



**US Army Corps  
of Engineers®**

# ENGINEERING AND CONSTRUCTION BULLETIN

No. 2012-14

Issuing Office: CECW-CE

Issued: 23 April 2012

Expires: 23 April 2014

**Subject: Update to High Performance Energy and Sustainability, Leadership in Energy and Environmental Design (LEED) Certification Guidance**

**Applicability:** Directive and Guidance

**References:**

- a. Engineering and Construction Bulletin (ECB) 2011-1, 19 Jan 2011, Subject: High Performance Energy and Sustainability Policy
- b. National Defense Authorization Act (NDAA) for Fiscal Year 2012, Section 2830 'Report on energy efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design (LEED) Gold or Platinum certification'

1. The purpose of this Engineering Construction Bulletin (ECB) is to provide an update to the Leadership in Energy and Environmental Design (LEED) certification guidance previously issued by Reference (a). Specifically this ECB provides guidance on certification above the LEED Silver level per Reference (b).

2. The following guidance applies to projects with a FY12 or beyond authorization or appropriation. Under no circumstances should teams advertise, suggest or direct a consulting firm, contractor or in house design team to design a facility to meet a LEED Gold or Platinum certification level. The Army's objective is to meet mission requirements and comply with Federal mandates.

a. Projects where LEED certification is being requested by the Government: Project Managers shall ensure there is no contractual language requiring LEED certification above the Silver level and that no LEED credits are planned solely to achieve certification higher than Silver. A statement to this effect shall be included in the project documentation. The Government shall not appeal any disputed credit where there is a potential for raising the certification level above Silver to Gold or Platinum. Projects being designed or where design is completed at level LEED Silver may proceed through construction and be submitted to the USGBC for certification. Project scopes at levels anticipated above LEED Silver may continue with current scope through the design and construction phases provided the Gold or Platinum features are obtained "within available funding.... and reduces the total cost of ownership over the life cycle of the facility" as stated by Reference (b). Projects not in compliance with Reference (b) are to be brought back into compliance. Projects underway that are anticipated to be certified at levels Gold or Platinum may proceed with submitting to USGBC on schedule, but must document any and all incremental costs incurred by the Army above the costs for Silver certification.

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b. Projects where LEED certification is being requested by the construction contractor: Final Requests for Proposal not yet issued shall include the following statement placed after the clause requiring design and construction to the LEED Silver level:

“In accordance with the National Defense Appropriations Act of 2012 Section 2830, the Government will not compensate the contractor for any expense expended with the express intent to obtain LEED certification above the Silver level. It is recognized that competitive best value proposal details and requirements cited elsewhere in this document and supporting documents may provide for features which allow for a certification higher than Silver to be obtained. Whether to achieve a future marketing advantage or for other purposes, a contractor may obtain LEED Gold or Platinum certification provided that achieving such certification imposes no additional cost on the Government. The Government’s evaluation of contractor proposals will not consider any offeror’s statement of intent to achieve or otherwise provide a certification higher than Silver.”

c. Projects already solicited shall be reviewed for compliance with the intent noted above and coordinate with the contacts noted below for guidance if any Gold or Platinum certification requirements are found.

3. A request for an exemption through HQUSACE may be made for any specific requirement included herein or by reference that the Project Delivery Team determines would adversely affect acquisition schedule, mission performance, security requirements, health, safety, or welfare. The exemption shall only apply to the specific requirements in conflict. Any approved exemptions to the guidance shall be documented with reference to the specific requirement in conflict and included in the project documentation.

4. The HQUSACE points of contact for this ECB are Mr. George O. Lea JR, CECW-CE, 202-761-7775 or [george.o.lea@usace.army.mil](mailto:george.o.lea@usace.army.mil) and Mr. Daniel Carpio, CECW-CE, 202-761-4227 or [Daniel.Carpio@usace.army.mil](mailto:Daniel.Carpio@usace.army.mil).

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LLOYD C. CALDWELL, P.E.  
Chief, Programs Integration Division  
Directorate of Military Programs

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JAMES C. DALTON, P.E., SES  
Chief, Engineering and Construction  
Directorate of Civil Works