



**COLORADO**

Office of the State Architect

Department of Personnel & Administration

**ALERT 011**

TO: SBP Delegates

FROM: Tana Lane, State Architect

DATE: December 29, 2023

SUBJECT: Buy Clean Colorado Policy  
Water Management Plan Procedure  
Modifications to Existing Policies and Templates

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### **BUY CLEAN COLORADO POLICY**

Beginning January 1, 2024, the Buy Clean Colorado (BCCO) Act and the Office of the State Architect's (OSA's) Maximum Acceptable Global Warming Potential (GWP) limits go into effect. The BCCO Act program applies to State public projects (\$500,000 or more) that begin solicitation on or after January 1, 2024.

Please see the [Buy Clean Colorado Act webpage](#) on the OSA website for updates. The updated forms available on the BCCO Act webpage include:

- BCCO Act Policy: EE-5.0
- BCCO Act OSA Maximum Acceptable GWP Limits: EE-5.1
- BCCO Act EPD Submittal & Sign-Off Form: EE-5.2
- BCCO Act Design-Phase and Construction-Phase Waiver: EE-5.30
- BCCO Act EPD Exemption Justifications: EE-5.31
- BCCO Act Waiver Management Form: EE-5.32

BCCO Act training will be separate from the OSA Annual Meeting. BCCO Act training will commence in early spring, date TBD. More details to follow. Please reach out to Bailey Vigil at [bailey.vigil@state.co.us](mailto:bailey.vigil@state.co.us) with any questions.

### **WATER MANAGEMENT PLAN PROCEDURES**

We cannot monitor what we do not measure. Per the Governor's [Executive Order D 2022 016](#), agencies/departments have been directed to reduce **potable** water consumption by at least 2% by the end of FY 2024-25 over the FY 2014-15 baseline. It is up to each agency to work to reduce its usage by implementing submeters, leak detection, improved irrigation systems, xeriscaping, and other water efficiency measures. The Office of the State Architect (OSA) has created a Water Management Plan Template and is requiring that State Agencies fill out the template and submit it to the OSA by **02/29/2024**. Agencies will then be expected to implement the water management plan by **05/01/2024** and submit water management plan information to the OSA as part of the OSA annual submittal process by **07/03/2024**.

- Attach Water Management Plan Template (<https://docs.google.com/document/d/1AP4A1-n-FTsJIdx9bncMQWSZ1Xl9T9Sf/edit?usp=sharing&oid=117401173973048958074&rtpof=true&sd=true>)

□ Attach or link Executive Order D 2022 016

The OSA updated instructions will include information regarding this request within the Building Inventory section. A discussion regarding the Water Management Plan will occur at the OSA Annual Meeting. Please reach out to Bailey Vigil at [bailey.vigil@state.co.us](mailto:bailey.vigil@state.co.us) with any questions.

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## **MODIFICATIONS TO EXISTING POLICIES AND TEMPLATES**

The following lists the changes to the State Buildings Program policies, guidelines and templates

### **Policies and Procedures**

#### **(SBP-BSC) Basic Steps Checklist Design/Bid/Build Projects**

In an effort to make the Basic Steps Checklist more comprehensive among the other policies, sections have been renamed for ease of maneuvering through the document. Steps have also been added that were always in policy but not noted in these Basic Steps.

- If the appropriation adds a phase to a previously funded project and is assigned the same project number, the SC4.1 should be a revision to the previous SC4.1 document.
- Updated the language in A.1 #3a from “general funded” to “State appropriated”
- Added steps in A.2 Setting up a Project
- B1 16c Added step
- Modified Section B2
  - 1a has been replaced
  - 1b has been replaced
  - 1c has been replaced
  - 1d has been replaced
  - 1e has been replaced
  - 1f has been removed
- Modified Section D:
  - 2d: Project amount to be solicited through AFB corrected from \$500,000 to \$250,000
  - 2e added step
- Added C3 “Managing the Project: On-Going”
- Added C3.1 and C3.2
- F3a: To accommodate State Plumbing and Electrical Board utilizing electronic certification added the step to affix a copy of the inspection if not physically sign off on the SBP-BIR
- F6: Added EPD’s to required manuals from Contractors.
- F7: Added EPD’s to required manuals that need to be sent to Agency.
- F17a: Added the below language:
  - See the L-1 for instructions ▪
- F17b: Added the below language:
  - See the L-2 for instructions

