

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 05/2019)

CALIFORNIA ENERGY COMMISSION

A) New Agreement 700-19-002 (To be completed by CGL Office)

B) Division	Agreement Manager:	MS-	Phone
700 Siting Transmission Environmental Protection	Anwar Ali	2000	916-654-5020

C) Contractor's Legal Name	Federal ID Number
West Coast Code Consultants, Inc.	20-4707579

D) Title of Project
West Coast Code Consultants, Inc. (WC3, Inc.) as DCBO for Carlsbad Energy Center Project/ Encina Power Station Demolition

E) Term and Amount	Start Date	End Date	Amount
	9/30/2019	12/31/2021	\$ 0

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 \$75K and under delegated to Executive Director.			
Proposed Business Meeting Date	08/14/2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter	Anwar Ali	Time Needed:	
Please select one list serve. Select			

Agenda Item Subject and Description
WEST COAST CODE CONSULTANTS, INC. Proposed resolution approving Agreement 700-19-002 with West Coast Code Consultants, Inc. (WC3, Inc.) for a \$0 contract to provide delegate chief building official (DCBO) services for the Carlsbad Energy Center Project (07-AFC-06C) in regards to the demolition of the Encina Power Station. WC3, Inc. will carry out demolition plan review and the inspection of demolition activities to ensure compliance with reasonable demolition practices and safety requirements on behalf of the Energy Commission. WC3, Inc. will be compensated by the project owner of the Carlsbad Energy Center Project for the DCBO services. Contact: Anwar Ali.

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 the work under this agreement involves contract administration, plan reviews, site inspection, compliance monitoring and reporting, and code interpretation services when necessary.
2. If Agreement is considered a "Project" under CEQA: <input type="checkbox"/> a) Agreement <b>IS</b> exempt. <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 <b>IS NOT</b> 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
	\$ 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:

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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	TOTAL: \$ 0	
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

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

Name:	Chris Kimball	Name:	Giyan Senaratne
Address:	2400 Camino Ramon, Suite 240	Address:	2400 Camino Ramon, Suite 240
City, State, Zip:	San Ramon, California 94583	City, State, Zip:	San Ramon, California 94583
Phone:	801-682-5031	Fax:	- -
E-Mail:	chrisk@wc-3.com	E-Mail:	giyan@wc-3.com

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

☒ Solicitation RFQ Solicitation #: RFQ-18-703 # of Bids: 2 Low Bid? ☒ No ☐ Yes  
☐ Non Competitive Bid (Attach CEC 96)  
☐ Exempt Select Exemption (see instructions)

**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:**

The Encina Power Station will be demolished in accordance with all Energy Commission requirements and all applicable laws, ordinances, regulations and standards (LORS). The Energy Commission is responsible for monitoring all Conditions of Certification and LORS compliance, including the California Building Standards Code (CBSC). Power plant demolition can be complex. This complexity requires a vast array of knowledge and expertise unique to this type of demolition activity. This type of expertise does not exist in state service, and there are only a handful of firms in California that are able to perform this highly technical compliance review. Additionally, the work is urgent because the work is time sensitive and must be completed on schedule to prevent tremendous cost of delays. The work is also of an occasional nature because the compliance inspection activities are triggered by certain activities by the project owner.

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**P) Payment Method**

- ☐ A. Reimbursement in arrears based on:
- ☐ Itemized Monthly      ☐ Itemized Quarterly      ☐ Flat Rate      ☐ One-time
- ☐ B. Advanced Payment
- ☒ C. Other, explain: No Energy Commission reimbursement. Zero sum contract.

**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 were negotiated with WC3, Inc. for being the firm with highest score for RFQ Statement of Qualification (SOQ).

**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? The project owner will provide As-builts to document the ☒ No ☐ Yes
6. Is the Agreement, with amendments, longer than three years? If yes, why? ☐ No ☒ Yes
- The completion of the demolition work would take minimally 22 months.

