



The State University
of New York

Office for Capital Facilities Newsletter

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TOOLS
TRAINING
COMMUNICATION

Upcoming Events

Energy CAP - Catalyst
September 25-27
State College, PA

ERAPPA
September 30-October 3 -
Manchester, NH

AASHE
October 2-5
Pittsburg, PA

Sustainability Conference
November 7-8
Colgate

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Note from the Associate Vice Chancellor - Karren Bee-Donohoe

Energy Projects - Campuses are making major strides through energy savings projects, carbon reduction and sustainable practices. A few examples include:

- ✓1.8MW of fuel cells Downstate
- ✓Ice storage for 90 ton chiller Jefferson
- ✓Lighting and steam traps New Paltz
- ✓Cooling tower replacement Purchase
- ✓Dual-port charging stations Suffolk CC
- ✓Divert 14.5 tons of waste U Buffalo

Many more excellent projects are helping SUNY to meet and go beyond the goals.

New Net Zero Carbon and Deep Energy Retrofit Design Program Directive - A new Fund program directive, to be issued soon, will guide campuses to meet goals of the Board of Trustees and Chancellor Johnson to move SUNY to a clean energy future as soon as possible.

AiM O&M - Work is continuing on implementation of the O&M modules of AiM. Data collection for the six pilots is in process. This activity will help us streamline the data collection for the remaining campuses to have a smooth onboarding process for the next group.

Authority to Construct - As a reminder there are controlling codes, rules and regulations which define who has authority to perform or contract for construction on campuses. A communication will be coming out shortly re-emphasizing the rules related to construction. In short, The campus facilities office, the Fund and DASNY are the primary entities with authority to construct. ASCs and Foundations **do not** have authority to construct on campuses. As with most regulations there are legislative exceptions, but these are minimal.

SUNY Clean Energy Commitments - Eric Mazzone

Chancellor Johnson has reinforced SUNY's commitment to clean energy and defined key goals for SUNY, including the following:

- Sourcing 100 % of electricity grid supplied electricity from renewable sources
- Designing new buildings to be capable of zero-net carbon emissions
- Performing deep energy retrofits on existing buildings to bring them to net zero
- Enhancing workforce development for both existing SUNY employees and for the future clean energy workforce
- Having an energy manager at each campus

The Office of Capital Facilities continues to work with NYSEDA and NYPA to develop a comprehensive Roadmap to guide campuses toward these new goals.

Additionally, in April 2018, Governor Cuomo issued a White Paper; The New Efficiency: New York, which includes a comprehensive set of proposed initiatives. It also includes the most ambitious energy efficiency target in our State's history; to reduce energy consumption by 185 trillion BTUs (British thermal units) by 2025. This is equivalent to the energy consumption of 1.8 million New York homes.

SUNY is recognized for its commitments and is highlighted as leading by example. The Public Service Commission will issue a formal stakeholder comment process for the jurisdictional aspects of the white paper, while other efforts will be carried out through EO 88 and EO 166.

Further updates will be provided when available.



Summertime Safety - Barbara Boyle (continued on page 3)

Although summer is a wonderful time of year in New York State, it does present some additional hazards to outdoor workers. Among these hazards are sun over-exposure, heat stress and illness, and tick-borne diseases.

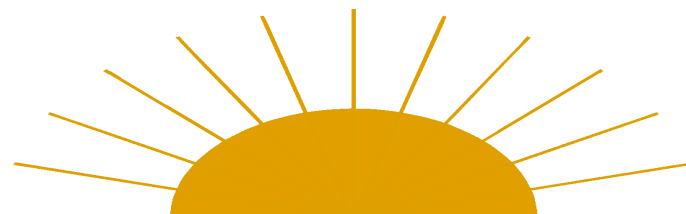
Sun Safety

NYS Department of Labor's Sun Safety Law aims to prevent overexposure to the sun and its UV rays. The law requires New York State agency public employers to ensure that all state employees who spend more than five hours outdoors each work week, as a part of their job function, receive sun safety protection information. The required information includes the potential dangers of over-exposure to the sun, including skin cancer, and the existence of available protection and their proper uses. Employees should be advised to wear protective clothing, such as a wide-brimmed hat, long pants and a long-sleeved shirt when in the sun. Protective sunscreens also help. Employees should use a sunscreen with an SPF (skin protection factor) of at least 15, which is water-resistant to withstand humidity and sweat. A [fact sheet](#) can be found on the Department of Labor website.

