

OFFICE OF SUSTAINABILITY

REGULATION ON ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN IN CONSTRUCTION OF BUILDINGS

1. Scope

Pursuant to § 17-111 of The Philadelphia Code, the Office of Sustainability (OOS) hereby adopts the following regulations to implement the requirement that every City contract for the design or construction of a Large City Public Works Project includes requirements intended to ensure that the finished product will achieve a Leadership in Energy and Environmental Design (LEED) Gold Certification v4.1 rating if the project:

1. Is capable of meeting the minimum program requirements for the LEED rating system intended for New Construction and Major Renovations; and
2. Involves the Expenditure of Primarily City Capital Dollars.

2. Definitions

Unless otherwise provided herein, capitalized terms shall have the meanings set forth in § 17-111 of The Philadelphia Code, as amended.

Department. The department with which the contractor has contracted.

Director. Director of the Office of Sustainability.

Expenditure of Primarily City Capital Dollars. The spending of funds for the design and construction of a project when more than fifty percent (50%) of such funding is based on authorization set forth in the City's annual capital budget appropriations ordinance for expenditure by any City department and the imposition of LEED requirements is not prohibited by federal or state law.

3. Administration

Any party that responds to a Request for Proposals (RFP), or enters a contract for design services, construction services, or other services as necessary for a project described in Section 1 shall agree to all LEED requirements contained therein. A City contractor shall monitor and document the ability of the project to achieve a LEED Gold certification through project milestones such as Budget Call, all stages of design development, construction, and building and systems commissioning.

4. Compliance Standard

4.1 City contractors shall take all necessary and appropriate steps to meet the LEED prerequisites and achieve the following credit points to contribute to a project's minimum 60 points required to earn the LEED Gold certification.

- .1 IP Integrative Process: 1 point
- .2 LT Electric Vehicles: 1 point
- .3 SS Site Assessment: 1 point
- .4 EA Optimize Energy Performance: 10+ points
- .5 EA Enhanced Commissioning: 2+ points
- .6 EA Advanced Energy Metering: 1 point
- .7 WE Outdoor Water Use Reduction: 1+ points
- .8 WE Indoor Water Use Reduction: 2+ points
- .9 EQ Enhanced Indoor Air Quality Strategies: 1+ points
- .10 EQ Indoor Air Quality Assessment: 1 point

4.2 City contractors shall use guidance from the High-Performance Building Guidance document, attached hereto as Exhibit A, to develop measures to meet LEED credit requirements, when designing a project.

4.3 Pursuant to § 16-307 of The Philadelphia Code, LED lighting must be installed for all lighting purposes in Large City Public Works Projects.

5. Alternative Standards or Exceptions

5.1 A City contractor, on behalf of and with the permission of the Department, may submit a request for an alternative standard or exception when there is reason to believe that achievement of LEED Gold certification by a particular City public works project would be inconsistent with LEED minimum program requirements and/or in conflict with other City priorities.

5.2 Alternative standards, if approved, may include one of the following:

- .1 Registration and Gold-level certification under a more appropriate LEED rating system;
- .2 Passive House Institute US (PHIUS) Passive Building Certification;
- .3 Institute for Sustainable Infrastructure Envision rating system;
- .4 Another standard, as approved by the Director.

5.3 Options to comply under an exception, if approved, may include one of the following:

.1 Compliance with LEED prerequisites and credits highlighted in Section 4.1, as applicable;

.2 Compliance in certain categories with high levels of performance above building code minimums under another third-party rating program, such as those listed in 5.2, as approved by the Director.

5.4 Alternative standards and exceptions for a project shall be considered among an advisory group which include shall include, but not be limited to, representatives of the Department, OOS, Finance, Law, the Department of Public Property, and City Planning. The advisory group is assembled on a project-by-project basis.

5.5 Upon receipt of a complete submission request for an alternative standard or exception, as defined in Section 6.4, the submission will be evaluated by the Director and the advisory group within 60 days. The City contractor and the Department shall receive a notice stating whether the Director endorses or rejects alternative standards or exceptions within that time. If no notice is given by the Director within the 60-day period, alternative standards or exceptions proposed by a contractor and the Department shall be deemed endorsed.

6. Submission Requirements

6.1 A submission by the City contractor and the Department to OOS for formal consideration of alternative standards or exceptions shall state the specific minimum program requirements, prerequisites, and credits under the LEED Rating System for New Construction and Major Renovations with which the Department's project is inconsistent or in conflict with other City priorities.

Each submission shall directly reference LEED v4.1 requirements under which the project would comply to seek certification, if determined to be eligible and required under § 17-111.

6.2 An electronic copy of a submission shall be sent to the Director, and shall include:

.1 A cover letter addressed to the Director;

.2 A brief narrative of the project, including project ownership, purpose, gross floor area affected by the project, project costs, project funding amounts and sources, and timing or phasing;

.3 A copy of the initial RFP, if applicable;

.4 Site or floor plans sufficient in detail to describe the location and scope of work involved in the New Construction or Major Renovation;

.5 Documentation and justification for potential exceptions or alternate standards proposed by the City contractor and the Department;

.6 If alternative standards and exceptions were not requested in the initial stages of the project, documentation of the project milestones or stages when it became evident that the requirements for LEED Gold-level certification could not be met, and the reasons why alternative standards and exceptions were subsequently proposed; and

.7 Any other information which the City contractor and the Department considers relevant.

6.3 After initial review of the submission, OOS may request additional information.

6.4 A submission shall be deemed complete when OOS has received all information set forth in this Section, including such additional information as requested pursuant to Section 6.3. OOS shall provide notice to the City contractor and the Department confirming when the submission is deemed complete.