

SAMPLE LANGUAGE & CONSIDERATIONS

RFQs, RFPs, and Contracts
for Design and Construction
Professionals

CONTRIBUTORS & ACKNOWLEDGMENTS

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Why is Procurement/Contract Language Important?

When embarking upon a new high-performance building project, Requests for Qualifications or Proposals are your first opportunity to communicate your project goals, objectives, and expectations to prospective design teams. If you miss your chance here, you may not attract the best team and you may have a hard time ensuring the optimal course for your project moving forward. The creation of RFQs and RFPs represents an opportunity to get internal clarity within your organization about goals and objectives.

Below is a summary of key points to consider across RFQs, RFPs, and contracts. The formats of those documents may vary, but the objectives remain the same and can be worded as appropriate for your specific use.

It is worth noting that there are a variety of construction delivery methodologies, from the most typical design-bid-build to the newer and popular CM at-Risk and many others (see this [Primer on Project Delivery](#) for more details). You should consider which is right for your project before you write your RFP. Also consider the use of incentives tied to specific metrics, such as a performance bonus that can be included in your final contract.

Sample Language for RFQ/RFPs

Some sections are common in these documents and should include specific information. These include the following:

PROJECT OVERVIEW

In addition to a description of the project (location, scale, program scope, schedule, budget, and other basic information), the project overview is the opportunity to set expectations about performance (whether resilience, energy, carbon, or other sustainability attributes). It can also include guiding principles. Some examples of guiding principles for a university's project overview include:

- Demonstrate institutional practices that promote sustainability, including measures to increase efficiency and use of renewable resources, and decrease production of waste and hazardous materials, both in [client's] own operations and in those of its suppliers.
- Promote health, productivity, and safety of our community through design and maintenance of the built environment.
- Enhance the health of campus ecosystems and increase the diversity of native species.
- Develop planning tools to enable comparative analysis of sustainability implications and to support long-term economic, environmental, and socially responsible decision-making.
- Encourage environmental inquiry and institutional learning throughout the community.
- Establish indicators for sustainability that will enable monitoring, reporting, and continuous improvement.

Sample Language for RFQ/RFPs

SETTING PROJECT GOALS AND STRATEGIES

Every project needs specific goals for energy and carbon, at a minimum. Setting goals is a start, but on its own, does not guarantee success. Achieving those goals is dependent on a highly collaborative process. As this is not yet the norm, owners are increasingly including process goals as part of their overall expectations.

Additional goals can address health (indoor environmental quality, materials, cleaning protocols), water usage, or external factors like site and landscape. Including your objectives that support and expand on specific and measurable goals is helpful (and would also be included in your Owner's Project Requirements (OPR)). Below are examples of design goals.

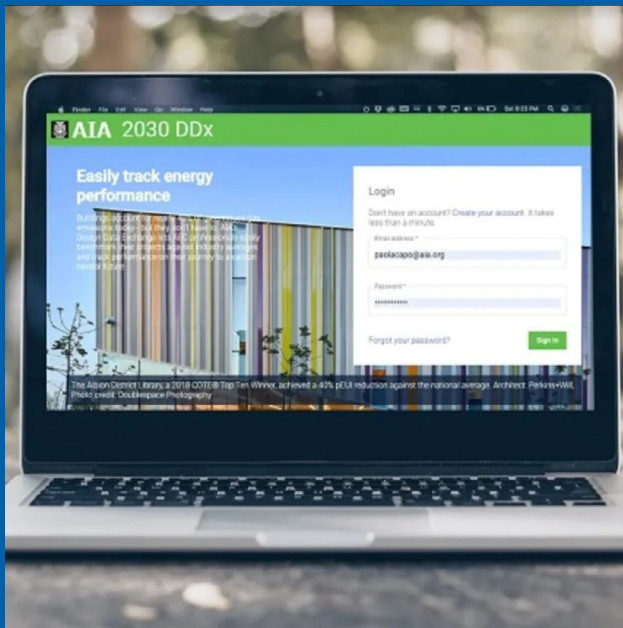
- **Minimize Embodied Carbon:** Have the design team conduct [whole building life cycle analysis](#) to assess ways of lowering the embodied carbon of your project. Use [Building Transparency's EC3 tool](#) to evaluate products to target carbon reduction.
- **Strive for Net Zero Energy.** For larger projects with complex systems, incorporate energy modeling into the process to inform design decisions. In that way the project's energy goals can be met with clarity about trade-offs and the benefits of different strategies.
- **On Site Renewables:** Design the roof to be solar-ready. Design explicitly to maximize exposure such that roof penetrations don't unnecessarily compromise available area.
- **Simplify and Streamline Control Systems** (for lighting, equipment, etc.). Minimizing the number of manufacturers and warranties will lead to less complexity from a maintenance standpoint.
- **Foster an environment that stimulates occupant productivity by:**
 - Providing views to the exterior from interior spaces
 - Emphasizing ease of circulation throughout the site
 - Obtaining healthy indoor air quality through effective and energy efficient ventilation, selecting low-emitting paints, adhesives, sealants, floor systems, and composite wood

