



## ***SOLICITATIONS***

### ***FOR GRANTS, AND CONTINGENT AWARDS***

#### **Other Documentation**

This document focuses on document creation, and publication from the point of view of the Grants and Loans Office. There is a much more detailed description of this process which can be found in PIMS under Help, PIMS Documentation Solicitation Process Guide (SPG) and Solicitation Quick Reference Guide.

These can be found here:

[http://energynet/Erdd/pimshelp/pimshelp\\_processDocumentation.html](http://energynet/Erdd/pimshelp/pimshelp_processDocumentation.html)

#### **Timeline**

Please see Tables 1-1, 1-2, and 1-3 for timelines.

#### **A. Grant Application Manual**

Solicitations for Commission grant and loan programs are made by posting the solicitation on the website, and e-mailing the appropriate mailing lists. All Grant solicitations must be approved by the appropriate Commissioner and coordinated through the Commission's Grants and Loans Office.

The application for a grant or loan program can be as simple as one page or consist of a detailed application and manual depending on the program. Generally, the application consists of two parts: (1) information about the program and application process, and (2) an application form and/or description of what to submit.

The Application Manual contains, at a minimum, the following information:

- Name of Program
- Release Date
- Proposal Due Date and Time. Allow a minimum of five weeks from the solicitation release date to the deadline for submitting applications. State that all applications must be received by the designated deadline.
- Purpose of Program
- Availability of Solicitation Documents and Information. Include website address, alternative method of obtaining solicitation documents; and instructions on joining email list server and/or mailing list for notifications on updates to solicitations.
- Background
- Eligible Applicants
- Eligible Projects
- Funding Information (i.e., Awards issued as grants, source of funds, fiscal year of funds, etc.)
- Total Dollars Available

- Award Minimum and Maximums (if any)
- Match Share/Cost Share Requirements (if any)
- Payment of Prevailing Wage
- CEQA
- General Statement on Method of Awarding
  - First-Come, First-Served:** Projects that meet specified minimum criteria are funded on a first-come, first-served basis based on the time their completed application is received.
  - Competitive Solicitation:** Applicants compete based on selection criteria and are scored and ranked based on those criteria. Highest scoring applicants receive funding.
- Administrative Requirements:
  - Reference and provide access to appropriate Terms and Conditions. Include statement that the Energy Commission reserves the right to modify the Terms and Conditions prior to executing final Agreements.
  - Require that the Authorized Representative certify by signature that all information in the proposal is correct and complete to the best of their knowledge.
  - If Private Entities Can Apply, Include the Following Statement:

“California business entities as well as non-California business entities conducting intrastate business in California are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If you are not currently registered with the California Secretary of State, we encourage you to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning your project (should your application be successful). For more information, contact the Secretary of State via their website at [www.sos.ca.gov](http://www.sos.ca.gov).”
  - Statement that Authorizing Resolutions (if necessary) Must Be Provided
- Proposal Requirements: Include required elements of proposals, such as, but not limited to, the following:
  - Applicant Legal Name
  - Contact Information (name, address, phone, email, etc.)
  - Abstract/Summary
  - Project Description
  - Estimated Start and End Dates
  - Task-by-Task Project Description
  - Budget Information
  - Other Proposal Requirements (Financial Statements, etc.)
- Proposal formatting Requirements : Include information on proposal format and any required restrictions which may include, but not be limited to, the following:
  - Maximum Number of Pages

- Number of Copies to Submit (the Grants and Loans Office will hold one original hard and soft copy)
- Earliest Estimated Start Term (CEC Business Meeting approval date is earliest start term allowed.)
- Maximum Project Term (3 months prior to funding liquidation date is maximum end term allowed.)
- Maximum/Minimum Funding per Project
- Discouragement of Equipment Purchases with Energy Commission Funds
- Statement that Reimbursement Made Only for Actual Costs Incurred
- Statement of Prohibited Expenditures (including No Profit Allowed)
- Statement that All Costs Incurred (Match Share and Reimbursable) Must Occur Within Approved Term of Agreement
  
- Selection Process
  
- Schedule for Awarding Process
  
- Scoring Criteria, Methodology, and Minimum Score Required (for competitive solicitations)
  
- Minimum Requirements for Eligibility (for first-come, first-served solicitations)
  
- Instructions for Submitting Confidential Information OR a Statement that No Confidential Information will be accepted.
- Solicitation Amendment and Cancellation Clause
  
- Submission Requirements:
  - Due Date
  - Due Time
  - Where to Submit Applications/Proposals
  - Statement that Postmarks, Faxes, Emails are Not Acceptable
  - Statement that Applications/Proposals Not Received by the Stated Due Date and Time Will Be Rejected
  
- Grounds for Rejection:
  - List of Mandatory Reasons for Rejection
  - List of Discretionary Reasons for Rejection
  
- Solicitation Workshop Information, including WebEx information. (if any)
  
- Information on How to Submit Questions and Deadline for Submitting. Provide mailing address and email address for question submittal.
  
- Prevailing Wage Information (if applicable)

- Prevailing Wage Special Conditions if not included in Terms and Conditions.
- Prevailing Wage Compliance Certificate
- Prevailing Wage Q&As
  
- Forms, As Necessary, to Facilitate the Application Submittal
  - Cover Sheet with contact information and certification
  - Work Statement Template
  - Budget Forms
  - Schedule of Products and Due Dates
  - CEQA
  - Prevailing Wage Compliance Certificate Questionnaire

## **B. Amendments to Solicitation and/or Supporting Documents**

If there are any additions, corrections, or modifications to the solicitation after the solicitation has been released, **ALL** potential applicants on the email list-server or mailing notification list must be sent written notification. Amendments must be coordinated through the Commission's Grants and Loans Office and posted to the Commission website by the Grants and Loans Office.

Amendments to solicitations will follow the same review and approval process as the original solicitation.

## **C. Commission Website**

All Commission grant and loan solicitations, applications, amendments, and supporting documents (terms and conditions, confidential information procedures, etc.) must be posted on the Commission's website. After all approvals are obtained, submit electronic copies of the solicitation documents to the Media and Public Communications Office.

Under normal conditions, they try to get to your request and have regular work posted on line the same day as received.

Please do not, however, expect that items sent to them in the late afternoon will be on line that same day.

They process work as received. So, depending on work load and staffing, your item may not be placed on line until the next business day. This may even apply to items that "must" be placed on line to meet legal requirements. That "extra day" should be taken into account when putting items on line that have legal deadlines.

The Web Team and the Grants and Loans Office will not be held accountable for missed legal deadlines, or for staff who do not call in advance to request that an item be expedited or given special handling.

**If you need us to expedite an item and have it on line sooner, please CALL the Web Team Supervisor to request that item be expedited. They will make every effort to accommodate you.**

ALWAYS save Word and Excel files in the older .doc and .xls formats so that Recipients who have older versions are able to open the documents.

