

RTE

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October 24, 2014
California Energy Commission
Dockets Office, MS-4
Re: Docket No. 14-BSTD-01
1516 Ninth Street
Sacramento, CA 95814-5512

California Energy Commission

DOCKETED

14-BSTD-01

TN 73863

OCT 24 2014

Subject: Requesting change to Title 24 – Part 1 Section 10-103(a)1

I would appreciate consideration of the following comments when preparing the 2016 Building Energy Efficiency Standards.

The second paragraph in Section 10-103(a)1 establishes the signature requirements for completing the CXR commissioning forms during the design process. The requirement to insure the critical portions of Title 24 Part 6 are evaluated early in the design process has been a long needed improvement in the Standards to insure consideration of Title 24 requirements early in the design process, but the language in the current paragraph is vague and could benefit from some clarification.

Two suggestions are provided below for your consideration in development of the 2016 Standards.

Item #1 – “All Nonresidential Buildings”

The first sentence in paragraph 2 establishes the application of the design commissioning requirement. It clearly states that “**all**” nonresidential buildings are required to complete the design commissioning forms. The Joint Reference Appendices defines a building as “any structure **or** space covered by Section 100.0 of the Building Energy Efficiency Standards”. The current language would require all projects including simple tenant improvements or HVAC equipment change outs to submit design commissioning “CXR” forms. If the intent is not to apply the commission forms to even small tenant improvements and equipment replacement projects then this needs to be clarified in both the regulations and the non-residential Compliance Manual.

Item #2 – Signature Authority

The second paragraph in Section 10-103(a)1 establishes the signature authority requirements. This means a licensed engineer must sign for the envelope, lighting and mechanical under the requirement that they “are eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on the Certificate of Compliance”. A mechanical engineer cannot not sign for responsibility for all items on the commissioning forms. They cannot assume responsibility for the building envelope or the lighting under the Business and Professions Code. An electrical engineer is eligible to assume responsibility for the lighting and controls, but they cannot assume responsibility for the envelope or the mechanical. A civil engineer could assume full responsibility in some cases, but an architect could assume responsibility the entire project, unfortunately the current language

does not allow an architect to sign the commissioning forms even though they can assume responsibility for the entire building.

I recommend the following change to the text in paragraph 2:

For all Nonresidential buildings, the Design Review Kickoff Certificate(s) of Compliance, and Construction Document Design Review Checklist Certificate(s) of Compliance shall only be signed by a responsible person(s) eligible under Division 3 of the Business and Professions Code to accept responsibility for the type of work involved. Specific signature requirements are listed below:

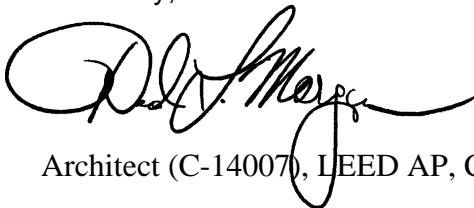
1. For buildings less than 10,000 square feet, the person(s) responsible shall be the individual(s) accepting design responsibility for the work involved, or an independent third party.
2. For buildings greater than 10,000 square feet but less than 50,000 square feet, the responsible person(s) shall be a separate individual(s) in the same firm preparing the permit documents, but with no involvement in the project, or an independent third party.
3. For buildings greater than 50,000 square feet and all buildings with complex mechanical systems serving more than 10,000 square feet, the responsible party shall be an independent third party with no involvement in the project.

Exception: When buildings do not require preparation of documents by an individual licensed under Division 3 of the Building and Professions Code the responsible person signing the Certificate of Compliance may be the individual preparing the documents for permit. This is the only case where the responsible person(s) signing the Certificate of Compliance does not need to be a licensed professional under Division 3 of the Building and Professions Code.

The text provided above eliminates confusion and allows individuals that are taking responsibility for the specific design elements to assume direct responsibility for complying with the requirements in the commissioning forms. It also eliminates conflicts with the Business and Professions Code. If the individual is eligible under Division 3 of the Business and Professions Code to accept responsibility for the type of work then they can sign the Certificate of Compliance. This approach allows design-build contractors the right to prepare and sign the Certificate of Compliance for the work they complete under their contractor license within the building area limits outlined above.

I respectfully request the Energy Commission staff consider the changes provided above when preparing the 2016 Building Energy Efficiency Standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Meyer". The signature is fluid and cursive, with a large initial "R" and "M".

Architect (C-14007), LEED AP, CEPE, CEA