Proposition 39: Clean Energy Jobs Act of 2012

California Community Colleges

Proposition 39 Implementation Guidelines

ADDENDUM TO THE MAY 29, 2013 CCC ENERGY PROJECT GUIDANCE

Prepared by the

California Community Colleges Chancellor's Office

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SECTION 1.

PURPOSE

This document is an addendum to the May 29, 2013 CCC Proposition 39 Energy Project Guidance. It is intended to provide step-by-step Guidelines for Community College Districts and the California Community Colleges Chancellor's Office (CCCCO) for the implementation of Proposition 39, *The California Clean Energy Jobs Act,* and to meet the requirements of its enabling legislation, SB 73. Proposition 39 establishes objectives for energy efficiency retrofits, clean energy installations, and other energy system improvements to reduce costs and achieve energy and environmental benefits.

Approximately $40 million in Proposition 39 funding is available for energy project implementation in the Community College system for Fiscal Year 2013-2014 to be distributed on a Full Time Equivalent Students (FTES) basis for qualifying projects. In addition, $15 million in Scheduled Maintenance Funds are available for project implementation and can be applied for through the Chancellor's Office.

These Guidelines are intended to be used in conjunction with the May 2013 Guidance document, which contains valuable information and resources to assist Districts with project implementation. Attached to these Guidelines is a Process Flow Diagram (Exhibit A), which illustrates each process step described below to provide a better understanding of tasks, roles, and responsibilities for program participants. This is an excerpt from the May 2013 Guidance document and each step is annotated to reflect the descriptions below. The steps in the Process Flow Diagram are overlaid on the CCC/IOU Energy Efficiency Partnership process, as Proposition 39 implementation will occur in parallel with Partnership activities.

Finally, the methodology that Districts and the Chancellors Office will utilize to meet the requirements of SB 73 for project eligibility, cost effectiveness, evaluation, prioritization, procurement, tracking and reporting, job creation and other non-energy benefits, and enforcement for non-compliance are described below and cross-referenced to the applicable bill section number. Program results will be reported annually to the Citizens Oversight Board (COB) established for Proposition 39 implementation. These requirements must be met by the Chancellor's Office and Districts to ensure compliance with the Proposition and to avoid enforcement action that may jeopardize future funding allocations.

SECTION 2.

PROCEDURE

The following step-by-step procedure will be employed by CCC Districts and the Chancellors Office to implement Proposition 39. The Chancellor's Office will issue a consulting contract for program administration and technical services to assist with the implementation of the tasks described below.

Step 1. Enhanced Outreach to Districts
Lead Responsibility: CCCCO
Assist: Utilities

The Chancellors Office (CCCCO) will implement an Enhanced Outreach Program to communicate the benefits and requirements of Proposition 39 Energy Project Funding to Districts, and to conduct Outreach activities at Districts and campuses. This will include regional workshops to more efficiently deliver the program message to multiple Districts. The intent of the Enhanced Outreach Program is to ensure that Districts understand and comply with the requirements of SB 73 and utilize these Guidelines for the identification, evaluation, implementation, verification, and reporting of energy projects funded by Proposition 39. The Proposition 39 Enhanced Outreach program will coordinate with and complement existing utility incentive program Outreach activities performed by the CCC/IOU Partnership. An Outreach Program Plan will be developed by the Chancellor's Office prior to implementation. Monthly Outreach Reports will be prepared to demonstrate program effectiveness and improvement needs.

Deliverables

No.	Description	Responsibility
1.1	Enhanced Outreach Program Plan	CCCCO
1.2	Monthly Outreach Reports	CCCCO

Step 2. Deploy Project Identification and Development Templates/Standards
Responsibility: CCCCO

As described in the Program Guidance, the Chancellors Office has identified several tools and templates to assist Districts and campuses with the identification and prioritization of qualifying energy projects for Proposition 39 funding. In addition to these tools, the step-by-step Proposition 39 Implementation Guidelines will be included in the Deployment Package to provide the necessary instructions to Districts for the implementation of the program to ensure all Proposition 39 and SB 73 requirements are met. These tools and standards include the following:

- CCC Proposition 39 Implementation Guidelines, including Exhibits and Forms
- CCC Sustainability Template – Energy Projects Excerpt
- CCC Sustainability Template – Economics Excerpt
- Campus Project Identification and Prioritization Worksheet
- Functional Specifications for System-wide Enterprise Energy Information System
- Functional Guidelines for Building Management Systems

- Monitoring Based Commissioning (MBCx) Guidelines
- Retro-commissioning (RCx) Guidelines
- CCC Guidelines Process Flowchart and Roles & Responsibilities Matrix
- CCC Sustainability Template - List of Resources

The CCCCO will develop a "Deployment Package" of the tools and templates, in electronic and hard copy formats, and distribute this package to Districts participating in the program. The CCCCO will also provide assistance as required to Districts and campuses in their utilization of the tools and templates. The Deployment Package will be one element of the Enhanced Outreach program to Districts.

Deliverables

No.	Description	Responsibility
2.1	Tools and Templates Deployment Package	CCCCO

Step 3. Develop and Update Call for Projects List
Primary Responsibility: Districts
Assist: Utilities

In coordination with the CCC/IOU Partnership, a "Call for Projects" was issued by the Chancellor's Office in early 2013 to all Districts. Through mid-September 2013, lists for energy efficiency and renewable energy projects were submitted totaling roughly $340 million in construction value. While this is a significant backlog, there is a need to continue to work with Districts to expand this list through 2013 and beyond. The CCCCO will assist this effort by working with Districts and the CCC/IOU Partnership to solicit additional projects, and will be responsible for consolidating an ongoing Proposition 39 "Master Projects List" that contains projects from all Districts.

Eligible project types for Proposition 39 funding include, but are not limited to, the following:

Energy Efficiency
- Equipment Retrofits
- Controls upgrades
- Air balancing projects
- New Construction and Major Building Rehabilitation (energy savings component only)
- Monitoring Based Commissioning (MBCx)
- Retro-commissioning (RCx)

Renewable Energy
- Solar Photovoltaic Energy Generation
- Solar Thermal Generation
- Wind Energy

Clean Self-Generation
- Cogeneration (includes engines, fuel cells, turbines)
- Electric generation without heat recovery (e.g. fuel cell)
- Renewable facility fuel (e.g., biomass to fire boilers)

Other

- Fuel switching projects which save source energy
- Thermal Energy Storage (TES) which saves source energy

Other proposed projects will be considered on a case-by-case basis by the Chancellor's Office.

This step will require the execution of the following tasks:

3.1 CCCCO Contact Districts to Identify Projects
Primary Responsibility: CCCCO
Assist: Utilities

The CCCCO and any participating utility will contact District representatives to discuss additional project opportunities. This may require campus visits to inspect site conditions and to have in depth discussions with campus personnel. Based on discussions and site inspections, the CCCCO and utilities will identify potential projects and preliminary project costs and energy savings. Project costs and energy savings will be preliminary in nature, and can be based on existing energy audit information, engineering estimates, or "rule of thumb" information. The cost and savings information will be firmed up and evaluated for Proposition 39 qualification in Step 4, below.

3.2 District Submit "Call for Projects" Form
Primary Responsibility: District
Assist: Utilities

The District will submit identified projects on the "Call for Projects" Form (Exhibit B) for Energy Efficiency or Renewable Energy Projects to the Chancellor's Office and any participating utility. The District will complete the form with as much information possible from Task 3.1.

3.3 CCCCO Update the Master Project List, as required
Responsibility: CCCCO

The CCCCO will add the Call for Projects Form information to the Master Projects List that contains all Proposition 39 project data. The CCCCO will maintain and update the Master Projects List as required as new projects are identified. The Master Projects List is part of the Project Tracking Database that will be established by the CCCCO to track project data throughout the life of the Program.

Deliverables

No.	Description	Responsibility
3.1	Call for Projects Form(s)	District
3.2	Updated Master Projects List	CCCCO

Step 4. Screen and Prioritize Projects
Primary Responsibility: CCCCO
Assist: Districts, Utilities

The CCCCO will have lead responsibility for the screening and prioritization of projects on the "Master Projects List" to ensure that all proposed projects meet the Guidelines' criteria and priorities. Districts will work cooperatively with the CCCCO in this effort and assist as required. Many of the projects submitted by Districts may not meet either Proposition 39 requirements or the priorities established by the Chancellor's Office or the District for project implementation. Projects prioritized for implementation though this process will proceed to the development stage for Proposition 39 funding applications. The CCCCO will work cooperatively with participating utilities throughout this process as, in some cases, the utilities will continue to provide resources for this task. This task requires that the CCCCO perform detailed engineering review of campus submittals and to evaluate project submittals against technical and programmatic criteria.

The following tasks and requirements shall be accomplished for this step:

4.1 Establish and Employ Standard Methods for Estimating Energy Savings
Responsibility: CCCCO
[Code Reference: PRC 26235 (a)(1)]

The CCCs will evaluate energy projects to be implemented with Proposition 39 funding using the collection of requirements summarized below. The implementation and evaluation protocols shown here have been used to approve incentive payments to California Community Colleges under the CCC/IOU Partnership Program since 2006, and the procedures, technical guidelines, and results have been vetted through public review. In order to obtain incentives approved by the California Public Utilities Commission (CPUC), any project implemented using Proposition 39 funding will need to follow the process shown below.

The *2013-14 Statewide Customized Offering Procedures Manual for Business* provides guidelines for evaluation of energy efficiency and demand response retrofit projects with respect to:

- Project eligibility for CPUC approved incentives
- Methods for calculation of savings
- Proper evaluation of energy baselines

For various basic project types a standard calculation tool is provided, the *Customized Calculation Tool 2013* can be found here:
https://www.sdge.com/sites/default/files/documents/480210135/Business%20Incentives%20Program%20Manual.pdf

The *California Solar Initiative (CSI)* is the solar rebate program for California consumers that are customers of the investor-owned utilities - Pacific Gas and Electric (PG&E), Southern California Edison (SCE), San Diego Gas & Electric (SDG&E).

Districts implementing Solar PV and Solar Thermal Projects at campuses shall employ the CSI guidelines. Information on the CSI program can be found here:
http://www.gosolarcalifornia.ca.gov/csi/index.php

Monitoring based commissioning (MBCx) projects are evaluated based on the guidance provided in the *2012 MBCx Project Requirements* document (these are scheduled to be updated in late 2013 and will be utilized for Proposition 39 implementation).
http://cccutilitypartnership.com/MBCx_Project_Guidelines_and_Minimum_Requirements_May_2012_v2.pdf

Retrocommissioning (RCx) projects are evaluated based on the guidance provided in the *2010-2012 Statewide Retrocommissioning Policy & Procedures Manual*. When this document is updated for the current program cycle, it will also utilized as basis for Proposition 39 implementation. Current pilot efforts have been successful in adapting the statewide process to help CCC's achieve a more cost-effective participation in the IOU's core RCx program offerings.
https://www.sce.com/wps/wcm/connect/bffbf178-e209-45d3-8bb5-fd8bfb4c84ad/RCxStatewidePolicyManual.pdf?MOD=AJPERES

In addition, for small and basic retrocommissioning (RCx) projects, the California Commissioning Collaborative has developed a CPUC approved standard calculation tool called the Building Optimization Analysis Tool (BOA Tool), which can be found here:
http://www.cacx.org/resources/rcxtools/spreadsheet_tools.html

The *2013 Savings By Design Participant Handbook* provides guidelines for evaluation of energy efficient new construction projects with respect to project eligibility, whole building or systems approaches to savings, and baseline analysis. Only the incremental cost related to energy savings for new construction projects will qualify for Proposition 39 funding.
http://www.pge.com/en/mybusiness/save/rebates/inc/index.page

The *2013 Self Generation Incentive Program (SGIP) Handbook V.1* provides guidelines for evaluation of efficient self generation and cogeneration projects.
http://www.pge.com/mybusiness/energysavingsrebates/selfgenerationincentive/handbook/2013handbookandforms/

The *International Performance Measurement and Verification Protocol (IPMVP)* provides an overview of current best practice techniques available for measuring and verifying savings from energy efficiency projects.
http://mnv.lbl.gov/keyMnVDocs/ipmvp

For the Proposition 39 Funding Program, energy savings will be based on the difference between annual energy use under existing conditions and annual energy use under proposed conditions, and the corresponding cost of energy saved as described in SB 73. These annual energy savings, and the corresponding annual energy cost savings, will be used to determine the cost-effectiveness of Proposition 39 projects and for program reporting. For certain projects, the utility incentive programs measure energy savings against state energy code baselines rather than actual usage, and this will be used for the utility incentive payment.

4.2 Project Evaluation, Screening, and Prioritization
Primary Responsibility: CCCCO and Districts
Assist: Utilities
[Code Reference: 26235 (a)(3)]

The CCCCO shall evaluate, screen, and prioritize the "Call for Projects" lists according to the following criteria and methodologies.

4.2.1 Benchmarking of Campus Facilities
Responsibility: CCCCO and Districts
[Code Reference: 26235 (a)(3(A)]

Proposition 39 suggests that benchmarking or other energy rating systems be used to select best candidate facilities for energy project implementation. CCC candidate facilities were benchmarked under a system-wide study performed in 2008, which evaluated all Districts and Campuses for energy efficiency project potential based on energy use per square foot. It is from that statewide analysis that the $340 million in project backlog has been produced.

As also required by SB 73, the CCC Districts will provide annual 12-month usage data to the CEC. In future years, annual usage data will be used to benchmark at the campus-level based on Energy Use Intensity (EUI), or energy use per square foot. The EUI score will then be used to identify the highest energy users and best sites for potential energy efficiency improvements at each District. The CCCCO will assist Districts in compiling usage data, calculating campus-level EUI, and in developing a Benchmarking Report. In addition, the Chancellor's Office is working with the utility providers to explore the possibility of utilizing EPA Energy Star ® Portfolio Manager for this purpose.

4.2.2 Perform Energy Surveys and Audits
Responsibility: Districts
Assist: Utilities
[Code Reference: 26235 (a)(3)(B)]

The projects identified in the Master Projects List were either developed and already reviewed by the CCC/IOU Partnership Program before passage of Proposition 39 or resulted from the CCCCO's Call for Projects since passage of the Act. All of these projects were identified through an energy auditing process equivalent to ASHRAE Level 1 or 2 requirements. Projects not already approved by the Partnership for funding will be required to complete a more detailed analysis that will include preliminary engineering to develop scope, estimated costs, and estimated energy savings to support Project Funding Applications, described in Step 5, below. Audits and calculations to support Project Applications will need to comply with AHRAE Level 2 requirements. Projects will be prioritized and funding will be released within an annual per FTES district allocation based on that level of data received.

If a District requires additional planning, engineering, or design services to identify or implement projects beyond what is provided by participating utilities or the Chancellor's Office, funding for these services may be provided from the District's Proposition 39 FTES allocation. Funding used for technical

services will be deducted from the annual allocation and will not be available for project implementation.

The following services and limitations are available:

Pre-Expenditure Plan Approved Activities	Description of Activity	Funding Limits
Screening level audit for project identification and prioritization of potential energy efficiency projects	A screening audit of a campus that identifies areas of energy waste or inefficiency. It involves interviews with site operating personnel, a review of the past 12 months of the utility billing data (electric and gas/propane usage) and other operating data, and a walk-through of the facility. The result is a list of potential energy efficiency projects with a suggested prioritization of the identified projects.	Up to $0.05 per gross square foot
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Level 2 Energy Audit	An ASHRAE Level 2 audit includes detailed project cost, energy savings calculations and financial analysis of proposed energy efficiency measures. The financial analysis provides a comprehensive understanding of the financial benefits of implementing specific energy efficiency measures.	Up to $0.15 per gross square foot

The District shall submit a detailed funding proposal for technical services to the CCCCO outlining the scope of services required, deliverables, and total amount of funding requested within the limits described above. The Chancellor's Office will approve funding for technical services based on review and approval of the proposal. Any consultant contracts issued by Districts for these services shall meet the requirements described in Step 9, below.

4.2.3 Sequencing and Prioritizing Facility Improvements
Responsibility: CCCCO and Districts
[Code Reference: 26235 (a)(3)(C)]

The Community Colleges will meet the requirements of Proposition 39 and SB 73 and will sequence and prioritize projects for implementation using a four-step evaluation process as outlined below.

4.2.3.1 Screen Projects for Loading Order Compliance

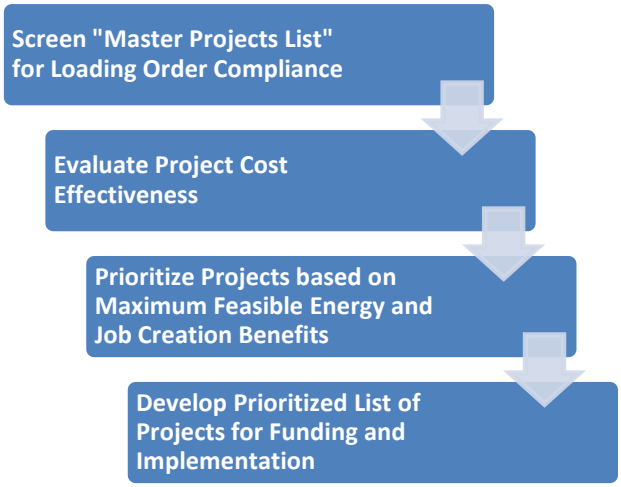
Primary Responsibility: CCCCO and Districts
Assist: Utilities

California's "loading order" of energy resources was established in 2003 in the state's first *Energy Action Plan*. This established a prioritization of energy strategies to address the state's growing energy needs. Energy efficiency and demand response projects are the first approach, followed by renewable energy generation, distributed generation, combined heat and power applications, and clean and efficient fossil-fired generation. Since 2006 the CCCs, in collaboration with the CCC/IOU

Partnership Program, have been engaged in a process of project identification and prioritization that adheres to the CPUC loading order.

