

Chapter 289

(House Bill 662)

AN ACT concerning

Department of General Services – Energy Consumption Goals and Energy Performance Contracts

FOR the purpose of repealing a requirement that the Department of General Services cooperate with the Maryland Energy Administration when projecting certain costs and performing a certain analysis during a certain phase of the renovation or construction of certain buildings; repealing a requirement that the Department cooperate with the Administration in setting standards for certain energy performance indices; requiring the Department, in cooperation with the Administration, to assist State agencies in reducing by a certain date the average energy consumption of State buildings by a certain percentage; repealing a requirement that State agencies conduct a certain analysis of gas and electricity consumption and cost of certain buildings; repealing a requirement that State agencies update and file certain energy conservation plans; requiring the Department each year to conduct an energy efficiency analysis of State buildings and conduct an energy audit of at least a certain square footage of the least energy-efficient State buildings; specifying the contents of a certain energy audit; requiring the Department to provide a copy of the energy audit to certain persons; requiring certain units to implement certain measures identified in a certain energy audit to a certain extent; requiring the Department, for a certain time following the implementation of certain measures, to monitor a certain unit's energy usage, track certain changes resulting from the measures, and calculate certain savings; requiring the Department to establish and maintain a certain Comprehensive Utility Records Management Database for a certain purpose; requiring certain units to make certain data available to the Department each month; requiring each unit to implement projects and initiatives to conserve energy and reduce energy consumption; requiring certain State agencies to collaborate on designing and implementing certain energy savings initiatives; requiring certain requests for proposals, beginning on a certain date, to include provisions promoting the State's energy efficiency goals; requiring the Department, with the advice and assistance of the Administration, to report to the Governor each year regarding the State's progress toward meeting a certain energy consumption goal; requiring a unit to consult with the Department during the development phase of a certain project; requiring a unit that is pursuing an energy performance contract to receive final approval from the Department before submitting the proposed contract to the Board of Public Works for approval; requiring a unit that has entered into an energy performance contract to submit certain required reports to the Department each year; defining a certain term; and generally relating to energy performance contracts and State energy efficiency goals.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
 Section 4–803, 4–806, 12–301(a), and 12–302
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – State Finance and Procurement

4–803.

(a) To save both cost and energy, the Department[, in cooperation with the Maryland Energy Administration,] shall project life–cycle costs and perform an energy consumption analysis during the preliminary design phase of the construction or renovation of any building.

(b) Each construction appropriation shall require a State agency, including a district school board, to obtain a projection of life–cycle costs and an energy consumption analysis from the Department.

4–806.

(a) So that it can audit and evaluate competing design proposals, the Department[, in cooperation with the Maryland Energy Administration,] shall set standards for energy performance indices.

(b) As experience develops on the energy performance achieved in State buildings, the energy performance indices will serve as a measure of building performance with respect to energy consumption.

(c) The Department, in cooperation with the Maryland Energy Administration, shall [set energy performance standards that require the average energy consumption in State buildings be reduced from the level in 2005 as follows:

(1) 5% by 2009; and

(2) 10% by 2010] **ASSIST STATE AGENCIES IN REDUCING, BY 2029, THE AVERAGE ENERGY CONSUMPTION IN STATE BUILDINGS BY 10% FROM THE LEVEL IN FISCAL YEAR 2018.**

[(d) (1) (i) Except as provided in subsection (f) of this section, by December 31, 2007, each State agency shall conduct an analysis on each of the buildings under its jurisdiction of its gas and electric consumption and the cost of this consumption under the direction of the Maryland Energy Administration and in coordination with the Department

of General Services.

(ii) The analysis required in subparagraph (i) of this paragraph shall include an examination of methods to achieve energy and costs savings, including:

1. the installation of more efficient lighting systems, including relamping;
2. the installation of more efficient heating and cooling systems;
3. the installation of water conservation devices;
4. weatherization; and
5. modification of lighting, heating, and cooling practices such as turning off lights when not in use and better thermostatic controls.

(2) (i) By July 1, 2008, each State agency shall upgrade its energy conservation plan developed in consultation with the Maryland Energy Administration and the Department of General Services to achieve the energy performance standards set under subsection (c) of this section.

(ii) The plan required under subparagraph (i) of this paragraph shall include provisions for the training of State personnel, including management and maintenance personnel, in conservation practices that reduce the consumption of energy and assist the agency in achieving the standards set under subsection (c) of this section.

(iii) In the development and implementation of the provisions of subparagraph (ii) of this paragraph, each agency shall consider alternative financing opportunities in shared savings and performance contracting as administered by the Maryland Energy Administration and include an analysis of the payback and cost advantage to the State of shared savings and performance contracting.

(e) (1) All plans developed in accordance with subsection (d) of this section shall be filed with the Maryland Energy Administration.

(2) The Maryland Energy Administration, in coordination with the Department of General Services, shall review and analyze these plans and submit to the Governor the plans and proposals to implement the plans.

(f) (1) Except as provided in paragraph (2) of this subsection, this section does not apply to a building under the jurisdiction of the Department of Transportation.

(2) The Department of Transportation shall comply with the requirements of this section for any office building under its jurisdiction, if the building contains:

- (i) the Department's headquarters; or
- (ii) the administrative offices of a Modal Administration in the Department of Transportation.]

