COLORADO
Governor Jared Polis

D 2019 016

EXECUTIVE ORDER

Amending and Replacing Executive Order D 2018 026 Concerning the Greening of State Government

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and replacing Executive Orders D 2015 013 and D 2018 026 to reflect the State's new goals and directives to reflect the State's commitment to efficient and sustainable government operations.

I. Background and Purpose

The State of Colorado (State) is committed to providing Coloradans with exemplary State services. Those government operations need not come at the cost of our environment. Through a series of executive orders starting in 2003, Colorado has shown its commitment to making government operations more energy efficient and sustainable. This Executive Order builds on the State's prior greening government efforts, and establishes new goals and directives that will save taxpayer money and reduce the impact of State operations on our environment and public health.

Since 2005, the Colorado Greening Government Coordinating Council (Council) has been at the forefront of these efforts. The Council has served as a resource to help agencies and departments managed by governor-appointed executives (referred to herein as Agencies and/or Departments or Agency and/or Department) reach sustainability goals. Executive Order D 2015 013 renamed the Council to the Greening Government Leadership Council (GGLC), and required executive directors of Agencies and Departments to designate one representative to participate on the GGLC.

The State's greening government efforts are off to a strong start. The 2018 Colorado GGLC Report Card found that the State achieved a: (1) 5% reduction in greenhouse gas emissions; (2) 2% reduction in energy use per square foot; and (3) 4.5% reduction in petroleum use per vehicle, over a fiscal year (FY) 2015 baseline. These results built on achievements outlined in the 2012 GGLC Report Card, in which the GGLC found that the State achieved a 21% reduction in energy use per square foot in State facilities and a 5.3% reduction in petroleum use over a FY 2006-2007 baseline. But we need to do more to advance outstanding State government business practices that promote a healthy environment and foster economic and social vitality.

This Executive Order restates and amends, where applicable, Executive Order D 2018 026 to continue and improve upon the critical work conducted under prior greening government orders. This Executive Order establishes new goals because the goals stated in D 2018 026 lapse in FY 2019-2020. In addition, this Executive Order restates and refines the greening government directives to ensure the State successfully meets the important goals in this Order. The goals and directives in this Executive Order supersede previous Greening Government Executive Order D 2018 026.

To accomplish these new goals and directives, the executive director of each Agency and Department shall support the development and implementation of plans, programs, and policies that incorporate sustainability practices into daily Agency and Department decision-making processes and long-term planning across all Agency and Department activities and functions.

II. <u>Greening Government Goals</u>

I hereby direct the GGLC to work with all Agencies and Departments to achieve the goals listed below. All Agencies and Departments shall:

1. Greenhouse Gas Emissions

    a. Reduce greenhouse gas emissions by at least 10% below FY 2014-2015 levels by the end of FY 2022-2023. Agencies and Departments shall meet this greenhouse gas reduction goal through improvements outlined in goals 2-4, below.

2. Energy Management

    a. Reduce energy consumption per square foot by at least 15% by the end of FY 2022-2023 (normalized for weather), using FY 2014-2015 as a baseline.

3. Renewable Energy

    a. Agencies and Departments will increase the percentage of renewable electricity consumed or purchased by State facilities to 5% by the end of FY 2022-2023. Such increase shall be in addition to the renewable energy provided by the utility as part of the overall power mix.

    b. Acceptable sources of renewable energy to be consumed or purchased to meet the renewable energy goals include:

        i. State-owned renewable energy systems;

ii. Renewable energy purchased through a power purchase agreement;

iii. Renewable energy procured through a solar garden subscription;

iv. Utility renewable energy purchase programs;

v. Other renewable energy installations developed in cooperation with a utility for which there is an agreement in place; and

vi. Leased rooftop solar.

4. Fleet Management

a. Agencies and Departments will reduce greenhouse gas emissions from State fleet vehicles by at least 15% by the end of FY 2022-2023, from a FY 2014-2015 baseline.

b. Agencies and Departments will reduce greenhouse gas emissions by at least 7.5% by the end of FY 2022-2023 for vehicles categorized as special use.

III. Directives

I hereby direct Agencies and Departments to undertake the following directives:

1. Utility and Fleet Fuels Management.

a. Agencies and Departments will track all utilities consumed in State facilities through a database determined and supported by the Colorado Energy Office (CEO). This database will document accurate utility use and cost information. CEO will administer the database and shall fund the development and maintenance of the database. CEO will help coordinate and identify support services to enable Agency and Department use of the database.

b. Agencies and Departments will ensure accurate tracking and reporting of fleet fuel use on the Colorado Automotive Reporting System (CARS) as administered by State Fleet Management (SFM). The Colorado Department of Transportation (CDOT) shall use approved reporting infrastructure for all vehicles that are not reported in CARS.