#### **(SBP-BSC) Basic Steps Checklist CMGC/DB/GMP Projects**

- Added the below language to page 1:
  - With the passing of HB21-1303, all agencies and institutions are required to comply with the Buy Clean Colorado Act requirements for public projects.
- Added the below language to A2:
  - If the appropriation adds a phase to a previously funded project and is assigned the same project number, the SC4.1 should be a Revision to the previous SC4.1 document ▪
  - Edited the below language in 21a bullet 3:
    - Solicitations Projects subject to State Prevailing Wage & in accordance with CRS 24-92208
- Edited the below language in 21b
  - And \$1 million dollars respectively. Include Apprenticeship Utilization Certification for projects over \$1 million.
- Added C1.4
- Added C1.5

- Added “for the time frame included in the pay Application (SBP-7.2)” to C2.1 bullet 1. ▪  
Updated the below language on C2.1 bullet 2:  
All Apprentice contributions must be paid into the appropriate manner fund ▪  
Added C3.5

## **Solicitation Forms**

### **(AFB-1) Advertisement for Bid**

- Included the Sample Agreement and General Conditions as an Appendix
- Added Apprenticeship Contributions to the title of Applicable Prevailing Wage Rates Cover page
- Added the link for more information regarding State prevailing wage and apprenticeship contributions to their cover pages.
- Added C.R.S. §24-92-117

### **(AFB-CSBV) Advertisement for Bids for Competitive Sealed Best Value**

- Added C.R.S. §24-92-117
- Added a new Evaluation Factor (#8), Equity, Diversity and Inclusion
- Removed ‘E’ from Bid Form
- Replaced Safety Plan and Safety Record with Equity, Diversity and Inclusion for #8 on Appendix A. Also included, “or historically disadvantaged businesses”.

### **(IPD-CMGC-RFP)**

- Added C.R.S. §24-92-117

### **(IPD-DBGMP-RFP)**

- Added C.R.S. §24-92-117
- Added the below language to Cost Proposals:  
Shortlisted teams will receive correspondence noting their scheduled time for their interview as well as where to send their Cost Proposal.

### **(IPD-DBLS-RFP)**

- Added C.R.S. §24-92-117

### **(RFQ-AE)**

- Added language to Submittal Requirements (D):  
Reduce embodied carbon emissions by utilizing and submitting Environmental Product Declarations (EPDs) that meet the OSA’s maximum acceptable global warming potential (GWP) limits

### **(SBP-6.12) Information for Bidders**

- Revised the first paragraph to include “and applicable bid security”
- Added the below language to #3:  
The bidder should be aware that reporting of embodied carbon emissions of eligible materials shall be governed by the provisions of Colorado State Law. This includes the requirements for Environmental Product Declarations (EPDs) that meet the maximum acceptable Global Warming Potential (GWP) limits as established by the Office of the State Architect.

## **Contractual Forms**

### **(SC-5.1) Architect/Engineer Agreement (DBB)**

- Replaced 1.1.2.1
- Added 1.1.2.2
- Removed Contractor from Designated Representatives

### **(SC-5.1TC) Architect/Engineer Agreement Terms and Conditions (DBB)**

- Section 1.1.8 added
- Added the below language to section 1  
As needed for the approved scope of work
- Added the below language to section 3.2.2:  
If material alternatives to meet the Environmental Product Declarations as previously provided in the Construction documents require a written opinion for modification request, then the Architect/Engineer shall be reimbursed for the Additional Service.  
Section 10.1.1: Added items D, E & F