They will let you know by e-mail when they have completed a work assignment.

**D. Roles and Responsibilities of Scoring Team**

While scoring proposals reviewers must keep the evaluation process confidential until the NOPA is released; Evaluation Committee members must not discuss any of the proposals or scores with other Evaluation Committee members or anyone outside of the Evaluation Committee

**E. Notice of Proposed Awards (NOPA) (competitive solicitations only)** For competitive solicitations, a Notice of Proposed Awards (NOPA) is prepared and released identifying the awards recommended for funding. The NOPA contains, at a minimum, the following information:

- Relevant Background Solicitation Information
- Table Showing Relative Ranking of All Applications Received. Table should include:
  - Application Number
  - Legal Name of Applicant (University of California must read as The Regents of the University of California or The Regents of the University of California on behalf of the \_\_\_\_\_ campus.
  - Title of Project
  - Recommended Award Amount (\$)
  - Total Passing Score (or “Did Not Meet Minimum Technical Score”) (or “Disqualified”)
  - Relative Ranking (or “Did Not Meet Minimum Technical Score”) (or “Disqualified”)

Finalized NOPAs are mailed to all applicants and posted on the Energy Commission’s website.

**G. Forms/Samples Available**

- Grant/Loans Solicitation Request (CEC-275)
- Solicitation Template
- Sample Notice of Proposed Awards

## H. Procedure

### 1. Solicitation Development

#### Solicitation Manager

1. Develop draft solicitation documents (Application Manual, Supporting Documents, and CEC-105s for the solicitation team)
2. Obtains approval of solicitation from appropriate Commissioner.
3. Input necessary information into PIMS see SPG for more details
4. Submit a completed CEC-275 and the required solicitation documents to the Grants and Loans Office, and send an electronic copy to the Grants and Loans Analyst.

#### Grants & Loans Office (G&L)

5. Logs receipt of solicitation package into Grants and Loans System confirm and input dates as needed in the Grants and Loans System see SPG for more details.
6. Schedules team meeting in accordance with solicitation schedule with Grants and Loans, Legal, and Solicitation Manager.
7. Reviews solicitation documents, makes edits/comments and provides draft solicitation documents to assigned Legal staff.
8. Legal Reviews documents, and sends comments in track changes to G&L
9. Receive comments back from legal, and forward to CAM.
10. Attends team meeting to finalize solicitation documents. If necessary.

#### G&L

11. Finalizes solicitation documents by incorporating all changes.
12. Routes final solicitation documents for internal approvals (Division, Legal, Budgets)
13. Submit electronic copies of solicitation and supporting documents to the Commission Web Team for posting on Energy Commission website (see web team requirements in section E ).

14. Mail/E-mail application manual and supporting documents to requesting parties.
  15. Update dates in Grants and Loans System
  - Solicitation Manager 16. Conduct solicitation workshop.
  17. Compile Questions and Answers (Q&A) and submit draft to Grants and Loans Office.
  - G&L 18. Review and finalize Q&A.
  19. Route final Q&A for internal approvals (Division, Legal)
  20. Forward final Q&A to Web Team for posting on Energy Commission's website.
  21. Up date actual dates in the Grants and Loans System.
2. Selection Process
- a. First-come, First-served Solicitation
- G&L 1. Receive application provide receipt if requested by applicant. Open packages and log date and time of receipt of application in the Grants and Loans System.
2. Open all applications, confirm accuracy of log sheet information, and perform administrative screening, input rejections, and the reason for rejection in the Grants and Loans System (if applicable).
3. Return with rejection letter application packages that are received late and/or fail administrative screening.
4. Log confidential information received and secure all confidential volumes.
5. Retain original applications (hard and soft copies) and release all remaining copies to Program Manager.
6. Sign out confidential volumes to Solicitation Manager. Date and number of copies of each volume must be noted.
- Solicitation Manager 7. Review application to determine if it meets minimum eligibility requirements.

8. If the subject area includes Selection Criteria, evaluate and score eligible application using the Selection Criteria to determine if it meets the minimum qualifying points.
  9. If the application meets the eligibility criteria and, if applicable, receives the minimum qualifying points, recommend application for funding on a first-come, first-served basis. Proceed to the appropriate Agreement Development, Approval, and Execution section of this manual. If not, the application is rejected, and the applicant is notified in writing by the Grants Officer.
  10. Return **ALL** confidential volumes to Grants and Loans Office.
- G&L
11. Ensure **ALL** copies of confidential volumes have been returned to the Grants and Loans Office.
  12. Retain one copy of confidential volume in a secure location.
  13. Perform confidential destruction of remaining confidential volumes.
- b. Competitive Solicitation
- G&L
1. Receive application, open package and log date and time of receipt into the grants and loans system.
  2. Return with rejection letter application packages that are received late and/or fail administrative screening, and log rejections in the Grants and Loans System.
  3. Log confidential information received and secure all confidential volumes.
  4. Retain original applications (hard and soft copies) and release all remaining copies to Program Manager.
  5. Sign out confidential volumes to Program Manager. Date and number of copies of each volume must be noted.
- Solicitation Manager
6. Perform technical screening to determine if they meet eligibility requirements (See section F- Roles and Responsibilities of Scoring Team).
  7. Evaluate and score eligible applications using the Selection Criteria.



8. Rank applications receiving a minimum passing score from highest to lowest score.
9. Return **ALL** confidential volumes to Grants and Loans Office.
- G&L 10. Ensure **ALL** copies of confidential volumes have been returned.
11. Retain one copy of confidential volume in a secure location.
12. Perform confidential destruction of remaining confidential volumes.
- Solicitation Manager 13. Prepare draft NOPA input relevant information in PIMS see SPG for details and forward to Grants and Loans Office.
- G&L 14. Review draft NOPA to confirm all information is accurate and consistent with the submitted applications.
15. Confirm Legal Name of Applicants.
16. Route final NOPA for internal approvals (Division, Legal, Budgets)
17. Forward final NOPA to Web Team for posting on Energy Commission's website.
18. Mail final NOPA to all applicants.
19. Confirm posting of NOPA on Energy Commission website. Record the date of the NOPA release in the Grants and Loans System.
- Solicitation Manager 20. Proceed to the appropriate Agreement Development, Approval, and Execution section of this manual.

