

A) New Agreem	ient <u>150-18-001</u> (To	o be completed	d by CGL Office)						
150 Office of th	e Executive Director		Maunee Beren	stein		8	916-653	-1639	
University Ente	rprises, Inc.				94	-13376	638		
Appliance Effici	iency Enforcement Test	tina							
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	7 / 1 / 2018		6 / 30 / 2021		\$ 675,0	100			
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	al agreement (see CAM				Director				
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Proposed Business Meeting Date 6 / 13 / 20 Business Meeting Presenter Maunee B			erenstein		Needed	☐ Discussion Needed: 5 minutes			
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	Subject and Description								
	ution approving Agreen		-001 with Universit	y Enterprises, I	lnc. for a	contra	act of thre	e years	
totalling \$675,0	00 (\$225,000/fiscal year	r) to purcha	ise and test appliar	nces to determi	ne comp	oliance	with Title		
	cy standards. Section 1								
	periodically test appliar								
	narking, and design star purposes. (AEES Fund							jeneral	
data collection	purposes. (AEES Fund	ing) Contac	a. Mauriee Derens	tein. (Stan pres	entation	. 3 111111	utes)		
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	will not cause direct ph			ent or a reason	ably fore	seeah	ole indirec	t nhysical	
	he environment because								
	nt is considered a "Proj			<u> </u>			,		
	ement IS exempt. (Atta								
	tutory Exemption. List	PRC and/or	CCR						
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	egorical Exemption. Li number:	St CCR							
	mmon Sense Exemption	n 1/ CCR	15061 (b) (3)						
	reason why Agreement		` , ` ,	ction:					
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	ement IS NOT exempt.	(Consult w	rith the legal office	to determine ne	ext steps	.)			
Check all th			_						
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J) Budget Information						
Funding Source	Funding Year of Appropriation	Budget List No.		Amount		
Other 2018-19				\$225,000		
Other	2019-20	100.151	,	\$225,000		
Other 2020-21		100.151		\$225,000		
Funding Source				\$		
Funding Source				\$		
	ogram Area			\$675,000		
Explanation for "Other" selection		/ Enforcement Subaccount				
Reimbursement Contract #:	, appliance Emelency	Federal Agreement #:				
Troimbardonione Contract n.		i odorai rigioomon				
Name: Monica Kauppinen		Name: Tim Marbach				
Address: UEI, Sponsored Pr 6000 J Street	ograms Administration	Address: Department of Mechanical Engineering 6000 J Street				
City, State, Zip: Sacramento, CA 9	5819	City, State, Zip: Sacramento, CA 95819				
Phone: 916-278-7380 Fax:	916-278-4886	Phone: 916-278-3461 Fax: 916-278-6089				
E-Mail: mkauppi@csus.edu	10.10 = 10.1000	E-Mail: tmarbach@csus.edu				
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☐ Solicitation Select Type S☐ Non Competitive Bid (Attach CEC) ☐ Exempt Other Governme		# of Bids: _		Low Bid? No Yes		
Private Company (including non-p	d CSU)					
Sovernment Entity (i.e. city, count	y, federal government, air/wa	ter/school district, joint p	ower auth	norities, university from another state)		
If yes, check appropriate box:				SB MB DVBE		
Not Applicable (Agreement is well Public Resources Code 25620, ☐ The Services Contracted: ☐ are not available within civil : ☐ cannot be performed satisfared are of such a highly specialized available through the civil service. ☐ The Services are of such an: ☐ urgent ☐ temporary, or ☐ occasional nature that the delay to implement under Justification:	et seq., authorizes the service ctorily by civil service erzed or technical nature e system.	Commission to con mployees that the expert know	tract for			
 □ A. Reimbursement in arrears be □ Itemized Monthly □ B. Advanced Payment □ C. Other, explain: 	ased on: Itemized Quarterly	☐ Flat Ra	te	☐ One-time		
Is Agreement subject to retention If Yes, Will retention be released.		mination?		☐ No		

STATE OF CALIFORNIA CONTRACT REQUEST FORM (CRF) CEC-94 (Revised 10/2015)