Heat Stress and Illness

In addition to UV exposure and its associated risks, heat stress can be a serious concern for outdoor workers. Heat illness can range from uncomfortable malaise to life threatening heat stroke, and it is more likely in new workers who have not acclimated to the heat. For people working outdoors in hot weather, both air temperature and humidity affect how hot they feel. The "heat index" is a single value developed by the U.S. National Oceanographic and Atmospheric Administration ([NOAA](#)) that takes both temperature and humidity into account. The higher the heat index, the hotter the weather feels, since sweat does not readily evaporate and cool the skin. The heat index is a better measure than air temperature alone for estimating the risk to workers from environmental heat sources.

While there is no direct OSHA/PESH standard for heat stress, employers are required to provide protection from recognized hazards under the General Duty Clause. Protective measures may include work/rest cycles, drinking water often, and providing an opportunity for workers to build up a level of tolerance to working in the heat. OSHA's [educational campaign](#) is centered on only three words: **Water. Rest. Shade.**



There is also an OSHA-NIOSH smartphone tool available from that page. The App allows workers and supervisors to calculate the heat index for their worksite, and, based on the heat index, displays a risk level to outdoor workers. Then, with a simple "click," you can get reminders about the protective measures that should be taken at that risk level to protect workers from heat-related illness reminders about drinking enough fluids, scheduling rest breaks, planning for and knowing what to do in an emergency, adjusting work operations, gradually building up the workload for new workers, training on heat illness signs and symptoms, and monitoring each other for signs and symptoms of heat-related illness. OSHA also has a workplace [poster](#), [fact sheet](#), and [guidance](#) for employers.

Tick-borne Diseases

In NYS, no recent summer has been without concerns about ticks and Lyme Disease. The NYS Department of Health has a well-developed [webpage](#) on the topic. Lyme disease is a bacterial infection caused by the bite of an infected deer tick. Untreated, the disease can cause a number of health problems. Patients treated with antibiotics in the early stage of the infection usually recover rapidly and completely.

According to the DOH, deer ticks live in shady, moist areas at ground level. They will cling to tall grass, brush and shrubs, usually no more than 18-24 inches off the ground. They also live in lawns and gardens, especially at the edges of woods and around old stone walls. Deer ticks cannot jump or fly, and do not drop onto passing people or animals. They get on humans and animals only by direct contact. Once a tick gets on the skin, it generally climbs upward until it reaches a protected area. In tick-infested areas, your best protection is to avoid contact with soil, leaf litter and vegetation. However, if you garden, hike, camp, hunt, work or otherwise spend time in the outdoors, the DOH suggests that you can still protect yourself:

Summertime Safety - Barbara Boyle (continued from page 2)

- Wear light-colored clothing with a tight weave to spot ticks easily.
- Wear enclosed shoes, long pants and a long-sleeved shirt. Tuck pant legs into socks or boots and shirt into pants.
- Check clothes and any exposed skin frequently for ticks while outdoors.
- Consider using insect repellent [such as DEET (at least 20%), Picaridin (5-20%), or treat your clothes with Permethrin].
- Stay on cleared, well-traveled trails. Walk in the center of trails. Avoid dense woods and bushy areas. Avoid sitting directly on the ground or on stone walls.
- Bathe or shower as soon as possible after going indoors (preferably within two hours) to wash off and more easily find ticks that may be on you.
- Do a final, full-body tick check at the end of the day (also check children and pets), and remove ticks promptly.



If you do find a tick attached to your skin, do not panic. Not all ticks are infected, and your risk of Lyme disease is greatly reduced if the tick is removed within the first 36 hours (although some other tick-borne diseases may be transmitted more quickly).