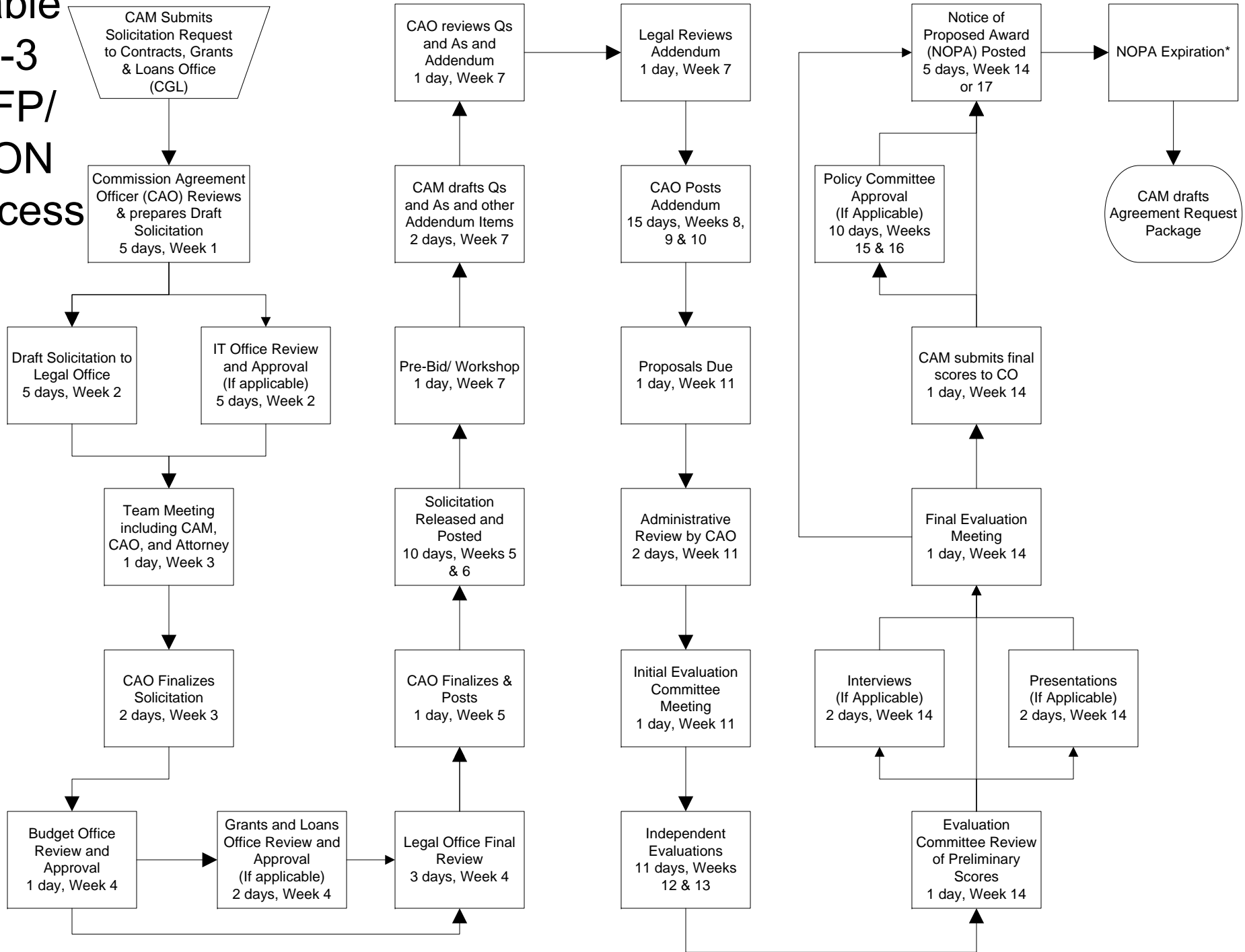
**Table 1-1**  
**Standard Solicitation Process Flowchart View**



**Table 1-2 Solicitation Process Calendar View**

<b>Week #</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>1</b>	Request Received TM Sched, CAO edits				
<b>2</b>	CAO sends to Legal Legal edits				
<b>3</b>	Legal sends to CAO CAO send to CAM		Team Meeting	CAO begins finalizing full solicitation	
<b>4</b>	Solicitation Routed				
<b>5</b>	Solicitation Posted				
<b>6</b>	←				→
<b>7</b>	Pre-Bid/ Workshop Questions Due COB	Questions to CAM →		Questions to CAO	Q&A to Legal for Review
<b>8</b>	Q&A Posted				
<b>9</b>					
<b>10</b>					
<b>11</b>	Proposals Due	Admin Review	1 <sup>st</sup> Eval Meeting	Evaluations begin	→
<b>12</b>	←				→
<b>13</b>	←				→
<b>14</b>	2 <sup>nd</sup> Evaluation Meeting	NOPA Posted			

# Table 1-3 RFP/PON Process



Days shown are Work Days.

\*14 Weeks is the average processing time from the date the solicitation request package is submitted to the Contracts, Grants & Loans Office. Delays at any point of the process will affect the NOPA date.

## ***AGREEMENT DEVELOPMENT, APPROVAL, AND EXECUTION***

### ***FOR GRANTS AND CONTINGENT AWARDS***

#### **Timeline**

Please see Tables 2-1, and 2-2 for timelines.

#### **A. Approval Process**

Once projects are deemed eligible for funding (first-come, first-served) or recommended for funding through a Notice of Proposed Awards (NOPA) (competitive selection), then grant / contingent award agreements must be finalized and approved at a Commission Business Meeting. Divisions are responsible to ensure that all required approvals are obtained based on their internal Division requirements.

#### **B. Documents Available**

- Grant/Contingent Award Request Form (CEC-270) (Form can be found in PIMS)
- Business Meeting Schedule (located on intranet under Featured Information)
- Work Statement Template \*
- Schedule of Products and Due Dates Template \*
- Budget Template \*
- Sample Energy Commission Resolution
- California Environmental Quality Act Compliance Form (CEC-280, see Exhibit A)

#### **C. Procedure**

Commission Agreement Manager (CAM)

1. Submit a completed CEC-270 along with all required attachments (hard copies and electronic versions) as specified on CEC-270 to Grants and Loans Office and to Sparkey for PIER grants on or before the date specified on the Business Meeting Schedule for the planned Commission Business Meeting. A typical request package includes:
  - Grant/Contingent Award Request Form (CEC-270)
  - Conflict of Interest Forms (CEC-105) for all team members
  - Work Statement
  - Schedule of Products and Due Dates
  - Budget
  - CEQA (CEC-280\*\* if applicable) Special Conditions (if necessary)

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\*PIER grant templates can be found in PIMS. For non-PIER templates contact your Grant Officer for templates

\*\* CEC-280 form will be used only when the Recipient has not already made a CEQA finding.

