



March 19, 2015

California Energy Commission
Attention: Docket No. 15-BSTD-01
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814

RE: 2016 Building Energy Efficiency Standards, Docket No. 15-BSTD-01

Dear California Energy Commission:

Our comments are particularly in regards to the building commissioning process detailed in the draft 2016 Building Energy Efficiency Standards, a process for the most part also enforceable with the 2013 adopted Building Energy Efficiency Standards. Feedback from our members indicates that there is currently ambiguity in the minds of local jurisdictions regarding the tasks architects are allowed to or are required to perform under the commissioning portion of the current 2013 adopted Building Energy Efficiency Standards. Several terms, such as design engineer, design reviewer, engineer-in-house, and third party design engineer, are not specifically defined in the Standards. We believe this new code cycle editing process is the most appropriate vehicle to properly define these terms and specifically include Architects along with Registered Professional Engineers in these definitions.

Architects are at the center of the design and construction process, typically having under contract mechanical, electrical, structural, civil, and plumbing consulting engineers to form the design team. The commissioning process in the Standards leaves out architects (professionals licensed under the Architects Practice Act of the State of California, Business and Professions Code and California Code of Regulations), despite the definition of the Practice of Architecture Defined in Division 3, Chapter 3, Article 1, Section 5500.1:

- (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.
- (b) Architects' professional services may include any or all of the following:

- (1) Investigation, evaluation, consultation, and advice.
 - (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
 - (3) Coordination of the work of technical and special consultants.
 - (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
 - (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
 - (6) Contract administration.
 - (7) Construction observation.
- (c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

Our profession is tested on each of the seven items listed under (b), and they must all be passed before licensure. Very few others involved in design and construction have this broad responsibility, and with that, liability, for their work.

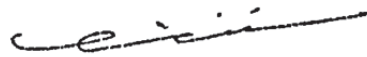
Architects are members of a building project team from start to finish (pre-design through construction close-out), and they already deal with administering much of the project paperwork (permits, code compliance, coordination of consulting engineers, project meeting notes, memos and transmittals, equipment manuals and warranties). Architects are responsible for the overall success of their projects; they interpret the needs, funds, and schedules of clients into design plans and specifications which must at least meet code before a shovel is turned on site. They are there to observe and assure their clients that their project contractor is following the plans and specifications for which they have paid and entrusted to their architect. It is understandable that a third party may have a neutral point of view during commissioning, but architects are trained at the core of this energy efficiency challenge: why and how does a building go together?

As an architect, construction contract administration is included in my services. Per the American Institute of Architects Handbook of Professional Practice, "As construction contract administrators, architects interpret the documents, track the progress of the work, and reconcile the sometimes competing interests of the owner and those constructing the project." Typical responsibilities include submittal review, observation services (not inspection), project representation, testing and inspection administration, supplemental documentation, quotation requests/change orders, contract cost accounting, and project close-out.

While there are many mechanical, electrical, and plumbing system features to check during commissioning, the building envelope designed by the architect is also verified. The path to Zero Net Energy should begin with the building envelope. The skillful design of the building envelope will help alleviate the need for mechanical and electrical means to heat, cool, ventilate, power, and light. MEP consulting engineers work for a building's architect, why shouldn't the MEP commissioning engineers work for a commissioning architect? Further, separating out commissioning for engineers only does not provide the opportunities to discuss and learn from the integration of building systems in design; will the design architect learn anything from commissioning by engineers only? Doesn't this defeat integrated project design and delivery? And this conversation cannot be had without discussing the liability involved for architects. Whatever issues commissioning MEP engineers find with design and/or construction of a project, the architect's MEP consultants are bound by contract to the design architect, who has no peer on the commissioning side.

We believe that the role of the architect in the design and construction process should be fully recognized, included, and utilized in the building energy commissioning process of the proposed 2016 Building Energy Efficiency Standards. We believe it is in the best interest of the people of California that the Standards include specific definitions of the terms "design engineer, design reviewer, engineer-in-house, and third party design engineer," and specifically include Architects along with Registered Professional Engineers in these definitions.

Respectfully yours,



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