R) Justification of	Rates						
		standards for laboratori	es performing :	similar work. The i	ndirect ove	erhead	d rate is
the current rate ch	arged by Univer	sity Enterprises, Inc.					
	• •	Government Entity)					
	E Requirements		nt:\$ <u>0</u>	DVI	BE %:		
	ctor is Certified D			_			
		cting with a DVBE: N					
		CMAS or MSA with no	DVBE particip	ation.			
4. 🛚 Requesting	DVBE Exemption	on (attach CEC 95)					
1. Will there be W		-				No	Yes
		idential information?				No	Yes
3. Is the contracto						No	☐ Yes
4. Check frequence		`					
Monthly		U Other					
5. Will a final repo				•		No	⊠ Yes
•	•	ents, longer than a yea				No	Yes
The on-going i	need for testing	cannot be interrupted a	nually to rene	w the contract.			
1. Exhibit A, Scop					☐ N/A		Attached
Exhibit B, Budg					☐ N/A	=	Attached
3. CEC 96, NCB F	•				⊠ N/A	_	Attached
4. CEC 95, DVBE		uest			☐ N/A	=	Attached
CEQA Docume	ntation				⊠ N/A	=	Attached
6. Resumes					⊠ N/A	=	Attached
7. CEC 105, Ques	stionnaire for Ide	ntifying Conflicts					Attached
Agreement Manager	Data	Office Manager	Deta	Danistis Disco	4		Data
Agreement Manager	Date	Office Manager	Date	Deputy Direct	(Of		Date

Exhibit A SCOPE OF WORK

	Project Summary & Scope of Work
PI Name:	<u>Tim Marbach</u>
Project Title:	Appliance Efficiency Enforcement Testing
If Third-	Party Confidential Information is to be provided by the State:
thi	rformance of the Scope of Work is anticipated to involve use of rd-party Confidential Information and is subject to the terms of s Agreement; OR
re	separate CNDA between the University and third-party is quired by the third-party and is incorporated in this Agreement as thibit A7, Third Party Confidential Information.

TASK LIST

Task #	Task Name
1	Administration
2	Acquisition and Purchase of Appliances
3	Testing of Appliances
4	Delivery of Tested Appliances
5	Support Services for Appliance Regulations
6	Conduct Internal Laboratory Audits

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.

20 California Code of Regulations 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.

Section 1609 allows the Energy Commission to collect monetary penalties for violations of the appliance efficiency regulations. Testing results are used as the basis for the Energy Commission taking enforcement action against non-complying manufacturers and sellers and collecting penalties.

Goals and Objectives of the Agreement

The Contractor shall purchase appliances as directed by the Commission Agreement Manager (CAM), inspect them, prepare the test space for testing, 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 a local facility in Sacramento, California as directed by the Energy Commission. Bi-annually the Contractor shall perform internal laboratory audits to ensure the proper protocols are being followed to demonstrate consistent, accurate, repeatable testing.

The contractor shall also provide appliance support services, including but not limited to attending meetings to address technical testing concerns, reviewing and commenting on new or proposed appliance regulations, observe testing at remote locations, and reviewing test reports as needed.

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 CAM. 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.

Deliverables:

Monthly Progress Reports

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, California, 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
Residential Pool Pump Motors
Showerheads
Small Battery Chargers
Torchieres
Tub Spout Diverters
Under-Cabinet Luminaires
Other Appliances* as Directed by CAM

^{*}The CAM 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 retail sources to purchase the appliance
 to be tested, unless the CAM indicates a source with the request.
- Send an email 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 type; 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.
- Track the time, date, and location of the appliance at all times through a chain of custody form. The form shall be up to date and maintained in a binder at all times.
- Store the appliance in a secure location until the time of delivery.

Deliverables:

- Submit "Proposed Appliance Purchase" Form within 14 calendar days of receiving direction from the CAM to purchase the appliance.
- Purchase appliances within 7 calendar days of direction from the CAM.
- Maintain a chain of custody form while in possession of the appliance.

TASK 3: TESTING OF APPLIANCES

The goal of this task is to inspect appliances upon receipt, prepare the space to perform testing, and to test appliances acquired in Task 2 using the specific test methods referenced 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 to determine compliance with applicable energy efficiency and design standards (NOTE: The Energy Commission may update 20 CCR 1604 during the course of this contract period). Contractor shall use the most current version of 20 CCR 1604, unless directed by the CAM to use another version of the test method.

The Contractor shall ensure there is adequate staff to keep up with the volume of testing requested by the CAM, and will hire additional testing technicians and supervising engineers as needed to increase capacity. Periodically, the CAM may request testing of appliances not regulated under Title 20. The Contractor may also be required to subcontract with other testing laboratories when directed by the CAM.