- Resumes on Key Personnel (if applicable)
- Decision Memo (if applicable)

Grants & Loans (G&L)

2. Assign agreement number if not already assigned.
3. Input basic information into Grants and Loans System. (Agreement #, Recipient Name, Amount, Status = “pending”)
4. Confirm Recipient is registered and in good standing with the California Secretary of State’s Office.
5. Confirm agreement term date is consistent with state and/or federal fiscal deadlines.
6. Provide draft copies of agreement documents to assigned Legal staff. (Sparkey completes for PIER)
7. Schedule team meeting within 2 weeks of receipt of Agreement Package Request with Grants and Loans, Legal, and (CAM) to finalize agreement documents. (Sparkey completes for PIER)
8. Provide Agenda Item information to Secretariat by the date specified on Business Meeting Schedule.
9. Review and comments on draft agreement documents prior to team meeting.
10. Attend team meeting to finalize documents.
11. Finalize grant agreement documents (cover page, work statement, budget, special conditions).
12. Route final agreement for internal approvals (CAM, Legal, Budgets, Accounting).
13. Create Commission resolution.
14. Forward final grant agreement documents and resolution to Secretariat by the date specified on the Business Meeting Schedule and post all backup documentation (CEC-270, CEC-146, Statement of Work, Budget, Schedule of Products and Due Dates) on P drive. See instructions listed on p drive <P:\Business Meeting Agenda Packets for Website\Instructions for Putting Agenda Packet Materials Online.doc>

ALL TEAM MEMBERS

G&L

15. Package final agreement.
16. Prepare award letter.
17. Mail award letter, one copy of final agreement 2 copies of the facesheet (CEC-146), and other required documents (e.g., payment request forms, travel expense guidelines, vendor data record, etc.) to Recipient.
- CAM 18. Attend preliminary agenda review and final agenda review meetings in accordance with Business Meeting Schedule.
19. Present award at Commission Business Meeting for approval.
- SECRETARIAT
20. Forward signed Energy Commission Resolution to Grants and Loans Office.
- G&L 21. Receive signed final agreements from Recipient.
22. Make copy of completed Vendor Data Record for the file and forward original to Accounting Office.
23. Review signed document to ensure:
  - No unauthorized changes made to agreement.
  - Signature of the Recipient's Authorized Representative on all copies.
24. Upon receipt of signed Energy Commission Resolution, forward the agreement to Grants and Loans Office Manager for execution.
25. Enter agreement information into Grants and Loans System.
26. Prepare executed letter.
27. Distribute fully executed copies to: Recipient (1 original), CAM (1 copy), Accounting Office (2 copies), Grant File (1 original).

## Exhibit A

### CEQA

There are two main questions for the California Environmental Quality Act (CEQA) section of the CEC-280. First, is the grant or loan considered a “Project” under CEQA? Second, if it is a “Project”, is it exempt?

1. Is the grant or loan a Project as defined by law?

A Project is defined as:

“An activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is ... an activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies”. Public Resources Code section 21065.

A Project does not include:

The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. 14 California Code of Regulations 15378(b)(4).

Based on these definitions, many Energy Commission grants/loans are not considered to be a Project. See the tables at the end of this section for examples of Energy Commission grants/loans that are considered to be a Project and grants/loans not considered to be a Project. If you do not find your type of grant/loan on these charts, and have any question about whether your grant/loan is a Project, please contact the attorney assigned to review grants/loans for your division.

If you determine that the grant/loan is not a Project, check the “No” box, and then include a brief explanation of why the grant/loan is not a Project based on the statutory definition of Project. The CEC-280 already includes the first part of the sentence containing the statutory language, and you complete the sentence. For example, if your grant or loan involves a survey of consumer energy use behavior, you will add the underlined portion:

“Grant or Loan will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because the grantor loan involves a survey of consumer



energy use behavior and the outcome of the contract is a report analyzing survey results.”

2. If the grant or loan is considered a Project, is it exempt?

a) If the grant or loan is considered a Project, the next question is if an exemption applies. For most Commission grants or loans that are considered to be a Project, there will be an applicable exemption in one of the following categories:

- Statutory exemption
- Categorical exemption
- Common sense exemption

For PIER grants, CAM will have possible exemptions available in the PIER Information Management System (PIMS). Choose the exemption you believe is applicable, and include the section number from the statute or CEQA Guidelines, as included in PIMS.

For non-PIER grants or loans, contact the attorney assigned to your division for assistance in choosing a suitable exemption.

For all grants or loans that have an appropriate exemption, complete the Notice of Exemption (NOE) form and submit it with the CEC-280. The blank form is available on the Energy Commission Intranet under blank forms. The information on the NOE is similar to portions of the CEC-280. The NOE is a standard state form and is filed with the Office of Planning and Research.

b) If the grant or loan is not exempt, the CAM needs to consult with the attorney assigned to your division and the Energy Facilities Siting Division (Siting). Based on the information provided by the CAM, Siting will determine what type of CEQA documentation, if any, is necessary and how to proceed. A Negative Declaration could be prepared for those grants or loans resulting in actions that have a potential for a significant environmental effect but have been shown by an Initial Study to not have one. An Environmental Impact Report (EIR) could be prepared for grants or loans that directly result in an action having a significant environmental impact. Because of the considerable lead time needed for Siting to determine the need for a Negative Declaration or EIR and to prepare, distribute, and review the specific documents, it is important that the CAM contact Siting as early as possible.

## Exhibit B

### How to Determine if Recipient is Required to be Registered with the Secretary of State.

- If Recipient has an office in California and is a Corporation, Limited Liability Corporation (LLC) or a Limited Partnership (LP) then they must be registered with Secretary of State.
- If Recipient is a Corporation, LLC or LP located in another state and is conducting intrastate<sup>1</sup> business they will need to register with the Secretary of State. If they are engaged in merely interstate<sup>2</sup> business then they will not be required to register with California's Secretary of State. See questions below to determine if intrastate or interstate.
  1. Will the recipient itself perform any part of the work within California, and if so, what activities and for how long?
  2. Does the recipient have any offices and employees in California, and if so, how many, where, and what in general do the employees do?
  3. Has the recipient had repeated business dealings in the state, and if so, what types of activities were involved?
  4. Is this the first and only contract or grant the recipient has had with a California entity, either private or public, and if not, how many other contracts and grants has the recipient had and with what California entities?
  5. Does the recipient's business dealings meet the definition for intrastate business, and if not, why not?

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<sup>1</sup> California Corporations Code section 2105(a), which states in part, "A foreign corporation shall not transact intrastate business without having first obtained from the Secretary of State a certificate of qualification." The word "foreign" in this case means not incorporated in California. For this purpose, "transact **intrastate** business" means "entering into repeated and successive transactions of its business in this state, other than interstate or foreign commerce" (Cal. Corporations Code section 191).

<sup>2</sup> **Interstate** business- a state can't make you qualify or pay taxes in that state if you only engage in *interstate* business to other states -- meaning that all of your business is conducted across state lines. For example, if you sell and ship merchandise from your home state to residents in other states, you are engaged in merely interstate business, which cannot be regulated by other states.

## **Exhibit C**

### Resolution

A resolution is required from a Recipient if they are a government entity.