For Proposition 39 implementation, Districts and the CCCCO will review the "Master Projects List" created under Step 3 and perform an initial "screening" process to ensure all proposed projects comply the CPUC Loading Order. Only those projects (with the exceptions described below) will proceed to the next step in project development.

Some Community College Districts have completed significant energy efficiency efforts over the past several years, and select districts are now interested in implementing solar, other renewable energy projects, or clean on-site generation. The CCC Proposition 39 Program will address this by employing the principals of the minimum Energy Efficiency requirements outlined in section 2.3 of the California Solar Initiative (CSI) handbook, as described below.



An energy audit is required for Districts to be eligible for a CSI Incentive and Proposition 39 funding for solar projects. Acceptable audit protocols consist of an online audit, telephone audit, or onsite audit provided by the utilities, third-party provider or the CSI Program Administrator. The utilities or Program Administrator may also provide additional audit tools for customers. Third-party providers of energy efficiency audits may also provide audits at the expense of the District. At a minimum, the provider must perform an online or phone audit. After an audit is performed, the District is responsible for submitting a copy of the completed Energy Efficiency Audit to the CSI Program Administrator and the Chancellor's Office. Additionally, as part of the Reservation Request Form an Energy Efficiency Disclosure must be completed and submitted to the CSI Program Administrator and the Chancellors Office with their CSI Reservation Request Package.

The Energy Efficiency Disclosure, included in the Reservation Request Application, must be signed and completed by the District. The Disclosure certifies that the Program Administrator has provided the District with information regarding their building that enables them to make informed decisions on energy efficiency. The Disclosure identifies which, if any, energy efficiency measures will be taken. If measures are to be installed after the installation of the solar energy system, then the District shall declare on the Disclosure which measures have or will be installed. Additionally, the District acknowledges that the following information has been reviewed:

- Most recent 12 months of the facility's energy consumption.
- List of building energy use assessment services and tools available for use by the building owner for further investigation—for commercial buildings, this must include information on available retrocommissioning services.
- List of possible cost-effective energy efficiency measures applicable to the building.
- List of current utility energy efficiency rebates and incentives that are available.

The Energy Efficiency Disclosure to be signed by the District as part of the CSI Reservation Request Package shall also include the following:

- Certification that the District has received the above information.
- A list of the energy use assessment services or tools the building District used to identify cost-effective energy efficiency measures that could be installed in the building.
- A list of the energy efficiency measures that have been installed or will be installed prior to or in conjunction with the installation of the solar energy system.
- If energy efficiency measures are planned to be installed at a later time, the date by which these measures are planned to be installed.
- A copy of the energy audit report for buildings less than 100,000 square feet.

The Chancellor's Office will review Energy Efficiency Disclosure and Reservation Request Package and approval of Proposition 39 funding for solar generation projects will be on a case-by-case basis for projects meeting CSI requirements at the Chancellor's Office discretion.

The detailed process and requirements for evaluating minimum energy efficiency requirements prior to installation of on-site generation can be found here:
http://www.gosolarcalifornia.ca.gov/documents/CSI_HANDBOOK.PDF

4.2.3.2 Evaluate Project Cost Effectiveness

Responsibility: CCCCO and Districts
Assist: Utilities
[Code Reference: 26235 (a)(3)(D)]

Projects that proceed from the screening process described above will next be evaluated for cost effectiveness. Proposition 39 requires a cost effectiveness criteria that energy savings exceed project costs over its life-cycle. The indices to be used by the CCCs for this determination will be a Savings to Investment Ratio (SIR) greater than or equal to 1.1 calculated on a life-cycle Net Present Value (NPV) basis. The following assumptions shall be used in the cost effectiveness calculations by Districts:

- NPV calculations shall assume a real discount rate of 3.0% (considering inflation).
- Project costs will be net (or minus) any utility incentives, grants, or matching funds used to finance the project.
- Energy savings, maintenance savings, and Non-Energy Benefits (NEBs) will be included in the calculation.
    - NEBs include benefits such as improved lighting quality, indoor air quality, acoustics, occupant comfort, health, and safety. A factor equal to 3% of project installation cost will be included for NEBs for the cost effectiveness calculations.
    - Maintenance savings will be assumed at a value of 2% of project installation cost.
- The Effective Useful Life (EUL) of a project or technology for purposes of the cost effectiveness calculations will be taken from the most current CPUC Database for Energy Efficient Resources (DEER). The DEER EUL of many typical projects is detailed in the Project Funding Applications described in Step 6, below.

- Actual utility billing data will be utilized for energy costs if available. If unavailable at the time of project application, an average utility rate will be used and will be trued-up at the time of project reporting.

The Chancellor's Office has developed a Proposition 39 Cost Effectiveness Calculation Spreadsheet (included in Exhibit F) to assist Districts with this calculation. The spreadsheet contains fields that the District will use to input project cost, incentives, grants, matching funds, energy savings, and EUL. The spreadsheet will automatically calculate the project Net Present Value and Savings to Investment Ratio for the project.

Cost effectiveness will be evaluated on an individual project basis as well as a "whole campus portfolio" basis if multiple projects are submitted for funding approval. ALL projects must demonstrate energy savings, however projects that do not meet the 1.1 SIR criteria may be "bundled" with other, higher savings projects and approved if the portfolio or bundle meets the 1.1 SIR criteria. "Bundled" projects will be evaluated on a case-by-case basis and approved at the discretion of the Chancellor's Office. The Proposition 39 Cost Effectiveness Calculation Spreadsheet has multiple fields for a portfolio listing of projects and will calculate the SIR for the "bundled" list of projects.

In addition, the CCCs will evaluate job creation benefits from the implementation of energy projects as required by SB 73 and determined by the California Workforce Investment Board (WIB). Specifically, job creation benefits will be calculated based on the following indices:

- Energy Efficiency projects = 5.6 direct job-years per $1 million in project investment
- Renewable Energy projects = 4.2 direct job-years per $1 million in project investment
- Apprentice Direct Job Years = total of Efficiency and Renewable project job-years divided by 36
- Districts will also report the number and type of trainees employed on each project

The Cost Effectiveness Calculation Spreadsheet (Exhibit F) can be used to calculate job creation benefits by inputting the project cost information in the indicated fields. The job creation benefit information calculated by the District will also be included with the Districts Annual Proposition 39 Expenditure Report submitted annually to the Chancellors Office (as described under Step 13).

4.2.3.3 Prioritize Projects based on Maximum Feasible Energy and Job Creation Benefits

Responsibility: CCCCO and Districts
Assist: Utilities
[Code Reference: 26235 (a)(5)]

After projects have passed the first two steps described above, they shall be prioritized for implementation to achieve maximum feasible energy efficiency, clean energy, and job creation benefits as required by SB 73. The considerations to determine "maximum feasible energy and job creation benefits" shall include:

- Encourage projects at each District with larger estimated energy savings, clean air, and jobs creation impacts as priorities for implementation over those with smaller impacts.

However, Districts may implement a wide range of projects, mixing both long and short payback measures together, that result overall in significant energy savings.

- Projects with both immediate and long-term savings and benefits are encouraged. For example, Enterprise Energy Management Systems (EEIS) which may have little upfront energy savings but allow longer term benchmarking and system-wide energy monitoring which will provide a long-term benefit to the Community College system.
- Projects implemented must also meet the programmatic and capital improvement needs of the District. The Districts will have full discretion to implement projects. "Feasibility" will consider available project funding and acceptable return on investment for the District.

4.2.3.4 Develop Prioritized List of Projects for Funding and Implementation

Responsibility: Districts

Districts shall prepare a list of priority projects for implementation using Proposition 39 funds based on the evaluation described above. These projects shall be submitted for approval of funding to the CCCCO as described under Step 5, below.

In addition, the results of the 2008 CCC energy usage and benchmarking data will be a deliverable from this step.

Deliverables

No.	Description	Responsibility
4.1	Prioritized List of Projects	District
4.2	2008 Benchmarking Results	CCCCO

Step 5. Project Development to Support Proposition 39 Funding Applications
Primary Responsibility: Districts
Assist: Utilities
[Code Reference: 26235, all]

Districts will have lead responsibility for project development activities to firm up the project scope, costs, energy savings, and estimated job creation benefits to support the submittal of Proposition 39 Funding Applications to the Chancellor's Office. Districts will utilize the prioritized list of projects developed under Step 4 for inclusion in the Funding Applications.

The level of detail required to estimate costs and savings for the Funding Applications shall be equivalent to that required for CPUC-administered energy incentive programs and at a minimum must meet AHSRAE Level 2 standards. The details and requirements to satisfy the CPUC requirements are described in Step 4.1, above.

For the Proposition 39 Funding Program, energy savings will be based on the difference between annual energy use under existing conditions and annual energy use under proposed conditions, and the corresponding cost of energy saved as described in SB 73. These annual energy savings, and the corresponding annual energy cost savings, will be used to determine the cost-effectiveness of the projects.

Deliverables

No.	Description	Responsibility
5.1	Project Development Engineering Calculations to support Applications	Districts

Step 6. Submit Proposition 39 Funding Application to CCCCO and Utilities
Responsibility: Districts
Assist: Utilities

Districts will have lead responsibility for preparing and submitting Proposition 39 Funding Applications to the Chancellor's Office and, where appropriate, to participating utilities, according to the following process.

A Funding Application Checklist has been developed and is included in Exhibit N to assist Districts with the necessary steps and documentation required for the submittal of Funding Applications.

6.1 Submit Project Funding Application
Responsibility: District
Assist: Utilities
[Code Reference: 26235 (a)(4)]

Proposition 39 Project Funding Applications have been developed or identified for each type of project to be implemented, including energy efficiency retrofits, self-generation, solar photovoltaic, Monitoring Based Commissioning (MBCx), Retrocommissioning (RCx), and New Construction. The Project Applications will serve as a simple pre-installation verification forms that includes project description, estimated energy savings, expected number of jobs created, current energy usage, and costs. The information to be provided in the Funding Applications is based on the engineering calculations developed under Step 5, above.

Funding Applications for Proposition 39 are largely based on existing utility forms and protocols. In some cases, new Funding Application forms have been developed to address Proposition 39 requirements, and these forms will also serve as the utility incentive applications. In other cases, utility forms are used for Proposition 39 Funding Applications. In all cases, the designated applications should be sent to both the Chancellor's Office to initiate the Proposition 39 review and approval process, AND to the participating energy utility for the incentive application process.

6.1.1 Retrofit Projects (Form B) – A new application for Retrofit projects has been developed and will serve as both the Proposition 39 Funding Application and the utility incentive application.

6.1.2 Monitoring Based Commissioning (MBCx) Projects (Form C1) - A new application for MBCx projects has been developed and will serve as both the Proposition 39 Funding Application and the utility incentive application.

6.1.3. Retrocommissioning (RCx) Projects (Form C2) – A new application for RCx projects has been developed and will serve as both the Proposition 39 Funding Application and the utility incentive application.

The Funding Application forms for Retrofit, MBCx, and RCx projects can be downloaded from the Proposition 39 page of the CCC/IOU Partnership web site, as well as the CCCCO Sustainability web site, here:
http://cccutilitypartnership.com/
http://extranet.cccco.edu/Divisions/FinanceFacilities/Sustainability.aspx#September_2012

6.1.4 Solar Photovoltaic Power Generation and Solar Thermal Projects – The CSI Program Reservation Request Form will be utilized by Districts for both Proposition 39 funds and utility incentives. Solar PV and solar thermal projects funded by Proposition 39 shall meet all technical requirements of the CSI program, and the CSI Reservation Request Form shall be submitted as the application for Proposition 39 funding. The CSI Reservation Request Form can be downloaded here:
http://www.gosolarcalifornia.ca.gov/documents/CSI_App_Supporting_Docs/01_Reservation_Request_Signature_Form.pdf

6.1.5 Self-Generation Incentive Program (SGIP) Projects – Self-generation projects funded by Proposition 39 shall meet all technical requirements of the CPUC Self-Generation Incentive Program (SGIP). The SGIP Reservation Request Form will serve as the Proposition 39 Project Funding application, and shall be submitted to both the utility and the Chancellor's Office. Applicants should familiarize themselves with any additional requirements or forms that the utility requires. For more information about SGIP, including the application process, visit:
http://www.cpuc.ca.gov/PUC/energy/DistGen/sgip/.

6.1.6 New Construction, or Savings By Design (SBD) – New construction projects funded by Proposition 39 will be required to go through the utility Savings by Design (SBD) incentive program, if available. Each of the state's IOUs and some POUs have individual applications for New Construction projects. The first in the submittal sequence will be the Design Letter of Interest, and the second is the Detailed Project Analysis, which are available on the website below. These will serve as the Proposition 39 Funding Applications. Applicants should familiarize themselves with any additional requirements or forms that the utility requires and contact a local utility representative to discuss participation in SBD. For more information, visit:
http://www.savingsbydesign.com/book/savings-design-online-program-handbook
http://www.savingsbydesign.com/how-to-apply.

6.1.7 Supplemental Information - For ALL Funding Applications described above, the District shall submit the following additional information at the time of application submittal:

- All supporting calculations and back-up documentation to justify project costs and energy savings
- The completed Cost Effectiveness Calculation Spreadsheet (Exhibit F) documenting the Savings to Investment Ratio (SIR) for the project, as well as the Non-Energy Benefits (NEBs) and Job Creation Benefits
- A signed Project Agreement (Exhibit G) committing the District to implementing the projects described on the Funding Applications

6.2 Initial Program M&V
Responsibility: CCCCO
Assist: Utilities
[Code Reference: 26235 (a)(4) and 26240 (b)]

Submittal of the Proposition 39 Funding Application is the first step in the Program Measurement and Verification (M&V) process. The Program will follow the general approach of the IPMVP guidelines for measurement of savings and verification of project completion. The IPMVP provides an overview of current best practice techniques available for measuring and verifying savings from energy efficiency projects. This is the identical process employed by the utility incentive programs.

The Program will leverage both investor-owned and publicly-owned utility incentive program M&V processes to the fullest extent possible. In utility areas where no utility M&V program exists, the Chancellor's Office will fulfill this function. At a minimum, each project will receive both a pre-implementation and post-implementation inspection, as well as documentation including inspection reports with pictures, at which time the baseline and completed conditions will be documented on standard forms, and copies of invoices for the completed work will be collected. For more complicated projects, savings will be measured using engineering diagnostic tools both pre- and post-implementation. In those cases, measured data will be analyzed and included with the M&V documentation. The CCCCO will be responsible for preparing the M&V documentation based on the approved Funding Applications.

M&V will be at the project level, but program-level M&V reporting will be prepared as part of the Annual Expenditure Reports submitted to the COB as described in Steps 13 and 14.

6.3 Develop and Maintain a Program Tracking Database
Responsibility: CCCCO
[Code Reference: 26237]

The CCCCO will be responsible for the development and maintenance of a Program Tracking Database that will be used to monitor program progress, track projects proposed and implemented, and to report results to both the CEC and the Citizens Oversight Board (COB). The CCCCO will input the data included in the Project Funding Applications into the database and update the status and results of each project throughout its approval and implementation lifecycle.

The CEC will use this data and maintain information on Community College Districts that receive grants, loans, or other financial assistance under the Program. The publicly available and searchable database shall include relevant metrics, to be determined by the CEC, for electric, gas, and cost savings of the projects. The CCCCO will cooperate with the CEC to ensure that desired metrics are tracked by the CCCs and included in the Funding Applications and the Program Tracking Database.

Deliverables

No.	Description	Responsibility
6.1	Proposition 39 Funding Applications	District
6.2	Pre- Implementation Project M&V Documentation	CCCCO
6.3	Update Program Tracking Database	CCCCO

Upon request, the CCCCO will provide Districts with technical assistance with the preparation and submittal of Funding Applications. The CCCCO will also work with participating utilities who will be working in parallel on utility incentive eligibility and applications, as in many cases the same set of engineering calculations may be used to support both Proposition 39 and utility incentive applications.

Step 7. Review and Approve Proposition 39 Project Funding Applications
Primary Responsibility: CCCCO
Assist: Utilities

The following process will be employed to review and approve Project Funding Applications.

7.1 Funding Application Review
Responsibility: CCCCO
Assist: Utilities

The CCCCO will review all submitted Funding Applications against the Program Guidelines criteria described above. This will include confirmation that the Application meets the programmatic requirements for project eligibility, cost effectiveness, maximum energy savings, compliance with the State Loading Order, and job creation. In addition, the CCCCO will review the engineering calculations provided in the Application to ensure they are reasonable and supportable for the allocation of Proposition 39 funds to the District. The verified calculations for project cost, energy savings, and job creation will serve as the baseline for project M&V activities as described in Step 6. The CCCCO will also work with participating utilities who will be working in parallel for the approval of utility incentive applications, and the same set of engineering calculations may be used for both Proposition 39 and utility applications in many cases. The CCCCO will update the Program Tracking Database for the approved cost and savings at this time.

