NEW YORK STATE OF OPPORTUNITY.

Office of General Services

A Guide to

Working with OGS on Sustainability

For Tenant Agencies in State-Owned or Leased Facilities

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Andrew M. Cuomo, Governor

RoAnn M. Destito, Commissioner

Begin

Welcome

Introducing a New Process for Tenant Communication and Action on Sustainability

Throughout his administration, Governor Andrew M. Cuomo has championed sustainability and directed State agencies to lead by example by reducing fossil fuel use and adopting a holistic range of green practices, from avoiding single use plastics to protecting pollinators. These efforts reached an inspiring new level with enactment of the historic Climate Leadership and Community Protection Act in 2019, the most ambitious and comprehensive climate law in the country.

The NYS Office of General Services (OGS) is committed to providing our tenant agencies with the best possible customer service, including making it as easy as possible for them to follow the Governor's directives and adopt sustainable practices. Consistent with New York's commitment to leading by example, OGS has developed this new process to enhance communication and streamline the development and implementation process for sustainability projects in State-owned or leased space. Highlights include:

- Regular and direct communication between agency sustainability teams and OGS staff.
- The involvement of agency sustainability teams in the earliest stages of developing new leases.

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Addressing the Challenges of Sustainability in Managed and Leased Space

Overall, roughly one-third of the facilities occupied by State agencies are owned by or leased from third parties. OGS alone manages 174 State-owned buildings encompassing 20,674,849 square feet of space and manages approximately 500 leases that encompass more than 10,000,000 square feet of space.

Agencies located in space owned, managed or leased by others face unique challenges. The need to work with a separate agency (such as OGS) as well as a landlord creates multiple layers of people who must be consulted and ultimately sign-off on proposed projects. The challenges can be particularly acute for small agencies located in large buildings with multiple tenants.

One key to success is regular communication. This guide is designed to help agency Sustainability Coordinators and Teams, Facility Managers, Designated Tenant Representatives, and OGS Real Estate staff establish a regular schedule of effective communication that supports creative collaboration and problem solving. Collaboration in the earliest stages of new lease development is particularly important.

OGS Real Estate Divisions

Real Property & Facility Management

Purpose: *Provide for the administration and daily operations of all OGS-owned and managed State office buildings.*

Activities:

- Provide property and facilities management services in OGS-owned and managed State office buildings
- Manage the utilities of State-owned property
- Manage the health, safety and security of OGS-owned and managed State office buildings
- Provide parking services management

Real Estate Services and State Asset & Land Management

Purpose: *Provide a full range of core real estate services on behalf of other New York State agencies.*

Activities:

- Identify and negotiate public or private space for agency use
- Provide tenant services: space planning, project planning, construction oversight
- Manage the sale of state surplus lands and properties
- Issue easements and grant licenses and permits for the public or private use of uplands and lands under water
- Maintain maps and real property records

Agency Designated Tenant Representative

Every agency in OGS-owned or leased space has one or more Designated Tenant Representatives. They are the only people in a tenant agency who are allowed to have regular communication with the OGS Building Manager (for OGS-owned facilities) or the OGS Real Estate Services representative (RES) (for OGS leased facilities). The Building Manager is usually an OGS employee but can be from a private company in certain situations. The OGS RES is often not one person but a small group (usually less than a handful) of people with separate responsibilities. Only the OGS RES is authorized to communicate with the Landlord in OGS leased facilities.

Tips for Tenant Agencies

How to Determine if Your Agency is a Tenant

There are several ways to determine the ownership status of your agency's facilities. For OGS owned or managed space, you can consult the list of Building Names attached as Exhibit B to this guide. You can also consult with the staff or office in your agency who oversee management your agency's facilities.

Building an Effective Sustainability Team

Because tenant agencies must collaborate across multiple organizations to be effective, it is even more important that they build an effective, collaborative structure within their own agency capable of advancing sustainable projects and practices and securing buy-in from outside entities.

Tenant agencies should create a multi-disciplinary Sustainability Team that includes, at a minimum, the agency's designated Sustainability Coordinator, their Designated Tenant Representative (Tenant rep), a facilities lead (e.g., the agency's facilities or energy manager), a finance lead (e.g., a staff person from budget or purchasing), and an executive sponsor with the ability to convene meetings with the head of the agency. The agency's Sustainability Team should meet at least twice annually with the agency's Commissioner, CEO or Chair of the Board of Directors.