#### Required but not limited to:

- Cities
- Counties
  - Water Agencies
  - Irrigation Districts
- State Agencies
  - Community Colleges
  - State Colleges
  - School Districts

#### Not Required:

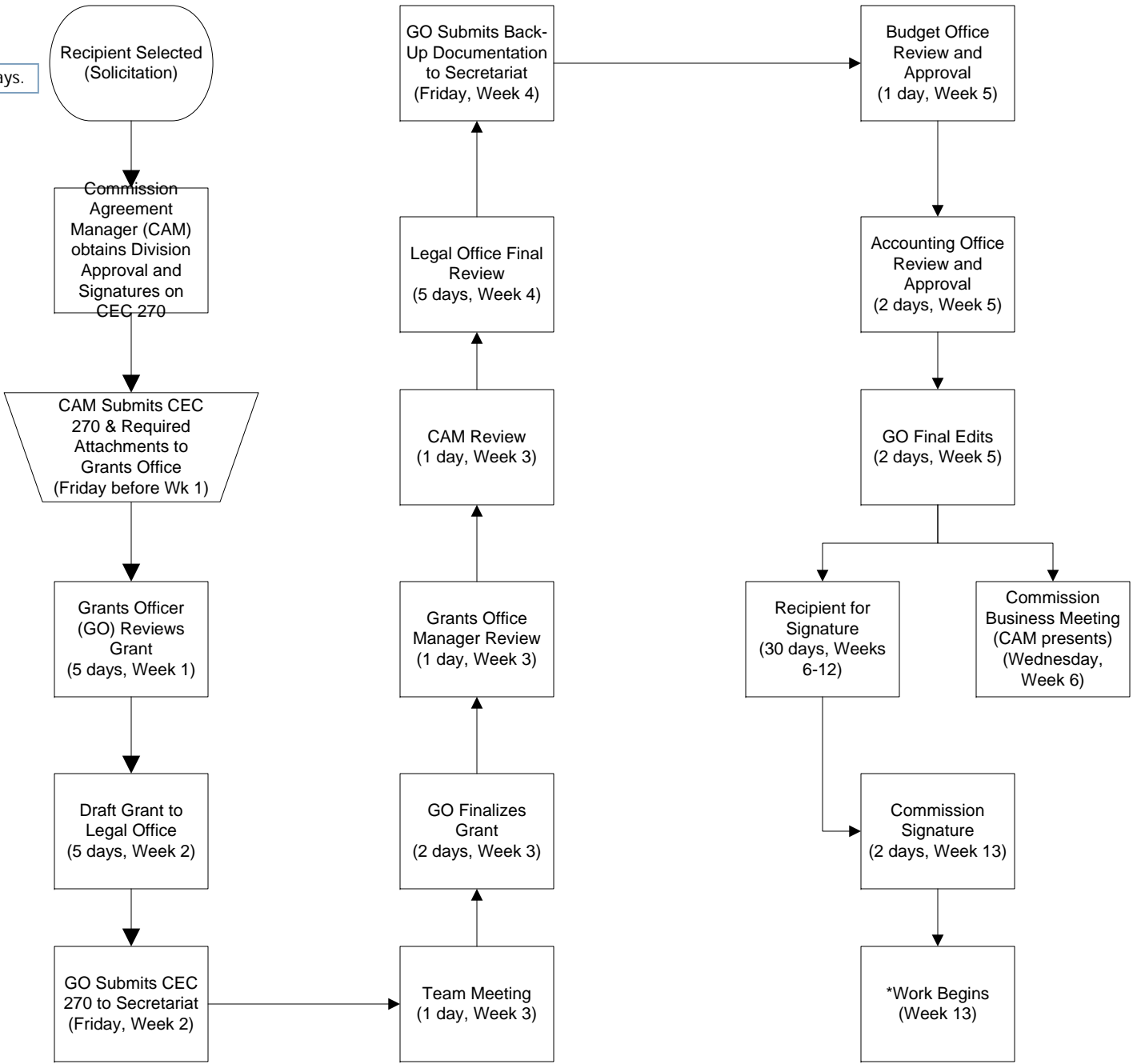
- Corporations (large or small)
- Sole Proprietors
- Partnerships
- Limited Partnerships

#### Not Sure (ask legal):

- University of California (The Regents of the University of California)
- National Labs
- Universities outside California?
- Utilities (PG&E, SMUD, So Cal Edison...etc)
- State Colleges
- Federal Agencies (USDA Forestry, NASA)
- Private Universities

Days shown are Work Days.

# Table 2-1 Grant Approval Process



\*13 Weeks is the average processing time from the date the grant request package is submitted to the Grants Office. Delays at any point of the process will affect the date work can begin.

## Table 2-2 Agreement Request Approval Process

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
Submitted Package					<b>CM Submits Agreement Request To Grants Office</b>		
Week 1	GO Review (5 days)						
Week 2	Legal Review (5 days)				<b>Grants Office Submits Agenda Notice to Secretariat</b>		
Week 3	<b>Team Meeting</b> <b>Pre-Agenda Review</b>	GO Finalize Agreement (2 days)		Grants Office Manager Review (1 Day)	Legal Review Final (5 days)		
Week 4	Legal Review Final continued (5 days)				<b>Grants Office Submits Back-Up to Secretariat</b>	Budgets Office Review (1 day) (Friday)	
Week 5	Accounting Office Review (2 days)		<b>Final Agenda Review</b> GO Final Edits (2 days)		Agreement Sent to Recipient for signature		

## Table 2-2 Agreement Request Approval Process

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Week 6</b>			<b>BUSINESS MEETING</b>			
	Recipient (30 days)			→		
<b>Week 7</b>	Recipient (30 days)			→		
<b>Week 8</b>	Recipient (30 days)			→		
<b>Week 9</b>	Recipient (30 days)			→		
<b>Week 10</b>	Recipient (30 days)			→		
<b>Week 11</b>	Recipient (30 days)			→		
<b>Week 12</b>	CEC Sig (2 days)		→ *Work Begins			

\* The effective date of this Agreement is the approval date by the California Energy Commission. The California Energy Commission shall be the last party to sign. No work is authorized, nor shall any work begin, until on or after the effective date.

Items in Red are dates set by the Energy Commission Business Meeting Calendar located on the Intranet.

## ***PROGRESS REPORTS***

### ***FOR GRANTS, AND CONTINGENT AWARDS***

Recipients must submit to the Commission Agreement Manager written progress reports. Frequency and due dates vary by program and shall be specified in the schedule of products. Each progress report should include the status of (1) work statement tasks, (2) products as identified in the work statement, and (3) project schedule. It should also report on the financial status and compare the project budget to costs to date. Details are specified in the Agreement Terms and Conditions.

#### **A. Forms/Samples Available**

- Contract/Grant/Loan Progress Evaluation (CEC84)
- Progress Report Template PIER and ARFVTF

#### **B. Procedure**

##### Commission Agreement Manager (CAM)

1. Review progress report to ensure project is proceeding according to the terms of the Agreement.
2. Verify that all products due to date have been received and, where required, provide written approval to the Recipient.
3. Prepare Contract/Grant/Loan Progress Evaluation form (CEC84), summarizing activities and noting any issues requiring Grants and Loans attention.
4. Forward original copies of progress report, Contract/Grant/Loan Progress Evaluation form (CEC 84), and any products received to the Grants and Loans Office.