The CCCCO will provide notification to the District regarding approval of the Funding application, indicate where additional information is required to obtain approval, or will determine rejection based on non-compliance with requirements.

Projects that are in the planning or design stages or where construction contracts have been issued, but actual construction has not started at the time of the Funding Application approval and incentive application approval, will qualify for Proposition 39 funds as well as utility incentives. Districts shall work with their local utility to confirm incentive program specific requirements.

Upon enactment of the state budget and following CCCCO approval of the necessary amount of projects, a District's annual per FTES allocation will be distributed on a lump sum basis via the state apportionment process. Multiple disbursements for individual projects in a single fiscal year will be

considered on a case-by-case basis. If necessary, funds for an approved project can be rolled over to the next fiscal year after notification to and concurrence by the CCCCO before the end of the fiscal year. Districts with approved projects whose planned cost exceed the District's annual allocation may be eligible for reimbursement from that District's subsequent years Proposition 39 allocation. However, such reimbursement is not guaranteed, because there is no guarantee that the Legislature will appropriate Prop 39 funds in subsequent years Budget Acts. Therefore Districts will need to assume the risk for the entire cost of a project that spans more than one year unless and until future funding is appropriated. The District will need to submit a letter to the CCCCO in a prescribed format acknowledging assumption of that risk.

If a District does not submit projects to the CCCCO in sufficient time for consideration and approval by January 1st of any fiscal year, the Chancellor may at his/her discretion redistribute that District's annual allocation to another District that has an eligible project.

Deliverables

No.	Description	Responsibility
7.1	Proposition 39 Project Funding Application Approval Documentation	CCCCO

Step 8. Distribute Proposition 39 Funds to District
Responsibility: CCCCO

The Chancellor's Office will have the responsibility for the allocation of Proposition 39 funds for approved projects. This will occur after approval of the Proposition 39 Funding Application by the CCCCO. Funds will be allocated through the state apportionment process.

Step 9. Fully Develop Project Workscope, Schedule and Contracts for Project Implementation
Responsibility: Districts
[Code Reference: 26235 (a)(2) and 26235 (c)]

Districts will have the primary responsibility to fully develop the project for implementation, including finalizing work scopes, schedules, and contracts for the construction of approved projects.

Contractors selected by Districts for project design and implementation shall be qualified for the work to be performed and posses the appropriate licenses in good standing.

As required by SB 73, Districts shall not use a sole source process to award funds for projects but may use the best value criteria as defined in paragraph (1) of subdivision (c) of Section 20133 of the Public Contract Code to award contracts. Best value Is defined as "a value determined by objective criteria related to price, features, functions, and life-cycle costs". Districts may use Government Code 4217 as a contracting method for energy projects as long as Districts comply with the "sole-source" and "best value" criteria described above.

The Division of the State Architect (DSA) is currently developing a targeted process for review and approval of energy projects where required, which when released, shall be used by Districts for project design and implementation. Exhibit M is a presentation that outlines this process.

Districts will be responsible for any California Environmental Quality Act (CEQA) requirements.

Deliverables

No.	Description	Responsibility
9.1	Technical and Procurement Specifications, Contract Documents for Project Implementation	District

Step 10. Energy Project Implementation
Responsibility: Districts

Districts will be responsible for the implementation of projects funded by Proposition 39. If, after approval and during implementation of a project, the scope changes such that the energy savings, construction costs, or cost-effectiveness are significantly affected, the Chancellor's Office will require that Districts provide a revised Project Application documenting the change of scope.

Significant changes are defined below:

- Adding a project not included in the approved Funding Application
- Deleting a project in the approved Funding Application
- Project cost increase or decrease in excess of 15 percent
- A change of more than 15 percent in the approved equipment quantity installed. For example, installing a larger or smaller number of lighting fixtures in order to adjust to conditions found during retrofits.
- Relocating a project to a different campus within the District

If a scope change submitted by means of a revised Funding Application results in a change in the project implementation, cost or project cost-effectiveness, the Chancellor's Office may make a corresponding adjustment in that District's allocation. Therefore, it's important to keep the Chancellor's Office informed in any changes in project scope, cost, or schedule as soon as possible.

Step 11. District Submit Proposition 39 Project Completion Documentation
Responsibility: Districts

Upon project completion, each District will prepare and submit the Proposition 39 Project Completion Form (Exhibit H) to the Chancellor's Office and to any participating energy utility for projects that qualify for utility incentives. This document will fulfill the project completion notification for both Proposition 39 and utility incentive program requirements.

Deliverables

No.	Description	Responsibility
11.1	Project Completion Documents (Exhibit H)	District

Step 12. Perform Final Proposition 39 Project M&V
Responsibility: CCCCO

Assist: Utilities

The Program will verify and report final project results through the M&V process described below:

12.1 Perform M&V Inspection and Verification
Responsibility: CCCCO
Assist: Utilities
[Code Reference: 26235 (b)]

The CCCCO will perform the M&V activities for projects funded with Proposition 39 funds following the general approach of the IPMVP guidelines for measurement of savings and verification of project completion as described in Step 6 of the Program Guidelines. The utility M&V process for projects implemented under the incentive programs will be leveraged to the fullest extent possible to avoid duplication of efforts. The CCCCO and/or utility representative will perform a final inspection of each completed project to verify final energy savings and project costs and issue the Final M&V Report (Exhibit I) documenting verified conditions.

12.2 Prepare Final M&V Reports
Responsibility: CCCCO
[Code Reference: 26240 (b)]

Based on the results of the final inspection, the CCCCO will update the Project Tracking Database and prepare the Final M&V Reports (typical shown in Exhibit I), which will be the basis of the Annual Expenditure Reports prepared and submitted to the Chancellor's Office.

Deliverables

No.	Description	Responsibility
12.1	Final M&V Reports	CCCCO

Step 13. Submit Annual Proposition 39 Expenditure Report to the Chancellor's Office
Responsibility: Districts
[Code Reference: 26240 (a) and (b)]

As a condition of receiving Proposition 39 funding, not sooner than one year but no later than 15 months after the District completes its first eligible project with Job Creation Funds, the District shall submit the Annual Project Expenditure Report (Exhibit J) to the CCCCO. To the extent practical, this report shall contain information on the following for each project completed:

- The total final gross project cost before deducting any incentives or other grants and the percentage of total project cost derived from the Job Creation Fund.
- The estimated amount of energy saved, accompanied by specified energy consumption and utility bill cost data for the individual facility where the project is located, in a format to be specified by the Energy Commission.
- The name plate rating of new clean energy generation installed.
- The number of trainees.

- The number of direct full-time equivalent employees and the average number of months or years of utilization of each of these employees.
- The amount of time between award of the financial assistance and the completion of the project or training activities.
- The entity's energy intensity before and after project completion as determined from an energy rating or benchmark system. The Chancellor's Office is working with the utility providers to explore the possibility of utilizing EPA Energy Star ® Portfolio Manager for this purpose.
- The CCC's will report job creation benefits identified in the Project Funding Application with the expenditure report.

The data to be provided will come from the Final M&V Reports prepared by the CCCCO and the Program Tracking Tool that will be used to record project status and results. The Annual Project Expenditure Reports from each District will be compiled and submitted to the Citizens Oversight Board (COB) as described in Step 14, below.

Deliverables

No.	Description	Responsibility
13.1	Annual Proposition 39 Expenditure Report	District

Step 14. Compile Annual Expenditure Reports from Districts and Submit to the Citizens Oversight Board (COB)
Responsibility: CCCCO
[Code Reference: 26240 (b), (g) and (h)(2)]

The Chancellor's Office shall compile the Annual Expenditure Reports received by the Districts and submit the reports to the Citizens Oversight Board (COB) for their review based on the schedule described in Step 13, above.

District Prop 39 expenditures will be subject to an annual state compliance test as outlined in the Contract District Audit Manual and pursuant to Education Code 84040 and Public Resources Code 26240(g).

In situations where it is determined that Job Creation Funds were not expended in accordance with statutory and/or Guidelines requirements, the Chancellor's Office will make a corresponding adjustment in that District's annual state apportionment to recover the funds.

Deliverables

No.	Description	Responsibility
14.1	Compiled Annual Expenditure Reports	CCCCO

SECTION 3.

OTHER PROGRAM ELEMENTS

The following additional program elements have been established by SB 73 or the Chancellor's Office for Proposition 39 implementation.

3.1 Job Training and Workforce Development

The Chancellor's Office will use $6 million of Proposition 39 annual funds to support energy efficiency and clean energy related workforce training in the California Community Colleges. The rationale and approach for the program is described below.

3.1.1 Rationale

Existing workforce shortages in critical occupations slow the state's ability to effectively invest Proposition 39 funds to achieve meaningful improvements in energy efficiency. This plan would build a workforce in each region that links training with Proposition 39 investment and supports a viable workforce beyond the sunset of Proposition 39 funds. Key components and advantages of this plan include:

3.1.2 Build On Successful Statewide Initiatives

Community colleges are the state's largest workforce training provider. The Chancellor's Office has targeted investment at sectors important to regional economies under the Doing What MATTERS for Jobs and Economy framework (http://doingwhatmatters.cccco.edu/). 'Energy Efficiency and Utility' is one of these sectors.

3.1.3 Leverage Existing Assets and Practices That Work

These include:

- Recruiting and Placement Job Portal: The Chancellor's Office just announced a Job Portal partnership with the California Employment Development Department (EDD), leveraging a multi-million dollar investment by EDD in a system to help people find work. This recruiting and placement Job Portal is available to all community colleges via CACareerCafe.com and can be used at no extra cost to help employers post job and internship openings and for students and community members to find jobs.
- Sector Navigator: The Chancellor's Office has put in place a "Sector Navigator" to act as the first point of contact for the Energy & Utility sector statewide. Our Sector Navigators work with employers, labor unions, and colleges to help them establish relationships and take advantage of the scale of the 112 community colleges and their respective expertise.
- Curriculum Models: Where curriculum is similar across multiple regions, Sector Navigators facilitate the adoption of common curriculum models rather than have each college build its own model, a practice that frustrates employers and lowers success in job placement.
- Apprenticeship: Community colleges administer state Apprenticeship funds. Working through this network will leverage the pre-existing coordination with the labor community.

- RFA process and data collection: The Chancellor's Office has pre-existing processes for issuing RFAs and collecting performance data.
- Existing programs of study: Employers will need a range of skills – from architects and engineers to entry-level energy raters. By coordinating the training capacity of a region, braiding Proposition 39 with existing Chancellor's Office programming, a region will be better positioned to provide the skilled workforce needed by employers.

3.1.4 Role of the Chancellor's Office

- Establish standards and guidelines for Proposition 39 workforce projects, including the use of curriculum models mapped to industry-recognized credentials.
- Encourage preference to proposals where the California Conservation Corps is a signed partner or where training graduates receive first source consideration from union Project Labor Agreements.
- Oversee data collection and reporting into existing Chancellor's Office accountability systems.
- Facilitate use of the CACareerCafe.com Jobs Portal and other pre-established assets rather than making duplicative investment.

3.2 Energy Conservation Assistance Act (ECAA) Energy Subaccount: Loan and Technical Assistance Program

SB 73 allocates $28 million from the California Clean Energy Jobs Act Fund to the Energy Conservation Assistance Act, Education Subaccount (ECAA-Ed). Of that amount, about 90% will be Used to provide low-interest or no-interest loans to K-12 schools and community college districts through the ECAA Loan Program. About 10% will be used by the Bright Schools Program to provide technical assistance grants to qualifying K-12 districts and community college districts needing support with energy efficiency project identification and planning.

For more details and to apply go to the California Energy Commission Proposition 39 website, here: http://energy.ca.gov/efficiency/proposition39/index.html

3.3 California Workforce Investment Board (CWIB) Grant Program

The California State Workforce Investment Board (CWIB) will implement energy efficiency focused "earn-and-learn" job training and placement programs targeting disadvantaged job seekers. The goal of this program will be to train approximately 500 Californians for entry-level employment and create career pathways that are driven by public and private investment in energy efficiency and green building standards. The CWIB will develop a competitive solicitation process that will coordinate Proposition 39 training investments by CCC and the CCCCO. Funded projects will create opportunities for disadvantaged youth and veterans to improve their qualifications for energy efficiency occupations and qualify for state-certified apprenticeship programs, community college career programs, and direct job placement.

For additional information on the CCCs Proposition 39 Program, please go to: http://www.cwib.ca.gov/

EXHIBITS

Exhibit A – Process Flow Diagram
Exhibit B – Call for Projects Form
Exhibit C – Proposition 39 Funding Application – Retrofit
Exhibit D – Proposition 39 Funding Application - MBCx
Exhibit E –Proposition 39 Funding Application - RCx
Exhibit F – Cost Effectiveness Calculation Spreadsheet - coming
Exhibit G – Project Agreement
Exhibit H – Project Completion Form
Exhibit I – Final M&V Report - Typical
Exhibit J – Annual Project Expenditure Report – coming
Exhibit K – Proposition 39 Statuary Text
Exhibit L – SB 73 Text
Exhibit M – DSA Proposition 39 Presentation
Exhibit N – Project Funding Application Checklist

EXHIBIT A – PROCESS FLOW DIAGRAM, ROLES & RESPONSIBILITIES MATRIX

Proposition 39 Project Implementation Process

Prop 39 Project Implementation Process

Utility Incentive Process

Phase I: Definition/Scope

Phase II: Review

Phase III: Design/Imp.

Phase IV: Final EM&V

District/Campus

Step 6
Submit Proposition 39 Funding Applications to CCCCO and Utilities (if appropriate)

Step 5
Project Development to Support Proposition 39 Funding Applications

Step 3
Develop Call For Projects List (Utility Assist)

Execute Utility Incentive Agreement with District

Finalize and Submit Utility Incentive Application (if appropriate)

Step 10
Energy Project Implementation

Step 9
Fully Develop Project Workscope, Schedule, and Contracts for Project Implementation

Step 11
District Submit Project Completion Documents to CCCCO and Utilities

Step 13
Submit Annual Expenditure Report to CCCCO

Receive Incentive Payment

Utilities

Outreach/ Education to Districts (Assist Role)

Review and Approve Utility Incentive Application (Due-Diligence)

Mgmt Team Approval

Approve Utility Incentive or Loan (OBF) Amount

Utility Inspect & Verify Project for Incentive (for Utility Projects Only)

CCCCO

Step 2
Deploy Project Identification and Development Templates/Standards

Step 1
Outreach/ Education to Districts

Step 4
Screen Projects (Triage) (Utility Assist)

Step 7
Review and Approve Proposition 39 Funding Applications

Step 8
Distribute Proposition 39 Funds to Districts

Step 12
Perform Prop 39 Final EM&V (Leverage Utility EM&V)

Step 14
Compile Annual Expenditure Reports from Districts and Submit to COB

California Community Colleges
Proposition 39 Energy Implementation Guidelines
Tasks and Responsibility Matrix
October 2013

		Responsibility		
Step No.	**Description**	**CCCCO**	**District**	**Utilities**
1	Enhanced Outreach to Districts	**L**		**A**
2	Deploy Project Identification and Development Templates/Standards	**X**		
3	Develop and Update Call for Projects List		**L**	**A**
4	Screen and Prioritize Projects	**L**	**A**	**A**
5	Project Development to Support Applications		**L**	**A**
6	Submit Prop 39 Project Application to CCCCO and Utility		**L**	**A**
7	Review and Approve Prop 39 Project Application	**L**		**A**
8	Distribute Prop 39 Funds to District	**X**		
9	Fully Develop Project Workscope, Schedule, and Contracts for Project Implementation		**X**	
10	Project Implementation		**X**	
11	District Submit Prop 39 Project Completion Documentation		**X**	
12	Perform Final Prop 39 Project M&V	**L**		**A**
13	Submit Annual Prop 39 Expenditure Report to CCCCO		**X**	
14	Compile Annual Expenditure Reports and Submit to COB	**X**		

Key:
X = Sole Responsibility
L = Lead Responsibility
A = Assist as necessary

EXHIBIT B - CALL FOR PROJECTS FORM

EXHIBIT B

California Community Colleges Prop 39 "Call for Projects" Form

Introduction and Directions:

Funding for California Community College Energy Projects under Proposition 39 is anticipated to be $50M per year for the next five years. The CCC Chancellor's Office is issuing a "Call for Projects" to identify, consolidate, and prioritze projects to receive Proposition 39 funding for project implementation. Districts are requested to complete this form to provide preliminary energy project information. This form can be completed with information for all college campuses within a District or individually by colleges, whichever is preferred. Use the "EE Projects" and "Solar Projects" tabs to list all potential energy efficiency projects and Solar PV projects, providing as much information as available to identify and quantify the project.

Contact Information:

Please provide one key contact for all energy projects.

