



**CALIFORNIA
ENERGY COMMISSION**



**California Energy Commission
June 12, 2024 Business Meeting
Backup Materials for Aspen Environmental Group**

The following backup materials for the above-referenced agenda item are available in this PDF packet as listed below:

1. Proposed Resolution
2. Contract Amendment Request Form

[PROPOSED]

RESOLUTION NO: 24-0612-03b

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION: Aspen Environmental Group

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

RESOLVED, that the CEC approves an amendment to Agreement 300-22-003 with Aspen Environmental Group. This amendment is for: (1) \$2,000,000 budget augmentation, (2) two-year term extension, (3) amending budget reallocation terms and conditions, and (4) increasing labor rate of one subcontractor. This amendment will support the following areas: (1) non-lithium long duration energy storage (NLLDES) grants; (2) U.S. Department of Energy (DOE) applications for NLLDES grants; and (3) other technical support, including CEQA review. Staff recommends conditional approval of this item based upon funding availability as of the 2024 Budget Act; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC 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 CEC held on June 12, 2024.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat



STATE OF CALIFORNIA

CONTRACT AMENDMENT REQUEST FORM (CARF)

CEC-276 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

Original Agreement # 300-22-003 Amendment # 1

Division	Agreement Manager:	MS-	Phone
ERDD	Kevin Mallon		

Recipient's Legal Name	Federal ID Number
Aspen Environmental Group	95-4337914

Revisions: (check all that apply)	Additional Requirements
<input checked="" type="checkbox"/> Term Extension New End Date: 3/31/2028	Include revised schedule and complete items A, B, C, D, & H below.
<input checked="" type="checkbox"/> Budget Augmentation Amendment Amount: \$ 2,000,000	Include revised budget and complete items A, B, C, D, E, F, & H below.
<input type="checkbox"/> Budget Reallocation	Include revised budget and complete items A, B, C, D, & H below.
<input type="checkbox"/> Scope of Work Revision	Include revised scope of work and complete items A, B, C, D, & H below.
<input type="checkbox"/> Change in Project Location or Demonstration Site	Include revised scope of work and complete items A, B, C, D, G, & H below.
<input type="checkbox"/> DVBE Replacement	Include revised scope of work and complete items A, B, C, D, F & H below.
<input type="checkbox"/> Novation/Name Change of Prime Recipient	Include novation documentation and complete items A, B, D, & H below.
<input checked="" type="checkbox"/> Terms and Conditions Modification	Include applicable exhibits with bold/underline/ strikeout and complete items A, B, C, D & H below.

A) Business Meeting Information**Business Meeting approval is not required for the following types of Agreements:**☐ Minor amendments delegated to Executive Director per December 2013 ResolutionProposed Business Meeting Date 6/12/2024 ☒ Consent ☐ Discussion

Business Meeting Presenter N/A Time Needed: 0 minutes

Please select one list serve. EPIC (Electric Program Investment Charge)

Agenda Item Subject and Description:**Aspen Environmental Group**

Proposed resolution approving an amendment to Agreement 300-22-300 with Aspen Environmental Group, and adopting staff's determination that this action is exempt from CEQA. This amendment is for: (1) a \$2,000,000 budget augmentation, (2) a two-year term



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extension, (3) amending the contract terms and conditions to allow budget reallocations via CAM and supervisor approval, and (4) increasing the labor rate of one subcontractor. This amendment will provide technical support to the CEC in three areas: (1) preparing and issuing grants for the development of non-lithium long duration energy storage (NLLDES) projects; (2) preparing grant applications seeking to obtain Department of Energy (DOE) grants to fund additional NLLDES projects; and (3) preparing miscellaneous technical studies, assessments (including CEQA review and assessments), and providing other support services in connection with NLLDES. (LDES funding) Contact: Kevin Mallon.