PROCESS OBJECTIVES: STRATEGIES TO ACHIEVE PROJECT GOALS

- Utilize an [Integrated Design Process](#) (IDP) and [Lean Construction](#) principles that begin with the team co-creating a work plan that maps out the sequence of actions for analysis and decision-making. This actively engages the client team throughout the project and creates a shared understanding of how the team will achieve clear, specific, and measurable goals.
- Use life cycle costing as the primary means of evaluating possible systems and/or materials.
- Design from the inside out; don't let exterior aesthetics compromise any indoor environmental qualities (such as glass curtain wall when indoor light quality is critical for tasks).
- Design with operations in mind. Allow facilities staff to inform design early on to align with operational budget, capacity, and maintainability. An operations plan, including budget, should be required as part of the design process.

SOCIAL EQUITY

Although energy and carbon are the main focus of this guide, social equity is an intrinsically connected issue. One qualification that you can require, or state a preference for, is the [JUST™ label](#), a third-party program focused on organizational commitment to equity and transparency. Another third-party certification is [B-Corp](#), which also includes aspects of social equity and has a company-wide focus. You can also require certain diversity-related certifications, such as Minority or Women Business Enterprises, which in Massachusetts are certified by the [Supplier Diversity Office](#) (SDO).



Start every capital project by aiming for zero energy, knowing that you may not achieve it, but you'll get as close as you possibly can. Few buildings hit their targets, so it's helpful to aim a bit higher and stretch, and then set a target that is your "fall back" or best alternative case.

Setting an Energy Use Intensity (EUI) target, which is like the mpg for a car, is usually done by comparing to a benchmark. EUI benchmark data is available through the AIA's 2030 Design Data Exchange (DDX), which provides up-to-date information about best-in-class performance of Net Zero and high-performance buildings.

For Architects

CONTRACTS

Regardless of contractual approach, owners and developers who hold on to their property long-term should consider extending the contract for architects 12 to 18 months beyond turnover into occupancy. This allows the owner and team to understand and learn from the occupancy of the building. Differences and changes from what was predicted during design are always revealed and are valuable for all parties.

SUSTAINABILITY QUALIFICATIONS

Two different kinds of qualifications are relevant. Firmwide qualifications are important because they indicate broad capability across the organization. Individual accreditations for professionals are also important, especially if the firm does not have a firmwide qualification. Whether or not you require firmwide certification, you can require that candidate firms have a certain percentage of accredited professionals, or you can require that an accredited professional (from a firm) be assigned to your project.

Firmwide:

- [AIA 2030 Signatory](#) (with recent reporting history, demonstrated portfolio-wide improvement, and methodology for continuous improvement)

At a minimum, the AIA 2030 Signatory should be a requirement. This is a voluntary program that does not cost anything. It is self-reporting and signifies a desire to go beyond isolated project successes to portfolio-wide performance improvement. There is no third-party checking or validation, so it is important to look at two factors. First, has the firm been actively reporting its portfolio performance? (Some firms sign up and then stop reporting.) Second, ask the firm to share some form of its “score” or rate of improvement – or its score and where it rates compared to the industry. Answers might look like this: “We have achieved a 30% reduction across our portfolio over the last year” or “We have achieved the 70% reduction target in 2019.” It may take some time to do the analysis or get comparative figures from the AIA, so please give the firm advance notice that you will be asking for this information.

- [SPI's SMARTcertification™](#), the only third-party evaluation of the capability of a firm to deliver consistent, high quality sustainability services, adopted by HUD in 2011.

SPI's SMARTcertification builds on AIA's 2030 Signatory (to be SMARTcertified you need to be a signatory or fulfill the same requirement on your own). It is the only program that does have third-party assessment of evidence that a firm lives up to its claims. This includes organizational aspects related to collaboration effectiveness, professional development, systems and processes, and other aspects of sustainability such as social equity.