District: _____ **Contact Name:** _____

College: _____ **Title:** _____

Electric Utility: _____ **Office Phone Number:** _____

Gas Utility: _____ **Cell Phone Number:** _____

Email: _____

EXHIBIT B

Energy Efficiency Project Identification

Directions:
Please provide information on potential energy efficiency projects. See notes below for instructions and guidance.

								Savings Potential[6]				Project Economics[7]		Schedule[8]		Assistance Required[9]			Delivery		
Prior #	Campus	Project Name	Measure or Project Type[1]	Building Name or Project Location[2]	Project Description[3]	Project Scale/Quantified Scope[4]	Available Documentation[5]	Demand Savings (kW)	Electricity Savings (kWh/yr)	Gas Savings (therms/yr)	Source of Savings Estimate	Project Cost/Budget ($)	Annual Cost Savings ($)	Estimated Start Date	Estimated Completion Date	Project Scoping	Savings Calculations Assistance	Procurement Assistance	Anticipated Contracting Method[10]	Engineer, Vendor, Contrator Involved[11]	Notes/Comments
TOTAL								-	-			$0	$0								

Notes:

1. Use the drop down menu to select:
   - Retrofit — Upgrade of existing systems
   - New Construction — Major renovation (ie footprint change) or new building
   - RCx — Retrocommissioning
   - MBCx — Monitoring Based Commissioning
   - Other — Please specify in notes
2. Provide building numbers, names, parking lot names or best identifier for the specifc project location.
3. Provide a brief (sentence or two) decription of the project. Include what the existing system is, and what is proposed.
4. Provide the most appropriate description of the project scale in terms of quantities, horsepower, tons, MMBTU etc.
5. List what documentation is available for the project (Design Documents, Specifications, Equipment Cutsheets, Incentive Applications, Audit, Engineering Calculations, etc.)
6. Provide the best known estimated savings for the project, and the source of the savings estimate (Investment Grade Audit, Engineering Estimate/Savings Calculations, Utility Audit/Estimate, Rough Estimate, N/A or Savings Unknown, or Other)
7. Provide the total project cost or budget required, and the utility bill savings for the project (based on the savings estimates)
8. Provide schedule dates, including the realistic earliest start date assuming project is funded. Base the completion date on the estimated start date to portray the appropriate duration that can be used for planning purposes
9. Indicate if outside assistance is needed to further scope the project, estimate savings or in the procurement process (specifications, RFPs, proposal reviews etc)
10. Please indicated the anticipated contracting method (Design Build, Government Code 4217 etc.)
11. Indicate the name of any vendor, engineer, contractor or consultant involved in the project.

EXHIBIT B

Solar Sites and PV Project Identification

Directions:
Please provide information on sites that are potential candidates for solar PV installation (*example in italics*). A "site" is defined as a College or District-owned parcel or parcels where the potential solar system(s) would be installed (roof, ground-mount, parking structure or lot, etc.)

Please keep in mind some basic criteria for what makes good and bad solar sites:
Ideal Sites for PV:
- Rooftops with solid construction
- Parking: structures or lots
- Large undeveloped available land areas for ground-mount systems
- Outdoor shade structures with solid construction

Poor Sites for PV:
- Rooftops with old or failing roofing systems
- Overly shaded areas
- Structuresor sites with significant future construction plans
- Ground-mount areas with known geotechnical or groundwater issues
- Sites with small loads
- Sites with single-phase electirc services

											Assistance Required[5]		
College/Campus Name and Address	**Solar Goals[1]**	**Expectations[2]**	**Site name and address**	**Proposed location of solar panel installation[3]**	**Annual Energy Usage (kWh)**	**Annual Energy Cost ($)**	**Estimated kW Size of System**	**Estimated sq ft. of PV module coverage**	**Estimated System Cost (if known)**	**Explain any known issues[4]**	**Previous solar feasbility studies or proposals? If Yes, please attach to response.**	**Project Scoping**	**Calculation Assistance**	**Procurement Assistance**
College of San Mateo, 123 Main Street, Pleasantville, CA 12345	*Environmental, reduce GHG, reduce electricity bills.*	*Concerns about investment and ongoing maintenance costs.*	*Performing Arts Center Parking Lot*	*Above parking lot*			*kW Output*	*# sq ft*	*$*	*Potential construction plans nearby may interfere*	*Yes, see attached.*			
			Administration Building, One University Loop	*Roof*			*kW Output*	*# sq ft*	*$*	*older roof, may be replaced in 2013 prior to PV mount*	*No*			
			Student Recreation Center	*ground mound (next to soccer field)*			*kW Output*	*# sq ft*	*$*	*soft soils, some shading, potential vandalism*	*No*			
Skyline Community College….														
Canada Community College….														

Copy another row from above here for additional campus locations.

Notes:
1. Environmental Stewardship, reducing GHG, decreasing energy bills, etc.
2. Time-frame for project installation, costs, etc.
3. Ground-mount, roof, parking structure (lot or garage)
4. Geo-technical, old roof, construction plans, etc.
5. Indicate if outside assistance is needed to further scope the project, estimate savings or in the procurement process (specifications, RFPs, proposal reviews etc)

EXHIBIT C – PROPOSITION 39 FUNDING APPLICATION (RETROFIT)

CCC PROPOSITION 39 PROJECT FUNDING APPLICATION

FORM B - RETROFIT PROJECTS

Please complete blue and green-shaded cells. Attach supporting engineering calculations.

Project Name: | **Contact Name:** | **Date:**
District: | **Contact Phone:**
Campus: | **Email:**
Building Name: | **Building Type:** | **# Floors:** | **Age:** | **Sq. Ft.**
Tax ID: | **Utilities:** | **Account Number(s):** | **Project Completion Date:**

Meas #	Lighting	Location	Measure Description	EUL	Remaining Useful Life of HVAC Measure > 5 years?	CPUC Incentive Qualifying Measure Cost ($)	Prop. 39 Measure Cost ($)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
					Total Measure Cost:	$0	$0

Energy/On-Peak Demand Savings Summary

Electricity

Meas. #	CPUC Incentive Qualifying Usage (kWh/yr)	Prop. 39 Existing Equipment Usage (kWh/yr)	Installed Measure Usage (kWh/yr)	CPUC Incentive Qualifying Energy Savings (kWh/yr)	Prop 39 Energy Savings (kWh/yr)	CPUC Incentive Qualifying Existing On-Peak Demand	Prop. 39 Existing On-Peak Demand (kW)	Installed On-Peak Demand (kW)	CPUC Incentive Qualifying On-Peak Demand Reduction	Prop. 39 On-Peak Demand Reduction (kW)
1				-	-				0	0
2				-	-				0	0
3				-	-				0	0
4				-	-				0	0
5				-	-				0	0
6				-	-				0	0
7				-	-				0	0
8				-	-				0	0
9				-	-				0	0
10				-	-				0	0
			Total:	-	-			Total:	0	0

Gas

CPUC Incentive Qualifying Usage (therm/yr)	Prop. 39 Existing Usage (therm/yr)	Installed Measure Usage (therm/yr)	CPUC Incentive Qualifying Energy Savings (therm/yr)	Prop. 39 Energy Savings (therm/yr)
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
		Total:	-	-

Project Summary

	CPUC HVAC Measures	CPUC Lighting Measures	Prop 39 HVAC Measures	Prop. 39 Lighting Measures
Energy Savings Total (kWh/yr):	-	-	-	-
Energy Savings Total (therm/yr):	-	-	-	-
On-Peak Demand Red. Total (kW):	-	-	-	-

	CPUC Measures	Prop. 39 Measures
Total Measure Cost :	$ -	$ -
Utility Incentive:	$ -	
Net Cost to District:	$ -	$ -

Prepared	QC
Name	Initials
Date	Date

Form B - Proposition 39 Funding Application

Retrofit Project Summary

Project Name:	0	Contact Name:	0
District:	0	Contact Phone:	0
Campus:	0	Contact email:	0
Building:	0	Date:	1/0/1900

Measure Summary

#	Location	Description
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Meassure Savings and Costs

#	CPUC Savings (kWh/yr)	Demand Savings (kW)	CPUC Savings (therms/yr)	Prop 39 Savings (kWh/yr)	Demand Savings (kW)	Prop 39 Savings (therms/yr)	CPUC Measure Cost	Prop. 39 Measure Cost
1	-	-	-	-	-	-	$0	$0
2	-	-	-	-	-	-	$0	$0
3	-	-	-	-	-	-	$0	$0
4	-	-	-	-	-	-	$0	$0
5	-	-	-	-	-	-	$0	$0
6	-	-	-	-	-	-	$0	$0
7	-	-	-	-	-	-	$0	$0
8	-	-	-	-	-	-	$0	$0
9	-	-	-	-	-	-	$0	$0
10	-	-	-	-	-	-	$0	$0
Total	-	-	-	-	-	-	$0	$0

			CPUC Savings	Prop 39 Savings
Year 1 Electricty Savings:	$0	Electricity Savings (kWh/yr):	-	-
Year 1 Gas Savings:	$0	Demand Savings (kW):	-	-
Year 1 Maintenance Savings:	$0	Gas Savings (therms/yr):	-	-
Total Year 1 Savings:	$0			
Total CPUC Project Cost:	$0			
Total Prop. 39 Project Cost:	$0			
Utility Incentive:	$0			
Prop. 39 Funding Allocation:	$0			
Grants/Additional Funding:	$0			
District Share of Project Cost:	$0			

Signature

Campus or Representative Signature Acknowledgement

Name *Date*

EXHIBIT D – PROPOSITION 39 FUNDING APPLICATION (MBCx)

CCC PROPOSITION 39 PROJECT FUNDING APPLICATION
MBCx PROJECTS- FORM C1

One Application Per Building

Please complete blue-shaded cells. If more room is required, use Additional Application Tab.

District	
Campus	
Building Name	
Campus Contact	
Email	
Phone	
Consultant Contact	
Email	
Phone	
Date Application Prepared	

A. Building Description

Building Function			
Building Area (GSF)			
Number of Floors		Year Constructed	
Fume Hood Count		Typical Operating Hours per Week	
Percent of building area requiring 100% outside air ventilation (e.g. laboratories)			

Please explain why this building is a good candidate for MBCx. For example, is this building known as a "problem building" or an "energy hog" and why?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

How does the energy use index of this building compare with other buildings on campus and other buildings serving a similar function?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

B. Central System Equipment Inventory

Please identify control systems.

	DDC	Mix of DDC, Pneumatic, Other	Pneumatic or Other
Air Handlers:	☐	☐	☐
Zone Controls:	☐	☐	☐
Chillers and Boilers (if in bldg):	☐	☐	☐

C. Building Metering/Monitoring/Management Inventory

Select the appropriate status for each of the following meter types in the building. Hot Water, Steam and Chilled Water meters only apply to buildings which receive these energy sources from a *separate* building or central plant. The MBCx program **requires** that each energy source entering a building (and exiting, for central plants) be metered.

	Building does not receive this energy source.	Meter exists and *is already* tied into campus EIS.	Meter exists and *will be* tied into campus EIS.	New meter will be installed and tied into campus EIS
Electricity:	☐	☐	☐	☐
Natural Gas:	☐	☐	☐	☐
Hot Water:	☐	☐	☐	☐
Steam:	☐	☐	☐	☐
Chilled Water:	☐	☐	☐	☐

Please identify the existing and/or proposed energy information system(s) (EIS) and how it will interface with meters and equipment (meters should automatically communicate interval energy use to a front end storage device). Also identify the storage capacity (the MBCx program requires the EIS to be able to store and manipulate data for at least 10 years).

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

The MBCx program requires that commissioning agents train campus operators in the revised sequences of operations and usage of newly implemented energy management strategies. Please acknowledge this requirement by checking the box below.

Training and documentation of commissioned systems will be provided to campus operators:	☐

D. Estimated Building Energy Use

Please enter the quantity of energy entering the building. Indicate in the second cell how this is measured or estimated.

Building Use Index

Annual Electricity Use

	kWh/yr		kWh/yr-sq.ft.

On-Peak Electric Demand

	kW		W/sq.ft.

Annual Natural Gas Use

	therm/yr		therm/yr-sq.ft.

Does this building serve other buildings with hot water, steam, chilled water or electricity?

If yes, explain how this energy will be metered:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

E. Estimated Energy Delivered to the Building from a Separate Plant

Please enter the quantity of energy delivered to the building from a separate plant. For example, if the building receives chilled water, hot water or steam from a separate plant, enter the quantity here. Please also indicate in the second cell how this is measured or estimated. If the building generates its own chilled water, hot water or steam with the electricity and gas use reported above, do not enter the energy use in these cells.

Plant Use Index

Annual Steam Use *(choose units)*

-			therm/yr-sq.ft

Annual Hot Water Use

	Million Btu/yr		therm/yr-sq.ft.

Annual Chilled Water Use (Electric Chillers)

			kWh/yr-sq.ft.

Annual Chilled Water Use (Steam Chillers)

			therm/yr-sq.ft.

F. Total Estimated Utility Energy Use

This section calculates the total current annual utility energy use. This includes use directly at the building and energy delivered to the building from a separate plant. If applicable, this estimate assumes a marginal boiler efficiency of 80%, a marginal chiller efficiency of 0.8 kW/ton, and a marginal steam chiller rate of 10 lb. steam per ton-hr.

Total Energy Use Index

Annual Electricity Use

-	kWh/yr		kWh/yr-sq.ft.

On-Peak Electric Demand (Refer to "On-Peak Electric Demand (kW)" worksheet for program definition.)

-	kW		W/sq.ft.

Annual Gas Use

-	therm/yr		therm/yr-sq.ft.

G. Projected Utility Energy Savings

Enter the projected annual utility energy savings, including savings from the building as well as savings from the separate plant, if applicable.

Projected Annual Electricity Savings

	kWh/yr
0%	Percent of total electricity use projected to be saved.

Electric savings are expeced to fall within the following range:
5% without potential modifications identified;
10% with likely measures identified;
15% for particularly inefficient operations already identified.

On-Peak Electric Demand

	kW
0%	Percent of total summer on-peak demand projected to be saved.

If either the annual or on-peak electric savings fall outside of the anticipated 5-15% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Projected Annual Gas Savings

	therm/yr
0%	Percent of total gas use projected to be saved.

Thermal savings are expeced to fall within the following range:
10% without potential modifications identified;
20% with likely measures identified;
30% for particularly inefficient operations already identified.

If annual thermal savings fall outside of the anticipated 10-30% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Notes

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

CCC PROPOSITION 39 PROJECT FUNDING APPLICATION
MBCx PROJECTS- FORM C1

One Application Per Central Plant

Please complete blue-shaded cells. If more room is required, use Additional Application Tab.

District	
Campus	
Building Name	
Campus Contact	
Email	
Phone	
Consultant Contact	
Email	
Phone	
Date Application Prepared	

A. Central Plant Description

Bldg Area Served by Plant (GSF)	
Year Constructed	

Please describe in general how this central plant is used (e.g. typical operating hours, types of buildings served).

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Please explain why this plant is a good candidate for MBCx. For example, is this building known as a "problem building" or an "energy hog" and why?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

B. Central Plant Equipment Inventory

Please describe the types and capacities of chillers, boilers, co-generation and thermal energy storage systems in the central plant.

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

C. Central Plant Metering/Monitoring/Management Inventory

Select the appropriate status for each of the following meter types in the central plant. The MBCx program **requires** that each energy source entering and exiting a central plant be metered.

	Plant does not receive or deliver this energy source.	Meter exists and *is already* tied into campus EIS.	Meter exists and *will be* tied into campus EIS.	New meter will be installed and tied into campus EIS
Electricity:	☐	☐	☐	☐
Natural Gas:	☐	☐	☐	☐
Hot Water:	☐	☐	☐	☐
Steam:	☐	☐	☐	☐
Chilled Water:	☐	☐	☐	☐

Please identify the existing and/or proposed energy information system(s) (EIS) and how it will interface with meters and equipment (meters should automatically communicate interval energy use to a front-end storage device). Also identify the storage capacity (the MBCx program requires the EIS to be able to store and manipulate data for at least 10 years).

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

The MBCx program requires that commissioning agents train campus operators in the revised sequences of operations and usage of newly implemented energy management strategies. Please acknowledge this requirement by checking the box below.

Training and documentation of commissioned systems will be provided to campus operators:	☐

D. Estimated Central Plant Energy Use

Please enter the quantity of energy entering the plant. Indicate in the second cell how this is measured or estimated.

			Plant Use Index
Annual Electricity Use			
	kWh/yr		kWh/yr-sq.ft.
On-Peak Electric Demand			
	kW		W/sq.ft.
Annual Natural Gas Use			
	therm/yr		therm/yr-sq.ft.

Please enter the quantity of energy leaving the plant. Indicate in the second cell how this is measured or estimated.

Annual Steam Use	*(choose units)*	
Annual Hot Water Use		
	Million Btu/yr	
Annual Chilled Water Use (Electric Chiller)		
Annual Chilled Water Use (Steam Chillers)		

E. Projected Utility Energy Savings

Enter the projected annual utility energy savings.

Projected Annual Electricity Savings

	kWh/yr
0%	Percent of total electricity use projected to be saved.

Electric savings are expeced to fall within the following range:
2% without potential modifications identified;
5% with likely measures identified;
10% for particularly inefficient operations already identified.