**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 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

## **EXHIBIT A**

### **SCOPE OF WORK**

#### **ABOUT THIS SECTION**

In this section, the Energy Commission describes the tasks the DCBO Firm will be asked to perform under the direction of the Energy Commission's CPM. This section also describes the work assignment process and deliverables.

#### **DCBO WORK REQUIREMENTS**

The Energy Commission utilizes the California Code of Regulations, Title 24, Parts 1 through 12, herein referred to as the California Building Standards Code (CBSC) for jurisdictional power plants. Facility closure plan review, and closure compliance and filed inspections of all civil, structural, mechanical (except process piping), electrical, and fire prevention facilities must comply with the CBSC and other applicable engineering codes and standards, so these codes apply to all power plant closure and decommissioning. Energy Commission DCBOs are required to have total familiarity with them. The CBSC includes the following code parts relevant to power generation facilities and their commonly referenced names. Although these parts apply to construction work, and only some may apply to demolition work, nonetheless, staff requires the DCBO to have familiarity with all of these parts:

- Part 1 - California Building Standards Administrative Code
- Part 2 - California Building Code (Volumes 1 and 2)
- Part 3 - California Electrical Code
- Part 4 - California Mechanical Code
- Part 5 - California Plumbing Code
- Part 6 - California Energy Code
- Part 7 - no longer in use
- Part 8 - California Historical Building Code
- Part 9 - California Fire Code
- Part 10 - California Existing Building Code (formally - California Code for Building Conservation)
- Part 11 - California Green Building Code
- Part 12 - California Reference Standards Code

A properly designed, constructed or modified power plant will meet or exceed all applicable LORS. Some of the applicable LORS include, but are not limited to, the list below. Energy Commission DCBOs must have complete familiarity with all applicable LORS.

- American National Standards Institute (ANSI)
- American Petroleum Institute (API)
- American Society of Civil Engineers (ASCE)

- American Society of Mechanical Engineers (ASME)
- American Society for Testing and Materials (ASTM)
- Institute of Electrical and Electronics Engineers (IEEE)
- National Fire Protection Association (NFPA)
- Underwriters Laboratories (UL)
- American Welding Society (AWS)
- National Electrical Code (NEC)
- National Electrical Safety Code

Additional LORS of note include, but are not limited to, the California Professional Engineers Act (Business and Professions Code sections 6700-6799), California Professional Land Surveyors' Act (Business and Professions Code sections 8700-8805) and California contractors' license laws.

## **DCBO TASKS AND WORK PERFORMANCE**

This section contains a generalized version of the roles, responsibilities, and varied tasks expected of a DCBO Firm. Please note that although the DCBO functions as the Energy Commission's delegate, the Energy Commission has the final authority and responsibility to ensure that each power generating facility certified is built, modified, or closed in accordance with the Energy Commission's Decision and the applicable LORS.

As an Energy Commission delegate, the DCBO must abide by any interpretation of the CBSC, and any other applicable LORS, made by the Energy Commission. In addition, all DCBO team members must be approved by Energy Commission staff, including additions or replacement team members.

The DCBO will perform contract administration functions, complete a series of specific plan review, site-inspection, and facility closure monitoring and reporting tasks, and provide technical/interpretive support services when necessary. Required DCBO tasks include Tasks 1-6, below:

### **TASK 1 – PROJECT TEAM MANAGEMENT (DCBO INFRASTRUCTURE) AND QUALITY CONTROL**

The DCBO shall:

- Understand and become familiar with each Project's COCs applicable to the project.
- Attend and participate in Energy Commission team meetings as requested by the CPM.
- Work with the CPM to ensure all pre-closure submittals, if applicable, are complete.
- Use a password-protected, project-specific website for the posting of the weekly reports and other project documents. The documents on the website must be

posted in an MS Word- or Excel-compatible format, and applicable submittals must be converted to .pdf files for the Periodic Compliance Reports (PCRs).

