



The State University
of New York

Office for Capital Facilities Newsletter

Editors: Jessica R. Miller & Ashley Brainard

Issue 32 – June 2022



TOOLS
TRAINING
COMMUNICATION

Upcoming Events

CCBOA Conference
June 6-9, 2022 in Saratoga
Springs, NY

SUNY Board of Trustees
June 7-8

ERAPPA
September 19-22



Note from the Associate Vice Chancellor - Karren Bee-Donohoe

Clean Energy Master Plans: Work on clean energy master plans is underway across SUNY. While these plans will identify energy efficiency measures (EEMs), they also have a more expansive scope, looking at how to transform campuses to a clean energy environment, eliminating the use of fossil fuels. This challenge is greatest on campuses with central heating plants. The plans will set forth proposed actions and schedules along with estimated costs. This information will be valuable in continued advocacy for capital funding from the NYS budget.

Facility Condition Index Audits: The Construction Fund is working on updates to the building and site components for tracking Facility Condition Index. Eight campuses have been completed, four are in process and others will soon follow. These updates provide critical information for the annual request for capital funding. Campuses are asked to provide full cooperation in this effort.

OCF Staff Changes: Change can be difficult but it can also be beneficial and exciting. Three OCF staff have taken on new roles. As announced in February, Patrick Deloughery accepted a position at the Construction Fund as the Asset Manager. Ashley Brainard, who has served over 7 years as OCF Administrative Assistant was selected to fill Patrick's former role. Finally, Alex Lykins has also taken a promotion, at NYPA as a Key Account Manager where he will continue to work closely with SUNY campuses. Additional searches are expected to be announced soon.

Coming Up: The Annual Review of Emergency Response Plans - Allen Styno

ATTENTION: For those responsible for maintaining Campus Emergency Response Plans (ERP), SUNY Admin will be requesting this year's annual update submission by Friday, July 29, 2022.

As a reminder, this is a requirement for compliance with SUNY Policy 5606: *Emergency Response Plan Requirements*. A more formal request will be submitted in May, via the Campus Emergency Managers List Serve, with comprehensive instructions.

In addition to submission of the ERP, expect to discuss:

- Your campus(es) ERP training plan
- Performance of After-Action Reviews
- The date of your last Hazard Vulnerability Risk Assessment review.

For questions, please reach out to Al Styno at allen.styno@suny.edu.

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NYSERDA's Virtual REV Campus Challenge Annual Workshop (FREE) – Rebecca Goldstein

June 15, 2022 11:00 a.m. - 1:00 p.m. ET

New York State Energy Research and Development Authority (NYSERDA) will be hosting the 6th annual REV Campus Challenge workshop. The workshop is a **free** event for New York's higher education institutions and stakeholders and is focused on energy efficiency, clean energy, and sustainability. At the workshop you'll learn about:

- New York State and NYSERDA priorities
- Funding opportunities, financial support, and resources for energy projects
- Energy projects completed by New York colleges

- Best practices and strategies for decarbonizing and electrifying your campus

Register for the event [HERE](#). Contact REVCampusChallenge@nyserda.ny.gov with questions.



Campus Let Contracts Updates – Jessica Miller

Wicks Law - Separate Specs & Contracts

NYS Finance Law (§135) requires public owners to bid separate contracts for general construction, plumbing, mechanical and electrical work on public projects costing more than \$3 million in Bronx, Kings, New York, Queens and Richmond counties; \$1.5 million in Nassau, Suffolk and Westchester counties, and \$500,000 in all other counties.

Campus Let Projects: Campus Let Projects are campus managed construction projects **funded by capital appropriations through the State University Construction Fund (Fund)**. [Campus Administered Procedures](#) apply.

Campus Let Projects may submit a [Wicks Law Waiver Request](#) to the Fund at design initiation, provided the project is funded by capital appropriations granted to the Fund.

Campus Funded Projects: Campus Funded Projects are campus managed construction projects funded outside of the Fund. Campus Funded projects may be **funded through SUNY appropriations or other funds, including those from the campus Foundation, Research Foundation, Auxiliary Service Corporation, Alumni Association, Income Fund Reimbursable (IFR) accounts or Grants**.

Campus Funded Projects are generally NOT eligible for a Wicks Waiver, but may use the following option to qualify for a Wicks waiver.

Wicks Qualifying Option: State-operated campuses using funds from grants, donations, other campus-

generated revenue and funding sources may qualify for a Wicks waiver through use of the State University Capital Projects Fund (State Financial System: 325 / Central Accounting System: 384, or 325/384 Fund). For more information about accessing the Capital Projects Fund, please see the [Capital Project Funds Guidelines available online](#).

