

**WHATCOM COUNTY
ADMINISTRATIVE SERVICES**
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ROB NEY
Facilities Director

MEMORANDUM

TO: The Honorable Members of the Whatcom County Council

FROM: Rob Ney, Facilities Director
Hans Howard, Special Projects Manager

RE: Contract – Clean Building Performance Standard Compliance Assurance Services

DATE: August 8th, 2025

Attached for your review and signature is the original Contract between Whatcom County and Hargis Engineers, for the purpose of Clean Building Performance Standard (CBPS) Compliance Assurance Services for Whatcom County Facilities.

▪ Background and Purpose

The Clean Building Performance Standard (CBPS), enacted by Washington State under HB 1257 in 2019, mandates that commercial buildings of a certain size to meet specific energy performance targets to reduce greenhouse gas emissions and improve energy efficiency. The law allowed a phasing of implementation (based on building square footages), mostly affecting the County to comply by 2028. Building owners must demonstrate compliance by submitting required documentation, conducting energy benchmarking, and potentially upgrading systems to meet the prescribed Energy Use Intensity (EUI) targets. Failure to comply by designated deadlines can result in significant penalties, including daily fines until corrective actions are taken.

Given the complexity of the technical requirements, the evolving regulatory framework, and the potential financial and operational consequences of non-compliance, engaging a qualified consultant is essential. The purpose of hiring a compliance assurance consultant is to guide the County through the compliance process, ensure accurate and timely submissions, assess and optimize energy performance, and minimize the risk of penalties. The consultant acts as a strategic partner to align the building's operations with CBPS standards efficiently and cost-effectively.

The County sought grant funding for this effort, and received a grant for reimbursable expenses associated with this energy audit. The Washington State Association of Counties has offered this grant.

- **Funding Amount and Source**

The Washington State Association of Counties (WSAC) has entered into an agreement to provide up to \$449,882.29 to Whatcom County to conduct energy audits on Tier 1 and Tier 2 County-owned buildings in accordance with Washington State Clean Building Performance Standards. Additionally, funding in the amount not to exceed \$200,000, is provided per ASR 2025-7113 for any additional scope items and/ or grant cash flow assistance. The County funding is provided as the grant is a reimbursable type and the County must incur expenses before they can be reimbursed.

- **Differences from Previous Contract**

This project is a one-time agreement.

Please contact Rob Ney at extension 5365, if you have any questions or concerns regarding the terms of this agreement.

Enclosures