

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 10/2015)

CALIFORNIA ENERGY COMMISSION

A) New Agreement MOU-17-006 (To be completed by CGL Office)

100 Commissioners Offices	Jennifer Nelson	31	916-651-8835
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The Government of Denmark	-
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Memorandum of Understanding regarding offshore wind energy

02 / 21 / 2018	12 / 31 / 2019	\$ 0
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☐ 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 02 / 21 / 2018 ☒ Consent ☐ Discussion

Business Meeting Presenter Jennifer Nelson Time Needed: 0 minutes

Please select one list serve. ClimateChange

Agenda Item Subject and Description

Proposed resolution approving Agreement MOU-17-006 with the Government of Denmark to share knowledge, experiences, data, and best practices relevant to the development of offshore wind energy.

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 this MOU is for the sharing of knowledge, experiences, data, and best practices relevant to the development of offshore wind energy. This MOU focuses on information sharing and may involve some travel to share information at seminars and meetings. Therefore, this MOU will not result in any physical changes to the environment.

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

Legal Company Name:	Budget	SB	MB	DVBE
	\$ 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"/>

Legal Company Name:

Government of Denmark

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**J) Budget Information**

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

Name:	Christina Graaskov Ravn	Name:	Christina Graaskov Ravn
Address:	Stormgade 2-6, 1470 København K	Address:	Stormgade 2-6, 1470 København K
City, State, Zip:	Denmark	City, State, Zip:	Denmark
Phone:	- -	Fax:	- -
E-Mail:	chr@efkm.dk // Phone +45 41729129	E-Mail:	chr@efkm.dk // Phone +45 41729129

<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	MOU						

<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)

	<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

<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:

<input type="checkbox"/> A. Reimbursement in arrears based on:	<input 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 checked="" type="checkbox"/> C. Other, explain: N/A, there is no exchange of money				

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

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**R) Justification of Rates**

N/A

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)

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 ☒ None required
5. Will a final report be required? ☒ No ☐ Yes
6. Is the Agreement, with amendments, longer than a year? If yes, why? ☐ No ☒ Yes
 Long term information sharing to better foster cooperation between the two parties

1. Exhibit A, Scope of Work ☒ N/A ☐ Attached
2. Exhibit B, Budget Detail ☒ N/A ☐ Attached
3. CEC 96, NCB Request ☒ N/A ☐ Attached
4. CEC 95, DVBE Exemption Request ☒ N/A ☐ Attached
5. CEQA Documentation ☒ N/A ☐ Attached
6. Resumes ☒ N/A ☐ Attached
7. CEC 105, Questionnaire for Identifying Conflicts ☐ Attached

Agreement Manager_____
Date_____
Office Manager_____
Date_____
Deputy Director_____
Date

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF DENMARK AND THE CALIFORNIA ENERGY
COMMISSION
hereby jointly referred to as “the Participants”**

WHEREAS,

Climate change represents an urgent and potentially irreversible threat to human societies, particularly the poor and vulnerable, as well as to the environment and our global economy;

WHEREAS,

Denmark and California have both committed to fighting climate change as part of the Under2 Coalition. The Coalition was formed in 2015 by the states of California and Baden-Württemberg, Germany to mobilize and galvanize bold climate action from like-minded city, state and regional governments around the globe. Coalition members pledge to limit greenhouse gas emissions to 2 tons per capita or 80 to 95 percent below 1990 levels by 2050. Denmark became an Endorsing Partner to the Under2 MOU in February 2017;

WHEREAS,

Denmark has experience and history in developing offshore wind energy facilities and California is exploring the feasibility, potential impacts, and appropriate locations of, and for, wind facilities offshore the California Coast;

NOW THEREFORE, the Participants have reached the following understanding:

SECTION 1. OBJECTIVE

The objective of this Memorandum of Understanding is to share knowledge, experiences, data, and best practices relevant to the development of offshore wind energy.