- Provide document security and backup methods to the CPM for review and approval to ensure that the electronic submittal process is secure and data can be re-established if it is lost or damaged.
- Obtain and become familiar with the Compliance Matrix for closure, decommissioning, and/or demolition provided by the project owner with submittal deadlines.
- Maintain a site presence during all facility closure and decommissioning activities or as directed by the CPM.
- Issue as necessary correction notices and non-conformance reports to ensure COC and LORS compliance.
- Select a DCBO Lead Engineer or monitor as appropriate and as directed by the CPM, to oversee facility closure and decommissioning compliance, as delineated by the Facility Design, Geology, and Transmission System Engineering COCs, as well as the SWPPP and the DESCP.
- Include all the components listed below in a weekly Periodic Compliance Report (PCR) with an easily-navigable format. Provide Periodic Compliance Reports (PCRs) and site inspection reports to the CPM via web posting, and include:
  - List of DCBO staff onsite and their duties;
  - Executive summary of current closure activities, broken down by facility design engineering elements:
    - General (GEN);
    - Civil (CIVIL);
    - Structural (STRUC);
    - Mechanical (MECH);
    - Electrical (ELEC); and
    - Safety.
  - Updated compliance matrix;
  - Compliance issues with applicable LORS and COCs;
  - List of issued or potential non-conformance reports;
  - List and status of submitted plans;
  - Status of interconnections, including:
    - Natural Gas;
    - Backfeed;
    - Potable Water;
    - Waste Water; and
    - Fire Water.
  - List of field inspections performed this week (inspection reports shall be posted for CPM review no later than 3 days after inspection was done); and,
  - List of any job-related accidents whether Occupational Safety and Health Administration (OSHA) recordable or not.

- Maintain, via a Document Control Manager (DCM), a log of all email correspondence pertinent to all document submittals, and inspection activity issues.
- Provide and maintain an easily referenced and on-line copy of the invoices submitted to the Project Owner.

### **Deliverables:**

The following deliverables shall be submitted through the DCBO's Document Submittal and Tracking System (DSTS):

1. Weekly Periodic Compliance Reports (PCRs) on a schedule agreed to by the CPM and DCBO;
2. Updated Compliance Matrix for closure, decommissioning, and/or demolition; and,
3. Invoices submitted to the Project Owner.

## **TASK 2 – PROJECT COORDINATION AND COMMUNICATION PROTOCOLS**

Power plant closure, decommissioning, and demolition projects require well-organized processes to perform inspections, keep all parties informed, and ensure all DCBO comments are well documented.

The DCBO shall:

- Track and maintain
  - Any Drawings
  - Notices of non-conformance;
  - Inspection comments, rejections, and approvals;
  - Special inspections; and,
  - Safety Inspections.
- Maintain all documents submitted to the DCBO for access by project staff and Energy Commission staff.
- Maintain the minimum types of project documents including but not limited to: closure drawings; supporting calculations; closure specifications; inspections; special inspections; worker safety records; and when applicable, environmental monitoring records.
  - Documents submitted to the DCBO must be in an Adobe Acrobat® .pdf, secure, electronic file format, and if an Engineer of Record (EOR) is associated with the submittal, it must include a digital signature.

### **Task 2.1 – Kick Off and Coordination Meeting(s)**

As directed by the CPM, the DCBO shall attend project-specific coordination meetings and be prepared to provide information regarding the timing, schedule, and issues for COC compliance and monitoring.

**Deliverables:**

Deliverables may include the following:

1. Any Drawings;
2. Notices of non-conformance;
3. Inspection comments, rejections, and approvals;
4. Special inspections; and
5. Safety Inspections.

**TASK 3 –FACILITY CLOSURE COMPLIANCE ASSISTANCE**

The Facility Closure Plan must be approved before the Energy Commission can allow the Project Owner to proceed with site mobilization and commence facility closure activities. Although the Energy Commission retains the final authority over all matters relating to COC interpretation, the DCBO does provide certain preliminary document review and pre-closure COC compliance assistance.

The DCBO shall assist, as directed by the CPM, with preliminary document review and COC compliance. The DCBO should communicate the amount of time required for these activities to the Project Owner during their contract negotiations.

**TASK 4 – FACILITY DEMOLITION-RELATED PLAN REVIEW**

Demolition activities might require new construction work. Construction of a new structure for the purpose of accessing an existing structure in order to undertake or complete demolition work may require engineering design review and field inspection. The DCBO shall perform this review and inspection.