Professional Accreditations:

- [Enterprise Green Communities Technical Assistance Provider](#). Enterprise Community Partners, a leading nonprofit focused on affordable housing, has qualified certain firms and individual practitioners as capable providers of technical assistance.
- Individual professionals can maintain accreditation credentials related to rating systems such as [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge. These

credentials ensure that someone has knowledge of HP principles and a deep expertise using the associated rating system.

EXPERIENCE TO CONSIDER

- If not a 2030 Signatory or SMARTcertified, then evidence of Net Zero or high-performance design within the portfolio of projects would be preferable. There are architecture firms that have not yet had experience but are enthusiastic to begin. In that case, the team – including an experienced MEP consultant – would be the balance to help them succeed.
- Experience with rating systems including LEED, WELL, CHPS, or Living Building Challenge (LBC). LBC provides options for both full-building certification and targeted certifications. For example, their Zero Energy Certification focuses solely on energy; their Petal certifications allow you to target a specific aspect of the building, like healthy materials.
- Evidence that the firm intentionally learns from its work
- Evidence that building operations inform design decisions (and budget)
- Evidence that integrative design is the foundation for project delivery, including effective use of charrettes
- Resilient design projects are a plus

For Engineers: Mechanical, Electrical, Plumbing (MEP)

SUSTAINABILITY QUALIFICATIONS

- Firmwide qualifications: [Carbon Leadership Forum MEP2040 signatory](#) and/or [AIA 2030 Signatory](#) (with recent reporting history, demonstrated portfolio-wide improvement, and methodology for continuous improvement).
- Individual professional accreditations (e.g., [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge).

EXPERIENCE TO CONSIDER

- Evidence of ability to advocate for Net Zero and high-performance design (ideally a variety of project examples across portfolio and not just a small percentage of projects). Engineers don't control the project, but they can at least show how they advocate for best practices.
- A track record of engaging early in goal setting charrettes and advocating for a highly collaborative design process (in their marketing materials and proposals).
- Modeling, simulation, and analysis (energy, daylighting, water) with deliverables that are structured using [Life Cycle Costing](#) (LCC) rather than simple line-item costs.
- Energy efficiency in heat/cooling sources, hot water heating, fossil-fuel free systems, lighting, controls, heat recovery systems, etc.
- Renewable energy technologies and battery storage
- Indoor environmental quality: natural and displacement ventilation systems
- Central plants, infrastructure, microgrids as appropriate
- Resilient design projects
- Rating systems experience including Living Building Challenge for whole buildings, targeting Net Zero and associated "petals," as well as LEED, WELL, and CHPS.
- Evidence that the firm intentionally learns from its work
- Evidence of considering future ongoing operations in design decisions (and budget)
- Evidence of ability to participate (and advocate appropriately for their role) in integrative design processes, including effective use of charrettes

For Structural Engineers

SUSTAINABILITY QUALIFICATIONS

- Firmwide qualification: [SE 2050 member](#)
- Individual professional accreditations, such as [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge.

EXPERIENCE TO CONSIDER

- [Embodied Carbon calculations](#) for construction materials and low carbon efforts across their portfolio.
- Rating systems experience including LBC, Zero Energy and petals, LEED, WELL, CHPS
- Evidence that the firm intentionally learns from its work
- Evidence of ability to participate (and advocate appropriately for their role) in integrative design process, including goal setting and effective use of charrettes
- Experience with resilient design projects is a plus

For Contractors

SUSTAINABILITY QUALIFICATIONS

- Firmwide qualification: Signatory to [The Contractor's Commitment](#) with quantification of achievements.
- Individual professional accreditations, such as [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge.