SECTION 2. AREAS OF COOPERATION

The Participants intend to cooperate on the following priority areas:

1. Constraints and challenges of permitting and constructing offshore wind energy facilities;
2. Environmental challenges associated with offshore wind energy facilities;
3. Best practices, regulatory approaches and scientific models with regard to protection of the environment, including, but not limited to, the effects of offshore wind energy facilities on fish, marine mammals, migratory birds and cultural resources;
4. Impacts to commercial and recreation fishing industries from offshore wind energy facilities;
5. Sharing data and information on mitigation measures implemented for wind projects offshore Denmark ;
6. Knowledge transfer and sharing on a wide range of offshore wind energy issues including supply chain, off take, grid integration/interconnection to optimize offshore wind energy deployment and data on the benefits and impacts of offshore wind; and
7. Workforce development and port development requirements/management issues.

SECTION 3. FORMS OF COOPERATION

Forms of cooperation under this Memorandum of Understanding may include, but are not limited to, the following:

1. Exchange of data, information, and documentation;
2. Intergovernmental and international visits involving policy makers, regulators, academic institutions, and businesses; and
3. Joint organization of and participation in seminars, workshops, and meetings to share information and practices, and to educate key stakeholders, including stakeholders within the supply chain for offshore wind energy.

SECTION 4. THIRD PARTY PARTICIPATION

If the Participants deem it helpful or convenient, by common decision of the Participants, individuals and entities from the private, public, academic, research, and other sectors may be invited to support the cooperative activities described herein, provided that they can directly and meaningfully contribute to achievements of the objectives of this Memorandum of Understanding.

SECTION 5. FINANCIAL ARRANGEMENTS

Nothing in this Memorandum of Understanding represents a commitment of funds by either of the Participants.

SECTION 6. DISPUTE RESOLUTION

Any differences arising from implementation of this instrument shall be resolved in good faith, through consultations between the Participants.

SECTION 7. MODIFICATION PROCEDURE

This Memorandum of Understanding may be modified at any time by mutual written consent of the Participants.

SECTION 8. DURATION

Cooperation under this Memorandum of Understanding is effective upon signature by the Participants and approval of this Memorandum of Understanding at an Energy Commission business meeting. The term of this Memorandum of Understanding shall be from the effective date until December 31, 2019. After that period, it may continue to be in effect by mutual written agreement of the Participants. Either Participant may discontinue this Memorandum of Understanding through written communication to the other Participant. Discontinuation shall take effect thirty (30) calendar days following the date of notification and should not affect activities already under implementation.

SECTION 9. FINAL PROVISIONS

The Participants acknowledge that this Memorandum of Understanding is only intended to provide for cooperation between the Participants and does not create any legally binding rights or obligations. To the extent that any other provision of this Memorandum of Understanding is inconsistent with this paragraph, this paragraph shall prevail.

The Participants commit themselves in good faith to implement this Memorandum of Understanding to the fullest extent possible, subject to any changes in policy that they may adopt, and subject to the governing laws where the activities will be carried out.

For the Danish Government

For the California Energy Commission

LARS CHR. LILLEHOLT
Minister for Energy, Utilities and Climate

KAREN DOUGLAS
Commissioner
California Energy Resources Conservation
and Development Commission

Signed on

Signed on

at

at

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: APPROVAL OF MEMORANDUM OF UNDERSTANDING
BETWEEN THE GOVERNMENT OF DENMARK AND THE ENERGY COMMISSION

WHEREAS, both Denmark and the State of California have committed to fighting climate change; and

WHEREAS, both the Government of Denmark and the State Energy Resources Conservation and Development Commission (Energy Commission) have a mutual interest to collaborate to fight climate change by sharing knowledge, experiences, data, and best practices relevant to the development of offshore wind energy.

THEREFORE BE IT RESOLVED, that the Energy Commission adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

FURTHER BE IT RESOLVED, that the Energy Commission approves Agreement MOU-17-006 with The Government of Denmark; and

FURTHER BE IT RESOLVED, that Commissioner Karen Douglas or 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 February 21, 2018.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

Cody Goldthrite,
Secretariat