On-Peak Electric Demand

	kW
0%	Percent of total summer on-peak demand projected to be saved.

If either the annual or on-peak electric savings fall outside of the anticipated 2-10% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Projected Annual Gas Savings

	therm/yr
0%	Percent of total gas use projected to be saved.

Thermal savings are expeced to fall within the following range:
2% without potential modifications identified;
5% with likely measures identified;
10% for particularly inefficient operations already identified.

If annual thermal savings fall outside of the anticipated 2-10% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Notes

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

EXHIBIT E – PROPOSITION 39 FUNDING APPLICATION (RCx)

CCC PROPOSITION 39 PROJECT FUNDING APPLICATION
RCx PROJECTS- FORM C2

One Application Per Building

Please fill in all blue boxes. If more room is required, use Additional Information tab.

District	
Campus	
Building Name	
Campus Contact	
Email	
Phone	
Consultant Contact	
Email	
Phone	
Date Application Prepared	

A. Building Description

Building Function			
Building Area (GSF)			
Number of Floors		Year Constructed	
Fume Hood Count		Typical Operating Hours per Week	
Percent of building area requiring 100% outside air ventilation (e.g. laboratories)			

Please explain why this building is a good candidate for RCx. For example, is this building known as a "problem building" or an "energy hog" and why?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

How does the energy use index of this building compare with other buildings on campus and other buildings serving a similar function?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

B. Central System Equipment Inventory

Please identify control systems.

	DDC	Mix of DDC, Pneumatic, Other	Pneumatic or Other
Air Handlers:	☐	☐	☐
Zone Controls:	☐	☐	☐
Chillers and Boilers (if in bldg):	☐	☐	☐

C. Building Metering/Monitoring/Management Inventory

Select the appropriate status for each of the following meter types in the building. Hot Water, Steam and Chilled Water meters only apply to buildings which receive these energy sources from a *separate* building or central plant. The RCx program **prefers** that each energy source entering a building (and exiting, for central plants) be metered, but meters aren't a requirement.

	Building does not receive this energy source.	Meter exists and *is already* tied into campus EIS.	Meter exists and *will be* tied into campus EIS.	New meter will be installed and tied into campus EIS
Electricity:	☐	☐	☐	☐
Natural Gas:	☐	☐	☐	☐
Hot Water:	☐	☐	☐	☐
Steam:	☐	☐	☐	☐
Chilled Water:	☐	☐	☐	☐

Please identify the existing and/or proposed energy information system(s) (EIS) and how it will interface with meters and equipment (meters should automatically communicate interval energy use to a front end storage device). Also identify the storage capacity (RCx analysis is complemented by an EIS that is able to store and manipulate data for multiple years).

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

The RCx program requires that commissioning agents train campus operators in the revised sequences of operations and usage of newly implemented energy management strategies. Please acknowledge this requirement by checking the box below.

Training and documentation of commissioned systems will be provided to campus operators:	☐

D. Estimated Building Energy Use

Please enter the quantity of energy entering the building. Indicate in the second cell how this is measured or estimated. Building Use Index

Annual Electricity Use				
	kWh/yr			kWh/yr-sq.ft.
On-Peak Electric Demand				
	kW			W/sq.ft.
Annual Natural Gas Use				
	therm/yr			therm/yr-sq.ft.

Does this building serve other buildings with hot water, steam, chilled water or electricity?

If yes, explain how this energy will be metered:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

E. Estimated Energy Delivered to the Building from a Separate Plant

Please enter the quantity of energy delivered to the building from a separate plant. For example, if the building receives chilled water, hot water or steam from a separate plant, enter the quantity here. Please also indicate in the second cell how this is measured or estimated. If the building generates its own chilled water, hot water or steam with the electricity and gas use reported above, do not enter the energy use in these cells. Plant Use Index

Annual Steam Use	*(choose units)*			
-				therm/yr-sq.ft
Annual Hot Water Use				
	Million Btu/yr			therm/yr-sq.ft.
Annual Chilled Water Use (Electric Chillers)				
				kWh/yr-sq.ft.
Annual Chilled Water Use (Steam Chillers)				
				therm/yr-sq.ft.

F. Total Estimated Utility Energy Use

This section calculates the total current annual utility energy use. This includes use directly at the building and energy delivered to the building from a separate plant. If applicable, this estimate assumes a marginal boiler efficiency of 80%, a marginal chiller efficiency of 0.8 kW/ton, and a marginal steam chiller rate of 10 lb. steam per ton-hr. Total Energy Use Index

Annual Electricity Use			
-	kWh/yr		kWh/yr-sq.ft.
On-Peak Electric Demand	(Refer to "On-Peak Electric Demand (kW)" worksheet for program definition.)		
-	kW		W/sq.ft.
Annual Gas Use			
-	therm/yr		therm/yr-sq.ft.

G. Projected Utility Energy Savings

Enter the projected annual utility energy savings, including savings from the building as well as savings from the separate plant, if applicable.

Projected Annual Electricity Savings

	kWh/yr
0%	Percent of total electricity use projected to be saved.

Electric savings are expeced to fall within the following range:
5% without potential modifications identified;
10% with likely measures identified;
15% for particularly inefficient operations already identified.

On-Peak Electric Demand

	kW
0%	Percent of total summer on-peak demand projected to be saved.

If either the annual or on-peak electric savings fall outside of the anticipated 5-15% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Projected Annual Gas Savings

	therm/yr
0%	Percent of total gas use projected to be saved.

Thermal savings are expeced to fall within the following range:
10% without potential modifications identified;
20% with likely measures identified;
30% for particularly inefficient operations already identified.

If annual thermal savings fall outside of the anticipated 10-30% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Notes

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

CCC PROPOSITION 39 PROJECT FUNDING APPLICATION
RCx PROJECTS- FORM C2

One Application Per Central Plant

Please fill in all blue boxes. If more room is required, use Additional Information tab.

District	
Campus	
Building Name	
Campus Contact	
Email	
Phone	
Consultant Contact	
Email	
Phone	
Date Application Prepared	

A. Central Plant Description

Bldg Area Served by Plant (GSF)	
Year Constructed	

Please describe in general how this central plant is used (e.g. typical operating hours, types of buildings served).

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Please explain why this plant is a good candidate for MBCx. For example, is this building known as a "problem building" or an "energy hog" and why?

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

B. Central Plant Equipment Inventory

Please describe the types and capacities of chillers, boilers, co-generation and thermal energy storage systems in the central plant.

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

C. Central Plant Metering/Monitoring/Management Inventory

Select the appropriate status for each of the following meter types in the central plant. The RCx Pilot program recommends that each energy source entering and exiting a central plant be metered.

	Plant does not receive or deliver this energy source.	Meter exists and *is already* tied into campus EIS.	Meter exists and *will be* tied into campus EIS.	New meter will be installed and tied into campus EIS
Electricity:	☐	☐	☐	☐
Natural Gas:	☐	☐	☐	☐
Hot Water:	☐	☐	☐	☐
Steam:	☐	☐	☐	☐
Chilled Water:	☐	☐	☐	☐

Please identify the existing and/or proposed energy information system(s) (EIS) and how it will interface with meters and equipment (meters should automatically communicate interval energy use to a front-end storage device).

The Tridium Niagara open-platform front end will collect and store all the relevant information from the central plant, including outputs from the gas/electric meters.

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

The RCx program requires that commissioning agents train campus operators in the revised sequences of operations and usage of newly implemented energy management strategies. Please acknowledge this requirement by checking the box below.

Training and documentation of commissioned systems will be provided to campus operators: ☐

D. Estimated Central Plant Energy Use

Please enter the quantity of energy entering the plant. Indicate in the second cell how this is measured or estimated. Plant Use Index

Annual Electricity Use				
	kWh/yr	No meter - use estimated from building area served and campus use		kWh/yr-sq.ft.
On-Peak Electric Demand				
	kW	No meter - demand estimated from building area served and campus demand		W/sq.ft.
Annual Natural Gas Use				
	therm/yr	No meter - use estimated from building area served and campus use		therm/yr-sq.ft.

Please enter the quantity of energy leaving the plant. Indicate in the second cell how this is measured or estimated.

Annual Steam Use *(choose units)*		
Annual Hot Water Use		
	Million Btu/yr	
Annual Chilled Water Use (Electric Chiller)		
Annual Chilled Water Use (Steam Chillers)		

E. Projected Utility Energy Savings

Enter the projected annual utility energy savings.

Projected Annual Electricity Savings

	kWh/yr
0%	Percent of total electricity use projected to be saved.

Electric savings are expeced to fall within the following range:
2% without potential modifications identified;
5% with likely measures identified;
10% for particularly inefficient operations already identified.

On-Peak Electric Demand

	kW
0%	Percent of total summer on-peak demand projected to be saved.

If either the annual or on-peak electric savings fall outside of the anticipated 2-10% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Projected Annual Gas Savings

	therm/yr
0%	Percent of total gas use projected to be saved.

Thermal savings are expeced to fall within the following range:
2% without potential modifications identified;
5% with likely measures identified;
10% for particularly inefficient operations already identified.

If annual thermal savings fall outside of the anticipated 2-10% range, explain:

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

Notes

(to AutoFit the row height to the text, click inside of the text cell, then hit 'Enter')

EXHIBIT F – COST EFFECTIVENESS CALCULATION SPREADSHEET

CCC Proposition 39 Project Cost Effectiveness Calculator

Please complete blue-shaded cells.

Project Name:	0	**Building Name:**	0	**Average Energy Costs***	
District:	0	**Account Number(s):**	0	$ 0.13	/kWh
Campus:	0	**Building Type:**	0	$ 0.80	/thm

Project Summary

Project type: Retrofit **Effective Useful Life of Project (yrs):** specified

ENERGY EFFICIENCY PROJECT

Electricity Savings Total (kWh/yr):	-
Gas Savings Total (therms/yr):	-
On-Peak Demand Reduction Total (kW):	-

Total Prop. 39 Project Cost:	$ -
Utility Incentive:	$ -
Grants or Additional Funding (if any):	$ -
Net Cost to District:	$ -
Requested Prop 39 Allocation:	
District Share of Cost (non-Prop. 39):	$ -

Year 1 Electricity Cost Savings Total ($/kWh/yr):	$ -
Year 1 Gas Cost Savings Total ($/therm/yr):	$ -
Year 1 Maintenance Cost Savings (@ 2% Costs):	$ -
Total Cost Savings:	$ -

Non-Energy Benefits (@ 3% Costs):	$ -
Effective Project Cost:	$ -
Project Benefits NPV:	$ -
Project Savings to Investment Ratio (SIR):	0.00
Estimated Direct Job Years Created:	0.0

Prepared	QC
0	
Name	Initials
1/0/1900	
Date	Date

*Average energy costs represent year 1 cost of saved energy including demand charges

EXHIBIT G - PROJECT AGREEMENT

CCC PROPOSITION 39 PROJECT AGREEMENT

Please complete shaded blue cells and sign at bottom.

Project Agreement must be executed by District Chief Business Officer (CBO).

Project Name:	
Project No.	
District:	
Campus:	
Name:	
Title:	
Phone No:	
Email:	

By signing below, I hereby commit the Community College District identified above to implement the energy projects identified on the referenced Project Name and Number using Proposition 39 funding allocated for this purpose by the Chancellor's Office, and will comply with the CCC Proposition 39 Energy Project Guidelines and all legal requirements.

Signed:	
Name and Title:	
District:	
Date:	

EXHIBIT H - PROJECT COMPLETION FORM

CCC PROPOSITION 39 PROJECT COMPLETION (FORM E)

Campus: use this form to notify the Partnership that you have completed a project and are ready to schedule IOU verification visit.

District:	
Campus:	
Contact at Campus/District:	
Title of Contact Person:	
Date This Form Prepared:	

Project Title (From Initial Application):	
Project ID Number (If Available):	
Type of Project (Pick One):	

FOR RETROFIT PROJECTS		
All Measures Installed?	☐ YES	☐ NO
Date Final Measure Operational:		

FOR MBCx/RCx PROJECTS		
Low-Cost/No-Cost Changes Implemented?	☐ YES	☐ NO
Post Implementation Summary Spreadsheet (Form D) Submitted?	☐ YES	☐ NO

FOR ALL OTHER PROJECTS (SGIP, New Construction, Solar)		
All Measures Installed?	☐ YES	☐ NO
Date Final Measure Operational:		

	Proposed Savings Values	Estimated Post-Implementation Values
PROJECT RESULTS		
On-Peak Demand Reduction (kW):		
Energy Savings (kWh):		
Natural Gas Savings (Therms):		
Project Cost ($) with written backup:		

Provide explanions for differences in proposed values in boxes below. Provide written backup for the project costs, breaking down by measure, including the major items, materials and labor.

Please explain any "NO" answers above and note any differences from initially proposed project:

Additional Comments:

Please email the completed Form to NAM and/or the appropriate IOU representative.

PG&E: Dave Hather (dth2@pge.com)
SCE: George Coronel (George.Coronel@sce.com)
SCG: Paul Deang (PDeang@semprautilities.com)
SDG&E: Lin-Chi Hua (lua@semprautilities.com)

NAM: Danielle Moultak (danielle_moultak@newcomb.cc)

EXHIBIT I - FINAL M&V REPORT

CCC PROPOSITION 39 MEASUREMENT & VERIFICATION

Installation Review

Tech Reviewer: AESC
Reviewer Name:

Revision:
Administrator: David T. Hather

Project #:
Project Name:
Site Address:
,
Sponsor:
Customer:
Approach: Customized Retrofit

Review Dates
Sent to TR:
Inspected:
Review completed by TR:
QC'd by:

Application Status: (•) Approved ( ) Suspended ( ) Declined

Summary of Application Review Results

	CR Savings			DR Savings	
Savings Estimates	kWh	kW	Therms	Dispatch Demand	Total Capital Costs
Application Approved Amount	0.0	0.00	0.0	0.00	$ -
Installation Submitted Amount					
Installation Approved Amount	**0.0**	**0.00**	**0.0**	**0.00**	**$ -**

Incentive Estimates	Gross Incentive($)	Project Cost Adj.	Site Cap Adj.	Net Incentive
Application Approved Amount	$0.00	$0.00	$0.00	$ -
Installation Submitted Amount				$ -
CR Installation Approved Amount	$ -	$ -	$ -	**$ -**
DR Installation Approved Amount*	$ -	$ -	$ -	**$ -**

Comments

Review Summary

Project Description

Date:

Reviewer,

0

Installation Review Continued

Project #:

Project Name:

Administrator: David T. Hather

Reviewer:

Summary of Approved Measures

Customized Retrofit

Lighting	$0.24	AC&RII	$0.24	Natural Gas	$1.00
AC&RI	$0.24	Mtrs/Other	$0.24	kW	$0

Old Code	New Code	Measure Description	Meas. Type	Energy Savings kW	Energy Savings kWh or Therm		Measure Cost	Gross Incentive kW	Gross Incentive kWh or therm	Project Cost Adjustment	PA Contract Adjustment	Net Incentive kW	Net Incentive kWh or therm
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
				-	-		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Approved Totals				-	-	kWh	$ -	$ -	$ -	$ -	$ -	$ -	$ -
					-	Th					**TOTAL**	**$**	**-**

Demand Response

Category 1	$125	Category 2	$50

Meas Code	Measure Description	Dispatch Demand(kW)	Measure Cost	Gross Incentive	Project Cost Adjustment	Customer Cap Adjustment	Net Incentive	DR Initial 25% Payment
		-	$ -	$ -	$ -	$ -	$ -	$ -
		-	$ -	$ -	$ -	$ -	$ -	$ -
		-	$ -	$ -	$ -	$ -	$ -	$ -
		-	$ -	$ -	$ -	$ -	$ -	$ -
		-	$ -	$ -	$ -	$ -	$ -	$ -
Approved Totals		-	$ -	$ -	$ -	$ -	$ -	**$ -**

EXHIBIT J - ANNUAL PROJECT EXPENDITURE REPORT

To be developed.

EXHIBIT K – PROPOSITION 39 STATUARY TEXT

this section is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) Notwithstanding Section 13340 of the Government Code, the California Education Trust Fund is hereby continuously appropriated, without regard to fiscal year, solely for the funding of the Our Children, Our Future: Local Schools and Early Education Investment and Bond Debt Reduction Act.

(g) The additional tax imposed under this section does not apply to any taxable year beginning on or after January 1, 2025, except as may otherwise be provided in a measure that extends the Our Children, Our Future: Local Schools and Early Education Investment and Bond Debt Reduction Act and is approved by the electorate at a statewide election held on or before the first Tuesday after the first Monday in November of 2024.

SEC. 9. Section 19602 of the Revenue and Taxation Code is amended to read:

19602. Except for amounts collected or accrued under Sections 17935, 17941, 17948, 19532, and 19561, ~~and~~ revenues deposited pursuant to Section 19602.5, *and revenues collected pursuant to Section 17041.1,* all moneys and remittances received by the Franchise Tax Board as amounts imposed under Part 10 (commencing with Section 17001), and related penalties, additions to tax, and interest imposed under this part, shall be deposited, after clearance of remittances, in the State Treasury and credited to the Personal Income Tax Fund.

SEC. 10. Severability.

The provisions of this act are meant to be severable. If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, that finding shall not affect the remaining provisions of the act or the application of this measure to other persons or circumstances.

