

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

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Min

Bill No. 230.31 (cov)

Introduced by:

D.G. RODRIGUEZ, Jr.   
T.C. ADA 

AN ACT MANDATING NEW GOVERNMENT OF GUAM BUILDINGS INTEGRATE SUSTAINABLE DESIGN SOLUTIONS AND SYSTEMS AND TO REQUIRE THAT RETROFITS, RENOVATIONS AND ALTERATIONS TO EXISTING GOVERNMENT BUILDINGS INCLUDE ENERGY EFFICIENT AND SUSTAINABLE DESIGN METHODS BY ADDING A NEW §66104.1 TO ARTICLE 1, CHAPTER 66, TITLE 21, GUAM CODE ANNOTATED, AND A NEW §5011 and §5012 TO PART A OF ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED [GUAM PROCUREMENT LAW].

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Mina'Trentai Unu Na*

*Liheslaturan Guåhan* finds that Guam's energy resources are extremely limited, and provided at a high cost to the people of Guam. Past and current construction codes and practices have resulted in a greater, more costly dependence upon imported energy resources. In the case of many states and municipalities, it has been the government which has taken the first steps in implementing energy efficient practices in the construction and/or renovation of public structures. *I Liheslaturan* finds that an energy efficient building design is vital for an island environment such as Guam to help reduce the increasing costs of energy for public buildings, and by example, encourage the reduction of the island's overall energy usage by the private sector implementation of energy efficient designs and

1 practices. Further, energy efficient designs and practices also promote healthier  
2 environments for all who utilize them, as well as to preserve the environment and  
3 reduce pollution.

4 *I Liheslaturan* finds that there are funds available to assist in the  
5 construction and/or renovation of government of Guam buildings to become  
6 energy efficient through President Barak Obama's Energy Plan. Further, that a  
7 recognized sustainable design measuring system should be included in the  
8 planning, design and construction process so as to quantify the benefit of the  
9 sustainable design methods, tools and systems in measured results in the reduction  
10 of energy use, water consumption, and construction waste generated, the  
11 improvement of indoor air quality and the reduction of pollution and damage to  
12 aquifers', watersheds, waterways, and indigenous flora and fauna.

13 *I Liheslaturan* takes due note that LEED, or Leadership in Energy and  
14 Environmental Design, is an internationally recognized green building certification  
15 system. Developed by the U.S. Green Building Council (USGBC) in March 2000,  
16 LEED provides building owners and operators with a framework for identifying  
17 and implementing practical and measurable green building design, construction,  
18 operations and maintenance solutions. LEED promotes sustainable building and  
19 development practices through a suite of rating systems that recognize projects that  
20 implement strategies for better environmental and health performance; to include a  
21 whole-building approach to sustainability by recognizing performance in five key  
22 areas of human and environmental health: sustainable site development, water  
23 savings, energy efficiency, materials selection and indoor environmental quality.  
24 Over the past few years, an increasing number of jurisdictions have done one of  
25 two things: They've adopted the Leadership in Energy and Environmental Design  
26 green building standard, mostly for public buildings, or they have strengthened  
27 requirements detailing what materials and construction techniques new buildings

1 should be using to conserve energy, primarily through systems for heating, cooling,  
2 insulation and lighting. Many jurisdictions have done both.

3 Further, the American Society of Heating, Refrigerating and Air  
4 conditioning Engineers (ASHRAE) and the International Code Council (ICC) – are  
5 two organizations charged with developing the nation’s model energy codes for use  
6 by states as the basis for their own building regulations for private and public  
7 developments. Known as the ASHRAE 2010 Standard 90.1 and the International  
8 Energy Conservation Code (IECC) 2012, they represent the latest standards and are  
9 purported to be 30 percent more efficient than earlier versions.

10 *I Liheslaturan* further finds that there are only two (2) civilian buildings on  
11 Guam that have integrated LEED certification specifications in their structures.  
12 The Guam Community College (GCC) Learning Resource Center and the Coast  
13 360 Federal Credit Union building have both incorporated environmental and  
14 sustainable methodologies in the design and construction of their structures. The  
15 Guam Community College is presently undergoing renovations of existing campus  
16 buildings that are also integrating LEED certification methods inclusive of  
17 construction of Rainwater Harvesting system technology. The third building  
18 currently under construction involves a Gold LEED certification for a \$59.2  
19 million military project.

20 It is the intent of *I Liheslaturan Guåhan* to the extent necessary and  
21 practicable for Guam, to adopt relevant portions of the Leadership in Energy and  
22 Environmental Design (LEED) Green Building certification system(s) standards,  
23 the American Society of Heating, Refrigerating and Air Conditioning Engineers  
24 (ASHRAE) and the International Code Council (ICC) model energy codes and  
25 standards. It is further, the intent of *I Liheslaturan* that other recognized standards  
26 relative to sustainable

1           **Section 2.** A new §5011 is hereby added to Part A of Article 1, Chapter 5,  
2 Title 5, Guam Code Annotated [Guam Procurement Law], to read:

3           **“§5011. Policy in Favor of Energy Efficient and Environmentally Sound**  
4 **Standards and Practices in the Design, Construction and/or Renovation of**  
5 **Government Buildings.** To the extent practicable, all government of Guam  
6 buildings shall be designed, constructed and/or renovated using certified  
7 recognized sustainable design measurement systems so as to be energy efficient,  
8 achieve cost effective operation and environmental compatibility.