**Deliverables:**

Deliverables may include:

1. Engineering design review records; and,
2. Field inspection records.

**TASK 5 – FACILITY CLOSURE COMPLIANCE AND FIELD INSPECTIONS**

The DCBO's responsibilities also include conducting field inspections and providing COC compliance oversight. In this role, the DCBO is responsible for the inspection of closure, decommissioning, and demolition activities to ensure compliance with reasonable closure, decommissioning, and demolition practices and safety requirements. These include, but are not limited to, compliance items identified below and within the project-specific COCs.



The DCBO shall:

1. Select a Certified Safety Monitor, financed by the Project Owner, who reports directly to the DCBO and the CPM. The Certified Safety Monitor must be certified from a recognized state, national, or international organization as a Safety Professional. The Certified Safety Monitor's role will include, but is not limited to conducting on-site (including linear facilities) safety inspections to verify that the Safety Supervisor implements all appropriate Cal/OSHA and Energy Commission safety requirements.
  - Oversee the Safety Monitor, to ensure that the Safety Monitor completes the following:
    - Conduct on-site safety inspections during closure, decommissioning, and dismantling activities at intervals necessary to fulfill those responsibilities.
    - Have the authority to issue a stop work order for unsafe conditions found on the work site. The stop work order will be in writing and given to the Safety Supervisor with the necessary conditions to remedy the unsafe condition(s) before work can resume.
    - Ensure that the corrective actions have been properly taken by the Safety Supervisor before work can resume.
    - Maintain a log of and document all safety-related issues.
    - Provide an inspection notification process that includes independent feedback to the Project Owner's project team and CPM when multiple or repeated inspection failures have occurred as described in the Best Management Practice Guide "Guide", which is included as **Attachment 12 (Exhibit H)** of this RFQ.

### **Deliverables:**

Deliverables may include:

1. Inspection reports; and
2. Copy of stop work order, if applicable.

### **TASK 6 – NON-COMPLIANCE AND INCIDENT REPORTING AND RESOLUTION**

The primary responsibility of the DCBO is to ensure compliance with local building codes, the CBSC, Workers Safety, and other applicable LORS. As per Task 1 above, if a non-conformance report is issued, it must be reported to the CPM (on a per incident basis or in the next PCR or as directed by the CPM). The non-conformance report should only be issued after all other measures are exhausted (i.e. correction notices, discussion with CPM, etc.) to seek compliance.

The DCBO shall:

1. Communicate any LORS-related non-compliance concerns or issues about any safety-related incidents to the project owner's representative and CPM.
2. Communicate any unresolved issues to the CPM for issue resolution process.

3. Take any action allowed by the California Code of Regulations, the CBSC and LORS to ensure that the Energy Commission's interests are properly addressed and protected.
4. Notify the CPM prior to initiating a stop-work order. For emergency situations, the DCBO may initiate a stop-work prior to notifying the CPM or the Compliance Office Manager if the CPM is not available. For any action taken under emergency conditions, the CPM must be notified within 4 hours of the action.

**Deliverables:**

1. Notification to CPM of intention to initiate stop-work order, due 24 hours before initiation except as described in item 2 below;
  2. Notification to CPM of emergency stop-work order, within 4 hours of action; and
- Safety-related incidents reports.

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION - RE: WEST COAST CONSULTANTS, 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 700-19-002 with West Coast Code Consultants, Inc. (WC3, Inc.) for a \$0 contract to provide delegate chief building official (DCBO) services for the Carlsbad Energy Center Project (07-AFC-06C) in regards to the demolition of the Encina Power Station. WC3, Inc. will carry out demolition plan review and the inspection of demolition activities to ensure compliance with reasonable demolition practices and safety requirements on behalf of the Energy Commission. WC3, Inc. will be compensated by the project owner of the Carlsbad Energy Center Project for the DCBO services; 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 August 14, 2019.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

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Cody Goldthrite  
Secretariat