2. Energy Efficiency and Renewable Energy.

    a. Agencies and Departments shall include the following in their capital construction or capital renewal requests for new construction and substantial renovations:

        i. Analysis of how requested projects conform with the State's High Performance Certification Program;

        ii. Analysis of on-site renewable energy generation or renewable clean energy purchases;

        iii. Documentation of Agency and Department plans to meet requirements under C.R.S. § 24-30-1305.5 for reporting building utility performance data to the Office of the State Architect (OSA) through either a nationally recognized building certification program, a CEO approved utility tracking database, or another OSA accepted procedure;

        iv. Provide documentation or plans showing that at least 20% of parking spaces will be pre-wired for charging, and that at least 5% will have EV chargers installed; and

        v. Provide documentation that the Agency or Department explored options for the electrification of building systems, and such review shall include a full life cycle cost analysis of the impact of electrification.

    b. CEO and the Department of Personnel & Administration (DPA) shall consult with the Governor's Office of State Planning and Budgeting (OSPB) to develop model contracts and expedite procurement of renewable energy through:

        i. Agency and Department-owned renewable energy installations;

        ii. Power purchase agreements; and

        iii. Utility solar gardens.

    c. As part of any renewable energy procurement, Agencies and Departments will explore whether the installation of energy storage systems is feasible, and if cost effective, any renewable energy installation shall include energy storage.

d. Agencies and Departments will explore the possibility of utilizing unused budget authority in utility line items to complete energy efficiency and renewable energy projects in subsequent years.

e. Agencies and Departments identified as good candidates for comprehensive Energy Performance Contracting (EPC) through EPC feasibility studies shall work with CEO and OSA to implement energy efficiency measures through EPC, including LED lighting retrofit projects.

f. Agencies and Departments that are not good candidates for a comprehensive EPC through EPC feasibility studies shall pursue comprehensive LED lighting retrofit projects for State facilities using either EPC or other funding, to be completed by June 30, 2022 unless the use case indicates that LEDs are not practicable and a waiver is granted by the Agency or Department's executive director and approved by the executive directors of CEO and DPA.

g. For controlled maintenance and capital renewal budget requests, Agencies and Departments shall make best efforts to include EPC wherever possible. Where it is not possible, Agencies and Departments shall explain why including EPC is not suitable and why additional funding cannot be secured to support the project. Institutes of Higher Education are encouraged to comply with this directive. OSPB will take this information into consideration while developing the Governor's budget.

3. State Fleet Vehicle Fuel Efficiency and Zero Emission Fleet Vehicles.

   a. This Executive Order covers all Agency and Department State fleet vehicles, including those managed by DPA and CDOT. Institutions of Higher Education are encouraged to comply with this Executive Order's directives for emissions reduction.

   b. Members of the CEO, CDOT, Colorado Department of Public Health and Environment (CDPHE) and DPA shall establish a State Fleet Sub-Council to help develop, implement, and improve programs, plans, and policies that save money, reduce emissions, promote domestic fuel use, and conserve natural resources. The Sub-Council, led by DPA, shall include fleet coordinators or other agency representatives and members from institutions of higher education as appropriate. Sub-Council members shall be appointed by agency and department Executive Directors. The Sub-Council shall:

i. Develop standard procedures and formulas for modeling and monitoring potential alternative fuel vehicles (AFVs) and fuel reduction efforts that link acquisition and operations budgets;

ii. Identify and evaluate other fuel-saving practices; and

iii. Evaluate alternative financing options for State fleet vehicles including leasing, energy performance contracting, and other options that may reduce costs for the State vehicles.

c. Agencies and Departments shall create a vehicle management team (VMT) that includes, at a minimum, the: (1) fleet coordinator or manager; (2) budget director; and (3) greening government representative. VMTs shall pursue implementation of a telematics system for use on all State fleet vehicles. Agencies and Departments shall support the installation of telematics on all Agency and Department vehicles and utilize the telematics systems with VMTs for the deployment of future alternative fuel vehicle technologies.

d. CEO and DPA, with the participation and support of all Agencies and Departments, shall undertake a facility assessment for EV charging infrastructure at State-owned facilities. Using this information, funding requests shall be submitted to OSPB for consideration for the FY 2021-2022 budget in order to install equipment.