9           (a) Promulgation of Rules and Regulations. The Policy Office, as provided  
10 pursuant to §5102 of this Chapter 5, shall develop and promulgate applicable rules  
11 and regulations for the purposes of this section. In the development of applicable  
12 rules, the Policy Office shall duly consider the relevant portions, as deemed  
13 appropriate, of the Leadership in Energy and Environmental Design (LEED) Green  
14 Building certification system(s) standards, the American Society of Heating,  
15 Refrigerating and Air Conditioning Engineers (ASHRAE) and the International  
16 Code Council (ICC) model energy codes and standards, as well as existing Guam  
17 building codes, which are to be utilized as the standards to follow, in conformance  
18 with §66104.1 of Article 1, Chapter 66, Title 21, Guam Code Annotated.

19           Definition. For the purposes of this policy, generally, *sustainable* shall mean  
20 a recognized sustainable design measuring system should be included in the  
21 planning, design and construction process so as to quantify the benefit of the  
22 sustainable design methods, tools and systems in measured results, using certified  
23 recognized sustainable design measurement systems so as to achieve energy  
24 efficiency, cost effective operation and environmental compatibility.

25           **Section 3.** A new §5012 is hereby added to Part A of Article 1, Chapter 5,  
26 Title 5, Guam Code Annotated [Guam Procurement Law], to read:

1           **“§5012. Policy in Favor of Energy Efficient Equipment and Systems**  
2 **Procurement.** To the extent practicable, all government owned and leased  
3 buildings should be retrofitted with energy efficient equipment, such as, but not  
4 limited to, energy-efficient light bulbs, energy-efficient air-conditioners, energy-  
5 star rated appliances, and energy-star rated computer equipment, and to include, all  
6 associated electrical devices and systems promoting energy conscious procedures  
7 that will reduce energy consumption. These retrofits shall commence as  
8 appropriate due to the usual circumstances mandating replacements due to normal  
9 wear and depreciation.

10           **Leased Facilities.** In the case of government leased buildings, and prior to  
11 the retrofitting or installation of permanent systems which shall remain with the  
12 leased facilities subsequent to the expiration of the lease, a cost benefit analysis  
13 shall be conducted to determine the feasibility of retrofitting the leased premises in  
14 consideration of savings to be realized relative to the term of the lease. If the  
15 retrofit or installation is determined not to be cost effective, then the mandate  
16 pursuant to this §5012 shall not be applicable.”

17           **Section 4:** A new §66104.1 is hereby added to Article 1 of Chapter 66, Title  
18 21, Guam Code Annotated, to read:

19           **“§66104.1 Applicable Sustainable energy efficient and environmentally**  
20 **sound designs and practices for Government Buildings.** To the extent  
21 practicable, all government of Guam buildings are mandated to be constructed  
22 and/or renovated using a certified recognized sustainable design measurement  
23 system(s) which promote a whole-building approach to sustainability by  
24 recognizing performance in at least five key areas of human and environmental  
25 health: sustainable site development, water savings, energy efficiency, materials  
26 selection and indoor environmental quality. In addition, all new government  
27 buildings and structures shall, to the extent practicable, include provisions that will

1 incorporate Rainwater Harvesting methods that will effectively promote water  
2 conservation. *Rainwater Harvesting* is the accumulating, processing and storing,  
3 of rainwater for reuse, before it reaches the aquifer.

4 (a) Promulgation of Rules, Regulations and standards for *Sustainable*  
5 *Government Buildings*. The Director, Department of Public Works (DPW), in  
6 conjunction with the Director, Guam Energy Office, the Director, Island  
7 Sustainability Program, University of Guam, and the President of the Guam  
8 Community College (GCC) shall, within six (6) months of enactment of this Act,  
9 promulgate administrative rules and regulations establishing the guidelines with  
10 which new and renovated government of Guam buildings must comply with.

11 In the promulgation of applicable rules and standards, they shall duly  
12 consider the relevant portions, as deemed appropriate, of the Leadership in Energy  
13 and Environmental Design (LEED) Green Building certification system(s)  
14 standards, the American Society of Heating, Refrigerating and Air Conditioning  
15 Engineers (ASHRAE) and the International Code Council (ICC) model energy  
16 codes and standards, as well as existing Guam building codes, which are to be  
17 utilized as the standards to follow. If deemed appropriate, standards from other  
18 reputable national and international sources may also be considered for  
19 incorporation. For the purposes of this policy, generally, *sustainable* shall mean a  
20 recognized sustainable design measuring system in the planning, design and  
21 construction process so as to quantify the benefit of the sustainable design  
22 methods, tools and systems in measured results in the reduction of energy use,  
23 achieve cost effective operation, and environmental compatibility.

24 **Section 6. Saving Clause.** This Act shall not be applicable to the design,  
25 construction and/or renovation of government buildings already approved for  
26 construction or renovation as of the date of enactment of this Act, *unless* such

1 applicability is otherwise determined to be cost effective and in the interest of the  
2 government and should be made applicable.

3       **Section 8: Severability.** *If* any provision of this Law or its application to  
4 any person or circumstance is found to be invalid or contrary to law, such  
5 invalidity shall *not* affect other provisions or applications of this Law which can be  
6 given effect without the invalid provisions or applications, and to this end the  
7 provisions of this Law are severable.

8       **Section 6: Effective Date.** This act *shall* take effect upon enactment.