

Resilient and Efficient Codes Implementation

PCFO Request for Information Snapshot

April 20, 2022

Department: US Department of Energy	Agency: Office of Energy Efficiency and Renewable Energy
Application Deadline: May 20, 2022 at 5:00pm ET	FOA Number: DE-FOA-0002755

Summary

The purpose of this RFI is to solicit feedback to inform the solicitation process and structure of a potential Resilient and Efficient Codes Implementation Funding Opportunity Announcement (FOA). Under the Bipartisan Infrastructure Law, DOE has \$225 million to provide support to states that will enable sustained cost-effective implementation of updated building codes. This RFI seeks input on the following areas that will inform the FOA: 1) Energy Code Implementation Criteria and Requirements for Key Topic Areas; 2) Advanced Energy Codes and Building Resilience; 3) Methods to Support Sustained State Energy and Building Resilience Code Implementation; 4) Funding, Partnerships, Eligible Entities, and Evaluation Criteria; and 5) Energy and Environmental Justice (EEJ) Priorities.

Background

The Infrastructure Investment and Jobs Act appropriated \$225 million over the next five years to provide critical technical and financial resources to states and their partners to support sustained energy and other building code adoption and implementation. DOE intends to organize a potential Resilient and Efficient Codes Implementation Funding Opportunity Announcement (FOA) in six distinct topic areas: 1) adoption, 2) workforce development, 3) implementation and compliance, 4) innovative approaches, 5) energy equity, and 6) partnerships.

Funding provided through the BIL and administered through a potential Resilient and Efficient Codes Implementation FOA will be instrumental in establishing the support needed to effectively implement updated energy codes and establish base-level energy savings critical to achieving President Biden's bold commitment to achieve an economy-wide 50% reduction in greenhouse gas (GHG) pollution by 2030, and "deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050." The building sector accounts for over 40% of GHG emissions in the U.S. economy and building energy codes provide the most cost-effective tool to achieve sustained energy, cost, and GHG emissions savings in the built environment.

Who Should Respond Responses from state and local government agencies, building officials, contractors, designers, builders, other industry representatives, community organizations, academia, research laboratories, and other stakeholders are welcomed.

Response Guidelines EERE will not respond to individual submissions or publish publicly a compendium of responses. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

Submittal Requirements

- Responses must be provided as attachments to an email. It is recommended that attachments with file sizes exceeding 25MB be compressed (i.e., zipped) to ensure message delivery.
 - Responses must be provided as a Microsoft Word (.docx) attachment to the email, and no more than 12 pages in length, 12-point font, 1-inch margins. Only electronic responses will be accepted.
 - Respondents are requested to provide the following information at the start of their response to this RFI:
 - Company / institution name;
 - Company / institution contact;
 - Contact's address, phone number, and e-mail address.
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Key Questions Please identify your answers by responding to a specific question or topic if applicable. Respondents may answer as many or as few questions as they wish, but EERE welcomes input in the following areas:

Category 1: Technical Requirements

- 1.1) How can a potential RECI FOA support a professional workforce that is trained on the latest codes, as well as skilled in advanced technologies, decarbonization, construction practices and building science that can be sustained over time? How should DOE prioritize training a new workforce entering the job market versus training the existing workforce on the latest in energy code and building construction trends?
- 1.2) How can DOE effectively support long-term state and local energy code compliance improvements(e.g., compliance tools, compliance training, etc.)? Are there any successful compliance improvement models that can be emulated? If so, what makes them successful?
- 1.3) How can a potential RECI FOA be designed to foster innovative approaches to code implementation, such as stretch codes, zero net-energy codes, and building performance standards? What key innovative approaches best support building energy code updates? What other applicable example activities should DOE mention for this topic area in a potential FOA?
- 1.4) How can innovative approaches that address existing buildings (e.g., BPS) complement and be better aligned with energy codes which primarily address new construction? Are there effective models that can be replicated? If so, what are these models and what makes them successful?
- 1.5) What should DOE include in a potential RECI FOA to encourage consideration of resilience aspects of energy codes, like passive survivability and grid resilience, in addition to energy and emissions savings?

Category 2: Supporting State Code Adoption

- 2.1) How should DOE prioritize code updates? More specifically, should updates to the model energy code be prioritized based on potential energy and/or carbon savings as compared to the current baseline within each state? How should DOE prioritize updating to a code more advanced than the current model code?

- 2.2) How should DOE ensure that States have implementation plans to sustain the adoption of model energy codes over time?
- 2.3) Since each funded project is intended to enable updated building energy codes, what should DOE consider to be “updated” codes? Should it include ongoing code updates and/or planned future code updates? How far in the future is it reasonable to consider code updates? Should in-process code updates be prioritized higher than planned updates?
- 2.4) How should DOE consider broader building code updates intended to address resilience in addition to energy as part of the prioritization process? How should DOE prioritize those code updates that include both energy and resilience measures?