Per the DOH, to remove a tick:

- Use a pair of pointed tweezers to grasp the tick by the head or

mouth parts right where they enter the skin. DO NOT grasp the tick by the body.

- Pull firmly and steadily outward. DO NOT jerk or twist the tick.
- Place the tick in a small container of rubbing alcohol to kill it.
- Clean the bite wound with rubbing alcohol or hydrogen peroxide.
- Monitor the site of the bite for the next 30 days for the appearance of a rash. If you develop a rash or flu-like symptoms, contact your health care provider immediately. Although not routinely recommended, taking antibiotics within three days after a tick bite may be beneficial for some persons. This would apply to deer tick bites that occurred in areas where Lyme disease is common and there is evidence that the tick fed for more than one day. In cases like this you should discuss the possibilities with your doctor or health care provider.

Limitation of Liability - Jessica Miller (continued on page 4)

SUNY's standard contract agreements include language intended to limit SUNY's, and the State of New York's, liability associated with design and construction projects on campus. The purpose of a limitation of liability clause is to establish who carries the risk associated with a project related claim or lawsuit.

Article VII of SUNY's Consultant Agreement establishes the liability of the consultant on a design contract. Section 5.05 of SUNY's Construction Agreement establishes the risks assumed by the contractor on a construction project. In both cases the other party, the consultant or contrac-

tor, is responsible for defending the University against claims or lawsuits connected with the project. The other party is also responsible for any loss, damage, injury or wrongful death associated with the project.

What does it mean to bear the risk of loss? To be liable for damages? At its most basic level, risk is money.

When a consultant or contractor proposes a change to the



Limitation of Liability - Jessica Miller (continued from page 3)



limitation of liability language in the agreement, they are attempting to shift the potential cost of a project gone bad away from their private business, and over to the University. Because the University is a state entity, this in essence shifts that risk to the tax payer.

Campus Let Invitation for Bids and Requests for Qualifications reference SUNY's standard agreements. Public bidding and consultant selections require fair and open competition, a level playing field. If after a consultant is selected, or a contractor is identi-

fied as the low bidder, they come back to propose changes to the agreement, they are asking the University to agree to changes in their favor. What if our agreement had included different limitation of liability language to start with? Perhaps the price offered by some contractors would be different. Perhaps a consultant who did not submit qualifications, may have submitted after all.

The Office for Capital Facilities holds that campuses should not accept modifications to the limitation of liability clauses of the standard agree-

ments. In addition, it is not recommended to accept changes to other key clauses that address insurance requirements, default, termination, delay, liquidated damages, vendor responsibility or choice of law.

Changes or modifications to the standard agreements have the potential to impact the how the agreement works, and the level or risk that the University accepts. Therefore, all proposed changes should be reviewed by campus Counsel and a campus Vice President.

Continuity of Operations Planning - Barbara Boyle

Whether you prefer the term Continuity of Operations Planning (COOP) or Business Continuity and Disaster Recovery Planning, organizations need to develop plans to continue to provide for essential functions throughout a wide range of emergencies and disasters.

Continuity planning is required of SUNY campuses under SUNY Procedure 5606 and is included in New York State's FEMA-approved plan (a prerequisite for receipt of federal hazard mitigation grants).

Recently, the NYS Department of Homeland Security and Emergency Services (DHSES) has been providing continuity planning assistance to state agencies and municipalities. OCF is looking into the possibility of partnering with DHSES in providing a SUNY-specific program in the autumn. The Office of the State Comptroller has also [audited](#) the efforts of 11 state agencies in their efforts. OSC identified the critical components of COOP as:

- Identify, assess, and prioritize both agency vulnerabilities to emergencies or disasters, and the resources available to prevent or mitigate, respond to, and recover.



