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Good afternoon,

In February 2026, the Board of Public Works unanimously adopted a [new advisory](#) that will take effect July 2026. We are sharing the attached guidance document with you on behalf of the Board members so that your teams have ample time to prepare and incorporate it into upcoming submissions.

As you review the document and begin developing materials for future Board agendas, we hope the guidance provided will help streamline preparation and reduce uncertainty. The Board recognizes this new information will take some time to fully implement and we are committed to working collaboratively with you on this new process. We welcome feedback as you add this new information into the agenda items.

Thank you for your continued partnership and for the work you do every day on behalf of the people of Maryland.

Sincerely,

Executive Secretary John Gontrum

BPW Advisory 2026-1 Guidance

Purpose: The advisory directs procurement agencies to include climate and sustainability information in Board of Public Works agenda submissions. It aims to increase transparency and highlight how certain procurements and leases align with Maryland’s environmental goals, laws, and policies.

Covered Agencies: The advisory applies to these state agencies and institutions when submitting qualifying contracts or leases:

- Department of General Services;
- Maryland Department of Transportation;
- Maryland Stadium Authority; and
- Public higher education entities (University System of Maryland, Morgan State, St. Mary’s College, Baltimore City Community College).

Scope: This requirement applies to:

- Architecture and Engineering Contracts (with a base term value of \$1 million or more);
- Construction Contracts (with a base term value of \$1 million or more);
- Energy Performance Contracts (with a base term value of \$1 million or more);
- Maintenance Contracts (with a base term value of \$1 million or more);
- Public-Private Partnerships (with a base term value of \$1 million or more);
- Tenant Leases (where the State is a sole occupant and the space is at least 35,000 square feet);
- Public–Private Partnerships Contracts.

Exemptions: No information is required for emergency procurement actions or indefinite delivery / indefinite quantity contracts.

Information provided by bidders/offerors under this section may not be used as a factor in evaluating bids or proposals. Agencies are not required to validate climate and sustainability information provided by bidders/ offerors. The information gathered from bidders/offerors may only be used for the purpose of fulfilling the requirements of this advisory.

Tables included in the following pages summarize applicable statutory references and sample agenda content related to climate sustainability that apply either generally to procurements or to specific types of procurements, for agency reference.

Statutory References and Example Agenda Language

These environmentally based authorities apply broadly across procurement, project, and contract types.

Legal Authority	Description & Key Environmental Consideration
State Finance & Procurement Article (SFP) § 11-201(a)(5); COMAR 21.11.07.01; and COMAR 21.11.07.09	Encourages the use of recycled materials and environmentally preferable products and services.
SFP § 14-405	Requires agencies, to the extent practicable, to adopt environmentally preferable specifications published by the Green Purchasing Committee.
Natural Resources Article (NR) § 1-303 et seq.	Requires agencies ensure that environmental amenities and values are given appropriate consideration in planning and decision-making along with economic and technical considerations.
NR § 1-304	Mandates the preparation of Environmental Effects Reports (EER) for "major actions" to integrate environmental considerations into agency planning.
Environment Article (ENV) § 2-1204.2	The State shall achieve net-zero statewide greenhouse gas emissions by 2045.
Executive Order 01.01.2024.19	Requires State agencies to: <ul style="list-style-type: none"> • Work to address climate change and ensure a just transition to a clean economy; • Advance environmental justice by working to address the disproportionate impacts of climate change for underserved and overburdened communities, including the application of Justice40 goals, initiatives, and funding; • Equitably implement all existing laws, regulations, and policies related to climate change, incorporating robust community and stakeholder engagement; and • Continue to maximize federal funding opportunities on climate.

General Guidance Sample Agenda Language:

- The contract supports Maryland’s climate goals by reducing greenhouse gas emissions consistent with statewide requirements and the Executive goal of a 100% clean energy supply.
- The contract provides for climate resilience and adaptation by addressing projected climate and extreme weather risks.
- The contract specifies environmentally preferable products and services in accordance with Green Purchasing Committee specifications.
- The project complies with the High-Performance Green Building Program requirements.
- The project is consistent with Maryland’s Building Energy Performance Standards.
- The construction scope requires Environmental Product Declarations and adherence to Global Warming Potential thresholds consistent with Buy Clean Maryland.

Procurement-Specific Guidance

These authorities apply to product categories, project types, or development activities, requiring specific environmental standards, planning, or compliance measures.

Architecture and Engineering

Building Standards	
SFP § 4-806	Requires DGS to set standards for energy performance indices, so that it can audit and evaluate competing design proposals.
COMAR 21.04.01.02	When applicable, requires procurement specifications include a statement concerning energy efficiency.
ENV § 2-1602	Sets net direct emission standards, starting in 2030, for different types of building construction (e.g., universities, stadiums, offices).
SFP § 4-410.1	To minimize impacts on birds, requires State building interior and exterior lighting to be appropriately shielded and minimized from midnight to dawn each day.