##### Grants & Loans (G&L)

5. Review progress report and Contract/Grant/Loan Progress Evaluation form (CEC 84), and act upon any administrative issues.
6. Log report and file in Award file.

## ***PAYMENT REQUESTS***

### ***FOR GRANTS, AND CONTINGENT AWARDS***

#### **Timeline**

Please see Table 4-1 for timelines.

#### **Payment Requests**

Recipients may request payment from the Commission at any time, but we suggest not more often than monthly, and not less often than yearly, during the term of the Agreement and it is required that the required progress reports be submitted with the payment requests.

Payments will generally be made on a reimbursement basis for Recipient expenditures, i.e., after the Recipient has incurred the expense for a service, product, supply, or other approved budget item. No reimbursement for food or beverages shall be made other than allowable per diem charges.

As a general rule, advance payments are not allowed. The Commission, at its sole discretion, may honor advance payment requests if warranted by compelling need. If any advance payments are received from the Commission, they must be deposited in a separate interest-bearing account. Advance payments will be made only when special circumstances dictate and should not be considered the normal course of business. Advance payments will be considered by the Energy Commission Agreement Manager(CAM) only if there is a clear disincentive to requesting payment in arrears. The time required for the Commission and State Controller's Office to process a payment request will not be considered a disincentive unless the Recipient can demonstrate that the delay will cause a significant hardship. Furthermore, contracts and/or subcontracts with scheduled payments are not sufficient reason to receive advances.

All payment requests must be submitted using a completed Payment Request form which is included as part of the funding Award. All payment requests must be accompanied by backup documentation (e.g., copies of paid invoices, receipts, personnel time records), and a short narrative. This must be provided for both Energy Commission and match share. Specific requirements are detailed in the Terms and Conditions of each Agreement.

The Energy Commission will only process a payment request if all of the following conditions have been met:

- All required progress reports have been submitted and are satisfactory to the CAM;
- All products due have been submitted and are satisfactory to the CAM;
- Applicable contracts and/or subcontracts have been reviewed and approved by the CAM;



- All products due have been submitted and are satisfactory to the CAM;
- All applicable special conditions have been met;
- All appropriate permits or permit waivers from governmental agencies have been issued to the Recipient and copies have been received by the CAM;
- Match funds must be identified in writing and the associated commitment letters obtained (if applicable); and,
- Other prepayment conditions as may be required by the CAM have been met.

Unless otherwise specified in the Agreement, **all payment requests shall be approved and scheduled for payment by the Commission within 30 calendar days of receipt of the payment request.** The Division/Commission Agreement Manager, Grants and Loans Office, and Accounting Office are allowed 10 days each for their review/approval/processing. The State Controller's Office has an additional 15 calendar days to issue the warrant.

#### **A. Retention**

With the exception of University of California awards it is the Commission's policy to retain 10 percent of any payment request, or 10 percent of the total Commission Award at the end of the project which is determined at the beginning of the Agreement by the Energy Commission. After the project is complete, the Recipient must submit a completed payment request form or letter requesting release of the retention that specifies the exact amount of retention to be released. The CAM and Grants and Loans Officer will review the project file and, when satisfied that the terms of the funding Agreement have been fulfilled, will authorize release of the retention.

#### **B. Payment Request Disputes**

The Energy Commission may dispute a payment request submitted by a Recipient for reasonable cause. The Commission should notify the Recipient **within 15 working days** from receipt of the payment request. When disputing a payment request, complete a STD 209 form and mail to the Recipient. Copies must be submitted to the Grants and Loans Office, Accounting Office, and the CAM.

Reasons for disputing a payment request include the Recipient not meeting one or more of conditions listed above, required documentation has not been submitted or does not match the payment request, claimed expenses are not consistent with the approved budget, sufficient match share has not been expended, etc. When a problem arises that cannot be resolved between the CAM and the Recipient, the Grants and Loans Office or the Legal Office should be consulted.

**C. Forms/Samples Available**

- Progress Evaluation/Payment Authorization (CEC-84)
- Contracts, Grants and Loans Payment Request Route Slip (CEC-28).
- Invoice Template (CEC-211a (non-PIER), or PIER)
- Invoice Dispute Notification (STD 209)

**D. Procedure**

Accounting (Acct.)

1. Receive, date stamp, and log payment request.
2. Complete Grant/Loan Payment Request Route Slip
3. Submit route slip, payment request, and backup to CAM.
4. Input payment request in PIMS