SEC. 11. Conflicting Initiatives.

(a) In the event that this measure and another measure or measures amending the California personal income tax rate for any taxpayer or group of taxpayers, or amending the rate of tax imposed on retailers for the privilege of selling tangible personal property at retail, or amending the rate of excise tax imposed on the storage, use or other consumption in this state of tangible personal property purchased from any retailer for storage, use or other consumption in this state, shall appear on the same statewide election ballot, the rate-amending provisions of the other measure or measures and all provisions of that measure that are funded by its rate-amending provisions, shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than any such other measure, the rate-amending provisions of the other measure, and all provisions of that measure that are funded by its rate-amending provisions, shall be null and void, and the provisions of this measure shall prevail instead.

(b) Conflicts between other provisions not subject to subdivision (a) shall be resolved pursuant to subdivision (b) of Section 10 of Article II of the California Constitution.

SEC. 12. Amendments.

This act may not be amended except by majority vote of the people in a statewide general election.

SEC. 13. Effective Dates and Expiration.

(a) This measure shall be effective the day after its enactment. Operative dates for the various provisions of this measure shall be those set forth in the act.

(b) The tax imposed by subdivisions (a) and (b) of Section 17041.1 of the Revenue and Taxation Code added pursuant to this act shall cease to be operative and shall expire on December 31, 2024, unless the voters, by majority vote, approve the extension of the act at a statewide election held on or before the first Tuesday after the first Monday in November, 2024.

PROPOSITION 39

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends, repeals, and adds sections to the Public Resources Code and the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE CALIFORNIA CLEAN ENERGY JOBS ACT

SECTION 1. The people of the State of California do hereby find and declare all of the following:

(1) California is suffering from a devastating recession that has thrown more than a million Californians out of work.

(2) Current tax law both discourages multistate companies from locating jobs in California, and puts job-creating California companies at a competitive disadvantage.

(3) To address this problem, most other states have changed their laws to tax multistate companies on the percent of sales in that state, a tax approach referred to as the "single sales factor."

(4) If California were to adopt the single sales factor approach, the independent Legislative Analyst's Office estimates that state revenues would increase by as much as $1.1 billion per year and create a net gain of 40,000 California jobs.

(5) In addition, by dedicating a portion of increased revenue to job creation in the energy efficiency and clean energy sectors, California can create tens of thousands of additional jobs right away, reducing unemployment, improving our economy, and saving taxpayers money on energy.

(6) Additional revenue would be available to public schools consistent with current California law.

SEC. 2. Division 16.3 (commencing with Section 26200) is added to the Public Resources Code, to read:

DIVISION 16.3. CLEAN ENERGY JOB CREATION

CHAPTER 1. GENERAL PROVISIONS

26200. This division shall be known and may be cited as the California Clean Energy Jobs Act.

26201. This division has the following objectives:

(a) Create good-paying energy efficiency and clean energy jobs in California.

(b) Put Californians to work repairing and updating schools and public buildings to improve their energy efficiency and make other clean energy improvements that create jobs and save energy and money.

(c) Promote the creation of new private sector jobs improving the energy efficiency of commercial and residential buildings.

(d) Achieve the maximum amount of job creation and energy benefits with available funds.

(e) Supplement, complement, and leverage existing energy efficiency and clean energy programs to create increased economic and energy benefits for California in coordination with the California Energy Commission and the California Public Utilities Commission.

(f) Provide a full public accounting of all money spent and jobs and benefits achieved so the programs and projects funded pursuant to this division can be reviewed and evaluated.

CHAPTER 2. CLEAN ENERGY JOB CREATION FUND

26205. The Clean Energy Job Creation Fund is hereby created in the State Treasury. Except as provided in Section 26208, the sum of five hundred fifty million dollars ($550,000,000) shall be transferred from the General Fund to the Job Creation Fund in fiscal years 2013–14, 2014–15, 2015–16, 2016–17, and 2017–18. Moneys in the fund shall be available for appropriation for the purpose of funding projects that create jobs in California improving energy efficiency and expanding clean energy generation, including all of the following:

(a) Schools and public facilities:

(1) Public schools: Energy efficiency retrofits and clean energy installations, along with related improvements and repairs that contribute to reduced operating costs and improved health and safety conditions, on public schools.

(2) Universities and colleges: Energy efficiency retrofits, clean energy installations, and other energy system improvements to reduce costs and achieve energy and environmental benefits.

(3) Other public buildings and facilities: Financial and technical assistance including revolving loan funds, reduced interest loans, or other financial assistance for cost-effective energy efficiency retrofits and clean energy installations on public facilities.

(b) Job training and workforce development: Funding to the California Conservation Corps, Certified Community Conservation Corps, YouthBuild, and other existing workforce development programs to train and employ disadvantaged youth, veterans, and others on energy efficiency and clean energy projects.

(c) Public-private partnerships: Assistance to local governments in establishing and implementing Property Assessed Clean Energy (PACE) programs or similar financial and technical assistance for cost-effective retrofits that include repayment requirements. Funding shall be prioritized to maximize job creation, energy savings, and geographical and economic equity. Where feasible, repayment revenues shall be used to create revolving loan funds or similar ongoing financial assistance programs to continue job creation benefits.

26206. The following criteria apply to all expenditures from the Job Creation Fund:

(a) Project selection and oversight shall be managed by existing state and local government agencies with expertise in managing energy projects and programs.

(b) All projects shall be selected based on in-state job creation and energy benefits for each project type.

(c) All projects shall be cost effective: total benefits shall be greater than project costs over time. Project selection may include consideration of non-energy benefits, such as health and safety, in addition to energy benefits.

(d) All projects shall require contracts that identify the project specifications, costs, and projected energy savings.

(e) All projects shall be subject to audit.

(f) Program overhead costs shall not exceed 4 percent of total funding.

(g) Funds shall be appropriated only to agencies with established expertise in managing energy projects and programs.

(h) All programs shall be coordinated with the California Energy Commission and the California Public Utilities Commission to avoid duplication and maximize leverage of existing energy efficiency and clean energy efforts.

(i) Eligible expenditures include costs associated with technical assistance, and with reducing project costs and delays, such as development and implementation of processes that reduce the costs of design, permitting or financing, or other barriers to project completion and job creation.

26208. If the Department of Finance and the Legislative Analyst jointly determine that the estimated annual increase in revenues as a result of the amendment, addition, or repeal of Sections 25128, 25128.5, 25128.7, and 25136 of the Revenue and Taxation Code is less than one billion one hundred million dollars ($1,100,000,000), the amount transferred to the Job Creation Fund shall be decreased to an amount equal to one-half of the estimated annual increase in revenues.

CHAPTER 3. ACCOUNTABILITY, INDEPENDENT AUDITS, PUBLIC DISCLOSURE

26210. (a) The Citizens Oversight Board is hereby created.

(b) The board shall be composed of nine members: three members shall be appointed by the Treasurer, three members by the Controller, and three members by the Attorney General. Each appointing office shall appoint one member who meets each of the following criteria:

(1) An engineer, architect, or other professional with knowledge and expertise in building construction or design.

(2) An accountant, economist, or other professional with knowledge and expertise in evaluating financial transactions and program cost-effectiveness.

(3) A technical expert in energy efficiency, clean energy, or energy systems and programs.

(c) The California Public Utilities Commission and the California Energy Commission shall each designate an ex officio member to serve on the board.

(d) The board shall do all of the following:

(1) Annually review all expenditures from the Job Creation Fund.

(2) Commission and review an annual independent audit of the Job Creation Fund and of a selection of projects completed to assess the effectiveness of the expenditures in meeting the objectives of this division.

(3) Publish a complete accounting of all expenditures each year, posting the information on a publicly accessible Internet Web site.

(4) Submit an evaluation of the program to the Legislature identifying any changes needed to meet the objectives of this division.

CHAPTER 4. DEFINITIONS

26220. The following definitions apply to this division:

(a) "Clean energy" means a device or technology that meets the definition of "renewable energy" in Section 26003, or that contributes to improved energy management or efficiency.

(b) "Board" means the Citizens Oversight Board established in Section 26210.

(c) "Job Creation Fund" means the Clean Energy Job Creation Fund established in Section 26205.

(d) "Program overhead costs" include staffing for state agency development and management of funding programs pursuant to this division, but excluding technical assistance, evaluation, measurement, and validation, or costs related to increasing project efficiency or performance, and costs related to local implementation.

SEC. 3. Section 23101 of the Revenue and Taxation Code is amended to read:

23101. (a) "Doing business" means actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

(b) For taxable years beginning on or after January 1, 2011, a taxpayer is doing business in this state for a taxable year if any of the following conditions has been satisfied:

(1) The taxpayer is organized or commercially domiciled in this state.

(2) Sales, as defined in subdivision (e) or (f) of Section 25120 as applicable for the taxable year, of the taxpayer in this state exceed the lesser of five hundred thousand dollars ($500,000) or 25 percent of the taxpayer's total sales. For purposes of this paragraph, sales of the taxpayer include sales by an agent or independent contractor of the taxpayer. For purposes of this paragraph, sales in this state shall be determined using the rules for assigning sales under ~~Section~~ *Sections* 25135 and ~~subdivision (b) of Section~~ 25136, and the regulations thereunder, as modified by regulations under Section 25137.

(3) The real property and tangible personal property of the taxpayer in this state exceed the lesser of fifty thousand dollars ($50,000) or 25 percent of the taxpayer's total real property and tangible personal property. The value of real and tangible personal property and the determination of whether property is in this state shall be determined using the rules contained in Sections 25129 to 25131, inclusive, and the regulations thereunder, as modified by regulation under Section 25137.

(4) The amount paid in this state by the taxpayer for compensation, as defined in subdivision (c) of Section 25120, exceeds the lesser of fifty thousand dollars ($50,000) or 25 percent of the total compensation paid by the taxpayer. Compensation in this state shall be determined using the rules for assigning payroll contained in Section 25133 and the regulations thereunder, as modified by regulations under Section 25137.

(c) (1) The Franchise Tax Board shall annually revise the amounts in paragraphs (2), (3), and (4) of subdivision (b) in accordance with subdivision (h) of Section 17041.

(2) For purposes of the adjustment required by paragraph (1), subdivision (h) of Section 17041 shall be applied by substituting "2012" in lieu of "1988."

(d) The sales, property, and payroll of the taxpayer include the taxpayer's pro rata or distributive share of pass-through entities. For purposes of this subdivision, "pass-through entities" means a partnership or an "S" corporation.

SEC. 4. Section 25128 of the Revenue and Taxation Code is amended to read:

25128. (a) Notwithstanding Section 38006, *for taxable years beginning before January 1, 2013,* all business income shall be apportioned to this state by multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor plus twice the sales factor, and the denominator of which is four, except as provided in subdivision (b) or (c).

(b) If an apportioning trade or business derives more than 50 percent of its "gross business receipts" from conducting one or more qualified business activities, all business income of the apportioning trade or business shall be apportioned to this state by multiplying business income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

(c) For purposes of this section, a "qualified business activity" means the following:

(1) An agricultural business activity.

(2) An extractive business activity.

(3) A savings and loan activity.

(4) A banking or financial business activity.

(d) For purposes of this section:

(1) "Gross business receipts" means gross receipts described in subdivision (e) or (f) of Section 25120 (other than gross receipts from sales or other transactions within an apportioning trade or business between members of a group of corporations whose income and apportionment factors are required to be included in a combined report under Section 25101, limited, if applicable, by Section 25110), whether or not the receipts are excluded from the sales factor by operation of Section 25137.

(2) "Agricultural business activity" means activities relating to any stock, dairy, poultry, fruit, fur bearing animal, or truck farm, plantation, ranch, nursery, or range. "Agricultural business activity" also includes activities relating to cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including, but not limited to, the raising, shearing, feeding, caring for, training, or management of animals on a farm as well as the handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or

operator of the farm regularly produces more than one-half of the commodity so treated.

(3) "Extractive business activity" means activities relating to the production, refining, or processing of oil, natural gas, or mineral ore.

(4) "Savings and loan activity" means any activities performed by savings and loan associations or savings banks which have been chartered by federal or state law.

(5) "Banking or financial business activity" means activities attributable to dealings in money or moneyed capital in substantial competition with the business of national banks.

(6) "Apportioning trade or business" means a distinct trade or business whose business income is required to be apportioned under Sections 25101 and 25120, limited, if applicable, by Section 25110, using the same denominator for each of the applicable payroll, property, and sales factors.

(7) Paragraph (4) of subdivision (c) shall apply only if the Franchise Tax Board adopts the Proposed Multistate Tax Commission Formula for the Uniform Apportionment of Net Income from Financial Institutions, or its substantial equivalent, and shall become operative upon the same operative date as the adopted formula.

(8) In any case where the income and apportionment factors of two or more savings associations or corporations are required to be included in a combined report under Section 25101, limited, if applicable, by Section 25110, both of the following shall apply:

(A) The application of the more than 50 percent test of subdivision (b) shall be made with respect to the "gross business receipts" of the entire apportioning trade or business of the group.

(B) The entire business income of the group shall be apportioned in accordance with either subdivision (a) or (b), or ~~subdivision (b) of Section 25128.5,~~ *Section 25128.5 or 25128.7,* as applicable.

SEC. 5. Section 25128.5 of the Revenue and Taxation Code is amended to read:

25128.5. (a) Notwithstanding Section 38006, for taxable years beginning on or after January 1, 2011, *and before January 1, 2013,* any apportioning trade or business, other than an apportioning trade or business described in subdivision (b) of Section 25128, may make an irrevocable annual election on an original timely filed return, in the manner and form prescribed by the Franchise Tax Board to apportion its income in accordance with this section, and not in accordance with Section 25128.

(b) Notwithstanding Section 38006, for taxable years beginning on or after January 1, 2011, *and before January 1, 2013,* all business income of an apportioning trade or business making an election described in subdivision (a) shall be apportioned to this state by multiplying the business income by the sales factor.

(c) The Franchise Tax Board is authorized to issue regulations necessary or appropriate regarding the making of an election under this section, including regulations that are consistent with rules prescribed for making an election under Section 25113.

(d) This section shall not apply to taxable years beginning on or after January 1, 2013, and as of December 1, 2013, is repealed.

SEC. 6. Section 25128.7 is added to the Revenue and Taxation Code, to read:

25128.7. Notwithstanding Section 38006, for taxable years beginning on or after January 1, 2013, all business income of an apportioning trade or business, other than an apportioning trade or business described in subdivision (b) of Section 25128, shall be apportioned to this state by multiplying the business income by the sales factor.

SEC. 7. Section 25136 of the Revenue and Taxation Code is amended to read:

25136. (a) For taxable years beginning before January 1, 2011, and for taxable years beginning on or after January 1, 2011, *and before January 1, 2013,* for which Section 25128.5 is operative and an election under subdivision (a) of Section 25128.5 has not been made, sales, other than sales of tangible personal property, are in this state if:

(1) The income-producing activity is performed in this state; or

(2) The income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(3) This subdivision shall apply, and subdivision (b) shall not apply, for any taxable year beginning on or after January 1, 2011, *and before January 1, 2013,* for which Section 25128.5 is not operative for any taxpayer subject to the tax imposed under this part.

(b) For taxable years beginning on or after January 1, 2011, *and before January 1, 2013*:

(1) Sales from services are in this state to the extent the purchaser of the service received the benefit of the service in this state.

(2) Sales from intangible property are in this state to the extent the property is used in this state. In the case of marketable securities, sales are in this state if the customer is in this state.

(3) Sales from the sale, lease, rental, or licensing of real property are in this state if the real property is located in this state.

(4) Sales from the rental, lease, or licensing of tangible personal property are in this state if the property is located in this state.

(5) (A) If Section 25128.5 is operative, then this subdivision shall apply in lieu of subdivision (a) for any taxable year for which an election has been made under subdivision (a) of Section 25128.5.

(B) If Section 25128.5 is not operative, then this subdivision shall not apply and subdivision (a) shall apply for any taxpayer subject to the tax imposed under this part.

(C) Notwithstanding subparagraphs (A) or (B), this subdivision shall apply for purposes of paragraph (2) of subdivision (b) of Section 23101.

(c) The Franchise Tax Board may prescribe those regulations as necessary or appropriate to carry out the purposes of subdivision (b).

(d) This section shall not apply to taxable years beginning on

or after January 1, 2013, and as of December l, 2013, is repealed.

SEC. 8. Section 25136 is added to the Revenue and Taxation Code, to read:

25136. (a) Notwithstanding Section 38006, for taxable years beginning on or after January 1, 2013, sales, other than sales of tangible personal property, are in this state if:

(1) Sales from services are in this state to the extent the purchaser of the service received the benefit of the services in this state.

(2) Sales from intangible property are in this state to the extent the property is used in this state. In the case of marketable securities, sales are in this state if the customer is in this state.

(3) Sales from the sale, lease, rental, or licensing of real property are in this state if the real property is located in this state.

(4) Sales from the rental, lease, or licensing of tangible personal property are in this state if the property is located in this state.

(b) The Franchise Tax Board may prescribe regulations as necessary or appropriate to carry out the purposes of this section.