If an agency has regional offices, each region should be asked to appoint a Regional Sustainability Coordinator. Agencies with regional offices should be in regular communication with Regional leadership staff. Agencies with regional offices or multiple State-owned or leased facilities are likely to have multiple Designated Tenant Representatives (Tenant Reps) and should establish regular communication between those reps and any regional or facility-based Sustainability Teams.

Recommended Communication Practices in State-owned Space

The tenant agency's Sustainability Team should meet directly with the OGS Building Managers and the OGS Regional Facilities Managers for each facility occupied by the agency on a regular basis – at least once a year and up to twice a year. For agencies which occupy multiple OGS facilities in multiple regions, separate meetings should be held for each region. The agency's Sustainability Coordinator should work with the agency's Tenant Rep or Reps to convene the meetings.

The purpose of these meetings is to establish good rapport and a sense of common purpose between the tenant Sustainability Team and OGS staff that leads to constructive problem solving and the implementation of successful sustainability projects.

Suggested Meeting Attendees

- The agency's Sustainability Team (statewide or regional)
- The agency's Designated Tenant Rep or Reps
- The OGS Building Manager (for all facilities to be discussed)
- The OGS Regional Facilities Manager

Suggested Agenda Items

- The agency's overarching vision for sustainability.
- Review of the agency's Lead by Example Dashboard and its Buildsmart 2025 and GreenNY project lists.
- Status of projects currently underway and any needed trouble shooting.
- Strategies to collaborate and achieve success (i.e. by combining a new initiative, like composting, with education and outreach led by the tenant Sustainability Team).

Tips for Implementing Successful Projects

Individual sustainability projects should always be submitted to OGS through the formal Tenant Space Alteration Request process. OGS website link to overall Tenant Alteration Information: https://ogs.ny.gov/real-estate/tenant-alteration-requests

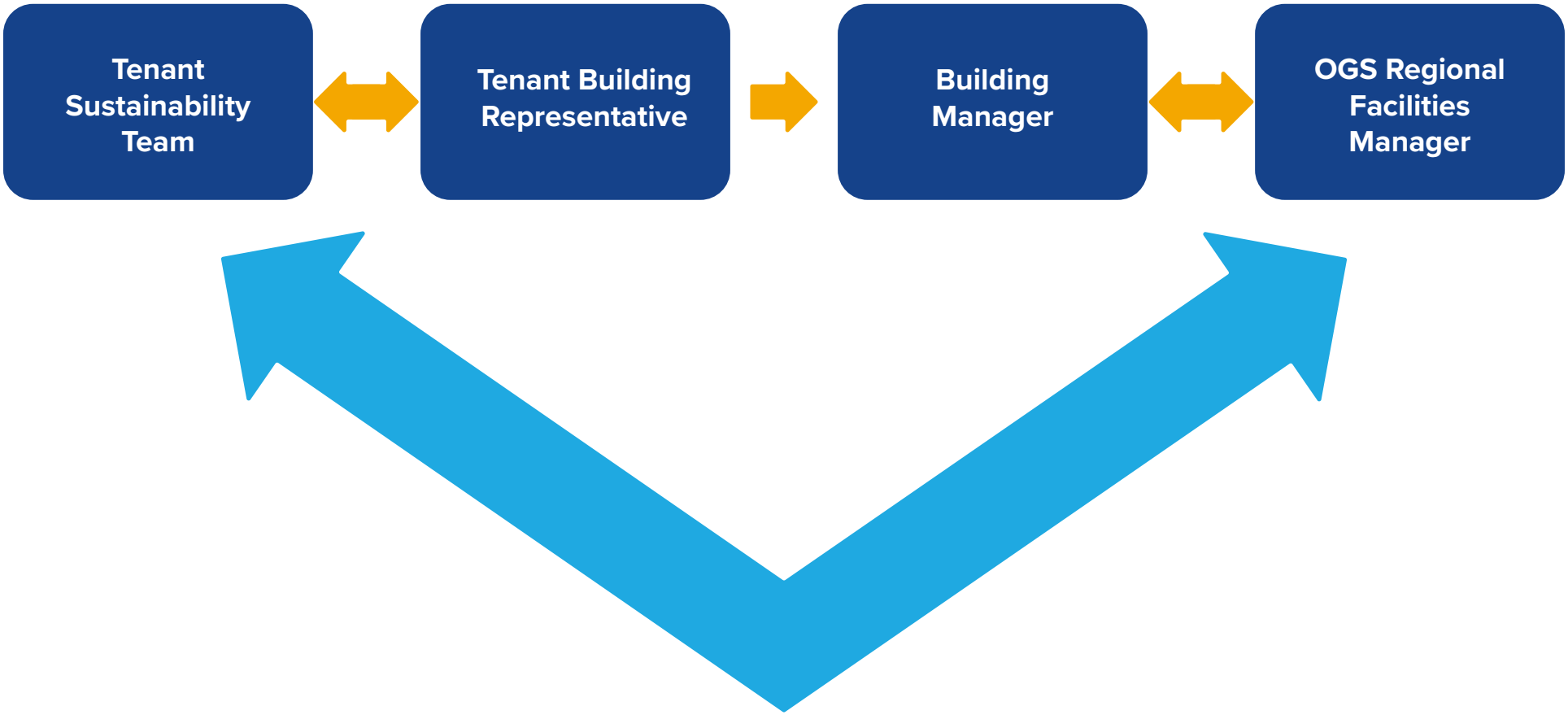
Tenant Space Alteration projects include all work that alters State-owned space. To be successful, the agency's Sustainability Team should work closely with the agency's Designated Tenant Rep for the facility to develop a well thought out plan for the proposed sustainability project that includes:

- A detailed description of the project.
- A list of agency staff responsible for leading the project.
- The expected benefits of the project, including projected cost savings.
- The costs of the project and secured funding for the project in the agency's budget.

The agency is responsible for all costs associated with a Tenant Space Alteration project. Once funding has been secured for the project in the agency's budget, the Team and the Tenant Rep should fill out and submit a Tenant Alteration Request Form or "TAR." Only the Tenant Rep may submit the TAR 101 form.

The project scope and justification articulated on the TAR should be clear, concise, and complete. OGS staff will review the request and decide whether to approve it. Their review is based on multiple factors, including space standards, regional space plans, ongoing or planned capital projects that may impact the work, and account standing. The project's contribution toward achieving the State's ambitious lead-by-example goals and directives should also be considered.

State-owned Space Communication Graphic



The tenant agency's Sustainability Team should meet directly with OGS staff at least once, and up to twice, a year

Recommended Communication Practices in Leased Space

At least one meeting should be held between the Sustainability Team for a tenant agency and OGS Real Estate Services at the commencement of a lease project. The agency's Sustainability Coordinator should work with the agency's Tenant Rep for the facility covered by the lease to convene the meeting. It is strongly recommended that multiple agencies occupying a given facility coordinate to ensure effective and efficient representation.

Once a lease is finalized, the tenant agency's Sustainability Team should meet directly with the OGS RES for the facility once every two years or so to maintain good rapport and allow for constructive problem solving and the implementation of successful sustainability projects.

Suggested Meeting Attendees

- The agency's Sustainability Team (statewide or regional)
- The agency's Designated Tenant Representative for the facility
- The OGS Real Estate Services Representative (may be a small group)

Suggested Agenda Items

- The agency's overarching vision for sustainability.
- Review of the agency's Lead by Example Dashboard.
- Review of the agency's Buildsmart 2025 and GreenNY project lists, with an eye toward projects to be included in new lease language.
- Status of projects currently underway and any needed trouble shooting.
- Strategies to collaborate and achieve success

Tips for Implementing Successful Projects

Once a lease is signed, individual sustainability projects should always be submitted to OGS through the formal Tenant Space Alteration Request process (https://ogs.ny.gov/real-estate/tenant-alteration-requests), which covers all work that would alter space leased by NYS agencies. To be successful, the agency's Sustainability Team should work closely with the agency's Tenant Rep for the facility to develop a well thought out plan for the proposed project that includes all the elements necessary for consideration in OGS leased space.