Residence Hall Projects: [Wicks waivers for residence halls](#) are also available for hard dollar 074 funds or projects using DASNY Bonds.

Rebid or Delayed Award

On occasion, campuses need to rebid a project. If a campus rebids a project within 45 days of the original bid opening, a second advertisement in the New York State Contract Reporter (NYSCR) is not required. This exemption is set forth in Economic Development Law §144, which indicates that "procurement contracts being re-bid or re-solicited for substantially the same goods or services, within forty-five business days after the date bids or proposals were originally due"

For example if there was an ambiguity in the scope of work or IFB that needed to be corrected, the campus could notify bidders that an award in response to that solicitation is not being made, and that the project is being rebid. The updated IFB would be sent to the bidders list for the original solicitation, including all bidders, and all firms who requested plans and specifications.

Injury and Illness Statistics to Watch - Lauren Lieberman

Are you planning any Spring projects or maintenance activities that include roof work, using chemicals, or introducing new equipment to your campus? How about maintenance in mechanical spaces or to the exterior of campus buildings?

If so, the recently published OSHA “Top Ten” list of cited workplace safety standards for fiscal year 2021 can be a useful hazard mitigation tool as we wait for labor statistics specific to NYS. The OSHA list shows the data for the first full year of occupational safety and health violation reporting since the COVID-19 pandemic began. Here is the breakdown:

1. Fall Protection
**11th year in a row at the top*
2. Respiratory Protection
**Has increased from pre-pandemic levels*
3. Ladders
4. Hazard Communication
5. Scaffolding
6. Fall Protection *Training*
7. Control of Hazardous Energy (Lock Out Tag Out or LO/TO)
8. Eye and Face Protection (Personal Protective Equipment or PPE)
9. Powered Industrial Trucks
10. Machinery and Machine Guarding



Ref: <https://www.osha.gov/top10citedstandards> (OSHA Data & Statistics)

Some Key Points:

Let's start with **Hazard Communication**, as it informs the rest of the areas described below. Hazard communication has been one of the most cited violations for many years and is commonly referred to as the “Right to Know Law.” PESH has fully adopted and references the OSHA Hazard Communication Standard, which requires employers and particularly supervisory staff to understand and ensure proper communication of and training on hazards for affected individuals. Performing hazard analyses and communicating on any new processes, equipment, or chemicals coming to your campus is key to ensuring successful injury and illness prevention. The added benefit of bolstering compliance with all other applicable safety standards through a strong hazard communication program also cannot be ignored!

Fall Protection is still far and away the most cited standard violation, with more than twice the number of violations than any other Standard for the 11th year in a row. These violations are most often issued for work during construction activities, particularly: roofing, framing, masonry, and painting. Fall protection is required for work above four feet in general industry and six feet for construction. Campuses may be cited for many different violations associated with failing to provide appropriate fall protection systems to their employees, allowing contractors onto unprotected spaces without proper planning, and the absence of proper training.

Respiratory protection citations rose up the list to #2 in 2021, with the most common citations being issued for inadequate written programs, lack of medical surveillance, and failure to perform and document fit tests appropriate to each type of respirator. The emergency use of facemasks including cloth face coverings for source control in accordance with CDC recommendations during the COVID-19 public health emergency, may muddy the waters on what is understood to be respiratory protection and when programs shall be in place.

Remember, in addition to written programs and training, the requirement for medical surveillance begins at assignment of powered air purifying respirators (PAPRS), and medical surveillance plus fit-testing applies when assigning respiratory protection in the form of N95's – “and up” in terms of level of protection. Exclusive use of face masks meant for source control, does not trigger the requirements for a respiratory protection program.

Ladders. The most common violations were issued for basic ladder safety practices, such as using a ladder for a purpose inconsistent with the design, standing on the top rung, and failing to extend the ladder appropriately above the landing surface. (continued on Page 4)



Injury and Illness Data Statistics to Watch - Lauren Lieberman (continued from page 3)

Scaffolding use requires a properly trained and experienced “competent person” for erecting, moving, and dismantling the equipment. Common reasons for citations include lack of guardrails above ten feet, missing planks, dangerous access points, lack of fall-arrest systems when required, missing tie-off points, and failure to perform inspections before the work shift.

Control of Hazardous Energy - Lockout/Tagout. The LO/TO Standard involves the program, procedures, and practices for the control of all types of energy (mechanical, electrical, chemical, thermal, etc.). Most violations are the result of the absence of a written program, inadequate procedures, insufficient training, or failing to perform proper inspections - which could put workers at risk for injury during use or maintenance of the equipment.