SEC. 9. Section 25136.1 is added to the Revenue and Taxation Code, to read:

25136.1. (a) For taxable years beginning on or after January 1, 2013, a qualified taxpayer that apportions its business income under Section 25128.7 shall apply the following provisions:

(1) Notwithstanding Section 25137, qualified sales assigned to this state shall be equal to 50 percent of the amount of qualified sales that would be assigned to this state pursuant to Section 25136 but for the application of this section. The remaining 50 percent shall not be assigned to this state.

(2) All other sales shall be assigned pursuant to Section 25136.

(b) For purposes of this section:

(1) "Qualified taxpayer" means a member, as defined in paragraph (10) of subdivision (b) of Section 25106.5 of Title 18 of the California Code of Regulations as in effect on the effective date of the act adding this section, of a combined reporting group that is also a qualified group.

(2) "Qualified group" means a combined reporting group, as defined in paragraph (3) of subdivision (b) of Section 25106.5 of Title 18 of the California Code of Regulations, as in effect on the effective date of the act adding this section, that satisfies the following conditions:

(A) Has satisfied the minimum investment requirement for the taxable year.

(B) For the combined reporting group's taxable year beginning in calendar year 2006, the combined reporting group derived more than 50 percent of its United States network gross business receipts from the operation of one or more cable systems.

(C) For purposes of satisfying the requirements of subparagraph (B), the following rules shall apply:

(i) If a member of the combined reporting group for the taxable year was not a member of the same combined reporting group for the taxable year beginning in calendar year 2006, the gross business receipts of that nonincluded member shall be included in determining the combined reporting group's gross business receipts for its taxable year beginning in calendar year 2006 as if the nonincluded member were a member of the combined reporting group for the taxable year beginning in calendar year 2006.

(ii) The gross business receipts shall include the gross business receipts of a qualified partnership, but only to the extent of a member's interest in the partnership.

(3) "Cable system" and "network" shall have the same meaning as defined in Section 5830 of the Public Utilities Code, as in effect on the effective date of the act adding this section. "Network services" means video, cable, voice, or data services.

(4) "Gross business receipts" means gross receipts as defined in paragraph (2) of subdivision (f) of Section 25120 (other than gross receipts from sales or other transactions between or among members of a combined reporting group, limited, if applicable, by Section 25110).

(5) "Minimum investment requirement" means qualified expenditures of not less than two hundred fifty million dollars ($250,000,000) by a combined reporting group during the calendar year that includes the beginning of the taxable year.

(6) "Qualified expenditures" means any combination of expenditures attributable to this state for tangible property, payroll, services, franchise fees, or any intangible property distribution or other rights, paid or incurred by or on behalf of a member of a combined reporting group.

(A) An expenditure for other than tangible property shall be attributable to this state if the member of the combined reporting group received the benefit of the purchase or expenditure in this state.

(B) A purchase of or expenditure for tangible property shall be attributable to this state if the property is placed in service in this state.

(C) Qualified expenditures shall include expenditures by a combined reporting group for property or services purchased, used, or rendered by independent contractors in this state.

(D) Qualified expenditures shall also include expenditures by a qualified partnership, but only to the extent of the member's interest in the partnership.

(7) "Qualified partnership" means a partnership if the partnership's income and apportionment factors are included in the income and apportionment factors of a member of the combined reporting group, but only to the extent of the member's interest in the partnership.

(8) "Qualified sales" means gross business receipts from the provision of any network services, other than gross business receipts from the sale or rental of customer premises equipment. "Qualified sales" shall include qualified sales by a qualified partnership, but only to the extent of a member's interest in the partnership.

(c) The rules in this section with respect to qualified sales by a qualified partnership are intended to be consistent with the rules for partnerships under paragraph (3) of subdivision (f) of Section 25137-1 of Title 18 of the California Code of Regulations.

EXHIBIT L – SB 73 TEXT

AMENDED IN ASSEMBLY JUNE 13, 2013

SENATE BILL No. 73

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

~~An act relating to the Budget Act of 2013.~~ *An act to amend Section 25415 of, and to add Chapter 5 (commencing with Section 26225) to Division 16.3 of, the Public Resources Code, relating to energy, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 73, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2013.~~ *Energy: Proposition 39 implementation.*

(1) Existing law, the Energy Conservation Assistance Act of 1979, establishes the State Energy Conservation Assistance Account, a continuously appropriated account, for the purposes of funding loans to schools, hospitals, public care institutions, and units of local government to maximize energy savings. Existing law requires each eligible institution to which an allocation has been made under the act to repay the principal amount of the allocation, plus interest, in not more than 30 equal semiannual payments, as determined by the State Energy Resources Conservation and Development Commission, or the Energy Commission. Existing law requires the Energy Commission, except as specified, to periodically set interest rates on the loans based on surveys of existing financial markets and at rates not less than 1 % per annum.

This bill would permit not more than 40 equal semiannual payments and authorization of no-interest loans.

(2) The California Clean Energy Jobs Act, an initiative approved by the voters as Proposition 39 at the November 6, 2012, statewide general election, made changes to corporate income taxes and, except as specified, provides for the transfer of $550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund, or the Job Creation Fund, for 5 fiscal years beginning with the 2013–14 fiscal year. Moneys in the Job Creation Fund are available, upon appropriation by the Legislature, for purposes of funding eligible projects that create jobs in California improving energy efficiency and expanding clean energy generation. Existing law provides for the allocation of available funds to public school facilities, university and college facilities, and other public buildings and facilities, as well as job training and workforce development and public-private partnerships for eligible projects, as specified. Existing law establishes prescribed criteria that apply to all expenditures from the Job Creation Fund.

This bill would appropriate $3,000,000 from the Job Creation Fund to the California Workforce Investment Board to develop and implement a competitive grant program, in consultation with the Energy Commission and the Public Utilities Commission, for eligible community-based and other training workforce organizations preparing disadvantaged youth or veterans for employment, as specified.

This bill would, for the 2013–14 fiscal year, transfer $28,000,000 from the Job Creation Fund to the Education Subaccount, which this bill would create in the State Energy Conservation Assistance Account. This bill would appropriate moneys in the Education Subaccount to the Energy Commission for the purpose of low-interest and no-interest revolving loans and loan loss reserves for eligible projects and technical assistance, as prescribed. This bill would require funds remaining in the Education Subaccount after the 2017–18 fiscal year to continue to be available in future years for loans to local education agencies, as defined, and community college districts, as specified. This bill would require the funds deposited annually in the Job Creation Fund and remaining in the fund, as prescribed, to be allocated, to the extent consistent with the act, to local education agencies by the Superintendent of Public Instruction, as specified, and to community college districts by the Chancellor of the California Community Colleges at his or her discretion. This bill would require the Energy Commission to maintain information on the local education agencies and community college districts that receive grants, loans, or other financial assistance pursuant to these provisions.

This bill would require the Energy Commission, in consultation with the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, and the Public Utilities Commission, to establish specified guidelines. This bill would require the Energy Commission to adopt these guidelines at a publicly noticed meeting and provide an opportunity for public comment, as prescribed. This bill would require the Superintendent of Public Instruction and the Chancellor of the California Community Colleges to require that funds be paid back if they are not used in accordance with prescribed provisions.

(3) The California Clean Energy Jobs Act creates the Citizens Oversight Board with specified responsibilities relative to the review of expenditures from the Job Creation Fund, including the submission of an evaluation to the Legislature.

This bill would require an entity, as a condition of receiving funds from the Job Creation Fund, not sooner than one year but no later than 15 months after the entity completes its first eligible project with a grant, loan, or other assistance from the Job Creation Fund, to submit a report of its project expenditures to the Citizens Oversight Board, as specified. This bill would require the California Workforce Investment Board, in consultation with the Energy Commission, to utilize reports filed with the Citizens Oversight Board to quantify total employment affiliated with funded projects, as well as to estimate new trainee, apprentice, or full-time jobs resulting from Job Creation Fund activity, and would require the California Workforce Investment Board to prepare a report with this information annually and to submit it to the Citizens Oversight Board. This bill would require the Citizens Oversight Board to report specified information it receives to the Legislature annually as part of its responsibility to submit an evaluation to the Legislature and to post this report on a publicly accessible Internet Web site.

(4) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

Vote: majority. Appropriation: ~~no~~ *yes*. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) With the passage of Proposition 39 at the November 6, 2012, statewide general election, the people of California declared their intent to have multistate businesses treated equally under the Revenue and Taxation Code and to establish a path forward for schools and clean energy jobs.

(b) Between the 2013–14 and 2017–18 fiscal years, Proposition 39 will dedicate up to $550,000,000 annually to the Clean Energy Job Creation Fund.

(c) Proposition 39 establishes objectives for clean energy job creation, including funding energy efficiency projects and renewable energy installations in public schools, universities, and other public facilities.

(d) Proposition 39 identifies energy efficiency retrofits and clean energy installations at public schools as ways to promote private sector jobs to save energy and money.

(e) The United States Environmental Protection Agency estimates that schools waste 30 percent of their energy unnecessarily through inefficiencies. The financial savings from more efficient buildings would provide schools with the flexibility to pay for other upgrades and programs that enhance student learning.

(f) With the passage of Proposition 39, the state will be able to reduce energy demand at public schools and provide long-term savings and budgetary flexibility so schools can concentrate their limited resources on education and not utility bills.

(g) Proposition 39 also establishes a Citizens Oversight Board to review expenditures, audit the Clean Energy Job Creation Fund, and maintain accountability of the fund.

(h) It is the intent of the Legislature to establish guidelines for clean energy expenditures from the Clean Energy Job Creation Fund.

(i) It is further the intent of the Legislature to ensure that schools receive and prioritize high-quality facility retrofits and installations that lead to persistent energy savings.

(j) It is further the intent of the Legislature to quickly increase the number of jobs in California supporting energy retrofit

improvements, and to accomplish this, to direct the State Energy Resources Conservation and Development Commission to proceed quickly to develop necessary guidelines and procedures for project identification and investment.

(k) In addition to energy efficiency retrofits and clean energy installations, it is the intent of the Legislature that funds be available for allocation to local educational agencies to develop expertise in energy management capability. Energy managers can provide schools, particularly the smallest and neediest, with resources and best practices to implement energy efficiency and clean energy installations across California's more than 1000 school districts with schools having kindergarten or grades 1 to 12, inclusive, as well as oversight to ensure proper reporting and data analysis for eligible projects.

SEC. 2. Chapter 5 (commencing with Section 26225) is added to Division 16.3 of the Public Resources Code, to read:

CHAPTER 5. PROPOSITION 39 IMPLEMENTATION

26225. For the purposes of this chapter, the following terms have the following meanings:

(a) "Chancellor" means the Chancellor of the California Community Colleges.

(b) "Energy Commission" means the State Energy Resources Conservation and Development Commission.

(c) "Local education agency" or "LEA" means a school district, county office of education, charter school, or state special school.

(d) "Job Creation Fund" means the Clean Energy Job Creation Fund established in Section 26205.

26227. (a) (1) For the 2013–14 fiscal year, twenty-eight million dollars ($28,000,000) shall be transferred from the Job Creation Fund to the Education Subaccount, which is hereby created in the State Energy Conservation Assistance Account created pursuant to Section 25416. The moneys in the Education Subaccount are appropriated to the Energy Commission for the purpose of low-interest and no-interest revolving loans and loan loss reserves for eligible projects and technical assistance.

(2) For the 2013–14 fiscal year, funds in the Education Subaccount shall be available for local education agencies and community college districts. If a local education agency or

community college district has an eligible project, the amount of the funding resources gap that is to be considered a reasonable loan value from the Education Subaccount is the project cost less the amount of any grant awarded pursuant to Section 26233 and less any state, federal, or local incentives. A local education agency or community college district may need to meet additional credit or other financial qualifying criteria applicable pursuant to the Energy Conservation Assistance Act of 1979 (Chapter 5.2 (commencing with Section 25410) of Division 15). The Energy Commission shall facilitate a local education agency or community college district's participation in both the Job Creation Fund and Energy Conservation Assistance Account programs through coordinated information, documentation, and review processes regarding the project and the borrowing entity.

(b) For the 2014–15 through 2017–18 fiscal years, inclusive, the amount transferred from the Job Creation Fund to the Energy Conservation Assistance Account shall be determined in the annual budget.

(c) Funds remaining in the Education Subaccount after the 2017–18 fiscal year shall continue to be available in future years for loans to local education agencies and community college districts pursuant to this section.

26230. (a) The sum of three million dollars ($3,000,000) is hereby appropriated from the Job Creation Fund to the California Workforce Investment Board to develop and implement a competitive grant program for eligible community-based and other training workforce organizations preparing disadvantaged youth or veterans for employment.

(b) In developing and implementing the program, the board shall do all of the following:

(1) In consultation with the Energy Commission and the Public Utilities Commission, develop a competitive process to award grants to eligible entities and evaluate and select applications for grants.

(2) Administer grants to eligible entities for the purposes of work experience and job training on energy efficiency and clean energy projects.

(c) In awarding the grants, the California Workforce Investment Board shall give priority to projects that include the following elements:

(1) Specific skills gained through hands-on application related to energy efficiency and clean energy that is embedded in, or linked to, a broader occupational training program.

(2) Actual work experience gained through hands-on clean energy project implementation.

(3) Industry-recognized credentials and certificates.

(4) Training that demonstrates a high probability of placement of trainees into career track jobs.

(5) A partnership with state-approved apprenticeship programs that promote industry-recognized skills and credentials through work experience and lead to placement in a state-approved apprenticeship programs.

26233. (a) Commencing with the 2013–14 fiscal year and through the 2017–2018 fiscal year, inclusive, the funds deposited annually in the Job Creation Fund and remaining after the transfer pursuant to Section 26227 and the appropriation pursuant to Section 26230 shall be allocated, to the extent consistent with this division, as follows:

(1) Eighty-nine percent of the funds shall be available to local educational agencies and allocated by the Superintendent of Public Instruction pursuant to subdivision (b).

(2) Eleven percent of the funds shall be available to community college districts and allocated by the Chancellor of the California Community Colleges at his or her discretion.

(b) The Superintendent of Public Instruction shall allocate the funds provided in paragraph (1) of subdivision (a) as follows:

(1) Eighty-five percent on the basis of average daily attendance reported as of the second principal apportionment for the prior fiscal year.

(A) For every local education agency with average daily attendance as reported pursuant to this subdivision of 100 or less, the amount awarded shall be fifteen thousand dollars ($15,000).

(B) For every local education agency with average daily attendance as reported pursuant to this subdivision in excess of 100, but 1,000 or less, the amount awarded shall be either that local educational agency's proportional award on the basis of average daily attendance or fifty thousand dollars ($50,000), whichever amount is larger.

(C) For every local education agency with average daily attendance as reported pursuant to this subdivision in excess of

1,000, but less than 2,000, the amount awarded shall be either that local education agency's proportional award on the basis of average daily attendance or one hundred thousand dollars ($100,000), whichever amount is larger.

(D) For every local education agency with average daily attendance as reported pursuant to this subdivision of 2,000 or more, the amount awarded shall be the local education agency's proportional award on the basis of average daily attendance.

(2) Fifteen percent on the basis of students eligible for free and reduced-price meals in the prior year.

(3) For every local education agency that receives over one million dollars ($1,000,000) pursuant to this subdivision, not less than 50 percent of the funds shall be used for projects larger than two hundred fifty thousand dollars ($250,000) that achieve substantial energy efficiency, clean energy, and jobs benefits.

(c) A local education agency subject to subparagraph (A) or (B) of paragraph (1) of subdivision (b) may submit a written request to the Superintendent of Public Instruction, by August 1 of each year, to receive in the current year its funding allocation for both the current year and the following year, both of which would be based on the average daily attendance used in the current year for determining funding pursuant to the applicable subparagraph. A local education agency requesting funding pursuant to this subdivision shall not receive a funding allocation in the year following the request.

(d) A local education agency shall encumber funds received pursuant to this section by June 30, 2018.

26235. (a) The Energy Commission, in consultation with the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, and the Public Utilities Commission, shall establish guidelines for the following:

(1) Standard methods for estimating energy benefits, including reasonable assumptions for current and future costs of energy, and guidelines to compute the cost of energy saved as a result of implementing eligible projects funded by this chapter.

(2) Contractor qualifications, licensing, and certifications appropriate for the work to be performed, provided that the Energy Commission shall not create any new qualification, license, or certification pursuant to this subparagraph.

(3) Project evaluation, including the following:

(A) Benchmarks or energy rating systems to select best candidate facilities.

(B) Use of energy surveys or audits to inform project opportunities, costs, and savings.

(C) Sequencing of facility improvements.

(D) Methodologies for cost-effectiveness determination.

(4) To ensure that adequate energy audit, measurement, and verification procedures are employed to ensure that energy savings and greenhouse gas emissions reductions occur as a result of any funding provided pursuant to this section. The Energy Commission shall develop a simple preinstallation verification form that includes project description, estimated energy savings, expected number of jobs created, current energy usage, and costs. The Energy Commission may develop benchmarking and other innovative facility evaluation systems in coordination with the University of California.

(5) Achievement of the maximum feasible energy efficiency or clean energy benefits, as well as job creation benefits for Californians, resulting from projects implemented pursuant to this chapter.