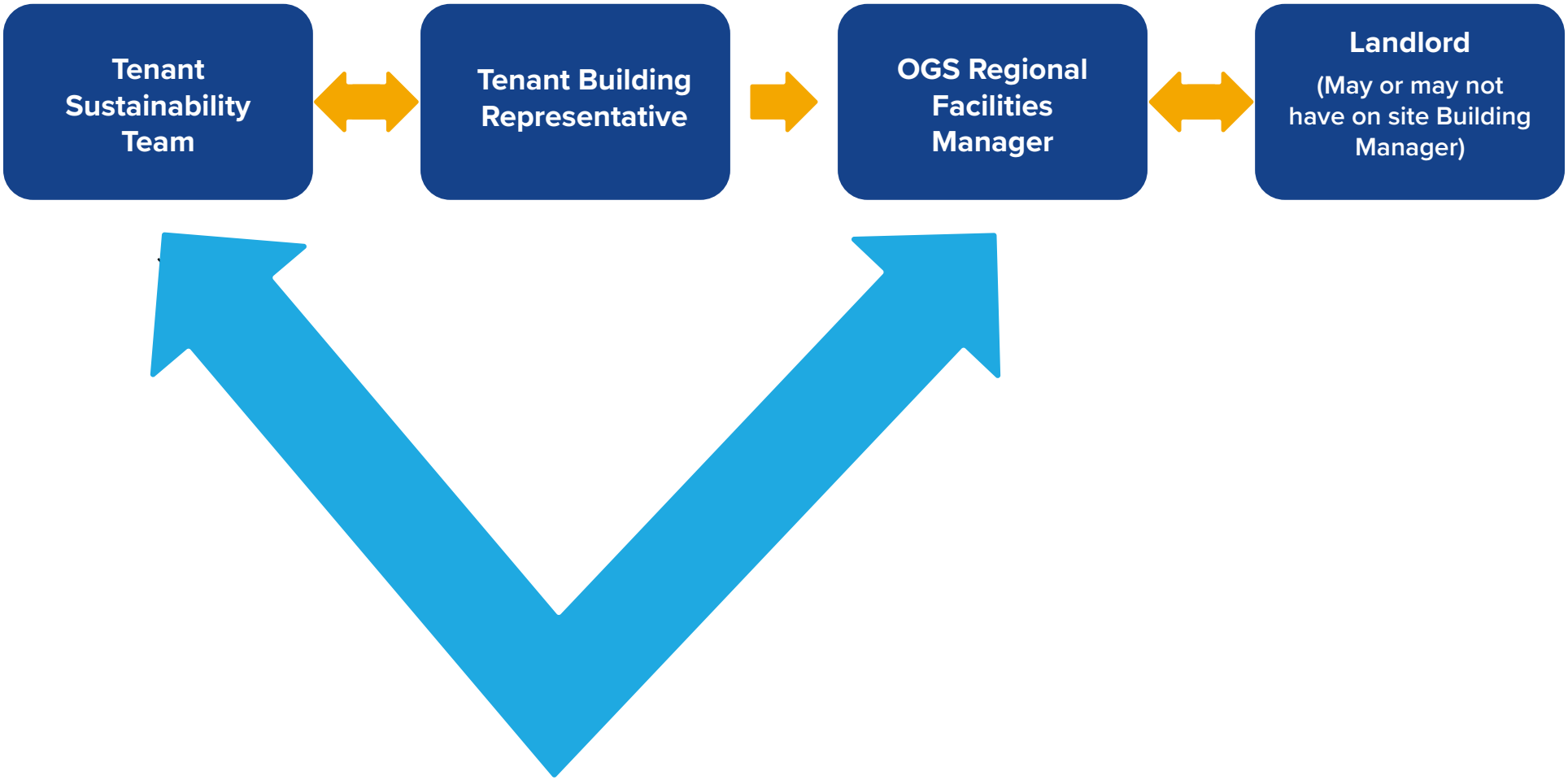
The agency is responsible for all costs associated with a Tenant Space Alteration project. Once funding has been secured for the project in the agency's budget, the Team and the Tenant Rep should work together to fill out and submit a Tenant Alteration Request Form or "TAR." Only the Tenant Rep may submit the TAR 101 form.

The project scope and justification in the TAR should be clear, concise, and complete. OGS staff will review the request and decide whether to approve it. Their review is based on multiple factors, including space standards, lease terms and expiration, and regional space plans. The project's contribution toward achieving the State's ambitious lead-by-example goals and directives should also be considered.

Once a project is approved, an OGS project manager will work with the tenant agency and the landlord to develop detailed design plans and determine whether an OGS-assigned Space Planner should be included in the process. The Space Planner may require additional supporting documentation.

Once the design plans are complete, they will be submitted by the OGS RES to the landlord for the creation of construction documents and a firm cost estimate. The project cannot move forward until final agency funding approvals are secured.

Leased Space Communication Graphic



The tenant agency's Sustainability Team should meet directly with the OGS RES as a new lease is developed and once every two or so years thereafter,

Models for Success

Several agencies, including the Department of Tax and Finance, the Department of Financial Services, and the Insurance Fund, have successfully implemented large sustainability projects in partnership with OGS and landlords. A number of these have included the replacement of old lighting with LEDs. One of the most effective ways to implement sustainability projects is incorporate them into lease renewals or large renovation projects. Another potential tool is to set up a “tenant upgrade fund” when a lease is negotiated or renewed. The agency can draw down on this fund to make sustainable improvements and pay it back over the term of the lease instead of using capital funds for space not State-owned or trying to get a landlord to pay for improvements.