EXPERIENCE TO CONSIDER

- Experience with third-party tools for rating systems (where appropriate) such as Green Badger
- Other Net Zero, low carbon, and sustainability experience, including LBC, LEED, or other certifications
- Any longer-term efforts they are making to work with their subs, equipment, or fleets to reduce emissions over time (e.g., using LEDs for construction lighting or EVs for fleets)
- Experience using construction [Partnering](#) techniques and [Lean](#) processes (ensure the equivalent to IDP)
- Ensure that a contractor can engage early in the integrated design process and goal setting process, even if your project delivery methodology does not allow for the formal involvement of a contractor early on in the design process.
- A multidisciplinary and systems thinking approach to preconstruction planning and construction, especially one that shows ways of reducing embodied and operational carbon from early planning and construction approaches
- Deconstruction: a commitment and ability to disassemble buildings in order to avoid landfill and associated carbon, even if it may not be possible on your project
- Excellence in Innovative constructibility: ability to increase efficiencies through innovative construction approaches both on site and during construction as well as their approach to the actual building (energy, water, waste, carbon)
- Their use of Building Information Modeling (BIM) to reduce energy/carbon in the final built product
- Training for crew chiefs, trade partners, and others on sustainable practices and job site protocols

Owner's Project Manager (OPM) or Project Representative

SUSTAINABILITY QUALIFICATIONS

- No firmwide qualifications are available as of this writing.
- Individual professional accreditations, such as [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge.

EXPERIENCE TO CONSIDER

- Experience managing projects that have achieved high performance or Net Zero outcomes, especially if they have been certified under any of the Living Building Challenge programs, Passive House, or LEED Platinum
- Achievement of the above-mentioned low-carbon, high-performance projects at cost neutrality (or the industry +1% premium) with a low volume of change orders
- Experience working with all design and construction stakeholders mentioned here, on projects that have achieved aggressive performance targets, both through rating systems (with third-party evidence of achievement) and without
- Experience managing cost estimation done by a systems approach (comparing systems options) rather than the more traditional line-item approach, with an emphasis on life cycle costing rather than first-cost-based estimates
- Demonstrated experience with Partnering, Lean, and IDP – using work plans to clearly map out the sequence of analysis and scope for high performance buildings.

Certification Specialists

SUSTAINABILITY QUALIFICATIONS

- Firmwide qualifications: Certification specialists come from a variety of types of firms. If they are part of a larger engineering, architecture, or construction company, the firmwide qualifications listed for those professions would apply. There are some smaller firms that solely provide green building consulting, and those firms would rely on individual professional accreditations.
- Individual professional accreditations, such as [CPHC](#) or [CPHD](#) for Passive House, [LEED AP](#), [WELL AP](#), or [LFA](#) for the Living Building Challenge.

EXPERIENCE TO CONSIDER

There are a variety of types of certification specialists. The experience to consider varies as described in more detail below.

Experience to consider for any specialist:

- Actual project management training and experience
- Successful certifications through GBCI and/or other certifying bodies
- Experience with third-party tools (where appropriate) such as LEEDuser, or Green Badger

Experience to consider for highly technical sustainability consultants:

- Experience conducting energy modeling, daylight modeling, and life cycle cost analysis
- Experience conducting LCA and WBLCAs (life cycle analysis and whole building LCA)
- Building science knowledge and expertise

Green building consultants, also called sustainability consultants or rating system or certification specialists, vary in background, skill set, and focus. There are also various types of businesses. Some are smaller groups within very large organizations; some are boutique consulting firms; some are sole practitioners. Some consultants are more like bookkeepers or accountants, who track and record activities (and manage the submission for final certification); others are more like CFOs, who provide deeper technical expertise beyond the administration of compliance to advise on actual analysis and design strategies.

You don't want an accountant giving you investment advice, and you don't want a CFO keeping your books balanced. If you have a design team, with architects and engineers who are highly sophisticated technically and have deep experience and a long track record with strategies, then you need more of the "accountant" type of certification specialist. This kind of consultant can "herd cats," track certification requirements and documentation, coordinate all moving parts, and make sure everyone stays on top of the schedule and meets all commitments. This consultant needs to be well organized, extremely detail organized, and have great people skills, with the ability to deal with stressed-out consultants and contractors, getting them to stay on track.

If your team consists of generalists – perhaps good designers but without a great depth of technical expertise or less experience achieving the kind of performance that your project requires – you may want to identify consultants who are more like CFOs. The CFO-type consultant can carry that level of analysis

and critical thinking, challenge others within the group, help lead discussions about design trade-offs, and ensure the owner understands the implications of decisions.

One caution: Many architects and design professionals do not yet have experience with high-performance and Net Zero design but are very enthusiastic and want an opportunity to develop those capabilities. If you select an architect like that, keep in mind that there can be a tendency to rely very heavily on the sustainability consultant. In this case, it is critical to ensure that a consultant with technical expertise is selected (the “CFO”). It is really important to assess what kind of consultant your team needs and identify which one is right for your project.

UP NEXT

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