EXECUTIVE ORDER NO. 1-23

DIRECTING CITY AGENCIES TO CERTIFY LEED GOLD FOR NEW CONSTRUCTION AND MAJOR RENOVATION IN LARGE PUBLIC WORKS PROJECTS

WHEREAS, As long-term energy goals for its municipal buildings, the City commits to reducing its greenhouse gas emissions by 50 percent, reducing its energy use by 20 percent, and maintaining or reducing its cost of energy by 2030;

WHEREAS, High-performing building design supports progress toward municipal energy goals and produces co-benefits, including improved indoor air quality and comfort for City employees and visitors;

WHEREAS, The U.S. Green Building Council's Leadership in Energy and Environmental Design, or LEED, is a world-recognized building rating system and provides a framework for Philadelphia to lead by example in designing high-performing buildings; and

WHEREAS, Section 17-111 of The Philadelphia Code requires contracts for the design or construction of Large City Public Works Projects to take all necessary and appropriate steps to obtain LEED Gold rating;

NOW, THEREFORE, I, James F. Kenney, by the powers vested in me by the Philadelphia Home Rule Charter, hereby ORDER as follows:

SECTION 1. PROJECT CONTRACTS AND DESIGN

A. Responsibilities of City Agencies

1. City departments that enter and manage contracts for the design and construction of large City public works projects shall incorporate requirements for LEED projects in Requests for Proposals (RFPs), department-specified Owner's Project Requirements (OPR), contracts for design services, contracts for construction services, and contracts for such other services as entered for eligible projects.

2. City departments shall monitor and document the ability of a project to achieve a LEED Gold certification through project milestones, such as all stages of design development, construction, and building and systems commissioning.

3. City departments shall monitor and document the ability of a project to meet the compliance requirements set forth in Section 4 of OOS's Regulation on Energy Efficiency and Environmental Design in Construction of Buildings, through project milestones.

B. Responsibilities of the Office of Sustainability

1. The Office of Sustainability (OOS) shall promote compliance with § 17-111, its Regulation on Energy Efficiency and Environmental Design in Construction of Buildings and this Executive Order by working with City departments to maintain a High-Performance Building Guidance document that aims to streamline the LEED Gold certification process and provide project teams guidelines for meeting LEED credit requirements. City departments shall include this guidance document in RFPs for eligible projects and reference the document as a framework when designing the project.

2. OOS shall work with City departments to promote compliance with § 17-111, its Regulation on Energy Efficiency and Environmental Design in Construction of Buildings and this Executive Order through the Capital Program process, including the review of departmental requests and advising on the development of the Recommended Capital Program.

3. The Director of the Office of Sustainability (Director) shall, upon request from a City department, provide informal guidance on whether a proposed project meets criteria that would require compliance with the LEED Gold rating specified in § 17-111.

4. OOS, consistent with the directive of § 17-111(5) to prepare and provide to Council an annual summary of the status of City projects that are subject to the terms of § 17-111, shall include in its summary those projects that are pursuing LEED Gold certification as well as those that are following alternative standards or exceptions.

SECTION 2. ALTERNATIVE STANDARDS AND EXCEPTIONS

A. Projects Eligible for Alternative Standards and Exceptions

1. A City department that has 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 may submit a request for an alternative standard or exception. Relevant City priorities that may serve as the basis for a request for an alternative standard or exception include, but are not limited to:

a. The use of federal or state funding in connection with a particular project;

b. Historic preservation goals;
c. Pursuit of more relevant, high-performance building certification as an alternative standard, as defined in Section 3(A)(2).

B. Applicability of Office of Sustainability's Regulation on Energy Efficiency and Environmental Design in Construction of Buildings

1. Alternative standards and exceptions for a project shall be considered among an advisory group, which shall include, but not be limited to, representatives of the requesting department, OOS, and relevant departments and agencies. The advisory group is assembled on a project-by-project basis.

2. Any City department requesting an alternative standard or exception shall comply with the requirements of OOS's Regulation on Energy Efficiency and Environmental Design in Construction of Buildings as set forth in:

a. Section 4 (Compliance Standard)
b. Sections 5.2, 5.3, and 5.5 (Alternative Standards or Exceptions)
c. Section 6 (Submission Requirements)

C. Additional Requirements

1. In order to advance high-performance building practices in the City in a manner that is collaborative and mutually beneficial for all departments, a City department requesting an alternative standard or exception on a project requiring evaluation of multiple criteria shall meet with the Director and an advisory group, which shall include relevant departments and agencies, to discuss project design, funding, and appropriate exceptions or standards. In addition, in the event that a department disagrees with the decision to endorse or reject alternative standards or exceptions for a particular project, the Director and other relevant department heads shall meet to resolve outstanding issues.

2. The Director shall convene any meetings necessary to evaluate a request for an alternative standard or exception and shall make the final decision on a request in the event consensus cannot be reached.

SECTION 3. EFFECTIVE DATE

This Order shall take effect beginning July 1, 2023, for new, eligible projects.

2/22/23

Date

James F. Kenney, Mayor