Category 3: Partnerships, Eligible Entities, and Evaluation Criteria

- 3.1) What types of strategic partnerships should DOE emphasize that can help best address challenges facing states, local governments, and the broader industry in energy code implementation (e.g., network of states and local governments to enhance implementation, national energy codes collaborative to provide thought leadership on codes activities, etc.)?
- 3.2) To what extent should DOE prioritize partnerships between a state agency and other entities over sole applicants (which can only be a state agency)?
- 3.3) How can DOE best reach local governments in its code development activities? Considering local governments would have to partner with a state in their application for a potential RECI FOA, how can DOE help encourage states to support interested local governments with local policy support, but also connecting with underserved communities at the local level?
- 3.4) What other considerations should be given to applicants (e.g., geographic distribution, rural vs. urban, traditional vs. new activities)? How can DOE ensure fair and representative distribution across key U.S. demographic areas?
- 3.5) What external non-project partners/stakeholders (e.g., tribal groups, state and local governments, state energy offices, equity, and environmental justice groups) will be critical to the success of a potential RECI FOA? What types of outreach and engagement strategies are needed to make sure these stakeholders are involved in the implementation of potential RECI FOA activities? Are there best practices for equitably and meaningfully engaging stakeholders?

Category 4: Funding and Period of Performance

- 4.1) Is a period of performance of 3-5 years reasonable? If not, what is appropriate and why?
- 4.2) What level of funding would be appropriate to achieve the draft objectives over a 3-to-5 year project period?
- 4.3) How can this funding best leverage other sources of funding from states, utility programs, and others? Should DOE prioritize projects that leverage other funding sources? How should the applicant’s ability to leverage other funding sources be prioritized?
- 4.4) How could funding under other BIL provisions (e.g., Section 40109: State Energy Program or Section 40552: Energy Efficiency and Conservation Block Grant Program) be leveraged to maximize the impact of the codes BIL funding?

Category 5: Energy and Environmental Justice (EEJ) Priorities

- 5.1) What EEJ concerns or priorities are most relevant for this Resilient and Efficient Codes potential RECI FOA?
- 5.2) How can DOE incentivize partnerships with community partners (such as nonprofits), minority-owned businesses and significant engagement of HBCU/MSI/TCU partners?
- 5.3) What strategies, policies, and practices can this potential Resilient and Efficient Codes Implementation potential FOA deploy to support EEJ goals (e.g., Justice40)? How should these be measured and evaluated?
- 5.4) What measures should project developers take to ensure that harm to communities with environmental justice concerns are mitigated?

- 5.5) How can applicants ensure community-based stakeholders/organizations (especially underserved communities) are engaged and included in the planning, decision-making, and implementation processes (e.g., including community-based organizations on the project team)?
- 5.6) How can DOE support meaningful and sustained engagement with relevant disadvantaged communities?

Category 6: Other

- 6.1) How should DOE prioritize projects that will be long-lasting and sustainable beyond BIL funding?
- 6.2) How should DOE track overall outcomes from this funding? What metrics should DOE request from each project team to better understand impacts?
- 6.3) Do any of the outlined criteria present limitations to emerging business models? Should other criteria be considered?
- 6.4) Please provide any additional information or input not specifically requested in the questions above that you believe would be valuable to help DOE develop a potential RECI FOA.

Category 7: Draft Application Requirements

As described in the BIL, in order to be eligible for funding, applications must:

- Be comprised of a team that is led by a state agency (e.g., State Building Department, State Energy Office, Tribal Energy office), or consists of a partnership between a relevant organization (e.g., Local building department, trade association, etc.) and a state agency;
- Include a team with qualifications and expertise to successfully perform the proposed activity; and
- Involve an activity which supports, or is directly tied to, an updated building energy code.

DOE is seeking feedback on the following key questions addressing the draft application requirements under development that could be used for implementation of the BIL funding:

- 7.1) Should the applicant be led by or include a team with a state agency with commensurate qualifications to successfully perform the proposed activity?
- 7.2) Should DOE only consider applications that contain a state or local code update, including energy or building?
- 7.3) How can applicants show sustained technical support for effective energy code implementation?
- 7.4) Should DOE prioritize energy codes and building measures that provide long-term energy savings?
- 7.5) How should applicants implement procedures and tools to track and assess the benefits associated with each project?
- 7.6) How should DOE view applications that consider maximizing non-energy benefits such as building and grid resilience, occupant safety and health, water conservation, embodied carbon, and other environmental externalities?
- 7.7) Should DOE consider the applicants engagement with a robust group of stakeholders including, but not limited to, builders, contractors, architects, engineers, other design and construction professionals, as well as state and local governments, building officials, academia, research, consumer advocates and NGOs?
- 7.8) What types of buildings should applicants focus on, including new and/or existing residential, multifamily, and/or commercial buildings?
- 7.9) How should DOE view applications with innovative solutions to address energy and other inequities within building codes and relevant policies?
- 7.10) How can the applicants include meaningful engagement with all communities in the region, with a focus on disadvantaged communities, tribal communities and communities with environmental justice concerns, and communities facing the transition away from fossil fuel economies, as well as with labor unions and other key stakeholders as part of the application process?

In addition to the required and intended application specifications, DOE is seeking comment and feedback around these draft application priorities, including:

- Developing robust and long-lasting partnerships;

- Seeking out activities that result in significant and sustained energy, economic and environmental benefits;
 - Adopting energy codes and other building energy policies with the largest potential impact;
 - Having potential to be sustainable beyond BIL funding (i.e., without additional government funding), where applicable.
 - Having a balance of factors including, but not necessarily limited to, the following:
 - Climate
 - Regions
 - Community Type
 - Scale (e.g., Regional, State, or Local)
 - Assistance Type
 - Applicant type
 - Topic Areas
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How to Submit

Responses to this RFI must be submitted electronically to RECI_RFI@hq.doe.gov no later than 5:00pm (ET) on May 20, 2022.

Resources

- [Federal Register Request for Information](#)
- [RFI Notice from the Office of Energy Efficiency and Renewable Energy](#)