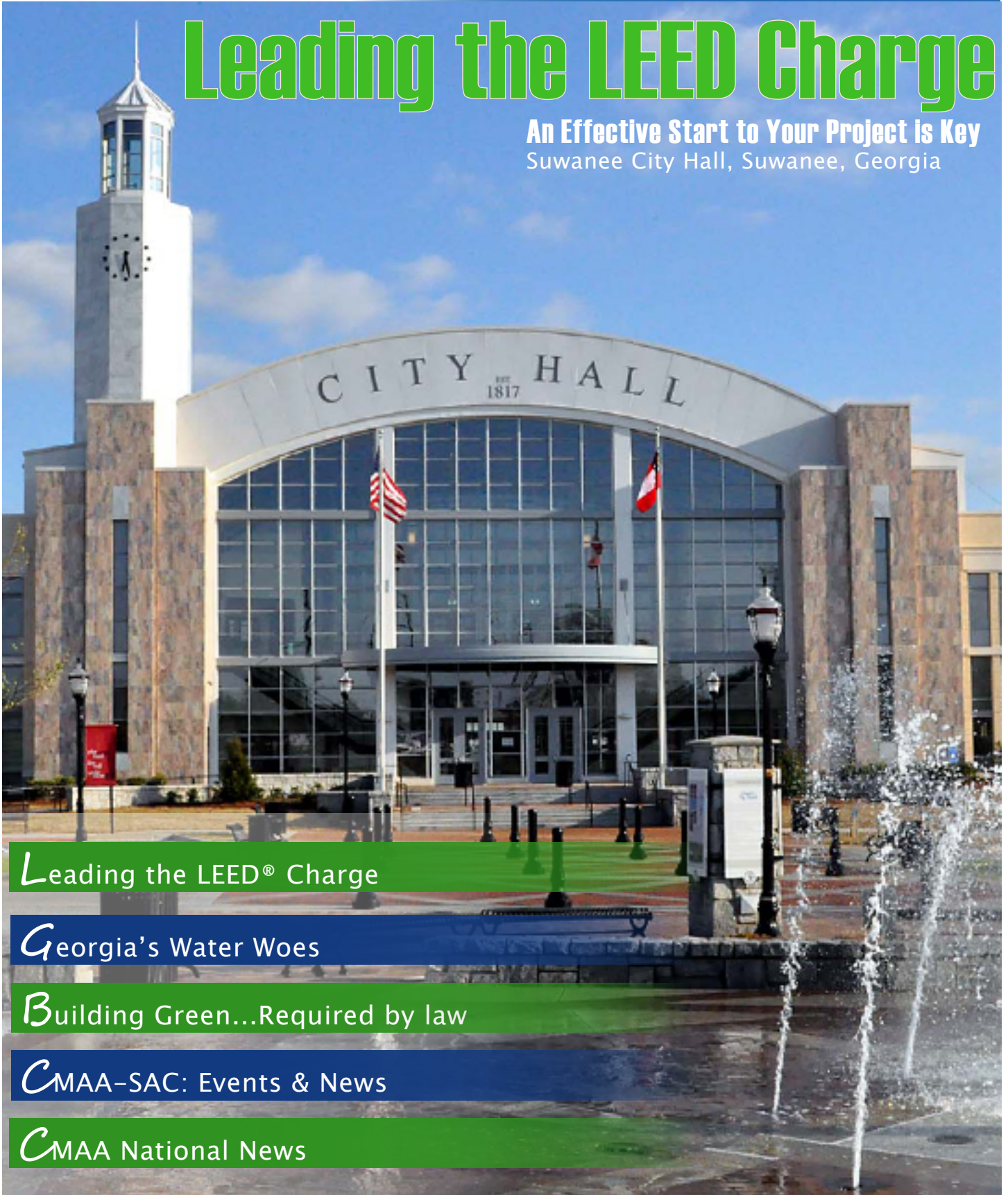


# Leading the LEED Charge

An Effective Start to Your Project is Key  
Suwanee City Hall, Suwanee, Georgia



Leading the LEED® Charge

Georgia's Water Woes

Building Green...Required by law

CMAA-SAC: Events & News

CMAA National News

## CMAA-SAC President's Address



**Crystal Plemons-Carter**  
2009-2010 President, CMAA-SAC

The times facing our industry are unprecedented, and in these challenging times, it is more important than ever to stay connected with each other as members of the South Atlantic Chapter. Therefore, I have initiated the re-launching of the quarterly newsletter as another means to keep us connected to each other. As president of the

Chapter, it is my hope that the newsletter becomes a forum for all of us to share information and not just to survive the downturn, but to prosper, through the sharing of innovative ideas and useful information. The newsletter is intended to help our members “stay in the know” on what our chapter and its leadership are doing to enhance and promote professional construction and program management in our region.