(6) Where applicable, ensuring LEAs assist classified school employees with training and information to better understand how they can support and maximize the achievement of energy savings envisioned by the funded project.

(b) The Energy Commission shall allow the use of data analytics of energy usage data, where possible, in the energy auditing, evaluation, inventorying, measuring, and verification of projects. To ensure quality of results, data analytics providers shall have received prior technical validation by the Energy Commission, a local utility, or the Public Utilities Commission.

(c) A community college district or LEA shall not use a sole source process to award funds pursuant to this chapter. A community college district or LEA may use the best value criteria as defined in paragraph (1) of subdivision (c) of Section 20133 of the Public Contract Code to award funds pursuant to this chapter.

(d) The Energy Commission shall adopt the guidelines in accordance with this section at a publicly noticed meeting and provide an opportunity for public comment. The Energy Commission shall provide written public notice of a meeting at least 30 days prior to the meeting.

(1) For substantive revision of the guidelines, the Energy Commission shall provide written notice of a meeting at least 15 days prior to the meeting at which the revision is to be considered or adopted.

(2) The adoption or revision of guidelines pursuant to this subdivision is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) Each participating LEA shall prioritize the eligible projects within its jurisdiction taking into consideration, as applicable, at least the following factors:

(1) The age of the school facilities, as well as any plans to close or demolish the facilities.

(2) The proportion of pupils eligible for funds under Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) at particular schoolsites.

(3) Whether the facilities have been recently modernized.

(4) The facilities' hours of operation, including whether the facilities are operated on a year-round basis.

(5) The school's energy intensity as determined from an energy rating or benchmark system such as the United States Environmental Protection Agency's Energy Star system or other acceptable benchmarking approach that may be available from local utilities, the American Society for Heating, Refrigerating, and Air-Conditioning Engineers, Inc., or reputable building analysis software as is appropriate to the size, budget, and expertise available to the school.

(6) The estimated financial return of each project's investment over the expected lifecycle of the project, in terms of net present value and return on investment.

(7) Each project's potential for energy demand reduction.

(8) The anticipated health and safety improvements or other nonenergy benefits for each project.

(9) The individual or collective project's ability to facilitate matriculation of local residents into state-certified apprenticeship programs.

(10) The expected number of trainees and direct full-time employees likely to be engaged for each LEA's annual funding commitments based upon a formula to be made available by the Energy Commission or California Workforce Investment Board. The formula shall be stated as labor-intensities per total project

dollar expended, and may differentiate by type of improvement, equipment, or building trade involved.

(11) The ability of the project to enhance workforce development and employment opportunities, utilize members of the California Conservation Corps, certified local conservation corps, Youth Build, veterans, Green Partnership Academies, nonprofit organizations, high school career technical academies, high school regional occupational programs, or state-certified apprenticeship programs, or to accommodate learning opportunities for school pupils or at-risk youth in the community.

(f) The Superintendent of Public Instruction shall not distribute funds to an LEA unless the LEA has submitted to the Energy Commission, and the Energy Commission has approved, an expenditure plan that outlines the energy projects to be funded. An LEA shall utilize a simple form expenditure plan developed by the Energy Commission. The Energy Commission shall promptly review the plan to ensure that it meets the criteria specified in this section and in the guidelines developed by the Energy Commission. A portion of the funds may be distributed to an LEA upon request for energy audits and other plan development activities prior to submission of the plan.

(g) This section shall not affect the eligibility of any eligible entity awarded a grant pursuant to this section to receive other incentives available from federal, state, and local government, or from public utilities or other sources, or to leverage the grant from this section with any other incentive.

(h) Any limitation of funds awarded to individual projects pursuant to this chapter shall not preclude or otherwise limit the total amount of funds that a recipient LEA or community college may otherwise be eligible to receive as a result of identifying multiple projects that meet the overall objectives and criteria described in this chapter.

(i) For a school facility that is not publicly owned, a school district receiving moneys pursuant to this chapter for a project for that facility shall require that the school repay to the state all moneys received from the Job Creation Fund for the project if the school voluntarily vacates the facility within five years of project completion. The facility owner shall repay to the state all moneys received from the Job Creation Fund for the project if the school was forced to vacate the facility within the life of the project

completion. All benefits of these public funds should be received by the school utilizing the facility.

(j) It is the intent of the Legislature that monetary savings at eligible institutions from retrofit and installation projects pursuant to this section be used to benefit students and learning at those institutions.

26237. The Energy Commission shall maintain information on the local education agencies and community college districts that receive grants, loans, or other financial assistance under this chapter. The publicly available and searchable database shall include relevant metrics, to be determined by the Energy Commission, for electric, gas, and cost savings of the projects.

26240. (a) In order to later quantify the costs and benefits of funded projects, an entity that receives funds from the Job Creation Fund shall authorize its local electric and gas utilities to provide 12 months of past and ongoing usage and billing records at the school facility site level to the Energy Commission.

(b) As a condition of receiving funds from the Job Creation Fund, not sooner than one year but no later than 15 months after an entity completes its first eligible project with a grant, loan, or other assistance from the Job Creation Fund, the entity shall submit a report of its project expenditures to the Citizens Oversight Board created pursuant to Chapter 3 (commencing with Section 26210). To the extent practical, this report shall also contain information on any of the following:

(1) The total final gross project cost before deducting any incentives or other grants and the percentage of total project cost derived from the Job Creation Fund.

(2) The estimated amount of energy saved, accompanied by specified energy consumption and utility bill cost data for the individual facility where the project is located, in a format to be specified by the Energy Commission.

(3) The name plate rating of new clean energy generation installed.

(4) The number of trainees.

(5) The number of direct full-time equivalent employees and the average number of months or years of utilization of each of these employees.

(6) The amount of time between awarding of the financial assistance and the completion of the project or training activities.

(7) The entity's energy intensity before and after project completion, as determined from an energy rating or benchmark system, to be determined by the Energy Commission, such as the United States Environmental Protection Agency's Energy Star system or other acceptable benchmarking approach that may be available from local utilities, the American Society for Heating, Refrigerating, and Air-Conditioning Engineers, Inc., or a publicly available building analysis software as is appropriate to the size, budget, and expertise available to the school.

(c) If an LEA completes more than one project, the required information for a second and any subsequent project shall be submitted no later than the first full quarter following project completion.

(d) To minimize the calculation burden on LEAs, the Energy Commission shall develop a method to utilize the data submitted by each recipient LEA in its project reports, such as utility consumption data, building operating characteristics, and other information, to calculate for each project, LEA, or the state as a whole the actual or estimated energy and cost savings. This method shall include a means to combine gas and electric savings into a combined cost of saved energy factor and to report on other economic and investment performance metrics. The Energy Commission shall prepare an annual summary of the expenditures, energy savings, effective cost of saved energy or return on investment, and employment effects of each year's completed projects, and shall provide this report to the Citizens Oversight Board.

(e) The California Workforce Investment Board, in consultation with the Energy Commission, shall utilize the reports filed with the Citizens Oversight Board to quantify total employment affiliated with funded projects, as well as to estimate new trainee, apprentice, or full-time jobs resulting from Job Creation Fund activity. The California Workforce Investment Board shall prepare a report with this information annually and submit it to the Citizens Oversight Board.

(f) The Citizens Oversight Board shall report the information it receives pursuant to subdivisions (a) to (e), inclusive, to the Legislature as part of its responsibilities pursuant to subdivision (d) of Section 26210. The Citizens Oversight Board's report shall

be submitted annually and posted on a publicly accessible Internet Web site.

(g) Funding provided to LEAs pursuant to this chapter is subject to annual audits required by Section 41020 of the Education Code. Funding provided to community college districts pursuant to this chapter is subject to annual audits required by Section 84040 of the Education Code.

(h) (1) The Superintendent of Public Instruction shall require local education agencies to pay back funds if they are not used in accordance with state statute or regulations, if a project is torn down or remodeled, or if the property is deemed to be surplus and sold prior to the payback of the project.

(2) The Chancellor of the California Community Colleges shall require a community college to pay back funds if they are not used in accordance with state statute or regulations, if a project is torn down or remodeled, or if the property is deemed to be surplus and sold prior to the payback of the project.

SEC. 3. Section 25415 of the Public Resources Code is amended to read:

25415. (a) Each eligible institution to which an allocation has been made under this chapter shall repay the principal amount of the allocation, plus interest, in not more than ~~30~~ *40* equal semiannual payments, as determined by the commission. Loan repayments shall be made in accordance with a schedule established by the commission. The repayment period may not exceed the life of the equipment, as determined by the commission or the lease term of the building in which the energy conservation measures will be installed.

(b) Notwithstanding any other ~~provision of~~ law, the commission shall, unless it determines that the purposes of this chapter would be better served by establishing an alternative interest rate schedule, periodically set interest rates on the loans based on surveys of existing financial markets and ~~at rates not less than 1 percent per annum~~ *may authorize no-interest loans*.

(c) The governing body of each eligible institution shall annually budget an amount at least sufficient to make the semiannual payments required in this section. The amount shall not be raised by the levy of additional taxes but shall instead be obtained by a savings in energy costs or other sources.

SEC. 4. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

~~SECTION 1. It is the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

O

EXHIBIT M – DSA PROPOSITION 39 PRESENTATION

STREAMLINING PLANS FOR THE DIVISION OF THE STATE ARCHITECT

Bob Chase, AIA
Deputy State Architect

September 5, 2013

Afternoon Session

DSA DIVISION OF THE STATE ARCHITECT
DEPARTMENT OF GENERAL SERVICES

UCDAVIS ENERGY EFFICIENCY FORUM

THE CALIFORNIA CLEAN ENERGY JOBS ACT (PROPOSITION 39)

Anticipated Role of DSA

- Collaboration with California Energy Commission (CEC) on Guidelines
- Processing Exempt Projects
- Project Plan Reviews that include Prop. 39 energy efficiency projects

DSA DIVISION OF THE STATE ARCHITECT
DEPARTMENT OF GENERAL SERVICES

UCDAVIS ENERGY EFFICIENCY FORUM

ENERGY EFFICIENCY PROJECT COMPLIANCE REQUIREMENTS DSA EXEMPT PROJECTS

- DSA review and approval is not required for alteration or reconstruction projects:
  - with an estimated construction cost of $39,324.38 or less (for 2013); or
  - with an estimated construction cost of between $39,324.38 and $157,297.53 (for 2013), when certain conditions are met.
- DSA Interpretation of Regulations Document IR A-10 http://www.documents.dgs.ca.gov/dsa/pubs/IR_A-10_rev02-22-13.pdf.

DSA DIVISION OF THE STATE ARCHITECT DEPARTMENT OF GENERAL SERVICES

UCDAVIS ENERGY EFFICIENCY FORUM

ENERGY EFFICIENCY PROJECT COMPLIANCE REQUIREMENTS POTENTIAL EXEMPT PROJECT TYPES

No.	Project Type	DSA Structural Safety Review and Approval	
		Required?	Notes/References
1	Heating, ventilation, and air conditioning	No[ii]	HVAC unit replacement limited to units of equal or lesser weight, in the same location, and no structural framing is altered.
2	Reroofing with "cool" roof	No	Roof covering replacement and insulation limited to weight of existing roof covering and insulation.
3	Weatherization/caulking	No	
4a	Window replacement (glazing only)	No	
4b	Window replacement (frames and glazing)	Yes	DSA approval not required if entire window replacement project cost is $39,324.38 or less per DSA IR A-10.

ENERGY EFFICIENCY PROJECT COMPLIANCE REQUIREMENTS POTENTIAL EXEMPT PROJECT TYPES

No.	Project Type	DSA Structural Safety Review and Approval	
		Required?	Notes/References
5a	Window shading devices—window screens (applied to glazing)	No	
5b	Window shading devices—solar shading devices requiring structural attachment	Yes	DSA approval not required if entire window shade structure project cost is $39,324.38 or less per DSA IR A-10.
6	Energy Management Systems (EMS)	No	
7	Lighting upgrades—re-lamping, ballast replacements, fixture replacement	No	
8	Water-heating upgrades	No	
9	Skylights	Yes	DSA approval not required if entire skylight project cost is $39,324.38 or less and no structural framing is altered.

ENERGY EFFICIENCY PROJECT COMPLIANCE REQUIREMENTS STRUCTURAL SAFETY UPGRADES

1. The alteration project cost exceeds 50 percent of building replacement value (excluding structural work).
2. The building seismic mass is increased by more than 10 percent.
3. The building seismic load capacity is reduced by more than 5 percent.

ACCESSIBILITY REQUIREMENTS FOR ENERGY CONSERVATION AND EFFICIENCY PROJECTS

California Code of Regulations, Title 24, Part 2 (the CBC) when alterations or additions are made to existing buildings. If the existing "path of travel" elements do not comply with current code provisions, upgrades are required to the area of the work and designated elements serving the area that is being altered. Upgrades to the current "path of travel" are required as follows:

- If cost of the project <$139,934, then cost of compliance is limited to 20 percent of the adjusted construction cost.

- Cost of project ≥$139,934, no limit to the cost of compliance.*

* If unreasonable hardship is determined by enforcing agency, there must be compliance by equivalent facilitation to the greatest extent possible. The cost of compliance shall not be <20 percent of adjusted construction cost.

ACCESSIBILITY REQUIREMENTS FOR ENERGY CONSERVATION AND EFFICIENCY PROJECTS

No.	Project Type	Path of Travel Access Upgrades	
		Required?	Applicable 2013 Code Sections
1	Heating, ventilation and air conditioning	No[iii]	11B-202.4 Exceptions: 7
2	Reroofing with "cool" roof	No[iii]	11B-202.4 Exceptions: 7
3	Weatherization/caulking	No[iv]	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
4a	Window replacement (glazing only)	No[iv]	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
4b	Window replacement (frames and glazing)	Yes[v]	2-202 Definitions "Alterations" and 11B-202.4
5a	Window shading devices—window screens (applied to glazing)	No[vi]	2-202 Definitions "Alterations" and 11B-202.4

ACCESSIBILITY REQUIREMENTS FOR ENERGY CONSERVATION AND EFFICIENCY PROJECTS

No.	Project Type	Path of Travel Access Upgrades	
		Required?	Applicable 2013 Code Sections
5b	Window shading devices—solar shading devices requiring structural attachment	Yes[vii]	2-202 Definitions "Alterations" and 11B-202.4
6	Energy Management Systems (EMS)	No[viii]	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
7	Lighting upgrades—re-lamping, ballast replacements, fixture replacement	No[ix]	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
8	Water-heating upgrades	No[x]	2-202 Definitions "Alterations" and 11B-202.4 Exceptions: 7
9	Skylights	Yes[xi]	2-202 Definitions "Alterations" and 11B-202.4

QUESTIONS?

Thank you for attending.

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DSA DIVISION OF THE STATE ARCHITECT
DEPARTMENT OF GENERAL SERVICES

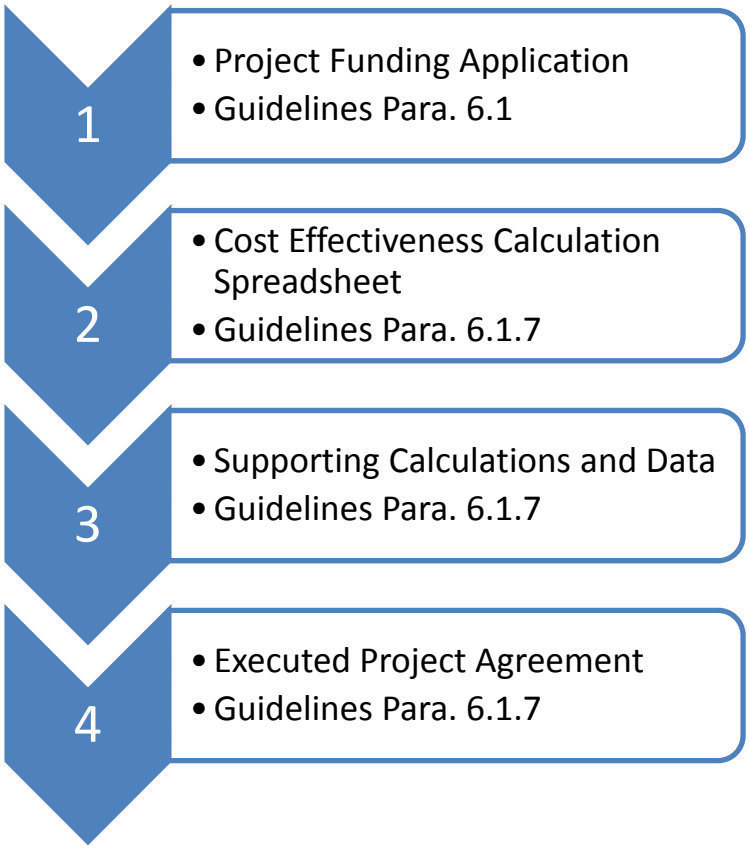
UCDAVIS ENERGY EFFICIENCY FORUM

Exhibit N – Funding Application Checklist

CCC Proposition 39 Implementation Guidelines

Project Funding Application Checklist

The following documentation shall be provided when submitting Proposition 39 Funding Applications:



Completed Project Funding Application packages shall be submitted electronically to:

Fred Harris, CCCCO, fharris@cccco.edu
Local Utility Representative for Energy Incentives