B) Amendment Justification (For contract amendments only)

- ☐ Non Competitive Bid (Attach DGS-GSPD-09-007) <https://www.dgs.ca.gov/PD/Forms>
- ☒ Exempt Select Exemption (see instructions)
- ☐ Non Competitive Follow On Funding (SB 115)

C) List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)

Legal Company Name:	Budget
KC Holdings, Inc.	\$ 0
Borneo Engineering LLC.	\$ 0
Frontier Energy, Inc.	\$ 0
Anchor QEA, LLC	\$ 0
WJV Acoustics	\$ 0
Risk Science Associates	\$ 0
Be Accessible Inc	\$ 0
Netcentric Technologies Inc.	\$ 0
Energy Veterans, Inc.	\$ 0
Ascend Analytics, LLC	\$ 0
CohnReznick LLP	\$ 0
Michael Firenze Inc	\$ 0
PAR Environmental Services Inc.	\$ 0
DNV Energy USA Inc.	\$ 0

D) List all key partners: (attach additional sheets as necessary)

Legal Company Name:

E) Budget Information (only include amendment amount information)

Funding Source	Funding Year of Appropriation	Budget List Number	Amount
GGRF	23-24	303.401	\$2,000,000
			\$

R&D Program Area: ESTB: ETSI

TOTAL: \$ 2,000,000

Explanation for "Other" selection

Reimbursement Contract #: Not applicable

**CONTRACT AMENDMENT REQUEST FORM (CARF)**

Federal Agreement #:

F) Disabled Veteran Business Enterprise Program (DVBE)

1. ☒ Exempt (Interagency/Other Government Entity)
2. ☐ Meets DVBE Requirements DVBE Amount:\$ _DVBE %:___
 - a) ☐ Contractor is Certified DVBE
 - b) ☐ Contractor is Subcontracting with a DVBE:
3. ☐ Contractor selected through CMAS or MSA with no DVBE participation
4. ☐ Requesting DVBE Exemption (attach CEC 95)

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

2. If Agreement is considered a "Project" under CEQA:

- c) ☒ Agreement **IS** exempt.
 - ☐ Statutory Exemption. List PRC and/or CCR section number:
 - ☒ Categorical Exemption. List CCR section number: 14 CCR 15063
 - ☒ Common Sense Exemption. 14 CCR 15061 (b) (3)

Explain reason why Agreement is exempt under the above section:

The activity is covered by the Common Sense Exemption in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here the project involves preliminary activities such as providing reviews of LDES projects, preparing technology assessment reports, and supporting the preparation, evaluation, and management of grant funding opportunities. The project also includes preparation of US Department of Energy applications and preparation of other miscellaneous support studies. The project does not involve any physical impacts since all work will be conducted on computers. Agreement tasks do include providing preliminary CEQA project assessments and environmental impact analyses for potential future NLLDES projects, but the project does not commit to funding any of the recommendations flowing from the agreement. Any potential locations of future storage would require compliance with CEQA before the CEC could fund said future projects.

The project meets the Categorical Exemption 14 CCR 15306 in that all activities consist of basic data collection, research, and resource evaluation activities and do not result in a serious or major disturbance to an environmental resource.

**CONTRACT AMENDMENT REQUEST FORM (CARF)**

This project consists of information gathering, report preparation, and other computer-based technical support for the LDES program leading to actions which a public agency has not yet approved, adopted or funded. This project does not involve impacts on any particularly sensitive environment; does not involve any cumulative impacts of successive projects of the same type in the same place that might be considered significant; does not involve unusual circumstances that might have a significant effect on the environment; will not result in damage to scenic resources within a highway officially designated as a state scenic highway; the project site is not included on any list compiled pursuant to Government Code section 65962.5; and the project will not cause a substantial adverse change in the significance of a historical resource. Therefore, none of the exceptions to categorical exemptions listed in CEQA Guidelines section 15300.2 apply to this project and this project will not have a significant effect on the environment.

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

- d) ☐ 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

H) The following items should be attached to this CARF (as applicable)

- | | | |
|---|---|--|
| 1. Exhibit A, Scope of Work/Schedule | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached |
| 2. Exhibit B, Budget Detail | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |
| 3. DGS-GSPD-09-007, NCB Request | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached |
| 4. CEC 95. DVBE Exemption Request | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |
| 5. CEQA Documentation | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached |
| 6. Novation Documentation | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached |
| 7. CEC 105, Questionnaire for Identifying Conflicts | | <input checked="" type="checkbox"/> Attached |

Kevin Mallon
Agreement Manager

4/23/2024
Date

Reynaldo Gonzalez
Branch Manager

4/24/2024
Date



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CALIFORNIA ENERGY COMMISSION

<u>(Delegated to Branch Manager)</u>	<u>4/24/2024</u>
Director	Date