Make this your newsletter! I invite your insight and comments. Remember, we truly want this to be a value to YOU, our members. We welcome your insight on topics for future issues, happenings within your firm that might be of interest to our membership and information of importance that advances the interests of our profession as a whole. Please contact our chapter’s Communications Chair, **Mark de St. Aubin** with Smith Gambrell & Russell, LLP at [mdestaubin@sgrlaw.com](mailto:mdestaubin@sgrlaw.com) with your feedback and all submissions (deadline: 2/10/10). I encourage you to share this resource with non-members in your area. We should all be interested and committed to growing our chapter.

I look forward to hearing from you and stay tuned for more exciting happenings within our chapter this coming year. We are working very hard to make this a truly beneficial and value-added year to our members.

**Crystal Plemons-Carter**  
2009 – 2010 President, CMAA-SAC

Join our Mailing List to Receive  
Announcements and our eNewsletter  
[Click here >](#)

## New South Atlantic CCMs

The Certified Construction Manager designation is the first personnel certification program in the construction industry to be accredited by the American National Standards Institute (ANSI) and is now recognized worldwide.

SAC is proud to acknowledge the following members who have reached this level of achievement in 2009:

- › **Greg Havo**, U.S. Army Engineering & Support Center
- › **Joseph Couch**, General Services Administration
- › **Debbie Remke**, Heery International, Inc.
- › **Frank Ward**, McDonough Bolyard Peck, Inc.
- › **J. Kelly Clayton**, Southern Management Group
- › **John Ferrell, Jr.**, Ferrell Engineering & Construction, Inc.
- › **Donald Abernathy**, Smith-Doyle Contractors, Inc.

Special congratulations and recognition are in order for these SAC members!

## CMAA-SAC Calendar

### December 2009

#### CMAA webinars

- › December 3rd - 2:00 pm - 3:00 pm  
Forums for Resolving Construction Disputes
- › December 10th - 2:00 pm- 3:00 pm  
Beyond the Presentation: Effective Q&A and Debriefing

More Details: <http://cmaanet.org/event/2009>

### January 2010

#### CMAA-SAC Breakfast Meeting Series #4

- › January 19th - 7:00 am - 9:00 am  
Exceeding your Clients Expectations: Owner's Panel Discussion | [Click here to Learn More](#)



### February 2010

#### CMAA-SAC *First Ever* Owner's Social

- › February 4th - 5:00 pm - 7:30 pm | [READ MORE](#)

#### CMAA-SAC Breakfast Meeting Series #5

- › February 23rd - 7:00 am - 9:00 am  
Improving Productivity Through Documentation

All CMAA-SAC Breakfast Meetings are held at [The Buckhead Club](#), 3344 Peachtree Street, Atlanta, GA (The Sovereign Building, 26th floor). Parking is free. Register for CMAA-SAC Breakfast Meetings through our website.

## CMAA Owner's Forum

This year's CMAA Owner's Forum is being held at the Westin Buckhead from **May 2 through May 4, 2010**. Owners interested in networking, professional development, access to publications and other benefits of joining the CMAA may visit: <http://www.cmaanet.org/prospective-owner-members>.

Owners are valued members and enjoy the CMAA's lowest membership fee of only \$120/year.

## CMAA-SAC Hosts Industry Mixer

Please join industry colleagues and owners representing various market sectors for the CMAA South Atlantic Chapter's first-ever Owners' Social. On Thursday, **February 4, 2010**, CMAA will provide the platform for members and non-members to network with decision-makers in a casual, comfortable setting. Buckhead's aja Restaurant & Bar will serve as the venue for the event, which will be free to all CMAA members and owners. Non-members are welcome and may register to attend for just \$15. Two complimentary drink tickets will be provided to each attendee and plenty of food, in addition to a cash bar, will be available.

The Owners' Social will be a quarterly after-hours (5:00-7:30PM) networking event with excellent opportunities for companies through sponsorship. For more information about this event and/or sponsorship opportunities, please contact **Stephanie Smith** at 678-508-2625 or [stephanie.smith@atcassociates.com](mailto:stephanie.smith@atcassociates.com). Registration will be available via the website ([www.cmaasac.org](http://www.cmaasac.org)) in December. Don't miss this chance to catch up with industry friends and colleagues!



