services to the Citizens Oversight Board to the extent feasible and allowed by law. This memorandum of understanding also details the Energy Commission's responsibility to hold and administer the funds for the Citizens Oversight Board with the Board maintaining discretion in how those funds are spent, including entering into and approving agreements with third parties; 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 May 17, 2016.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

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Cody Goldthrite,  
Secretariat