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
- (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.
- Prepare the testing space to accommodate the specific requirements of the test procedure.
- 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 include the following information:
 - 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) the efficiency standards (if applicable) the specific appliance must meet, as referenced in the Energy Commission's Appliance Efficiency Regulations, and include a statement regarding compliance or noncompliance of each tested appliance to that standard;
 - (3) the 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) 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) 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, and if the appliance is listed in the Modernized Appliance Efficiency Database (Database);
 - (6) include a printout of the Database listing (if applicable);

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¹ Pursuant to Section 1603(a)(1)-(5) of Title 20, California Code of Regulations the testing laboratory 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."

- (7) 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.)
- (8) purchase price, date, and retail location;
- (9) photos of the tested appliance, its marking or labelling, and packaging.
- Upon written request from the CAM, provide technical support services including, but not limited to: analyzing test reports from other laboratories, providing technical feedback on testing procedures and processes, and observing testing at offsite locations.

Deliverables:

- Submit application for laboratory approval for each appliance category tested by January 1 of each year, and prior to testing a new appliance type.
- Send the CAM a test report for each appliance tested within 14 calendar days of completing the test.

TASK 4: DELIVERY OF TESTED APPLIANCES

Contractor shall label and deliver all appliances purchased and tested under this Agreement, as directed by the CAM, to various local facilities:

- 1) Department of General Services (DGS) Warehouse 1700 National Drive, Sacramento, CA 95834
- California Energy Commission
 1516 Ninth Street, Sacramento, CA 95814
- Evidence Storage Locker
 1901 Arena Blvd. Suite B, Sacramento, CA 95834
- 4) Other locations as directed in writing by the CAM

The Contractor Shall:

- If CAM provides written response to the Contractor confirming 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, and keep the appliance until CAM provides
 instructions to the Contractor.
- Deliver appliances to a location specified by the CAM. Before the end date of

- the Agreement, the CAM will inform Contractor on the Energy Commission's decision for removal of the appliance.
- Deliver materials not expended before the end of the contract date, if directed by the CAM.

Deliverables

- Label the appliance pursuant to instructions from the CAM, as either a failed test, or a non-certified appliance, or both.
- Deliver appliances to a location specified by the CAM within 14 calendar days of date of CAM request.

TASK 5: SUPPORT SERVICES FOR APPLIANCE REGULATIONS

The goal of this task is for the Contractor to be available to provide feedback on technical, testing related matters pertaining to appliance efficiency standards.

The contractor shall provide technical support services as needed when directed by the CAM, such services include, but are not limited to:

- provide technical feedback on proposed efficiency regulations and test procedures
- attend workshops and provide comments for rulemakings
- provide other services as requested by CAM

Deliverables:

- Provide written comments and analysis on appliance efficiency test procedures, regulations, and rulemaking comments when requested by CAM within four calendar weeks of receiving request.
- Attend appliance efficiency rulemaking workshops when requested by CAM.

TASK 6: CONDUCT INTERNAL LABORATORY AUDITS

The goal of this task is for the Contractor to audit the laboratory Contractor uses at CSUS twice per calendar year to ensure that all the necessary steps and precautions are being followed to demonstrate competency to perform consistent, accurate, repeatable testing.

The contractor shall:

- Conduct internal laboratory audits bi-annually following a specific checklist provided by the CAM. The CAM may also opt to audit laboratory personally.
- Maintain an electronic log of all equipment requiring calibration, the calibration dates, and calibration certificates.
- Perform additional internal audits as requested by CAM.

Deliverables:

- Bi-Annually, in January and July, perform a laboratory audit, utilizing an audit checklist provided by the CAM.
- By the last day of January and July, send the CAM an electronic copy of the completed audit checklist, the calibration log, and calibration certificates.
- The Contractor will address any deficiencies discovered in the audit and provide written documentation to the CAM within 14 calendar days identifying how the deficiency was addressed.

RESOLUTION NO: 18-0613-5

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 or Amendment Request Form (as applicable); and

RESOLVED, that the Energy Commission approves Agreement 150-18-001 with University Enterprises, Inc. for a contract of three years totalling \$675,000 (\$225,00/Fiscal Year)to purchase and test appliances to determine compliance with Title 20 energy efficiency standards. Section 1608(d) of the Appliance Efficiency Regulations require the Energy Commission to periodically test appliances sold in California to determine compliance with reported efficiency performance, marking, and design standards. Testing results are used to support enforcement actions and general data collection purposes; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the Energy Commission.

<u>CERTIFICATION</u>

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 13, 2018.

AYE: [List of Commissioners]
NAY: [List of Commissioners]
ABSENT: [List of Commissioners]
ABSTAIN: [List of Commissioners]

Cody Goldthrite, Secretariat