- Identify, assess, and prioritize the agency's mission-essential functions (MEFs).
- Ensure that systems or processes are in place to support the continuous delivery or minimal interruptions of the MEFs.
- Outline short, medium, and long-range measures to improve the agency's capability to respond to and recover from an emergency.
- Provide for the efficient utilization of all available resources during an emergency.
- Ensure the continuity of operations of the agency in times of emergency or disaster situations.

To assist state agencies, DHSES has developed a substantial [portfolio](#)

of technical guidance on COOP. While they are not intended directly for a SUNY campuses, they are worthy of careful consideration. Among the documents are planning and resource guides and a COOP Evaluation Checklist. OCF's webpage also has links to the DHSES materials.

FEMA has a [brochure](#) on COOP and a [template](#) for planning. Ready.gov has a Business Continuity Plan [page](#). NFPA 1600, *Standard on Disaster/ Emergency Management and Business Continuity Programs* is a well-accepted standard. The standard is generally available without charge online; most SUNY campuses can also access it through the SUNY contract for NFPA documents via codesonline.nfpa.org from a valid SUNY IP address.

For information more specifically for institutions of higher education, the Readiness and Emergency Management for Schools (REMS-TA) has a [COOP annex](#) for institutions of higher education.

Binghamton University has a [webpage](#) on continuity planning that features the Binghamton University Continuity Planning Tool.



AiM Data - Supporting the 2018-19 Residence Hall Capital Planning Process - Donald Smith

During the spring and summer of 2017, SUCF program managers worked with campus facility staff to perform a comprehensive assessment of the capital assets associated with all buildings on the state operated campuses. Each building was evaluated at the "Asset Group" level, a predetermined set of building systems and major components, to determine their remaining useful life. This data was then loaded into AiM to make the "Planning and Needs Analysis" module fully operational.

In February, the Office for Capital Facilities (OCF) distributed this data to campuses in preparation for the 2018 Residence Hall Capital Plan. The data was presented in 4 different data sets; the first (sample campus represented below) reflects all renewal needs going forward forever, while the other 3 represent data over a 10 year period to correlate to the capital planning process.

OCF is optimistic that this data will help serve as a tool to aid campus staff in the prioritization of its capital projects, as well as in the development of a comprehensive capital plan that will address all needs in a viable manner.

SAMPLE CAMPUS RENEWAL NEEDS

Asset Group	Years to Renewal						Grand Total
	0-2	3-5	6-10	11-15	16-20	21+	
AIR HANDLING UNITS				\$ 608	\$ 4,484	\$ 3,537	\$ 8,628
BMS			\$ 77	\$ 1,323	\$ 2,013	\$ 4,157	\$ 7,570
BOILER		\$ 7	\$ 382		\$ 358	\$ 1,210	\$ 1,957
CHILLER			\$ 280	\$ 160			\$ 441
ELECT-DIST-SECONDARY		\$ 1,681		\$ 484	\$ 2,081	\$ 6,186	\$ 10,433
ELECT-PRIMARY SERVICE					\$ 263	\$ 2,942	\$ 3,205
ELEVATOR	\$ 1,059	\$ 1,059			\$ 2,455	\$ 2,882	\$ 7,454
EMERG-BATT-LIGHT			\$ 16	\$ 54	\$ 63	\$ 79	\$ 212
EMERGENCY GENERATOR			\$ 98	\$ 717	\$ 197		\$ 1,012
EXTR-DOOR			\$ 111	\$ 864	\$ 862	\$ 171	\$ 2,008
EXTR-WALL						\$ 39,747	\$ 39,747
EXTR-WINDOW		\$ 28	\$ 531	\$ 673	\$ 488	\$ 1,574	\$ 3,293
FIRE DETECTION-ALARM				\$ 262	\$ 375	\$ 2,814	\$ 3,451
FIRE SPRINKLER			\$ 1,304	\$ -	\$ 1,685	\$ 2,516	\$ 5,504
HVAC-DISTRIBUTION			\$ 6,294	\$ 4,471	\$ 7,959	\$ 20,335	\$ 39,059
INTERIOR FINISHES			\$ 22,563	\$ 14,979	\$ 10,561	\$ 11,043	\$ 59,147
LIGHTING				\$ 3,055	\$ 3,739	\$ 5,343	\$ 12,136
MINOR STRUCTURE						\$ 1,338	\$ 1,338
PLUMB-DISTRIBUTION		\$ 1,847		\$ 634	\$ 2,208	\$ 6,771	\$ 11,459
PLUMB-FIXTURES		\$ 531	\$ 1,050	\$ 279	\$ 665	\$ 58	\$ 2,583
ROOF	\$ 268	\$ 129	\$ 956	\$ 1,337	\$ 2,389	\$ 322	\$ 5,400
SECURITY	\$ 26	\$ 405	\$ 60	\$ 98			\$ 589
STRUCTURE						\$ 5,154	\$ 5,154
TELCOM-DATA		\$ 784	\$ 1,742	\$ 682	\$ 1,415		\$ 4,624
Grand Total	\$ 1,353	\$ 6,470	\$ 35,465	\$ 30,681	\$ 44,258	\$ 118,179	\$ 236,406