Eye and Face Protection are very easy to spot (or find missing) during an inspection, making this kind of personal protective equipment citation very common especially as we have moved through COVID-19 workplace safety measures over the past year. Citations for eye and face protection stem from lack of PPE storage in local work areas, lack of use during short duration tasks, and lack of physical comfort associated with PPE materials. Do your best to make the required PPE as easy as possible to access as well as well-fitting, in conjunction with proper task evaluation and education.

Powered Industrial Trucks (PITs). The most common violations issued for PITs included: failing to provide appropriate training; not conducting inspections prior to service; operating defective equipment that should have been taken out of service; improper use or absence of safety belts; and elevating workers in an unsafe manner. A formal training program should be provided which includes topics on the operation of the types of PITs in the workplace, and on any specific hazards or conditions that will be associated with their use.

Machine Guarding. The source of most machine guarding violations stem from bodily protection not being provided at the point of operation; fixed machine guards causing further/other hazards; not using enclosures to guard rotation hazards, improper guarding of fan blades, and improper anchoring of equipment.

For more in-depth information specific to NYS facilities, keep your eyes peeled for the Survey of Occupational Injuries and Illnesses (SOII) from The New York State Department of Labor in cooperation with the U.S. Department of Labor Bureau of Labor Statistics. Statistics for 2021 are not yet published, however they will eventually be listed on the DOL statistics page at: <https://statistics.labor.ny.gov/osh/2020/>.

Contact Lauren.Lieberman@suny.edu for assistance with compliance with the “top ten” list, any PESH compliance topic, or for additional resources.



Use of
scaffolding for
facility
maintenance



Niagara Mohawk d/b/a National Grid Rate Case Summary - Melinda Race



On January 20, 2022, the Public Service Commission (PSC) adopted a new rate case for National Grid. Multiple Intervenors (MI) was one of the 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 July 1, 2021 and may end June 30, 2024, depending on National Grid's desire to extend the approved rates through March 31, 2025. The new delivery rates became effective on February 1, 2022.

The initial rate filing requested a \$679.6 million increase in electric rates, and a \$265.6 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 \$255.4 million for electric customers, and \$74.7 million for natural gas customers. Major drivers of the proposed rate increases include increased operational expenses, as well as the increased energy efficiency program expense and new electric heat pump program expense, both of which are mandated by the PSC.

In addition, National Grid has eliminated the SC3 natural gas service classification (SC) and migrated customers to service classification of SC5, SC7, or SC8. National

Grid also undertook a review of customers' existing rate classes to see if customers are assigned to the correct one. National Grid's existing eligibility criteria are:

- SC5 (Firm Gas Transportation Service): Existing or new firm transportation customers capable of transporting and consuming at least 250,000 therms but not greater than 1,000,000 therms.
- SC7 (Small Volume Firm Gas Transportation Service): Firm transportation of customer-owned gas, in minimum annual quantities of not less than 50,000 therms but not greater than 250,000 therms.
- SC8 (Gas Transportation Service with Standby Sales Service): Firm transportation of customer-owned gas for customers that are capable of consuming at least 1,000,000 therms annually.

National Grid has already performed their review of usage to ensure customers are on the appropriate service classification and affected customers have been notified. For SUNY, this review impacted two accounts, in which the campuses have been notified of the service classification change.

nationalgrid

Community College Capital Updates - Rebecca

22/23 NYS Budget Capital Request Approved

On April 21, 2022, the Governor signed into law the Capital Projects Bill, which includes \$56.9M in new appropriation for 69 projects at 23 colleges. This is a positive rebound from last year, when COVID-19 caused delays and suspended planning. While the majority of this appropriation is restricted to critical maintenance repairs and life safety projects, a few projects are included to meet the needs of new and changing programs at the colleges, because they are considered critical to the State's recovery by continuing to maintain accreditation and retain enrollment.

Colleges ready for projects to begin may contact Rebecca Goldstein to initiate the SUNY Project Approval process.

Capital Reports

Colleges received capital reports in the first week of April. These reports outline historic and current projects, along with any unused/future appropriation allocated to the college. Although colleges should alert OCF immediately of any project changes, OCF will ask the colleges to do the

following on a quarterly basis:

- Initiate new projects - future appropriation can be used if local funding documentation is available.
- Review old projects and close if possible or provide details on outstanding work and project dates.
- Provide cash flow projections for each active and future project where schedules are available.
- If a facility's use changes (function, going on line, disposal, etc.), please email AIM-Help@suny.edu for assistance in updating your college's AiM Property and Space data.