Architecture and Engineering (continued):

Building Standards (continued)	
SFP § 4-802	Requires that any building constructed by the State must be designed and constructed to achieve the most efficient use of energy resources in the operation and maintenance of the building.
SFP §4–803	<p>To save both cost and energy, DGS shall project life–cycle costs and perform an energy consumption analysis during the preliminary design phase of the construction or renovation of any building.</p> <p>Each construction appropriation shall require a State agency, including a district school board, to obtain a projection of life–cycle costs and an energy consumption analysis from the Department.</p>
SFP §4–804	When a primary procurement unit replaces or supplements a major item of energy-consuming equipment in an existing building owned or leased by the State, the procurement of the equipment shall be made on the basis of a life-cycle cost analysis of alternatives in accordance with standards established under SFP § 4-808.
SFP §4–808	To determine life-cycle costs, DGS, in cooperation with the Maryland Energy Administration, shall establish certain standards.
SFP § 4-902	For capital projects subject to SFP § 3-602.1, with regards to cement or concrete mixture usage, DGS shall strive to achieve a continuous reduction of greenhouse gas emissions over time.
SFP § 4-903; SFP § 4-904	For capital projects subject to SFP § 3-602.1, DGS was required to establish a standard for maximum acceptable global warming potential. Procurement solicitations must, with exceptions, include an Environmental Produce Declaration reflecting a threshold for cement or concrete mixture usage lower than the maximum acceptable global warming potential standard established by DGS.

Architecture and Engineering (continued):

Building Standards; Landscape Design	
Executive Order 01.01.2001.06	Requires State agencies to have a water conservation plan that includes: <ul style="list-style-type: none"> • the purchase of water-efficient plumbing fixtures, appliances, and other products when new or replacement products are needed; • the timely detection and repair of leaks in distribution lines and plumbing fixtures; • wastewater reclamation and recycling of water for nonportable applications; • management of system pressure so as to reduce usage; • retrofit programs and fixture replacement; and • installation of efficient landscape design and irrigation techniques.
SFP § 3-602.1	Sets high performance building requirements for certain State-funded new buildings or major renovations.

Architectural and Engineering Sample Agenda Item Language:

- The consultant will perform required environmental and engineering inventories, field surveys, and environmental documentation.
- The design incorporates sustainability, energy efficiency, and resilience as central project features.
- The design provides a future ready structure capable of adapting to evolving clean energy technologies.
- The consultant will prepare a life-cycle cost analysis to inform major system and material choices.

Construction

Building Standards	
SFP § 14-412; COMAR 21.11.07.11	Requires the use of energy-efficient outdoor lighting fixtures in State owned or leased buildings.
SFP § 4-803	Requires DGS to provide an energy consumption analysis during the preliminary design phase of the construction or renovation of any building.
Development / Land Use Projects	
Natural Resources Article (NR) § 5-103	Requires minimization of impacts to trees or other woody plants during construction and mitigation through reforestation of separate publicly owned land.
Natural Resources Article (NR) § 5-1601 et seq.	Requires certain State-funded or approved projects to submit forest conservation plans to preserve forest land during development activities.

Construction Sample Agenda Item Language:

- The project delivers a highly energy efficient facility, reducing electricity use or emissions compared to a code compliant baseline.
- The HVAC system is all electric and high efficiency, exceeding baseline performance.
- The project meets IECC requirements and includes sustainable features such as efficient HVAC controls, LED lighting, and water saving fixtures.
- The building achieves or is designed to achieve LEED or an equivalent green building rating.
- The project replaces outdated electrical or lighting equipment with high efficiency models.
- The project incorporates onsite renewable energy.
- The building envelope is upgraded to improve insulation and reduce air leakage.
- The project includes low-embodied carbon materials documented through lifecycle assessment or EPDs.
- Construction waste is minimized and diverted from landfills, with improved recycling rates.

Construction Sample Agenda Item Language (continued):

- Green infrastructure such as bioretention basins, rain gardens, permeable paving, or wetland restoration is incorporated. Tree canopy and native plantings are expanded to improve site resilience.
- Shoreline improvements using native marsh plantings enhance resilience to storm surge.
- Energy efficient outdoor lighting is installed to reduce electricity consumption.

Energy Performance

Energy Use Management Contracts	
SFP § 12-301	Requires DGS to review energy performance contracts to ensure that the contracts meet with the State energy standards.

Energy Performance Sample Agenda Item Language:

- The contract provides guaranteed and measurable energy performance improvements consistent with State energy standards.

Maintenance

Janitorial Supplies, IT disposal, Office Supplies, etc.	
SFP § 14-410	Provides the Maryland Green Purchasing Committee with the authority to set environmental standards for specified categories of commodities and services. Environmentally Preferable Requirements and Recommendations from the Maryland Green Purchasing Committee can be found here .
Landscaping	
SFP § 14-409	Establishes preference for use of compost in maintenance of public lands paid for with public funds.
SFP § 14-417	Prohibits the use of State funds for purchasing or propagating invasive plant species.
Maintenance Materials Standards	
COMAR 21.11.07.10	Requires agencies to give preference to the use of compost in any land maintenance activity that is publicly funded.

Maintenance Sample Agenda Item Language:

- Products used in maintenance comply with Maryland Green Purchasing specifications.
- The contractor implements integrated pest management.
- Grounds maintenance uses native or sustainable landscaping practices.
- The contract supports operational energy efficiency improvements.

Public-Private Partnerships

SFP § 10A-105	Requires public-private partnership projects to comply with the Environment Article and SFP § 3-602.1.
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Public Private Partnership Sample Agenda Item Language:

- The agreement requires compliance with environmental statutes and high performance building standards and integrates climate and resilience metrics.

Tenant Leases

SFP § 4-806(i)	Requires provisions promoting the State’s energy efficiency and greenhouse gas emissions reduction goals shall be included in solicitations for State agency leased space where the State is paying utility costs.
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Tenant Leases Sample Agenda Item Language:

- The lease provides for energy efficient lighting upgrades and motion sensors.
- The landlord will replace heating and cooling units older than 15 years.
- HVAC systems will meet or exceed applicable energy efficiency standards.
- The landlord will electrify major systems and install solar panels providing credits to the State.
- The lease allows for installation of EV charging infrastructure.