CMAA-SAC Breakfast Meeting

Attend our next Breakfast Meeting on January 19th at The Buckhead Club. [Learn More](#)

## Project Achievement Awards Banquet



The CMAA SAC Awards Banquet was held on Tuesday, June 16th, 2009 at the Piedmont Conservancy's Magnolia Hall, in Midtown Atlanta. Approximately 125 industry professionals and guests attended the program. David Lefkowitz was the very entertaining keynote speaker. Bruce D' Agostino was our guest from the CMAA National Board. Awards were presented in various categories including infrastructure, new construction and major renovation.

**Overall Project Achievement Award:  
The Coliseum at the University of West Georgia**

### Infrastructure Project Awards

- Under \$10M - **PBS&J** (Hightower Trail, Newton County)
- \$10M to \$50M - **New South Construction Company, Inc.** (Delta Air Lines baggage handling system)
- \$50M to \$100M - **Jacobs** (R. L. Sutton Water Reclamation Facility)
- Infrastructure Program Mgmt. - **PBS&J** (DeKalb Host Program Management)

### New Building Construction Project Awards

- Under \$10M - **New South Construction Company, Inc.** (Millennium Gate Monument)
- \$10M to \$30M - **Skanska USA Building, Inc.** (The Coliseum, University of West Georgia)
- \$30M to \$50M - **New South Construction Company, Inc.** (Spellman College housing, dining & parking facilities)
- Over \$100M - **Skanska USA Building, Inc.** (Gulf Coast Medical Center)

### Renovation/Modernization Project Awards

- Under \$20M - **The Potts Company** (Taylor-Brawner Park and Community Center, City of Smyrna)
- Over \$20M - **Skanska USA Building, Inc.** (Marriott Marquis Interior Renovation)
- Renovation Program Mgmt. - **Silverman Construction Program Management, Inc.** (The Paideia School)

See the SAC website for additional details and runners up at <http://www.cmaasac.org/AboutUs-Awards-ProjAchieve.html>.

# Leading the LEED® Charge

An Effective Start to Your Project is Key

Lessons Learned | Suwanee City Hall, Suwanee, Georgia



by: **Sue Wasserman, Public Relations Manager, Heery International, Inc.**

Orchestrating construction projects is challenging at the best of times. Whether you're dealing with issues such as site concerns, material price escalations, or constructibility issues, it's your responsibility to make sure the project moves forward in a manner that meets the client's schedule and budget.

Incorporating sustainability into the mix adds another layer of detail, especially if the decision is made to seek formal recognition such as LEED® Certification.

Program Manager Forrest White, CCM, LEED® AP, who recently managed the design and construction of LEED® targeted Suwanee City Hall, in Suwanee, Georgia, believes the first critical step in proceeding with a sustainable project is making sure the client understands the impact.

"Clearly, there is an additional cost associated with designing and constructing a sustainable facility although costs vary depending on the nature of the building, local conditions, desired features and the level of certification being sought," White says. "It's important that owners understand the potential costs. No less important is helping them assess how the building will be used and maintained, and what the long term savings will be so they can be evaluated with

"The bottom line is that you don't want to get to the end of a project and say 'we thought we could have earned LEED® Certification.'"

-Forrest White, CCM, LEED® AP, Heery International Inc.

## Leading the LEED® Charge...Suwanee City Hall (cont.)

respect to the initial incremental investment. For example, city representatives didn't want to install waterless urinals but decided late in the game to add them. It was up to us to explain the maintenance ramifications."

It's up to the program or construction manager to communicate sustainable goals up front with the contractor and architect. "Not only do we cite our sustainable goals during the procurement process so contractors understand, for example,



they will be responsible for activities such as construction waste recycling, we assign points during the selection process for LEED® experience," White adds. Assigning sustainable responsibilities to each of the key vendors is also critical for project success. "We made the decision early on to hire a firm that would be responsible for managing the LEED® Certification submittal process.

While it adds to the overall project cost, it makes the project easier to monitor and keeps it from getting bogged down in forgotten details." White has heard of projects that were delayed significantly, and in some cases, denied certification

because of either improper initial point evaluation or lack of timely information submissions. "The bottom line is that you don't want to get to the end of a project and say 'we thought we could have earned LEED® Certification.'"

White also cautions peers about reaching the end of a project, and realizing you could have added more sustainable elements. "It's critical to sit down at the beginning of the project and facilitate a group conversation with the goal of determining what points to seek and how much they will add to the budget," White cites. "We had an opportunity at Suwanee City Hall to install a cistern to capture rainwater that would then be used for irrigation purposes.

During early discussions, when we looked at costs on paper, it felt like the cost was too great. In hindsight, we could have made the cistern work. I think the lesson for all program or construction managers is to take a long hard look up front and really weigh each possibility with the client to assess what makes most sense not only in terms of immediate construction costs but for operational savings over the lifetime of the building."