### **(SC-5.2) Architect/Engineer Agreement (CMGC)**

- Section 1.1.7 Corrected Exhibit D to Exhibit C
- Section 1.4.2 Corrected Exhibit E to Exhibit D
- Section 1.4.8 c) Added ;and
- Section 1.4.9 a) Corrected Exhibit D to Exhibit C  Section 1.4.9 h) Added ;and
- Section 1.5.6 a) Corrected Exhibit D to Exhibit C
- Section 1.5.6 h) Added ;and
- Section 1.6.4 c) Added ;and
- Section 1.6.4 d) Corrected Exhibit D to Exhibit C
- Section 1.8.8 i) Added ;and
- Section 1.8.29 c) Added ;and
- Section 2.1.2 g) Added ;and
- Section 3.2.5 and 3.2.9 removed “3” at the beginning of the sentence
- Section 5.1.1 Corrected Exhibit E to Exhibit D
- Section 6.5.2 3) Added “or”
- Section 6.5.2 4) removed “or”
- Section 12.24 change “highest” to “customary”
- Section 12.8 Corrected §17.A to §12.5
- Added sections 1.1.5, 1.1.5.1 and 1.1.5.2

### **(SC-6.21) Contractor’s Agreement Design/Bid/Build (D/B/B)**

- Added the below language to section 7.2:  
If the box is marked, the Buy Clean Colorado Act shall be applicable to the Project. The contractor is responsible for submitting Environmental Product Declaration (EPD) information for all eligible materials to be used on the project.

### **(SC-6.23) General Conditions of the Contract (DBB)**

- Section 13.1.1 Buy Clean Colorado (BCCO) Act added
- Section 41.5 added bullets g & h

**(SC-631B) Change Order GMP**

- Replaced State Seal with State Logo

**(SC-6.50) Construction Manager / General Contractor Agreement (CMGC)**

- Added the below language to section 7.2:  
If the box is marked, the Buy Clean Colorado Act shall be applicable to the Project. The contractor is responsible for submitting Environmental Product Declaration (EPD) information for all eligible materials to be used on the project.

**(SC-6.51) General Conditions of the Contract (CMGC)**

- Added section 13.1.1 Buy Clean Colorado (BCCO) Act  Added bullets e, f & g to section 41.5.1

**(SC-8.0) Design/Build Agreement Lump Sum (DB/LS)**

- Added the below language to section 6.2:  
If the box is marked, the Buy Clean Colorado Act shall be applicable to the Project. The contractor is responsible for submitting Environmental Product Declaration (EPD) information for all eligible materials to be used on the project.

**(SC-8.1) General Conditions of the Contract (DB/LS)**

- Added section 13.1.1 Buy Clean Colorado (BCCO) Act
- Added bullets f, g & h to section 41.5

**(SC-9.0) Design/Build Agreement Guaranteed Maximum Price (DB/GMP)**

- Section 3.5.4 Corrected Exhibit O to Exhibit K
- Section 3.5.8 Corrected Exhibit L to Exhibit C Request for Proposal
- 3.5.11 Corrected Exhibit O to Exhibit K
- 3.7.17 Corrected Exhibit O to Exhibit K       3.5.18 Corrected Exhibit O to Exhibit K
- 3.5.23 d) Corrected Exhibit O to Exhibit K
- 3.6.5 Corrected Exhibit O to Exhibit K
- Added the below language to section 7.2:  
If the box is marked, the Buy Clean Colorado Act shall be applicable to the Project. The contractor is responsible for submitting Environmental Product Declaration (EPD) information for all eligible materials to be used on the project.

**(SC-9.1) General Conditions of the Contract (DB/GMP))**

- Added section 13.1.1 Buy Clean Colorado (BCCO) Act
- 41.5 Added bullets f, g & h to section 41.5.1

**Building Code Documents**

**(Exhibit L-1) Code Compliance Documentation Transmittal**

- Added the following:  
Buy Clean Colorado Act including:

- All product EPD submittals as listed on the (EE-5.2)
- Design Submittal, Construction Submittal, Transportation and Final Sign-Off sheet (EE-5.2)