

Memorandum

*Making Conservation
a California Way of Life.*

To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: March 10, 2021

File: Division of Construction
CPD 21-3



From: RAMON HOPKINS, Chief
Division of Construction

Subject: **BUY CLEAN CALIFORNIA ACT - UPDATE**

This directive provides additional guidance to resident engineers on the third phase of Buy Clean California Act (BCCA) and environmental product declarations (EPDs) requirements. Refer to CPD 19-12, "Buy Clean California Act – Environmental Product Declarations"; Sections 3-606, "Buy Clean California Act," and 6-202, "Responsibilities for Acceptance of Manufactured or Fabricated Materials and Products," of the *Construction Manual* for related guidance.

Under California Public Contract Code, Article 5, Sections 3500 to 3505, known as the "Buy Clean California Act," the Department of General Services (DGS) has established and published maximum acceptable global warming potential limits for eligible materials identified as structural steel, carbon steel rebar, flat glass and mineral wool board insulation on their website at:

<https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Buy-Clean-California-Act?search=buy%20clean%20california%20act>

The California Department of Transportation (Caltrans) has published the attached BCCA specification for use in nonemergency contracts with ready-to-list dates after October 16, 2020. This specification includes provisions for both the second and third phases of BCCA and is applied based on the construction contract's bid opening date. The following table summarizes the key contract requirements for the second and third phases:

Description	Phase 2 Requirements	Phase 3 Requirements
Contract bid opening dates	December 1, 2019 through May 31, 2021	June 1, 2021 and after

Description	Phase 2 Requirements	Phase 3 Requirements
Minimum contract value and minimum contract time applicability	Greater than \$1 million (total bid) and 175 or more original working days	Greater than \$1 million (total bid) and 175 or more original working days
EPD submittal type and timeframe	Informational submittal — Provided within 15 days of initial installation of the material or product	Action submittal — Provided a minimum of 15 days before scheduled installation. Installation may not proceed until the submittal is authorized by the Engineer.
Submittals made to	Engineer and Data Interchange for Materials Engineering system	Engineer and Data Interchange for Materials Engineering system
Maximum acceptable global warming potential limit applicability	No.	Yes. EPD for applicable material or product must not exceed DGS published value.
Applicable material or product with mill or manufacturer quantity threshold for project	<ul style="list-style-type: none"> • Carbon steel rebar ≥ 20,000 lbs. • Structural steel <ul style="list-style-type: none"> • Hot-rolled ≥ 5,000 lbs. • Plate ≥ 5,000 lbs. • Hollow ≥ 5,000 lbs. • Flat glass ≥ 2,000 sf • Mineral wool board insulation ≥ 4,000 sf 	<ul style="list-style-type: none"> • Carbon steel rebar ≥ 20,000 lbs. • Structural steel <ul style="list-style-type: none"> • Hot-rolled ≥ 5,000 lbs. • Plate ≥ 5,000 lbs. • Hollow ≥ 5,000 lbs. • Flat glass ≥ 2,000 sf • Mineral wool board insulation ≥ 4,000 sf

Discuss BCCA requirements at the preconstruction conference and verify the contractor has provided Form CEM-3101, “Notice of Materials to be Used,” that identifies any carbon steel rebar and structural steel mill manufacturers and the estimated quantities of those materials. This will aid in determining BCCA applicability based on the quantity of those materials to be used and identify where facility-specific EPDs will originate. This information is distributed to the materials administrator in Materials and Engineering Testing Services (METS) and the project’s METS representative. Each required EPD submittal for structural steel or carbon steel rebar must be mill specific

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and represents only the product stage of the material. Neither the EPD or the maximum acceptable global warming potential limits are to include fabrication contributions. EPDs representing industry-wide averages or a producer's average from multiple facilities do not meet legal requirements and are not contractually acceptable. METS representatives will assist the resident engineer in the review of EPD submittals and verification that applicable materials do not exceed the published maximum acceptable global warming potential limits.

If you have questions or comments regarding this directive, contact Ken Darby, Division of Construction, at Ken.Darby@dot.ca.gov or (916) 764-6929.

Attachment:

1. Section 6-1.06, "Buy Clean California Act," of the special provisions