### Sustainable Features of Suwanee City Hall

- Sustainable Sites
- Water Efficiency
- Energy & Atmosphere
- Materials & Resources
- Indoor Environmental Quality
- Innovation & Design Process





Katie Kirkpatrick PE  
Vice President,  
Environmental Affairs  
Metro Atlanta Chamber

The South Atlantic Chapter held the first program of their 2009-2010 Breakfast Meeting Series on Tuesday, October 20, 2009 at The Buckhead Club in Atlanta, GA. Katie Kirkpatrick, Vice President of Environmental Affairs for the Metro Atlanta Chamber of Commerce addressed the audience over breakfasts regarding the changes in Georgia's Water Plan. Mrs. Kirkpatrick also informed the audience about Georgia's history related to water issues and the current ways the state and region handle water fall and usages. Also, she updated the audience on the specifics related to the U.S. District Court's July 17, 2009 ruling, which will limit Georgia's access to Lake Lanier as a source of drinking water and impact the growth and development of our region.

Katie also discussed current issues related to the tri-state water dispute, implications for the real estate and development community, regional leadership efforts to develop long-term solutions, economic impacts and new water management policies. The program addressed the audiences questions and comments about the recent activities of the State of Georgia related to the region's water issues. The audience was assured that our leadership is working to resolve these issues and exercise foresight in their decisions as the process moves forward.

## CMAA-SAC Member Project Highlights

The following are outstanding project successes and CM highlights that your fellow SAC members would like to share with you. Please visit [www.cmaasac.org](http://www.cmaasac.org) or contact Michael Rejent at [MRejent@mbpce.com](mailto:MRejent@mbpce.com) to share your project successes and achievements for inclusion in the next issue of the CMAA SAC newsletter.

### Brookwood Group

**Bob Bunker - Project Director; Tony Ghawi - Project Manager; Jeff Hendrick - Programmer & Manager of Interior Design and Furnishings Installation**



Brookwood Group provided construction program management for the **Spelman College Residence and Dining Hall**. Brookwood Group assisted the owner in developing the pre-design budget, program of requirements and master project schedule followed by

assistance in selecting the owner's design consultant, putting that firm under contract with the owner, and advising the owner on project delivery methods for this LEED® Certified project.

### Parramore & Quinn

**Trey Weatherly and the Atlanta Project Team**

Parramore and Quinn is presently working with **Atlanta International School** in the construction / program management of their new 33,000 SF Arts and Science

Building. This LEED® Silver project is being constructed by SG Contracting and scheduled to be delivered in the Fall of 2011. The building has been designed by Collins Cooper Carusi Architects to create a technologically advanced learning environment for students and faculty from over 90 nations around the globe.

### McDonough Bolyard Peck, Inc.

**Paul Grosskruger, ATL Branch Senior Project Manager**

Fort Belvoir Community Hospital in Virginia is an \$806M, Integrated Design Bid Build (IDBB) project being constructed on the Main Post which will replace the existing DeWitt Army Community Hospital. Construction of the 1.3M SF complex is approximately 46% complete and is scheduled for closeout in Spring, 2011. MBP provides construction scheduling along with other project services. Norfolk District has also recently engaged MBP to manage a lessons learned data capture sub-project designed to optimize USACE methods and procedures. The results will be shared across the entire United States Army Corps of Engineers. This lessons learned effort is one of the first of its kind and interim results are already being used to refine USACE CM.

Continued >

## Member Project Highlights (cont.)

### MB Kahn Construction Co. Inc.

#### Craig W. Bohlen, CCM, Project Director

MB Kahn provided CM at Risk services for the 121,000 SF Sims Middle School and the 94,000 SF Jonesville K-8 School as part of the \$39M Construction Program of the **School District of Union County, SC**. MB bid an early site package to 'jump start' the two schools and then bid the buildings out in 16 separate trade packages, thus saving the District significant cost. Both Schools were successfully opened on time.

### Brookwood Group / PBS&J

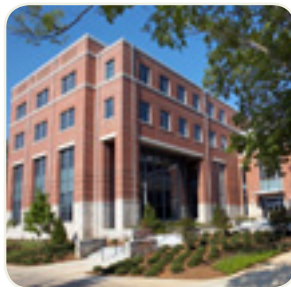
#### Paul Walker, Program Manager;

#### Vinay Uchil, Assistant Program Manager

The team is providing program management of a \$ 77 Million sub-program of the **Cobb County School District's** overall SPLOST Program. The team manages design and construction of two 9th grade centers, extensive renovations to the North Cobb and South Cobb High Schools, and the replacement of the East Side Elementary School. The 9th grade centers are the first of their kind for Cobb County.