(D) EACH YEAR, THE DEPARTMENT SHALL:

(1) ANALYZE ALL STATE-OWNED BUILDINGS TO IDENTIFY WHICH BUILDINGS ARE THE LEAST ENERGY-EFFICIENT; AND

(2) CONDUCT AN ENERGY AUDIT OF AT LEAST 2,000,000 SQUARE FEET OF THE LEAST ENERGY-EFFICIENT STATE-OWNED BUILDINGS.

(E) THE ENERGY AUDIT SHALL IDENTIFY LOW-COST MEASURES FOR INCREASING ENERGY EFFICIENCY THAT, OVER THE FOLLOWING 5 YEARS, WILL RESULT IN ENERGY COST SAVINGS THAT MEET OR EXCEED THE COSTS OF THE MEASURES.

(F) THE DEPARTMENT SHALL PROVIDE A COPY OF THE ENERGY AUDIT TO THE HEAD OF EACH UNIT OF STATE GOVERNMENT THAT OCCUPIES THE SPACES AUDITED.

(G) EACH UNIT OF STATE GOVERNMENT THAT OCCUPIES THE SPACE AUDITED SHALL IMPLEMENT THE MEASURES IDENTIFIED IN THE ENERGY AUDIT TO THE FULLEST EXTENT PRACTICABLE.

(H) FOR 1 YEAR FOLLOWING THE IMPLEMENTATION OF THE MEASURES IDENTIFIED IN THE ENERGY AUDIT, THE DEPARTMENT SHALL:

- (1) MONITOR THE UNIT'S ENERGY USE;**
- (2) TRACK ANY CHANGES RESULTING FROM THE MEASURES; AND**
- (3) CALCULATE ANY SAVINGS ON ENERGY COSTS.**

(I) (1) IN THIS SUBSECTION, "DATABASE" MEANS THE COMPREHENSIVE UTILITY RECORDS MANAGEMENT DATABASE.

(2) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN THE COMPREHENSIVE UTILITY RECORDS MANAGEMENT DATABASE FOR THE PURPOSE OF TRACKING THE CHANGES IN ENERGY CONSUMPTION RESULTING FROM THE IMPLEMENTATION OF THE MEASURES IDENTIFIED IN THE ENERGY AUDIT.

(3) THE DEPARTMENT SHALL COLLECT THE DATA AND INFORMATION NECESSARY TO FULLY POPULATE, UPDATE, AND MAINTAIN THE DATABASE.

(4) EACH MONTH, EACH UNIT OF STATE GOVERNMENT SHALL MAKE AVAILABLE TO THE DEPARTMENT ALL AVAILABLE DATA ABOUT ITS FACILITIES AND COPIES OF THE UNIT'S UTILITY BILLS.

(J) EACH UNIT OF STATE GOVERNMENT SHALL, IN SUPPORT OF THE UNIT'S CORE MISSIONS, IMPLEMENT PROJECTS AND INITIATIVES TO CONSERVE ENERGY AND REDUCE ENERGY CONSUMPTION.

(K) THE DEPARTMENT, THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL COLLABORATE ON DESIGNING AND IMPLEMENTING OTHER COST-EFFECTIVE AND ENERGY-EFFICIENT SAVINGS INITIATIVES.

(L) BEGINNING JULY 1, 2020, PROVISIONS PROMOTING THE STATE'S ENERGY EFFICIENCY GOALS SHALL BE INCLUDED IN REQUESTS FOR PROPOSALS THAT:

(1) ARE FOR THE LEASING OF SPACE TO THE STATE; AND

(2) WOULD OBLIGATE THE STATE TO PAY THE UTILITY BILLS FOR THE LEASED SPACE.

(M) EACH FISCAL YEAR, WITH THE ADVICE AND ASSISTANCE OF THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR ON THE STATE'S PROGRESS TOWARD ACHIEVING THE GOAL OF REDUCING ENERGY CONSUMPTION IN STATE BUILDINGS BY 10%.

12-301.

(a) (1) (I) A UNIT SHALL CONSULT WITH THE DEPARTMENT OF GENERAL SERVICES DURING THE DEVELOPMENT PHASE OF A PROJECT THAT WILL REQUIRE AN ENERGY PERFORMANCE CONTRACT.

(II) Before issuing a request for proposals for an energy performance contract, a unit shall consult with the Department of General Services and the Chief Procurement Officer.

(2) The Department of General Services shall review the proposed request

to ensure that it meets with the State energy [standards,] **STANDARDS AND** preserves the State's flexibility to investigate and use economically justifiable new technologies[, and is in conformance with the unit's energy conservation plan that has been developed in accordance with § 4-806 of this article].

(3) A UNIT PURSUING AN ENERGY CONTRACT MUST RECEIVE FINAL APPROVAL FROM THE DEPARTMENT OF GENERAL SERVICES BEFORE SUBMITTING THE PROPOSED CONTRACT TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

12-302.

(A) The Department of General Services shall be responsible for monitoring the status of active energy performance contracts and reporting that status to the Board annually.

(B) A UNIT THAT HAS ENTERED INTO AN ENERGY PERFORMANCE CONTRACT SHALL SUBMIT TO THE DEPARTMENT OF GENERAL SERVICES FOR REVIEW ANY REQUIRED ANNUAL MEASUREMENT AND VERIFICATION REPORTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.