Exhibit A: Active OGS Leases by County

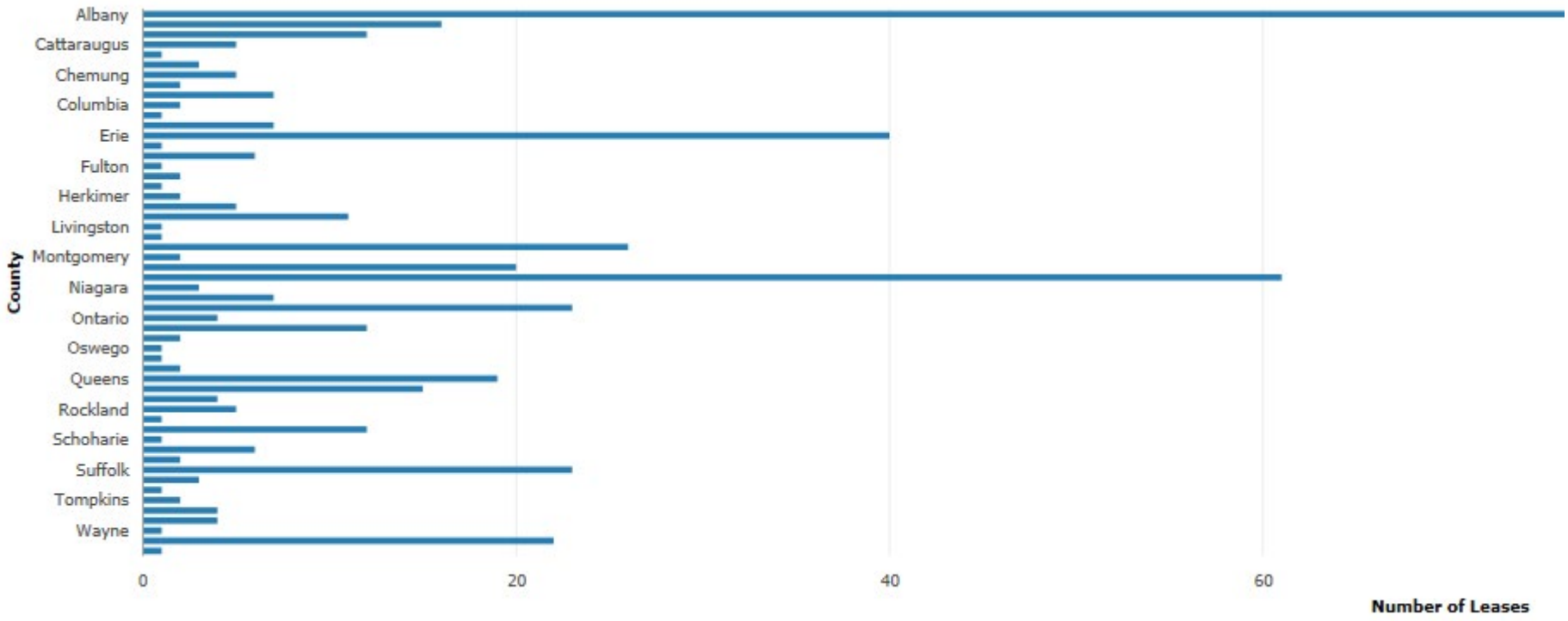


Exhibit B: OGS Owned or Managed Office Buildings

Upstate Region

Binghamton State Office Building

Dulles State Office Building

Henderson-Smith State Office Building

Homer Folks Facility

Senator John J. Hughes State Office Building

Senator Walter J. Mahoney State Office Building

Utica State Office Building

Downstate Region

Adam Clayton Powell, Jr. State Office Building

Eleanor Roosevelt State Office Building

Hudson Valley Transportation Management Center

Perry B. Duryea State Office Building

Shirley A. Chisholm State Office Building

Capital Region

44 Holland Avenue

50 Wolf Road

110 State Street

328 State Street

625 Broadway

Ten Eyck

Empire State Plaza

Agency Buildings 1-4

Alfred E. Smith State Office Building

Legislative Office Building

Mayor Erastus Corning 2nd Tower

New York State Capitol

Robert Abrams Building for Law and Justice

Swan Street Building

Wadsworth Center

New York State Museum – Cultural Education Center

The Egg Center for Performing Arts

Harriman Campus

Building 3

Building 4

Building 5

Building 6

Building 7

Building 7a

Building 8

Building 8a

Building 9

Building 12

Building 18

Building 21

Building 22

Building 24

Building 30