Fill Regulations Changes - Barbara Boyle

When the Department of Environmental Conservation revamped their Part 360 regulations, they decided to write into the regulations requirements for the reuse of certain fill materials. The new rules can be found in 6 NYCRR *Part 360.13 Special Requirements for Pre-determined Beneficial Use of Fill Material*.

Previously, many reuse proposals had to be approved by the DEC; the new regulations permit a self-implementing approach. The regs are somewhat confusing and the DEC is doing outreach and will publish some clarifying revisions. *(This article is an overview only. Please refer directly to the regulations before making any determinations!)*

Fill materials used as backfill for the excavation from which the material was taken, or as fill in areas of similar physical characteristics on the project property, are exempt from the regulations. However, if the fill materials exhibit historic or visual evidence of contamination or odors, and will be

used in an area with public access, the relocated fill materials must be covered with a minimum of 12 inches of soil or fill material that meets certain standards.

If the fill materials originated *outside* of New York City, and there is evidence or indicators of chemical or physical contamination, or if it originated inform a site with industrial land use (see Part 375), the fill will need to be sampled and analyzed. The sampling program must be designed and implemented by or under the direction of a Qualified Environmental Professional (see definition in Part 360.2) and comply with the requirements of Table 1 *Minimum Analysis Frequency for Fill Material*. Sampling will generally include Volatile Organic Compounds (VOCs) metals, PCBs, pesticides, semi-volatile organics, and asbestos. Fill originating in NYC has different rules.

Depending on the lab results and contaminants, there are restrictions on reuse that are found in Table 2 *Fill Materials Beneficial Use. General fill*

contains only soil, sand, gravel or rock (no non-soil constituents), and, provided the analytical results are below thresholds, can be used almost everywhere except undeveloped land and agricultural crop land. *Restricted-use fill* can have up to 40% by volume inert, non-putrescible non-soil constituents, and *limited-use fill* can have more. Based on the analytical results, their use may be restricted.

For restricted-use and limited-use fill, the DEC requires [notification](#) five days before the delivery of more than 10 cubic yards of fill. The generators, processor, and receiver of fill materials subject to the sampling requirements must retain records of fill material quantities with analytical data, for a minimum of three years after the fill has been removed or received. Transportation of the fill must be made in accordance with Part 364 of the regulations, including use of the [Part 360 Waste Tracking document](#).

Keep your eyes open for additional guidance from the DEC on this topic.

Niagara Mohawk d/b/a National Grid Rate Case Summary - Daniel Russ (continued on page 7)

The Public Service Commission recently adopted a new rate case for National Grid. Multiple Interveners (MI) was one of the 17 interested parties representing customer, municipal, labor and environmental interests in the negotiation of the joint proposal. The negotiated rate increase includes a significant reduction from the initial proposal by National Grid. The rate plan began April 1, 2018 and may end March 31, 2021, depending on National Grid's desire to extend the approved rates beyond that date.

