

**Draft Recommendations for the Legislature (To be included in a report to the Legislature) 8/15/22**

**Proposed New or Clarified Requirements for Capital Construction Projects- Applications and Limitations**

		<b>State Agency</b>	<b>Federal Agency</b>	<b>Public University or College</b>	<b>Political Subdivision</b>	<b>NGO</b>	<b>Notes</b>
1	Match	Yes	Yes	Yes	Yes	Yes	
2	Full Funding	Yes	Yes	Yes	Yes	Yes	
3	Sustainable Building Guidelines	Yes	Yes	Yes	Yes	Yes	Limited to: New buildings or major renovations of existing buildings (>10,000 square feet and replacement of all or part of HVAC systems)
4	Construction Assurances	Yes	Yes	Yes	Yes	Yes	
5	Confirmation of Satisfactory Completion	Yes	Yes	Yes	Yes	Yes	
6	Sale, Alteration of Use, and Recording Property Restrictions	Yes	Yes	Yes	Yes	Yes	
7	Public Access	Yes	Yes	Yes	Yes	Yes	

8. Proposed New References to Existing Statutory Requirements for Capital Construction Projects- Applications and Limitations

	State Agency	Federal Agency	Public University or College	Political Subdivision	NGO	Notes
<p>Pre-design (MS 16B.335, subd. 3)</p>	Yes	Yes?	Yes	Yes	Yes	Exemptions: A local government project with a construction cost of less than \$1,500,000; any other capital project with a construction cost of less than \$750,000; park buildings owned by a local government unit in the metropolitan area defined in section 473.121, subdivision 2; roads; bridges; trails; pathways; campgrounds; dams; floodwater retention systems; water access sites; harbors; sewer separation projects; water and wastewater facilities; environmental testing; parking lots; parking structures; fencing; demolition or decommissioning of state assets; hazardous material projects; utility infrastructure projects; park and ride facilities; bus rapid transit stations; light rail lines; passenger rail projects; freight rail projects; exterior lighting; highway rest areas; truck stations; storage facilities not consisting primarily of offices or heated work areas; athletic fields; port development projects for which the commissioner of transportation has entered into an assistance agreement under section 457A.04; and ice centers.
<p>Historic and Archeological Review (MS 138.40, subd. 3; MS 138.665, subd. 2; MS 138.666)</p>	Yes	Yes	Yes	Yes	Yes	
<p>Accommodation for Hard-of-Hearing (MS 16C.054)</p>	Yes	Yes	Yes	Yes	Yes	Limited to: New buildings with public gathering spaces or renovations of public gathering spaces in existing building. Public gathering space means “a space that is constructed or renovated as part of the project: (1) that accommodates and is intended to be used for gatherings of 15 or more people; and (2) in which audible communications are integral to a use of the space.”

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Geothermal and Solar Heating and Cooling System (MS 16B.326)	Yes	Yes	Yes	Yes	Yes	Predesign exemptions apply.
Competitive Bid (State Requirements)	Yes	No	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>– Applies to: Any construction or non-construction project with materials purchases or services above certain thresholds; also provides for application of NGO policies following review by the state</li> <li>– Currently referenced in DNR grant agreement for pass-through appropriations.</li> </ul>
Targeted Group Purchasing (State Requirements)	Yes	No	No	Yes	Yes	Currently referenced in DNR grant agreement for pass-through appropriations.
Responsible Contractor (State Requirements)	Yes	No	Yes	Yes	Yes	Currently referenced in DNR grant agreement for pass-through appropriations.
Prevailing Wage (State Requirements)	Yes	No	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>– Applies to: Construction work &gt;\$25,000</li> <li>– Currently referenced in DNR grant agreement for pass-through appropriations.</li> </ul>
Energy Use – Alternative Energy Sources (MS 16B.32, subd. 1)	Yes	No	No	No	No	Limited to: New buildings or renovations of 50 percent or more of an existing building or its energy systems
Energy Use – Renewable Energy Sources (MS 16B.32, subd. 2)	Yes	No	No	No	No	<ul style="list-style-type: none"> <li>– Predesign exemptions apply</li> <li>– Sustainable building guidelines have renewable energy provisions that apply beyond state agencies.</li> </ul>
Energy Use – Energy Conservation Goals (MS 16B.32, subd. 3)	Yes	No	Yes	No	No	
Energy Conservation Standards (MS 16B.335, subd. 4)	Yes	Yes	Yes	Yes	Yes	Similar language found in current ENRTF rider language.

**Draft Recommendations for Commission Implementation (No legislative action required)**

**Proposed New Non-Statutory Requirements**

	<b>State Agency</b>	<b>Federal Agency</b>	<b>Higher Education</b>	<b>Political Subdivision</b>	<b>NGOs</b>	<b>Notes</b>
Resolution from Fiscal Agents	No	Yes	Yes	Yes	Yes	
Operational Funding	No	Yes	Yes	Yes	Yes	