HEERF Stimulus Funding Use as Capital Match:

SUNY has received approval from the NYS Division of Budget to use Higher Education Emergency Relief Fund (HEERF) as the sponsor match for capital activities related to COVID, as per the HEERF guidance documents. Specifically, projects must address COVID related capital needs to ensure college operations continue safely and effectively, and may include projects being accelerated because of newly identified safety needs. (continued on page 7)



Window Safety - Lauren Lieberman

As the Spring weather is upon us, it can be ever enticing to swing open windows and enjoy the fresh air! However, let's make sure we do it safely as we prepare to enjoy Spring and Summer in SUNY classrooms, dorms, and childcare centers.

Falls from a window can result in serious injury or death and pose an especially dangerous threat for children. Every year, about eight children under age five die from falling out a window, and more than 3,300 are injured seriously enough to go to the hospital. Within that category, many are college students who have been under the influence or are otherwise impaired and disoriented.

Many buildings have window screens installed over windows to keep out unwanted insects and allow for ventilation, however, these screens are not designed to hold the weight of a person or prevent a fall from a window. Window screens can in fact present a false appearance of having a guard in place over a window to prevent a fall and leaning could be perceived as 'safe'.



Having window restrictors installed on windows will allow students to open their window a maximum of 10-15cm to still allow for ventilation whilst also preventing the window from being opened fully, potentially allowing burglars to gain access to a room.

Be mindful of code requirements when it comes to dorms. The 2020 NYS Property Maintenance Code [304.14] stipulates: "During the period from May 15 to September 15, every door, window and other outside

opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas **where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored** shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed."

The following tips are endorsed by The Window Safety Task Force and the National Safety Council, and are essential for ensuring window safety year-round:

- Set and enforce rules about keeping children's play away from windows or patio doors. Falling through an insect screen, open window or glass can be fatal or cause serious injury.
 - Keep furniture - or anything children can climb - away from windows. Children may use such objects as an aid to climb to an open window and potentially fall. Adults with heavy sleep movement may have the potential to fall out of a window if a bunk bed is placed up against it.
 - Keep your windows closed and locked when young children are present. When opening windows for ventilation, try to open windows that a child cannot reach first.
 - The degree of injury sustained from a window fall can be affected by the surface on which the victim falls. Plant shrubs and soft edging like grass (or place wood chips) beneath windows to potentially lessen the impact if a fall does occur.
 - When performing spring repairs or maintenance, make sure windows are not painted or nailed shut. Windows must be able to open in case of fire or another emergency.
- (continued on page 7)





Community College Capital Updates - Rebecca Goldstein (continued from page 5)

Upcoming CCBOA Conference

The NYS Community College Business Officers Association will have their spring conference **June 6-9, 2022 in Saratoga Springs, NY**. Information was communicated via the CCBOA listserv and can be found by visiting the CCBOA website. Business officers are strongly encouraged to attend as the sessions and networking with colleagues is invaluable.

Contact Program Manager Rebecca Goldstein
(Rebecca.goldstein@suny.edu) at any time with community college capital items.



Window Safety - Lauren Lieberman (continued from page 6)

- Do not install window air conditioners in windows that may be needed for escape or rescue in an emergency. The air conditioning unit could block or impede escape through the window. Always be sure at least one window in each sleeping and living area meets local code requirements for escape and rescue.
 - Consider installing window fall prevention devices such as window opening control devices (WOCDs) or window guards as a fall prevention measure. Check the manufacturer's product information to make sure such devices or guards comply with ASTM F2090. ASTM F2090. Compliant window opening control devices (WOCDs) and guards can help prevent a fall by limiting how far the window can open, but are also equipped with release devices to allow for escape in case of a fire or other emergency.
- Note:** Do ensure that window screens are being used to prevent ingress of wildlife and insects that may carry disease into habitable spaces. Use of window opening control devices may or may not allow for use of a screen, so being mindful of time of day and supervision will help avoid unwanted run-ins with bats, squirrels, raccoons, birds, bees, mosquitos, and/or burglars.
- Some homes may have window guards, security bars, grilles or grates already covering their windows. Those windows are useless for emergency escape and rescue if the devices on them do not have a functioning release mechanism that complies with ASTM F2090. Time is critical when escaping a fire or other emergency. Take time to update these devices to make sure they comply with industry standards and have appropriate release mechanisms.
 - Entry doors serve as the primary exits from a home. Windows provide a secondary (alternate) means of escape from a burning home or for other emergencies. Determine the appropriate escape plan and practice it.
 - Don't rely on insect screens to prevent a fall; they are not designed to withstand the weight of a person.

So, think about your habitable spaces and understand what methods your campus is employing to avoid window fall hazards, fire hazards, struck-by hazards from falling objects, and even communicable disease and security hazards.