The initial rate filing requested a \$1.13 billion increase for electric rates, and a \$267 million increase in natural gas

rates. The adopted joint proposal establishes a three-year electric and gas rate plan that limits the overall revenue increases to \$307 million for electric customers, and \$103 million for natural gas customers.

One of the more significant changes proposed by the Public Service Commission (PSC) was to shift a small portion of the System Benefit Charge (SBC) for Energy Efficiency (EE) programs into the basic monthly customer charge. The PSC believes utility administered EE programs should be treated as an operating expense. The EE program's costs will be allocated based upon an 80% energy basis

(Kwh – the amount of energy used during that period) and 20% demand basis (kW – the highest rate of electricity usage at one time during that period), as opposed to National Grid's original proposal of allocating on a 100% energy basis.

In addition, National Grid initially proposed the elimination of the natural gas SC8 D-1 Standby services classification, which establishes a customer's maximum standby gas contract amount. Multiple Interveners vigorously opposed this initiative and the SC8 D-1 Standby services classification remains. The Joint Proposal also included resolutions to address



Niagara Mohawk d/b/a National Grid Rate Case Summary - Daniel Russ (continued from page 6)

a gas constraint for customers serviced between Syracuse and Albany, and delayed the implementation of the very expensive Advance Metering Infrastructure (AMI).

Niagara Mohawk d/b/a National Grid Rate Case Summary

Electric					
<i>Service Classification 3-Primary</i>	Previous	Proposed	Approved		
Line Item	Rate	Rate	Year 1	Year 2	Year 3
Customer Charge (per Month)*	\$436.70	\$436.70	\$436.70	\$436.70	\$436.70
Demand Charge over 40 kW (per KW)	\$8.15	\$10.35	\$8.61	\$9.21	\$9.79
SBC (per kWh)	\$0.007511		\$0.006358	\$0.006358	\$0.006358
<i>Service Classification 3-Secondary</i>	Previous	Proposed	Approved		
Line Item	Rate	Rate	Year 1	Year 2	Year 3
Customer Charge (per Month)*	\$260.15	\$260.15	\$325.00	\$390.00	\$455.00
Demand Charge (per KW)	\$10.03	\$12.70	\$10.21	\$10.62	\$11.09
SBC (per kWh)	\$0.007511		\$0.006358	\$0.006358	\$0.006358
<i>Service Classification 3A Transmission</i>	Previous	Proposed	Approved		
Line Item	Rate	Rate	Year 1	Year 2	Year 3
Customer Charge (per Month)*	\$1,400.00	\$3,700.00	\$1,744.00	\$2,088.00	\$2,432.00
Demand Charge (per KW)	\$3.56	\$3.19	\$3.45	\$3.52	\$3.66
SBC (per kWh)	\$0.007511		\$0.006358	\$0.006358	\$0.006358
* Includes shift of part of SBC charge to basic monthly customer charge					

Natural Gas					
<i>Service Classification 5</i>	Previous	Proposed	Approved		
Line Item	Rate	Rate	Year 1	Year 2	Year 3
First 100 Therms or Less (per Month)	\$522.38	\$522.38	\$554.83	\$587.29	\$619.74
Over 100 Therms (per Month)	\$0.064500	\$0.085500	\$0.072110	\$0.075820	\$0.079450
SBC (per Therm)*	\$0.012189		\$0.003910	\$0.003910	\$0.003910

<i>Service Classification 8</i>	Previous	Proposed	Approved		
Line Item	Rate	Rate	Year 1	Year 2	Year 3
First 100 Therms or Less (per Month)	\$924.04	\$924.04	\$1,039.54	\$587.29	\$619.74
Next 99,900 Therms (per Therm)	\$0.065690	\$0.086720	\$0.072850	\$0.076890	\$0.081180
Next 400,000 Therms (per Therm)	\$0.061820	\$0.081620	\$0.068560	\$0.072390	\$0.076390
Over 500,000 Therms (per Therm)	\$0.053330	\$0.070410	\$0.059150	\$0.062470	\$0.065930
SBC (per Therm)*	\$0.012189		\$0.003910	\$0.003910	\$0.003910