

Created on 10/01/2012, Updated 07/01/2014\*

# LEED Interpretation

[ID# 10244](#)

Credit Name	<a href="#">Additional commissioning</a>
Credit Category	Energy & atmosphere
International Applicable	Internationally applicable
Campus Applicable	Campus applicable
Related Content	<a href="#">li-2641</a>
Related Resources	<a href="#">Commissioning Authority Guide</a>

## Rating System

LEED BD+C: New Construction, LEED BD+C: Core and Shell, LEED BD+C: Schools, LEED BD+C: Retail, LEED BD+C: Healthcare, LEED BD+C: Data Centers, LEED BD+C: Hospitality, LEED ID+C: Commercial Interiors, LEED ID+C: Retail

## Rating System Version

v4 - LEED v4, v3 - LEED 2009, v2 - Schools 2007, v2 - LEED 2.2, v2 - LEED 2.1, v2 - LEED 2.0

## Inquiry

This request is in regards to LEED Version 2009, EA Credit 3, Enhanced Commissioning, credit requirements. In particular, this is in regards to contracting situations such as Design Build and the hiring of the CxA for enhanced commissioning. In a design-build scenario, the A-E firm is hired by the contractor. With this in mind, can the CxA for enhanced commissioning (an independent 3rd party firm), be hired by the A-E firm who is in turn hired by the contractor? In this same scenario, the design-build contractor is providing services contracted to the Federal Government, who is the owner. Can a Federal employee, serve as the CxA for enhanced commissioning for the project?

## Ruling

In this design build scenario for a LEED NCv2009 project pursuing EAc3 Enhanced Commissioning, the A/E Firm is a subcontractor to the Contractor, forming a single Design Build Team. The A/E firm wishes to hire the CxA, but, as a result, the commissioning authority in this design build scenario would be considered a "disinterested employee or subcontractor of the contractor" and therefore not an acceptable commissioning authority

for the project. Concerning whether the commissioning authority can be hired by the Architecture and Engineering (A/E) Firm, the document titled "Who Can be the Commissioning Authority" (<http://www.usgbc.org/ShowFile.aspx?DocumentID=1262>) outlines the acceptable parties to act as the commissioning authority for various project scenarios.

Concerning whether it is acceptable for a federal employee to be the commissioning authority for a government project, the 2009 edition LEED Reference Guide for Green Building Design and Construction EA Prerequisite 1 Table 2. "Who Can be the Commissioning Authority" (Page 221) states that "independent consultants contracted by the owner" and "owner employees and staff" are allowed to be the commissioning authority when pursuing enhanced commissioning. Therefore, if the commissioning authority is hired by the owner, it is acceptable for a federal employee to be the commissioning authority for a government project.

**\*\*Update 07/01/2014:** Ruling has been reversed and revised to allow the CxA to be contracted to the general contractor or a subcontractor of the general contractor in limited circumstances.

In the design build scenario, a disinterested independent third party firm may be hired by the design build contractor or a subcontractor to the design build contractor under the following constraints:

1. The commissioning firm may not be a subsidiary or partner of the general contractor or of any other firm that has been contracted to the general contractor to provide design and construction services for the project.
2. Though the commissioning firm is not contracted directly to the owner, the owner or an owner's representative must approve of the selection of the commissioning firm, and of the commissioning scope of work within the commissioning contract.
3. The CxA must directly report to the owner or owner's representative (or simultaneously report to the owner or owner's representative and other parties) throughout the commissioning process.

As noted above, the CxA must lead, manage and oversee all commissioning processes, including both fundamental and enhanced commissioning, consistent with the requirements for EA Credit 3: Enhanced Commissioning.

<http://www.usgbc.org/content/li-10244>