

SAMPLE BYLAW: ENERGY EFFICIENCY IN TOWN PROCUREMENT OF DESIGN SERVICES FOR CAPITAL FACILITY PROJECTS

In accordance with Massachusetts General Laws c. 39, § 10, and §47-2 of the By-Laws of the Town of Yarmouth, the undersigned registered voters of Yarmouth, Massachusetts request the insertion of the following Article on the Warrant for the 2021 Annual Town Meeting of Yarmouth, Massachusetts:

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Yarmouth, Massachusetts:

Energy efficiency in Town procurement of design services for Capital Facility Projects.

1. Purpose. The purpose of this by-law is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town's public buildings by evaluating design options for reduced emissions from the first stage of the design process for new public buildings, providing for thorough analysis of the feasibility, cost and impacts of net zero emission designs, and analysis of each element of design which could facilitate reduction in emissions where net zero design is not yet feasible.

2. Definitions.

- a) Alternative Design Recommendation: any Design Recommendation other than a Compliant Design Recommendation.
- b) Capital Facility Project: any Capital Facility Project as defined in Section 1 of Chapter 7C of Massachusetts General Laws.
- c) Compliant Design Recommendation: a Design Recommendation which is fully compliant with both the Efficiency Code and the Zero Code.
- d) Design recommendation: any master plans, studies, cost estimates, programs, drawings, plans or specifications prepared for a Capital Facility Project as part of Design Services as defined herein.
- e) Design Services: any Design Services as defined in Section 44 of Chapter 7C of Massachusetts General Laws, and which not exempted from the jurisdiction of the State designer selection board pursuant to Section 46(e) of Chapter 7C of Massachusetts General Laws.
- f) Economic Impact: the estimated long term financial costs and benefits including costs of initial development of the Capital Facility Project and the present value of projected future operating expenses for the Capital Facility Project.
- g) Efficiency Code: the 2021 International Energy Efficiency Code applicable to non-residential buildings as promulgated and most recently updated by the International Code Council.
- h) Emissions Impact: the estimated long term impact on total emissions of greenhouse gases resulting from development and operation of the Capital Facility Project.
- i) Greenhouse Gases: Gases that trap heat in the atmosphere as defined by the United States Environmental Protection Agency including carbon dioxide, methane, nitrous oxide and fluorinated gases.
- j) Zero Code: the Zero Code Renewable Energy Appendix to the Efficiency Code as incorporated in Code Change Proposal CE264-19 submitted by the American Institute of Architects or as subsequently adopted and incorporated into the Efficiency Code by the International Code Council.

3. Provisions of requests for proposals for Design Services.

- a) Economic Impact Evaluation of Design Recommendations: The purpose of this By-law is solely to assure that the decision of the Town regarding any future Capital Facility Project is fully informed by the thorough evaluation of alternatives and nothing in this by-law shall be construed to require the Town to select a Compliant Design Recommendation for any Capital Facility Project. Every request for proposals for Design Services for any Capital Facility Project which is issued by any instrumentality of the Town shall require at least one Compliant Design Recommendation, and may at the discretion of the issuing authority request evaluation of an Alternative Design Recommendation, in which case the Design Recommendations shall evaluate the comparative Economic Impacts of the Compliant Design Recommendation and the Alternative Design Recommendation.
- b) Emissions Impact Evaluation of Alternative Design Recommendation: In the event that the Design Services include an Alternative Design Recommendation, the Design Recommendations shall evaluate the comparative Emissions Impacts of the Alternative Design Recommendation and the Compliant Design Recommendation together with the relative Economic Impacts and relative Emissions Impacts of each major design element related to energy generation and usage to facilitate assessment of lower-emission alternatives to the Alternative Design Recommendation.
- c) Effective date: This by-law shall apply to any request for proposals issued on or after January 1, 2022.