

POLICY ON TECHNICAL ASSISTANCE
For
HIGH PERFORMANCE RETROFIT OR NEW CONSTRUCTION IN
INSTITUTIONAL BUILDINGS

January 31, 2008

The Office of Energy Resources in keeping with its mission to promote energy efficiency, demand-side management, and conservation provides a resource to schools and local governments throughout Idaho. OER extends an invitation to our institutional customers to contact the office when considering new construction, energy efficiency improvements and bioenergy heating projects. We can provide advice on options and direct you to a number of resources available through the Northwest Building Efficiency Center. This help is available regardless of the financing or contractual means selected by the customer.

One of the most popular services OER provides is technical assistance with contracting mechanisms that incorporate high performance requirements for retrofit or new construction. This has grown to the extent that OER finds the need to define policy regarding assistance in developing and implementing Requests for Qualifications for school districts and local governments engaged in performance contracting or design-build construction or Requests for Proposals for design-bid-build projects.

OER and its predecessor agency, the Idaho Energy Division, received funding from US Department of Energy for many years to provide these services—this funding ceased several years ago. We are now very limited in our staff and travel resources, and these impact the assistance we can provide.

In allocating these limited resources, the Office prioritizes introducing local governments and school districts to high performance design-build, design-bid-build and energy performance contracting and assisting them in using standardized processes that comply with Idaho law on performance contracting, design-build and design-bid-build contracting. Through these means we seek to promote 1) high performance buildings—either new or retrofit; and 2) related biomass projects that incorporate combined heat and power or some other type of combined energy use.

Because of these limited resources, it is most feasible for OER to provide review and support for processes that follow the Office's standardized formats. The model RFQs developed by OER are carefully constructed to comply with the Idaho laws governing performance contract and/or design-build contracting. Modifications may change the nature of transactions. OER is not staffed nor is it appropriate for it to provide counsel on the implications of changing standardized documents.

Two of the key issues that OER's model documents are designed to avoid are:

1. Use of performance contracting for new construction; and
2. Improper use of either performance contracting or design-build.

Therefore the Office of Energy Resources adopts the following policy regarding assistance to school districts and local governments concerning performance contracting and design-build contracting:

1. OER will prioritize assistance to new construction or retrofit projects that will result in:
 - a. High performance buildings
 - b. Biomass projects done in conjunction with energy efficiency retrofits of the served buildings or that will serve high performance buildings
 - c. Combined heat and power projects or another form of co-energy use.
2. OER will prioritize work on projects that use its standardized RFQs as they are written with minor changes made in consultation with OER.
3. OER will prioritize its work on a time and travel resource available basis, and may not be able to provide direct staff participation in all projects.
4. OER will seek resources to develop high performance language for incorporation into the Owner's Criteria for design-bid-build processes.