



Questions outlined in this document were created by viewers in response to the materials presented in the Buy Clean Colorado (BCCO) Act Association event which occurred on August 29th, 2022. The Office of the State Architect (OSA) reviewed the questions and provided answers that aligned with the program objectives at the time of presentation. Please note that these responses are subject to change and that you should review the most current Q&A documents and website for up to date responses and information.

**Buy Clean Colorado (BCCO) Act: Association Event Questions & Answers (Q&A):**

1. *The Global Warming Potential (GWP) Thresholds will not be published until January 1, 2024, right? If that is the case, how can the supply chains of various products prepare to properly respond?*
  - a. The GWP Thresholds will not go into effect until January 1, 2024. The Office of the State Architect (OSA) may post draft eligible material GWP values prior to the stated date, but they will become final when the policy goes into effect on January 1, 2024.
  - b. The supply chains of various products can prepare for this update by reading through the posted policy and taking steps to ensure that their materials can comply with the Buy Clean Colorado Act by January 1, 2024.
2. *Transportation is already contained in A2, so is transportation just for the final transportation step or for project origination?*
  - a. Transportation (A4) is defined as the transport from the manufacturer to the project site. OSA will not double count the emissions that occur during Stage A2, so the transportation related emissions reporting applies for emissions generated during stage A4 (transport to project site).
3. *Will the EPD database be publicly accessible? What specifically is tracked within the EPD database?*
  - a. Submitted EPDs will be tracked within an internal database within the OSA office.
4. *For the requirement for consultants to specify an Environmental Product Declaration (EPD), does this mean to include in the consultant specifications a requirement for the contractor to submit EPDs for the materials procured for the project or does this mean something else?*
  - a. Beginning January 1, 2024, consultants working on State public projects shall specify an EPD for each eligible material considered in the design within the bid specifications. During procurement of the eligible materials, the contractors shall obtain EPDs for all eligible materials that they procure for the project. If the

contractor is able to procure the materials as specified by the consultant, then the contractors shall submit the specified EPDs to the agency delegate prior to installation

- b. Yes, consultant specifications should be updated to include the BCCO Act requirements. The GWP thresholds document will be added in some form as an exhibit to each Public Project solicitation/contract beginning January 1, 2024.
5. *Eligible product definitions for asphalt pavement parking lots - Will OSA establish a minimum price contract value line item bid or minimum amount of asphalt tonnage that asphalt EPDs will not be required?*
  - a. No. All state public projects (construction value of \$500,000 or more) that begin solicitation on or after January 1, 2024, shall comply with the BCCO Act requirements. All eligible materials used in a state public project, regardless of price or tonnage, will be subject to the BCCO Act requirements.
6. *Are these material subcategories from the Carbon Leadership Forum only?*
  - a. No. The material subcategories are based on IW-EPDs that are currently available.
7. *Will the OSA EPD requirement for asphalt paving only apply to new construction projects?*
  - a. The BCCO Act applies to all state public projects (greater than \$500,000) that are in solicitation beginning on or after January 1, 2024
8. *Are rehabilitation, upgrades, maintenance projects excluded?*
  - a. "Eligible project" means a public project defined as any construction, alteration, repair, demolition or improvement of any land, building, structure, facility, or other public improvement for which appropriation or expenditure of moneys is over \$500,000 and for which an agency of government issues a solicitation on or after January 1, 2024. Public project is defined in C.R.S. 24-92-102.
9. *Have you reached out to the CRSI? They would be a great resource for how to subcategorize reinforcing steel likely based on the grade of steel being used (16, 80, 100, 120).*
  - a. Yes, efforts have been made to conduct outreach to CRSI and they have been invited to participate in discussions with the OSA. However, OSA sets the standards for the BCCO Act - not CRSI.
10. *Assuming that OSA review is part of the permitting process? At what stage of the project delivery process do consultants submit the contractor supplied EPDs?*

- a. OSA review is not directly involved in the permitting process. Consultants do not submit contractor supplied EPDs to OSA. Consultants specify compliant materials (with EPDs) for the design of a public project. The agency/institution is responsible for reviewing documents for compliance with OSA Policies and Procedures. After procuring the eligible materials, contractors shall submit compliant EPDs for the procured eligible materials to the agency/institution delegated authority.
11. *Vertical constructors commonly fulfill project DBE requirements using subcontractors for asphalt paving. These subcontractors typically do not produce their own asphalt or have an EPD for their material. How will that impact the general contractor?*
- a. The general contractor needs to determine how they plan to obtain an EPD for the mix. If certain specifications are required, contractors shall find producers that can fulfill the specifications and can provide a current EPD. If an eligible material is not available at a reasonable price or on a reasonable basis, then a waiver may be submitted to the agency/IHE delegate during the design phase.
12. *EPDs expire all the time. We trust that manufacturers will renew them, but we have seen gaps. What is the cutoff date for an expired EPD?*
- a. EPDs expire 5 years from the creation date. If the EPD is compliant at the time of specification, purchase, and installation then it is considered a compliant EPD for the corresponding eligible material through completion of the project (submittal of the L-1 Transmittal for Code Compliance).
13. *Is OSA or the State of Colorado planning to provide financial assistance for local manufacturers to develop EPDs?*
- a. The OSA is encouraging EPD development by establishing policy. There are funds available through the Inflation Reduction Act that support local manufacturers to develop EPDs.
14. *If a consultant specifies an EPD showing compliance with the GWP threshold for each material it would seem that this would result in single sourcing of products. Is that the intent of OSA?*
- a. No, OSA does not have the intent to create single sourcing of products. As in all state projects, any equivalent product can be considered. The agency and their consultant will determine if the equivalent product meets the specification of the project.
15. *Will OSA consider establishing subcategories based on geographic regions within the State of Colorado where the material is produced?*
- a. No, OSA will not be establishing the initial subcategories based on geographic regions within the state. The OSA is establishing subcategories based upon

available IW-EPDs that represent the eligible material categories as defined in statute. Creating hubs of materials is not a feasible approach for the OSA or its clientele.

- b. OSA aims to maintain a fair and equitable process for all designers, contractors, and producers and therefore will treat all eligible materials equally across the State.

*16. Is it your intention to consider the relative uncertainties inherent in the reporting of GWP impacts?*

- a. OSA is aware of the uncertainties inherent in the reporting of GWP impacts (including biogenic carbon, PCRs, varying production systems, etc.). OSA takes information as reported, all updated EPDs, and will update the policy and GWP limits as necessary.

*17. Will proposed GWP limits be discussed with industry prior to final publication on 01/01/2024 to ensure that limits are achievable?*

- a. The initial GWP limits have been reviewed by OSA. The final GWP limits will be verified prior to final publication to ensure they are achievable.

*18. At what point in the project will contractors submit EPDs?*

- a. Contractors shall submit EPDs after material procurement, prior to installation on the project. All EPDs must be submitted to the agency/IHE delegate prior to the L-1 Code Compliance documentation phase.

*19. How many OSA solicitations per year will require EPDs?*

- a. Depends on the year! This policy is applicable to all state public projects (greater than \$500,000) that begin solicitation on or after January 1, 2024. Therefore, the number of public projects that are funded and in solicitation each year will yield the number of solicitations that require EPD submissions.
- b. The number of projects in solicitation is based on the number of projects approved in legislation as well as where they are in the design process as of January 1, 2024.