



California Energy Commission

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Comments on Proposition 39 Draft Guidelines
CEC Docket # 13 – CCEJA - 1

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Thank you for the opportunity to comment on the Proposition 39 Draft Guidelines.

My name is Ted Flanigan and I am the founder and President of EcoMotion. We are delighted to have formed a partnership with the non-profit Climate Resolve in Los Angeles to help school districts get maximum value for their allocations.

First off, we thank the Commission for its thoughtful guidelines and its deliberate program roll-out, with useful informational sessions, webinars, and website postings. We especially like the tone that the CEC has set, working to find a balance between statutory requirements and making the program work for LEAs that are short-staffed and without tolerance for excessive programmatic requirements.

There are three areas where we believe that the guidelines could be enhanced to further support this balanced approach:

1. First, LEAs desperately need help! Not just money, but Program Assistance. We're delighted to see this reflected in the Guidelines. Climate Smart Schools urges the Commission to consider extending the "Program Assistance" money for all five years.

We believe that schools will need help with Program Assistance for the program duration. Reporting, for instance, will be required throughout. We urge the Commission to allow this without dipping into the valuable Energy Manager funding as it is critical for its designated function and best not be used for Program Assistance functions.

2. Second, we encourage the Commission to place greater emphasis on the value of Program Assistance to the school districts. Those that we have spoken with are already concerned about the excessive paperwork and "hassle" of Prop 39 program

implementation, from benchmarking to reporting. Given districts concerns, and the value for robust program planning to leverage and maximize Prop 39 funds, we encourage a greater allocation... from 15% max to 25%. This will allow those districts that need greater planning and Program Assistance efforts to focus their funds most strategically.

3. Third, we are concerned that the Draft Guidelines are not clear on the rules for LEAs to procure services for the Energy Planning Reservation Option and we encourage clarity on this issue. While we appreciate the clarity that LEAs cannot use sole-source procurement processes, and that the guidelines take precedence over California Resources Code sections 5217.10 – 4217.18, the lack of clarity on procurement of planning support suggests an opportunity to refine the Guidelines.

The language on page 28 of the Draft Guidelines, under Contracts, states that “LEAs shall not use a sole-source process for award grant proceeds.” Thus it appears that all contractors for the Prop 39 funding involved in energy planning and management – from Program Assistance consultants, to professionals that provide Energy Surveys and Audits, to outside Energy Managers – must be selected using competitive bidding. But on page 67 of the October 7th transcript, someone states that he or she believes that the competitive bidding requirement, “it’s just for retrofit side,” followed by page 68 which suggests that all monies must go through an RFP process.

We urge the Commission to consider this area carefully. If school districts are required to bid out all planning functions, this will certainly bog down the process. (This gets especially messy for multi-school district projects, from shared Energy Managers to Program Assistance.) While due diligence is necessary at the district level, the LEAs need is to be able to turn to trusted contractors and advisors to get the timely help they need to advance the process, to identify efficiency opportunities, and to develop plans and apply for allocations.

Given the tight limits on the allocation of funds for the Energy Planning Reservation Option, we urge the Commission to add language that makes clear that districts have the latitude to turn to trusted advisors that they have individually or collectively selected to complete these key tasks.

Thanks again for the opportunity to provide comments, and hopefully to make even better an approach to leveraging great savings in schools throughout the great State of California. Climate Smart Schools looks forward to working with districts and the Commission in delivering savings.