### The Whiting-Turner Contracting Company

#### Trevor S. Pitt, Project Manager



The Whiting-Turner Contracting Company recently completed the **University of Georgia Pharmacy Expansion**, a new four story, 90,000 SF classroom and lab building. Two thirds of the structure is CIP concrete with PT cables. The exterior façade is a combination of curtain wall

and punched windows with brick, limestone, granite, and cast stone sills. A structural steel bridge with curtain wall and metal panels connects the new building to the existing School of Pharmacy. Whiting-Turner held a CM at Risk contract with a GMP of \$30M. The job was completed in 17 months.

### PBS&J

#### Marc Simmons, Project Manager

PBS&J was selected to provide project management for the **Tennessee Department of Transportation's** (TDOT's) \$40.1M Intelligent Transportation System (ITS) Nashville Smartway, Phase 3. This is one of the largest projects under construction by TDOT encompassing over 115 miles of underground conduit, 22 dynamic message signs, and more than 130 CCTV camera systems and radio antennas. Each

aspect of the project will be subjected to rigorous testing prior to acceptance. The project also involves the retooling of TDOT's network and monitoring centers to provide quicker and more reliable information to the state.

### The Whiting-Turner Contracting Company

#### Trevor S. Pitt, Project Manager

Whiting-Turner broke ground on the 200,000 SF \$45M **KSU Health Science Building** in January of 2009 which will be complete in the summer of 2010. The Whiting-Turner Contracting Company was hired as a CM at Risk to perform preconstruction and construction services, and is instrumental in obtaining a LEED® Silver Certification.

## CMAA-SAC Community Involvement

### The Red Cross



Red Cross worker Eric Weston and SAC board members Joel Smith and Shivana Waterman

When the Atlanta metro area was devastated by the flooding in September, the need was clear. Our Atlanta Metro communities required immediate assistance as unprecedented flooding forced families from

their homes. The resources of the Atlanta Metro Red Cross were on the scene providing shelter and meals to displaced residents. Our generous board members acted quickly in their approval of a donation to the Red Cross. On October 20th, a \$1,000 check was delivered to the local Red Cross office and was accepted by Eric Weston. Our CMAA chapter realizes this donation is small when considering 13,000 people needed some form of assistance. However, as Timothy English, Red Cross Metro CEO stated in a letter of gratitude: "Together, we are transforming lives in crisis into lives of hope." Please visit <http://www.redcrossatlanta.org> if you wish to learn more about the relief effort.

### The Extension

The SAC is committed to community involvement and supporting those in need. It is always a difficult decision when it comes to selecting among community service efforts. Our Chapter region has many deserving charities and caring organizations. In June, 2009, SAC made a \$1,000 donation to a commendable organization called "The Extension", a homeless shelter and addiction recovery center. For more information on how you can help go to <http://www.theextension.org>.



SAC is pleased to announce it has won CMAA's 2009 **National Award For Excellence in Student Focus**. The effort was led by **Assaf Newmark**

of URS Corporation, who is also the sitting Chair for the SAC's University Outreach Program. The award was presented to SAC during the national conference.

In 2008, Assaf founded the CMAA student sub-chapter under SAC at Southern Polytechnic State University (SPSU) and ran the sub-chapter as its first president. Numerous professional CMAA SAC members presented at SPSU's student monthly meetings and enriched the students' appreciation of current construction topics.

In his current role, Assaf seeks to duplicate the success of student sub-chapters at other universities with CM Programs within SAC's region and to provide guidance and support to students through their membership. Assaf is currently working to establish student sub-chapters at Georgia Southern, Gwinnett Tech, ITT Tech and other universities.

Student chapters expand students' real world knowledge of construction. Students benefit from direct engagement with industry through guest lectures, networking opportunities, internships, coops, and potential long-term employment. Students are also encouraged to attend SAC professional events at highly discounted rates, should such apply.

Student chapters also afford their members the opportunity to obtain CMAA's Construction Manager In Training (CMIT) designation for enhanced professional recognition. Student CMITs obtain highly valuable mentoring and career advice from CMAA Certified Construction Managers.

In the near future, students will also benefit from the newly created CMAA SAC student scholarship; an annual scholarship of \$1,500 for outstanding student effort and involvement.

Continued leadership and support by SAC's professional members are needed to ensure the next generation of construction professionals are ready to tackle tomorrow's project challenges.

The contributions made by experienced SAC professionals are greatly appreciated by student chapter members. SAC encourages you to lead the way to the future and to share your knowledge and hard-won experience.

If you are interested in mentoring, guest lecturing or assisting in some other way, please contact Assaf at [assaf\\_newmark@urscorp.com](mailto:assaf_newmark@urscorp.com) or your favorite alma mater.