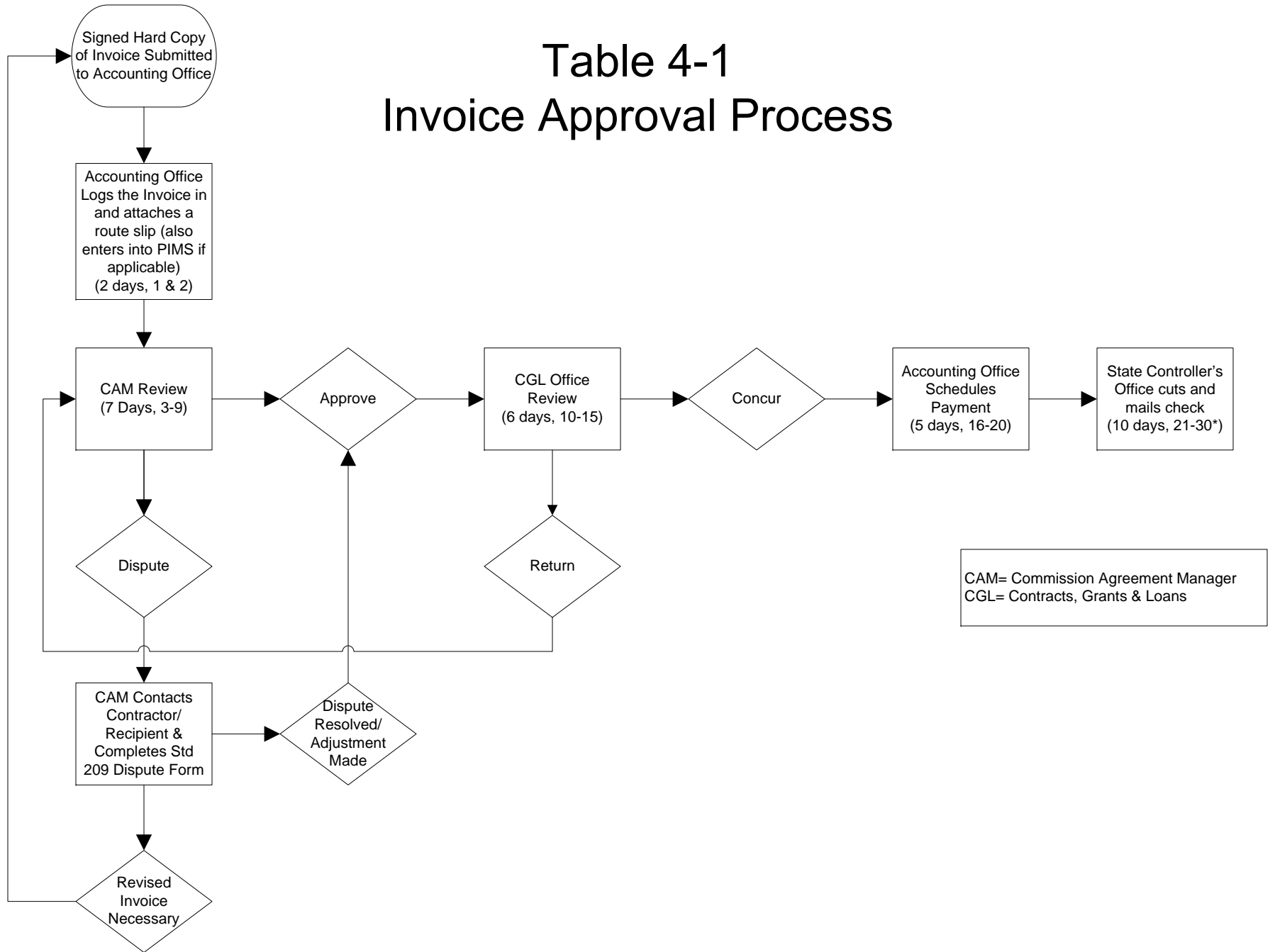
CAM

5. Receive and log payment request.
6. Review payment request:
  - Check for signature of authorized representative (or designee) on Payment Request form.
  - Verify accuracy of Payment Request form (**including math**).
  - Verify expenditures are adequately documented.**
  - Verify expenditures are allowable in accordance with the terms and conditions.
  - Verify expenditures consistent with project scope.
  - Verify expenditures **consistent with approved budget.**
  - Verify expenditures incurred during approved term of project.
  - Verify match share expenditures are expended and documented at a rate consistent with project budget.
7. Check Agreement to ensure any prepayment conditions have been met and products received.

8. Verify all required progress reports and products due to date have been received and are acceptable.
  9. If disputing payment request, prepare STD 209 and mail/email to Recipient, with copies to Grants and Loans, Accounting, and CAM. Resolve dispute with Recipient. Contact Grants and Loans or Legal Office if assistance is needed.
  10. When the payment request is satisfactory, sign payment request and route slip.
  11. Complete and sign a Progress Evaluation/Payment Authorization form (CEC-84).
  12. Obtain Program Manager's approval (if required) and forward approved payment request, backup documentation, route slip, Progress Evaluation/Payment Authorization form (CEC-84), and any products or progress reports to Grants and Loans.
  13. Approve the Payment Request in PIMS
- G&L
14. Review payment request following steps 6 – 8 above.
  15. Review CEC-84 and verify all necessary reports and products have been received.
  16. If disputing payment request, return invoice to CAM with explanation (this is done through PIMS, and by returning the hard copy unless the dispute is resolved within a day).
  17. If final payment request, place an "F" next to payment request number on payment request for (e.g., 1F, 4F, etc.).
  18. If balance of funds remain in Agreement after final payment request, instruct the Accounting Office and Budget Office (via email or note on Payment Request Form specifying balance to be liquidated) to liquidate balance of funds in Agreement.
  19. When the payment request is satisfactory, sign and forward original payment request form, 2 copies of form, and all backup documentation to Accounting for processing.
- Acct.
20. Schedule payment and forward to State Controllers Office who issues and mails payment to Recipient.

21. Record payment in Grants and Loans System, PIMS and Award file.
- Acct./Budgets 22. If necessary, liquidate balance of funds in Agreement. Funds must be liquidated in the Grants and Loans System and the State Accounting System.

# Table 4-1 Invoice Approval Process



Days shown are Work Days.

\*30 is the standard processing time from the date the invoice is submitted to the Accounting Office. Delays at any point of the process will affect the date submitted to SCO and may cause penalties to accrue.

## ***AMENDMENTS***

### ***FOR GRANTS AND CONTINGENT AWARDS***

All amendments to grant and contingent award agreements must be consistent with:

- 1) Authorizing legislation.
- 2) Program regulations/requirements.
- 3) Federal award requirements (if applicable).
- 4) State fiscal encumbrance and liquidation deadlines.
- 5) Established Commission policies.

Almost all amendments must be approved at an Energy Commission Business Meeting. The only exceptions are:

- 1) Budget Revisions among Tasks or Budget Categories that do not affect the scope of the project or the overall grant amount as long as such revisions are described and allowed in the terms and conditions.

Note, however, that increases in hourly rates, fringe, overhead, general and administrative charges and any other rates specified in the grant are not allowed without a formal amendment and approval at a Commission Business Meeting.

- 2) Very minor work statement changes that only correct grammatical errors or reference mistakes.
- 3) Revisions to the Product Due Dates as long as the revised dates are within the current approved term of the agreement.
- 4) Designation of Commission Agreement Manager's (CAM's) and other contact information.
- 5) Changes deemed to be minor enough for a Letter of Agreement (if allowed by the agreement terms and conditions)

With only one exception, all amendments must be executed prior to the implementation of the amendment and/or expiration date of the agreement. For example, amendments to extend the term of the agreement will not be allowed to occur after the agreement has expired. The one exception is for federal grant agreements. Extension of time will be allowed after the expiration date if the proper request has been submitted to the federal awarding agency within 120 days of the expiration of the federally-funded subaward.

The maximum term extension that may be requested is three months prior to the liquidation date of the funds and/or, if federally funded, three months prior to the approved end term of the supporting federal award.

CAM must submit all amendment requests to the Grants and Loans Office a minimum of 4 months prior to the implementation of the change or expiration of the award. **For all amendments, payment will not be authorized for work performed before Commission approval.**

For federally funded awards, amendments may also require prior written approval from the federal grantor agency. Contact the Grants and Loans Office for instructions.

**A. Forms/Samples Available**

- CEC-270 Grant/Contingent Award Request Form

**B. Procedure**

Commission Agreement Manager (CAM)

1. Submit a completed CEC-270 along with all required attachments (hard copies and electronic versions) as specified on CEC-270 to Grants and Loans Office a minimum of four months prior to the implementation of change and/or expiration of the agreement.

Grants & Loans (G&L)

2. Log receipt of Amendment Request Package.
3. Assign amendment number.
4. Input amendment into Grants and Loans System (status = “pending”).
5. If applicable, confirm agreement term date is consistent with state and/or federal fiscal deadlines.
6. If necessary, add line numbers and page numbers on draft documents.
7. If necessary, provide draft copies of amendment documents to assigned Legal staff.
8. If necessary, schedule team meeting within 2 weeks of receipt of Amendment Package Request with Grants and Loans, Legal, and CAM to finalize agreement documents.
9. Provide Agenda Item information to Secretariat by the date specified on Business Meeting Schedule.
- ALL TEAM MEMBERS 10. If applicable, review and comment on draft amendment documents prior to team meeting.

