



Questions outlined in this document were created by viewers in response to the materials presented in the Buy Clean Colorado (BCCO) Act Early Agency/Institution of Higher Education (IHE) presentation that occurred on December 13th, 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: Early Agency/Institution of Higher Education (IHE) Meeting Questions and Answers (Q&A):

1. *Will these slides be shared?*

A. Yes, the Office of the State Architect (OSA) will post the slides with this video on our BCCO web page. OSA will be sending out a link later this week.

2. *We currently build with lots of concrete and steel, which have high-embodied carbon content. Are we going to be changing the materials we use to build with?*

A. Not necessarily. Steel and concrete will continue to be used in construction, but the specific products being used will vary. You will need to specify and procure products that have a compliant EPD as well as a compliant GWP impact measurement.

3. *Requirements for every CC, CR & CM project?*

A. The requirements are for every state public works project as defined as five hundred thousand dollars or more, regardless of source of funds.

4. *For instance, if we have a \$1M controlled maintenance project and addresses the replacement of exhaust fans that are held in place with steel, will the project need to comply with steel limits. Say we have a controlled maintenance project that is 1 million dollars and deals with the replacement of exhaust fans and there will be structural steel holding up the exhaust fans. It looks like the intent of this legislation is focused on the construction of new projects. Am I going to have to comply with the steel limits given that it is structural?*

A. Partially. At this time, the HVAC components are not subject to the GWP limits. However, the structural steel framing is subject to the BCCO Act requirements.

6. *If a contractor is purchasing materials from a distribution facility, do they document shipping methods/distance, etc. from the distribution facility, or do they have to track back to the origin of manufacture?*

A. Given that the contractor is purchasing materials from a distribution facility, they will document shipping methods/distance/mode of transportation from the distribution facility.



The transportation reporting requirements are focused on the GWP impact that occurs from manufacturing source to project site.

7. *The approved materials will be developed by OSA?*
 - A. No, the OSA is tasked with setting GWP limits for the eligible material categories as defined in statute.
8. *Is there any planned outreach by OSA to AGC and AIA, etc. to inform those groups/entities of this requirement so our trade partners are prepared for this?*
 - A. Yes! OSA has already conducted trade association outreach and meetings, but there will likely be more outreach conducted over the next year.
9. *When / where will we find the GWP limits for each material/product category?*
 - A. The GWP limits for each eligible material category will be posted to the OSA website prior to the start of the 2023-24 Fiscal Year.
10. *How are you going to decide on max GWP at OSA?*
 - A. OSA is determining the initial maximum GWP limits using the national industry average as established on an Industry-Wide EPD which is required by statute. As time goes on, these limits will be reduced to represent a regional average.
11. *Have you identified appropriate justifications for a waiver for submitting EPDs?*
 - A. There are two different waivers as defined by statute: a design-phase waiver and a construction-phase waiver. The OSA is looking at the availability of materials and the cost aspect to incorporate into the design waiver, which will be released at the start of the 2023-24 Fiscal Year. Following the implementation of the design-phase waiver, OSA will determine the necessary aspects for the construction-phase waiver.
 - B. There are waiver justifications outlined in statute, so the OSA is abiding by the statute's waiver justifications.
12. *Is the solicitation timeline the first solicitation for a public project?*
 - A. Yes, the solicitation timeline is for the design solicitation for a public project. If you are working on a project right now, then this legislation does not apply to your project. This is for new projects that receive new money with a solicitation date that is on or after January 1, 2024.
13. *What kind of turnaround can we expect for the compliance review of EPDs?*
 - A. OSA will not review EPDs prior to project completion. It is up to each agency/institution to review EPDs for materials specified and ultimately installed on the project.



14. *Is there a clause in the HB that speaks to cost relative to meeting the requirements; i.e., If the cost of the material is cost prohibitive and doesn't align with good stewardship of public funds, is there a way to show a "reasonable" alternative?*

- A. No, there is not a specific clause relating to the cost of meeting the BCCO Act requirements. This ties into the waiver justifications outlined in the bill. "If a product meeting the maximum acceptable global warming potential for a category of eligible materials is not reasonably priced or is not available to the contractor on a reasonable basis, the agency of government may waive the requirements of this section for that product." OSA is working to strengthen these justifications and make them applicable to situations present in Colorado.

15. *Should the increase for the materials costs be a separate line item like is done for prevailing wages & apprenticeship to maintain transparency?*

- A. No, any increase due to material costs should be accounted for in the cost of the materials themselves. No separate line item is required.
- B. CC, CR, and CM forms will not be incorporating an additional line item for the BCCO Act requirements.

16. *As a follow-up on GWP limits...will they be set based on a national industry or regional industry?*

- A. The initial GWP limits will be based on a national industry average. There is not enough product manufacturing data available in Colorado to determine a regional industry average at this time.

17. *Does this apply to State-funded projects only?*

- A. No, public projects are not defined by the source of funds.
- B. According to the bill language, "ELIGIBLE PROJECT" MEANS A PUBLIC PROJECT AS DEFINED IN SECTION 24-92-102, FOR WHICH AN AGENCY OF GOVERNMENT ISSUES A SOLICITATION ON OR AFTER JANUARY 1, 2024; EXCEPT THAT "ELIGIBLE PROJECT" DOES NOT INCLUDE ANY MAINTENANCE PROGRAM FOR THE UPKEEP OF A PUBLIC PROJECT OR ANY ROAD, HIGHWAY, OR BRIDGE PROJECT.
 - a. When reading through C.R.S. 24-92-102, it does show a parameter of projects with lower project amounts which alludes to "maintenance". However, the bill does cover controlled maintenance projects. The section of the statute is listed below:
 - a) "Public project" means any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety and any



maintenance programs for the upkeep of such projects. (8) (a) "Public project" means any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety and any maintenance programs for the upkeep of such projects.

b) Except as provided in paragraph (c) of this subsection (8), "public project" does not include any project for which appropriation or expenditure of moneys may be reasonably expected not to exceed five hundred thousand dollars in the aggregate for any fiscal year. Nothing in this paragraph (b) shall affect the requirements for the delivery of bonds or security pursuant to sections 24-105-202, 38-26-105, and 38-26-106, C.R.S.

c) "Public project" does not include any project under the supervision of the department of transportation for which appropriation or expenditure of funds may be reasonably expected not to exceed one hundred fifty thousand dollars in the aggregate of any fiscal year.

18. Does the 100-mile radius have to stay within Colorado borders?

- A. No, the 100-mile radius pertains to any distance that requires transportation of eligible materials.
- B. The 100-mile radius comes from LEED requirements that are already imposed at a national level.