e. Agencies and Departments will prioritize purchase of EVs for light-duty applications. In cases where a plug-in hybrid electric vehicle (PHEV) or a battery electric vehicle (BEV) is determined to be a suitable replacement, Agencies and Departments will work with SFM to procure such vehicles. Agencies must provide written justification for any light duty vehicle purchases that are nor BEV or PHEV. Such justification shall be reviewed by the Agency or Department's executive director, SFM, and CEO before the vehicle may be purchased. SFM will make the final approval in collaboration with the Governor's Office.

f. Prioritizing the purchase of EVs will increase the need for charging infrastructure prior to the implementation of an enterprise solution. Until such time that an enterprise solution is fully analyzed and associated funding requests are considered, Agencies and Departments will continue to install EV charging infrastructure to support EVs added to the Agency or Department's fleet. All new EV charging infrastructure will be reported to the CEO to be included in the final analysis for an enterprise solution.

g. CEO and DPA shall work with OSPB and the State controller to develop a policy for take-home EVs that allows for the reimbursement of home charging costs for State employees when operational use requires it.

h. DPA shall work with Agencies and Departments to place electric or other zero emission mid and heavy-duty vehicles in those cases where this type of vehicle meets an Agency or Department's programmatic needs.

i. Each EV that is added to the fleet shall be used as an opportunity to provide education and outreach to the public and State employees. This shall include vehicle wraps, brochures, and other information within the vehicle, as well as training for vehicle users.

j. All Agencies and Departments shall evaluate opportunities to improve commuting options for employees to reduce their carbon footprint, including workplace charging for electric vehicles and telecommuting.

k. DPA and CDOT shall establish policies and procedures to promote the cost-effective use of non-petroleum fuel vehicles and other fleet efficiency improvements wherever feasible.

4. Agency and Department Staffing and Training Directives.

a. Agencies and Departments shall work with OSPB and DPA to identify resources and staffing necessary to focus on energy efficiency, energy conservation, and renewable energy effort goals. DPA will work with Agencies and Departments to determine an appropriate title and position description for any staff.

b. All Agencies and Departments with fleet vehicles shall work with DPA and OSPB to identify resources and staffing necessary for the management of an Agency or Department's fleet, including executing on EV opportunities.

5. Leased Facilities.

a. If an Agency or Department leases space that is not owned by the State, the leased space is exempt from this Executive Order's goals unless the lease meets all of the following criteria:

i. The lease is for 75% or more of the building's rentable square feet;

ii. The leased space's utilities are submetered; and

iii. The rentable square feet of the leased area is 10,000 square feet or more.

b. Leased space must convert to LED lighting by June 30, 2022 unless a waiver is granted by the director of DPA.

c. OSA's Real Estate Program shall update the Green Lease Policy and Green Lease Scoring Matrix to reflect the directives of this Executive Order.

d. OSA's Real Estate and Energy Management Programs shall review and revise the Green Lease Policy and Green Lease Scoring Matrix in accordance with this Executive Order and shall ensure that EV charging infrastructure is included as a scoring criteria for all leased space when applicable.

e. In accordance with this Executive Order and the revised Green Lease Policy and Green Lease Scoring Matrix, OSA's Real Estate Program shall review all existing lease agreements to determine whether the leased space is exempt from this Executive Order's goals and directives.

f. Agencies and Departments need not terminate noncompliant leases but shall make a good faith effort to bring any noncompliant leases into compliance with this Executive Order.

6. Agencies and Departments shall implement these directives within existing budgets and authorities. If necessary, Agencies and Departments shall engage with OSPB to identify resource requirements and incorporate those requirements into the annual budget development process for any actions to be implemented in future fiscal years.

7. Agencies and Departments, with the support of CEO, shall participate in local benchmarking and transparency ordinances by making utility data and other required information available for State-owned buildings located in those jurisdictions within existing resources.

8. By December 15 of each year, the GGLC shall prepare a report card for the administration that highlights progress toward goals and Agency and Department accomplishments for the prior fiscal year. All Agencies and Departments shall provide the GGLC with any necessary information to complete the report card.

IV. Duration

Executive Orders D 2015 013 and D 2018 026, as well as all previous Executive Orders relating to Greening Government, are hereby amended, where applicable, by this Executive Order. This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixteenth day of December, 2019.

Jared Polis
Governor