## SPOTLIGHT STUDENT CHAPTER



The SPSU CMAA Student Chapter is an active and vibrant example of student involvement that coordinates student chapter activities with the CMAA South Atlantic Chapter.

The SPSU chapter has the largest student involvement and actively encourages student members to become CMIT certified.

The chapter also works directly with CMAA SAC member firms to seek out mutually beneficial internships. **Nancy Lovell**, an active SPSU student chapter member, had these words:

*"...One of the most beneficial aspects of becoming a student member of CMAA is participation in the CMIT program. At our next meeting, Trey Weatherly and other CMAA members will be educating students on the CMIT program and its importance to CM professionals."*

Any students interested in joining the CMAA may contact their local construction management department or visit <http://www.cmaanet.org/cmaa-membership-categories> for more information. Remember, a student annual membership is only \$25!

## CMAA National News

### CMAA 2009 National Conference



A highly successful National Conference & Trade Show crowned the year, including a sold-out exhibit hall, a record-breaking Project Achievement Awards Program, and presentation of the Person of the Year Award to Pennsylvania Gov. Edward G. Rendell.

Several SAC members attended the CMAA National Conference. **Trey Weatherly** of Parramore & Quinn was among them:

"Recently I attended the CMAA National Conference as a representative of the South Atlantic Chapter. The conference was a successful event for the chapter as we received an award for our "Student Focus." Assaf Newmark, our University Outreach Chair should be thanked for this great chapter achievement and continued effort on the student front."

"The conference gave industry professionals the opportunity to network, and share ideas on the future of our industry. The state of the economy was a constant topic among attendees which fell in line with multiple educational sessions. The ideas of client satisfaction and retention through technological advances were also at the fore front of everyone's mind."

The many informative presentations can be downloaded from the CMAA National Website at <http://cmaanet.org/2009-national-conference-presentations>.

As part of the conference, FMI, in association with CMAA national, presented the Tenth Annual Survey of Owners. This year's survey was entitled "Inflection Point: Defining the Future of the Worldwide Construction Industry". It provided an eye opening view from the owner's perspective.

There were four different areas identified showing the greatest shift by owners: Outsourcing Acceleration, Perspective/Experience, Holistic Strategy Driving Life Cycle Costs, and Dominant Forces Shaping the A/E/C Industry. This survey is filled with pertinent information that can assist all of us as industry professionals in locating new customers, and most importantly keeping our present customers.

"Please take the opportunity to utilize this information to

improve your business which is available at the website listed above."

### Other CMAA National Milestones in 2009

- CMAA's Professional Development Department held a summit in July with a focus on water issues. The Summit's success and the urgency of water issues have prompted CMAA to slate another Water Summit in 2010.
- CMAA created a special web page devoted to the economic stimulus legislation, posting data, legislative texts, links to media coverage, and other valuable content.
- Social media have become more important to CMAA this year, including wider use of Facebook, Twitter, LinkedIn and similar tools.
- CMAA capped a two-year effort by publishing the first new edition of the CM Standards of Practice since 2003.
- Throughout 2009, CMAA offered a wide variety of webinars on topics such as Leadership, Conflict Resolution, Innovations in Scheduling, and many more. These programs have been catalysts for the sharing of ideas among peers and experts. CMAA staff continues to produce web-based programs that tackle issues critical to CMs at every career stage.
- The Construction Manager in Training Program (CMIT) is growing steadily, as more and more CM professionals look to it for guidance in their careers.

### Jim Moynihan - Named CMAA Fellow



CMAA SAC Member and Heery International Chairman and CEO **Jim Moynihan** was named a Fellow of the CMAA.

The Fellows designation is one of CMAA's highest honors, conferred upon industry leaders who have made significant contributions to their organizations, the industry and the profession. Moynihan was one of four Fellows inducted into the CMAA College of Fellows and is one of only 46 individuals to have received the Fellows designation since CMAA's inception in 1982.

## CMAA National: Chapter Leaders Meeting

**Don Green, of Heery International, Inc.**, attended the Chapter Leaders Meeting at the National Conference in which each chapter representative was given the opportunity to provide comments and summaries regarding their chapters. Here are some of the comments noted by Don:

- The majority of the chapters have gone to online meeting registrations.
- Many of the chapters have started their own websites.
- Owner programs and forums are the biggest draw at chapter meetings. Sponsorships increased at these events.
- Program consultants are being used to setup and market meetings.
- During the current industry slowdown attendance has increased for training programs because members have more time to devote to this.
- Many chapters are seeking to add Owner's as board members to increase awareness of the benefits of CMAA and to gain their perspectives and insights.
- Joint meetings are being conducted offering discounts (member rates) to organizations like AIA, etc.
- Education sessions are being offered for free due to the economy.
- Unemployed colleagues are being offered free (or a reduced rate) admission to attend meetings so that they can network with other members and guests.
- Job opportunities are being posted on forums like LinkedIn. CMAA National allows members to post their resumes on the national site at no charge.
- Internet discussion groups are being created to allow members to utilize other members as resources to assist with CM issues.
- Many chapters are offering significant scholarship monies to local colleges and universities: The New England chapter awarded \$22K; The Southern California chapter awarded \$40K; The Northwest chapter awarded \$17K; and The National Capital chapter awarded \$15K in scholarships.
- Golf tournaments appear to be the best opportunity to generate scholarship funding.
- Development of student chapters at colleges and universities is being done on a national scale. Some chapters are visiting local high schools to educate students and assist in career decision-making.
- Because of the current economy, membership retention was seen as the most challenging issue potentially impacting chapters.

- Many members reported that the stimulus package approved last summer has not provided any increase in opportunities or contract awards. However, they are hoping that some opportunities will be available in the next six months.

## Welcome New Members!

A warm welcome goes out to the many new members joining the Chapter in 2009. On behalf of all standing members - **Welcome to the South Atlantic Chapter of the Construction Management Association of America!**

Aaron M. Wadley	Jason Abernathy
Adam J. Maloney	Jay Merando
Adam L. Lewis	Jeff Cross
Alan Butler	Jeffrey Pier
Angie Kerberg Jones	Jessica L. Fulton
Anthony Himes	John E. Finch
Ashley Robert Farrow	John J. Ferrell Jr.
Ben D. Rabb	Jonathan Roberts
Bill Parker	Kerwin Alleyne
Blake A. Somerville	Kevin Riggs
Brian Daniel	Kurt Martin
Brian Kelley	Lasenta D. Lewis-Ellis
Brian Robinson	Linda M. Adams
Christopher Bohn	Louis Bernard Lynn
Christopher Willis	Marcia Hurd-Wade
Chuck Herman	Martin Dorward
Chuck Snider	Marvin Woodward
Dallas Channing Smith	Michael J. Greene
Dan Krautheimer	Mike Anderson
Dan Walling	Nabeel A Shukri
Daniel Epps	Nancy E. Lovell
David Pye	Nathan Bengé
Debbie Remke	Paul Hogan
Derek Kelley	Ray Childress
Don Makamson	Robert J. Gilbert
Douglas A. Findley	Sean M. Gable
Elizabeth Gabbett	Shivana Priya Waterman
Evelyn Manon	Stephanie Smith
Ezenwa Samuel Uzoho	Thomas A. Grott
George Clackum	Thomas Hill
George Joseph Jr.	Thomas Robinson
Henry Derek Metts	Thomas Rooks
J. Kelly Clayton	Tim Crosby
James Adams	Wanda Dunaway
James P. Brown	William F. Brown III.
James W. Smith	

# Building Green ... Required by Law

by: Mark de St. Aubin, Smith Gambrell & Russell, LLP



## I. INTRODUCTION

Over the past several years, owners have required that the design and construction management firms they retain have the expertise to build green. Now, a growing trend calls for design and CM firms to become even more proficient in the delivery of green buildings.

Municipalities, states and, of course, the federal government are all mandating green building for various types of public and private residential and commercial construction. Increasingly, green building is becoming the law, and that trend may soon hit Atlanta.

## II. THE ATLANTA SUSTAINABLE BUILDING ORDINANCE

On December 1, 2009, the Community Development/Human Resources Committee of the Atlanta City Council will vote on whether to send to the full City Council on December 7, 2009 the Atlanta Sustainable Building Ordinance (ASBO) for passage. If passed, the proposed ASBO *may* eventually mandate green building certification for the vast majority of individual commercial and large residential construction projects built in the city limits.

Passage appears likely. Insiders believe Mayor Franklin is pushing hard to green the City's building code before her term expires to form part of her legacy. Current councilman, and runoff candidate for City Council President, Caesar Mitchell, has stated that he is "supportive of the ordinance" and thinks "we are at a point where we need to make a decision."<sup>1</sup>

## III. PROJECTS COVERED BY THE ORDINANCE

There have been many drafts of this ordinance, and in practically every draft, the types of projects covered by the ordinance have remained the same.

The ordinance will cover *all* construction projects, including additions and alterations of existing buildings within the city limits of Atlanta, *EXCEPT*, however, the following projects, which are not covered by the ordinance: (1) single family; (2) multifamily of three stories or fewer above grade; (3) maintenance of existing buildings; (4) *some* historic buildings; and (5) buildings that use no fossil fuel, non-renewable sourced electricity or water.

