DOCKETED

Docket Number:	17-BSTD-02
Project Title:	2019 Title 24, Part 6, Building Energy Efficiency Standards Rulemaking
TN #:	222855
Document Title:	KW Engineering Comments Title 24 Sec 120.8 enshrines conflicts of interest in the commissioning process
Description:	N/A
Filer:	System
Organization:	KW Engineering/Lyn Gomes
Submitter Role:	Public
Submission Date:	3/5/2018 2:32:21 PM
Docketed Date:	3/5/2018

Comment Received From: Lyn Gomes
Submitted On: 3/5/2018
Docket Number: 17-BSTD-02

Title 24 Sec 120.8 enshrines conflicts of interest in the commissioning process

Additional submitted attachment is included below.

March 5, 2018

Docket Number: 17-BSTD-02
Project Title: 2019 Building Energy Efficiency Standards 45-day Language
Document Title: **Third Party Commissioning Needed in Title 24 Section 120.8**

To Whom It May Concern:

I became a commissioning (Cx) provider because I believe it makes a difference in the quality and efficiency of buildings. Title 24 (part 6) has the same goals. Unfortunately, as written, Title 24 enshrines conflicts of interest in the commissioning process and allows potentially unqualified actors to do commissioning. The 45-day language must be revised to mitigate these two flaws.

Currently, section 120.8 enshrines a conflict of interest during functional testing (120.8(g)), the most critical step in the commissioning process. How? An independent third party is only required for design review for large (>50,000 square feet) or complex systems. It does not place any requirements on who may functionally test these systems. **Allowing anyone from the design team or the contractor to test their own systems is not only a conflict of interest, but reduces quality by allowing those without the specialized experience to properly test complex systems.** USGBC hasn't allowed a conflict of interest in commissioning since the inception of LEED, so why can't California?

As written, the 45-day language allows anyone except a commissioning provider to do commissioning:

> For buildings greater than 50,000 square feet and all buildings with complex mechanical systems serving more than 10,000 square feet, this signer shall be a third party engineer, architect, or contractor.

For large or complex projects, an architect, engineer, or contractor will likely not have the specialized experience required to effectively commission the MEP systems. An engineer might understand how they designed a radiant floor, but given the realities of today's vastly reduced design budgets, do not have the budget to spend much, if any, time in the field observing and testing these systems. **A certified commissioning provider has the specialized field experience needed to enforce quality and performance of large and/or complex systems.**

Furthermore, requiring any certification for a commissioning provider does not help quality. There are at least 17 commissioning certifications out there. **Only ANSI-**

accredited Cx providers meet the rigid federal requirements for experience and qualifications. The duo of ANSI-accreditation and national guidelines work together to ensure the bodies granting the certifications are nationally recognized, open, transparent, and credible and the people with the credential are qualified to do the work.[1]

To improve code and prevent conflicts of interest and poor quality commissioning work, the following changes should be made to the 45-day language:

- Add a definition for certified commissioning professional to section 10-102. The individual must be certified by an ANSI/ISO/IEC 17024:2012 accredited organization.
- Add the option for a certified commissioning professional to perform commissioning work to Section 10-103(a)1, second paragraph
- Add wording to require a third party certified commissioning professional to do commissioning for large projects or projects with complex mechanical systems (in line with design review requirements in current code) to section 120.8(g).

These changes to code do not present a cost burden because:

- This applies only to a small percentage of projects (projects over 50,000 square feet or with complex mechanical systems)
- There are 200+ ANSI accredited commissioning providers in California, enough to allow for competition in procurement

Thank you for your consideration.

Sincerely,

Lyn Gomes, P.E., CCP, LEED AP, CLCATT
Commissioning Project Manager

[1] ANSI/ISO/IEC 17024:2012 governs how certifications are granted and is a hallmark for a quality certification program – preventing pay for play or associations from turning their certifications into a cash cow. The Professional Engineering license is ANSI-accredited. The requirements for experience for commissioning providers are listed in the Better Buildings Workforce Guidelines Program. These national guidelines ensure consistency between certifications by defining competency. The Certified Commissioning Professional (CCP) certification was the first to be ANSI-accredited.