11. If applicable, attend team meeting to finalize documents.
- G&L 12. Finalize amendment documents.
13. Route final amendment for internal signatures (CAM, Legal, Budgets, Accounting).
14. Create Commission resolution.
15. Forward final amendment documents to Secretariat by the date specified on the Business Meeting Schedule.
16. Post back up documentation (CEC-270, CEC-140, and if applicable Statement of Work, Budget, and Schedule of Products and due dates.) to P drive  
[P:\Business Meeting Agenda Packets for Website](#)
17. Package final amendment.
18. Mail final amendment to Recipient for signature.
- CAM 19. Attend preliminary agenda review and final agenda review meetings in accordance with Business Meeting Schedule.
20. Present amendment at Commission Business Meeting for approval.
- Secretariat 21. Forward signed Energy Commission Resolution to Grants and Loans Office.
- G&L 22. Receive signed final amendment from Recipient.
23. Review signed amendment to ensure:
  - No unauthorized changes made to amendment.
  - Signature of Recipient Authorized Representative on all copies.
24. Upon receipt of signed Energy Commission Resolution, forward to Grants Office Manager for execution.
25. Enter or confirm entry in Grants and Loans System.
26. Prepare executed letter.



27. Distribute fully executed copies to: Recipient (1 original), CAM (1 copy), Accounting Office (2 copies), and Grant File (1 original).

## ***AWARD TERMINATION***

### ***FOR GRANTS, AND CONTINGENT AWARDS***

Recipients may cancel an Award for any reason prior to signing the Award documents by notifying the Commission in writing that they do not wish to accept the Award. Once the document is executed (i.e., signed by the Commission and Recipient authorized representative), the Award may be terminated for two reasons: (1) breach or (2) convenience.

#### **A. Event of Breach**

The Commission may terminate an Agreement in the event of any breach by the Recipient of the conditions of the Agreement. In the event of breach, the Commission Agreement Manager (CAM) should contact the Grants and Loans Office, who will work with the Commission's Legal Office on termination procedures.

#### **B. Termination for Convenience**

The Commission may, at its option, terminate an Agreement in whole or in part, upon giving thirty (30) days advance notice in writing to the Recipient by certified mail, return receipt requested. The CAM should contact the Grants and Loans Office, who will work with the Commission's Legal Office on termination procedures.

The Recipient may terminate an Agreement in whole or in part when both the Commission and the Recipient agree that continuation of the project will not produce beneficial results commensurate with the further expenditure of funds. Both parties will agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

In the event of partial termination, the Commission will pay the Recipient for all allowable expenses incurred prior to notice of termination which could not by reasonable efforts of the Recipient have been avoided, but not in excess of Agreement maximum payable. The CAM will determine the disposition of real property, equipment, supplies, and materials resulting from the Award in accordance with the applicable federal rules or circular, which was included as part of the Award.

For loan Agreements pledged to the repayment of a revenue bond, termination of Award is subject to the requirements and restrictions contained in the bond agreements. Please contact the Grants and Loans Office for assistance.

The procedures below describe procedures for termination at the request of the Recipient.

### C. Procedure

#### 1. No Funds Disbursed (All Awards)

- |                            |    |   |
|----------------------------|----|---|
| CAM                        | 1. | Obtain written cancellation/termination request from Recipient, signed by Recipient's authorized representative.              |
|                            | 2. | Sign and date original letter and forward to Grants and Loans, indicating concurrence with cancellation.                      |
| G&L                        | 3. | Prepare disencumber/liquidation request and forward to Accounting and Budgets with a copy of cancellation/termination letter. |
|                            | 4. | Change Grants and Loans System status to cancelled or withdrawn.  |
| ACCT./<br>BUDGET<br>OFFICE | 5. | Disencumber/liquidate Award.  |

#### 2. Funds Disbursed (Grants and Contingent Awards)

- |     |    |   |
|-----|----|---|
| CAM | 1. | Obtain written cancellation/termination request from Recipient, signed by Recipient's <b>authorized representative</b> .  |
|     | 2. | Obtain division concurrence.  |
|     | 3. | If required by division, prepare memorandum to appropriate Commissioners and obtain Commissioners' concurrence.   |
| G&L | 4. | Prepare cancellation/termination letter to Recipient to be signed by the Grants and Loans Office Manager and the Recipient's authorized representative. Also prepare coordination sheet for approval signatures by Commission Agreement Manager, Program Manager, Division Management, Legal, and Grants and Loans Analyst. |
|     | 5. | Mail two original letters to Recipient.   |
|     | 6. | Receive signed letter from Recipient, make two copies, forward one copy to Commission Agreement Manager.  |
|     | 7. | Prepare disencumber/liquidation request and forward to Accounting and Budgets with a copy of cancellation/termination letter.   |

8. Change Grants and Loans System status to "cancelled."
9. Mark file "cancelled."
- ACCT./  
BUDGET  
OFFICE 10. Disencumber/liquidate Award.

## ***AWARD CLOSE-OUT***

### ***FOR GRANTS, AND CONTINGENT AWARDS***

When the Recipient completes their project, they must submit the following documents in addition to any products listed in the work statement:

1. A final administrative report which meets the requirements outlined in the funding agreement.
2. A final Financial Status Report and/or Payment Request form requesting reimbursement for any expenses and/or for release of any retention withheld.
3. Any other documents that may be required by the specific program as outlined in the funding agreement.

Contingent awards have additional requirements. Contact the Commission's Grants and Loans Office.

#### **A. Forms/Samples Available**

- Progress Evaluation/Payment Authorization (CEC 84)

#### **B. Procedure**

Commission Agreement Manager (CAM)

1. Review final administrative report and any close-out documents that are required by the specific program. Provide comments to Recipient if necessary.
  2. Verify that all project tasks have been completed, any special conditions have been met, and all products have been received.
  3. Review and approve final Financial Status Report and/or Payment Request form in accordance with instructions detailed under "Payment Requests" in the Commission Agreement Manager's Manual.
  4. Forward approved final administrative report, Financial Status Report and/or Payment Request, Progress Evaluation/Payment Authorization form, and any other close-out documents to the Grants and Loans Office.
- G&L
5. Ensure final administrative report has been reviewed and approved by the CAM.

6. If applicable, process final payment request(s) in accordance with the procedures detailed under "Payment Requests" in the Commission Agreement Managers Manual.
7. If there is a balance of funds in the agreement, but no final payment request, send liquidation instructions to the Accounting and Budget Office.
8. Record final payment and final report date in Grants and Loans System.
9. Change Grants and Loans System status to completed.
10. Complete grant/contingent award file.