## IV. SOME BACKGROUND HISTORY AND THE DEBATE OVER AN INCENTIVE BASED APPROACH VERSUS A COMPLIANCE BASED APPROACH

The first few drafts produced by the Atlanta Sustainable Building Commission (ASBC) reflected a "compliance based approach," meaning that all individual construction projects covered by the ordinance were legally required to achieve certification through LEED®, Green Globes or a comparable green building program.<sup>2</sup>

Over time, however, drafts of the ordinance were modified, moving from a strictly compliance based approach to a scheme that combined an incentive program followed by the implementation of mandatory green building requirements.

*Why the Shift From a Compliance Based Approach to an Incentive Based Approach?* Industry organizations lobbied the City Council for an ordinance that would incentivize the private sector to continue building green. These organizations and their members, many of which were not represented when the legislation was originally drafted, argued to the ASBC that over the past several years Atlanta had outperformed its peer cities in achieving a greener built environment without any legal requirement to do so.

According to these organizations, incentives, such as expedited permitting, the waiver of certain impact fees, and tax abatements, would generate more green building, while not imposing additional costs on the building process. Interestingly, neither of the two camps were able to persuade the other that a pure compliance or pure incentive based approach should be presented to the City Council.

## V. THE PERFORMANCE BASED APPROACH TO ENSURING GREEN BUILDING

In fact, the latest draft, currently up for vote by the City Council, dated November 10, 2009, proposes a "performance based approach." Rather than applying requirements or incentives to individual projects, this draft sets percentage targets for green building square footage and green building permits as a portion of overall comparable square footage and permits issued. The targets for both green building square footage and permits for buildings designed to be green are set by the ASBO for each year from 2011 through 2019, increasing gradually over that period. Square footage and permits are

# Feature

## Building Green...(cont.)

tracked for new construction, which is defined to include: (1) new commercial construction; (2) multi family residential higher than three stories; and (3) first tenant improvements. The ASBO also requires the Bureau of Buildings to track and establish targets for existing buildings.

Provided the building community meets those targets on an annual and cumulative basis over the years, compliance will not become mandatory. However, if the targets are missed on either an annual or cumulative basis, then there is a cure period that permits the building community to catch up with the targets set for each year, reinstating the performance based approach.

Failure to cure and regain compliance with both the permit and square footage targets triggers the mandatory compliance process contemplated in the original drafts of the ASBO. In other words, it appears that the ASBC has said to the designer, owner/developer, contractor community “okay, we will let the private sector keep Atlanta on track to be a national leader in green building; however, if Atlanta falls behind as a leading green building city by missing these targets over consecutive years, then compliance with one of the recognized certification programs, such as LEED®, Green Globes, EarthCraft or the ASBS becomes mandatory on a project by project basis.”

### VI. CONCLUSION

The draft ordinance and its history make a couple of points clear to the CM profession. Owners and developers want green building, but not at the hands of government intervention through green building mandates.

The statistics bear out that owner mindset. Even in this severe market downturn, there has not been a percentage decline in green building. The PM/CM community has a critical role to play in ensuring that Atlanta remains a national leader in green building.

<sup>1</sup>Maria Saporta, Saporta Report, “Run Off Candidates Share Views On Atlanta’s Proposed Sustainable Building Ordinance”, November 16, 2009.

<sup>2</sup>The ASBO also provided for compliance with EarthCraft or compliance with the Atlanta Sustainable Building Standards (ASBS), green building criteria contained in the actual ordinance, covering the same green building objectives found in LEED® and similar programs, such as site improvements, water and energy efficiency, indoor environmental quality, materials that do not adversely affect the environment and green construction means and methods.

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CMAA South Atlantic Chapter is proud to bring you this quarterly publication. Our goal is to provide you with leading edge best practices and real world experiences to assist you in your day-to-day professional construction management and related activities. We shall keep you informed regarding local chapter affairs and upcoming events, as well as CMAA national news, events and publications.

We also welcome your hard-won stories of project successes and satisfied owners, as well as your trials and tribulations and resulting lessons learned. This publication is meant to assist all of us in our mutual goal of advancing excellence in construction management throughout our chapter region that includes Alabama, Georgia, South Carolina and Tennessee. This newsletter cannot achieve its objective of “Building Connections” without your valuable and appreciated contributions.

Please contact our chapter's Communications Chair, Mark de St. Aubin with Smith Gambrell & Russell, LLP at [mdestaubin@sgrlaw.com](mailto:mdestaubin@sgrlaw.com) with your feedback, ideas and submissions for upcoming issues. Please submit ideas before 2/10/10 for our Spring issue.

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