

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2004-12]

Energy Management and Conservation in Commonwealth Facilities

December 15, 2004

Whereas, the cost of energy continues to rise and traditional sources of non-renewable energy continue to be depleted at a rapid pace; and

Whereas, the Commonwealth is a leading consumer of energy throughout Pennsylvania; and

Whereas, the Commonwealth must demonstrate leadership in the conservation of energy by reducing the amount of energy we consume in our own facilities; and

Whereas, the Department of General Services has the primary responsibility for the operation of Commonwealth-owned buildings in Harrisburg and is the primary operational agency of the Commonwealth; and

Whereas, the Department of Environmental Protection has substantial expertise in the conservation of energy and effective energy management techniques; and

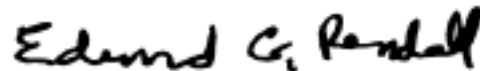
Whereas, the Executive Agencies of the Commonwealth are primarily responsible for energy management and conservation in the buildings they occupy; and

Whereas, all Executive Agencies must work together to conserve energy and reduce energy usage; and

Whereas, the Commonwealth currently lacks a unified approach to energy management and conservation in Commonwealth facilities; and

Whereas, maximum efficiency in energy management and conservation is best achieved through the implementation of a centralized energy strategy coordinated through a single agency.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby issue the following *Executive Order*.



Governor

Fiscal Note: GOV-04-10. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter PP. ENERGY MANAGEMENT AND CONSERVATION IN COMMONWEALTH FACILITIES

- Sec.
 1.501. Responsibilities.
 1.502. Cooperation among executive agencies and independent agencies.
 1.503. Definitions.
 1.504. Effective date.
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§ 1.501. Responsibilities.

(a) The Department of General Services (Department) shall act as the centralized coordinator of the Commonwealth's energy management and conservation measures in Commonwealth facilities for the executive agencies. In this role, the Department shall:

(1) Work with all agencies of the Commonwealth on effective methods to include energy conservation as part of any new construction project or renovation project, by way of green building practices or otherwise, and work collectively to track and monitor the results of the energy conservation methods.

(2) Apply Life Cycle Cost Analysis to the selection of energy sources, systems and controls for all new construction projects and renovation projects.

(3) Implement programs to train appropriate personnel in Life Cycle Cost Analysis.

(4) Act as the centralized authority for all Energy Service Company (ESCO) Projects implemented by the Executive agencies. In this role, the Department shall:

(i) Act as the approving authority for all ESCO Projects requested by the executive agencies.

(ii) Develop standard procedures by which ESCO Projects may be awarded.

(iii) Develop a comprehensive approach to ESCO applicable to all executive agencies.

(iv) Provide advisory services and guidance to the executive agencies for the conception and implementation of ESCO Projects.

(v) Seek to develop and implement a single financing source for all ESCO Projects.

(5) Develop procedures to reduce energy use in all leased facilities, including the possible centralized purchasing of energy for Commonwealth leases and including energy conservation measures in lease specifications.

(6) Procure Energy Star® and other energy efficient products where economical and consistent with Life Cycle Cost Analysis.

(7) Research new and innovative methods of energy conservation.

(8) Benchmark best practices for energy conservation technologies with other public and private sector organizations.

(b) The Department and all other executive agencies shall:

(1) Develop no-cost or low-cost energy conservation measures for all Commonwealth-owned and leased buildings. The measures should include, at a minimum, the following:

(i) The reduction of energy use during peak demand periods.

(ii) The measures to ensure that lighting systems are turned off during nonoperating hours.

(iii) The conversion to more energy efficient systems and bulbs as existing systems and bulbs reach the end of their life cycles.

(iv) The maximum use of natural lighting whenever possible and consistent with temperature control.

(v) Measures to ensure that HVAC systems operate at reduced levels during nonoperating hours.

(vi) Measures to ensure that all equipment powered electricity, including computer equipment, is turned off when not in use and that personal computers go into "sleep" mode after 5 minutes of inactivity.

(vii) Temperature reduction for hot-water heaters in all facilities except where operational needs require a specific water temperature.

- (viii) The removal of lighting from all vending machines in lighted areas.
 - (ix) The removal or reduction of all other nonessential lighting.
 - (x) The maximum use of task lighting.
 - (xi) The setting of refrigerators to the highest temperature.
 - (xiii) The prohibition of personal space heaters except in areas where central HVAC systems cannot provide adequate heat under objective standards.
 - (xiv) The insulation of all hot water or steam pipes and hot water heaters.
 - (xv) The replacement of conventional light switches with motion-sensor switches.
 - (xvi) The replacement of incandescent lights in exit signs with LED fixtures.
 - (xvii) The maximum use of more energy efficient office equipment and turning off personal computers, printers and other office equipment during nonbusiness hours.
 - (xvii) Frequent cleaning of light fixtures.
 - (xviii) Frequent cleaning and maintenance of HVAC systems and routine replacement of filters.
 - (xix) Improved insulation of windows, doors, walls, roofs, floors and sealing of ductwork.
 - (xx) The closing of all windows during heating and cooling periods.
- (2) Develop additional energy conservation methods based upon their individual operational missions.
 - (3) Designate facilities managers with primary responsibility to ensure that energy conservation measures are developed and complied with.
 - (4) Engage janitorial crews and security forces in the implementation of energy conservation measures.
 - (5) Continue to explore the use of ESCO Projects, Energy Star® products, green building practices and other similar energy conservation measures and implement the programs where appropriate.
 - (6) Explore recommissioning or other adjusting of HVAC systems ensure maximum efficiency.
 - (7) Develop a long-range energy use and conservation plan for each executive agency.
 - (8) Develop programs to educate and train employees in energy conservation methods.
- (c) By June 13, 2005, executive agencies shall file a report with the Department setting forth all measures taken to implement this subchapter.
 - (d) The Department of Environmental Protection shall:
 - (1) Provide advice and assistance to the Department and executive agencies in developing the energy management and conservation requirement of this subchapter.
 - (2) On a continuing basis, develop and recommend additional no-cost or low-cost energy conservation measures to be implemented by the Department and the executive agencies.
 - (3) Develop long-range energy management and conservation methods to be applied in Commonwealth facilities.
 - (e) The Office of Administration shall ensure that specific energy management responsibilities are incorporated into relevant job descriptions in all executive agencies.

§ 1.502. Cooperation among executive agencies and independent agencies.

The Department of General Services may request and receive from any executive agency cooperation, information and data needed to properly implement the intent of this subchapter. Independent agencies not directly under the Governor's jurisdiction are also encouraged to participate in the provisions of this subchapter.

§ 1.503. Definitions.

As used in this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Energy Star® Products—Those products that have been designated as such by the United States Environmental Protection Agency or the United States Department of Energy and therefore use less energy, save money, and help protect the environment.

Energy Service Company (ESCO) Project—A guaranteed energy savings contract, as defined in the Alternative Fuels Incentive Act (73 P. S. §§ 1646.1—1646.7), providing for the acquisition of comprehensive capital energy improvements and services provided by qualified energy service companies where the energy and cost savings achieved by the installed energy project cover all project costs, including financing, over a specified contract term.

Executive agencies—Those agencies as defined in 62 Pa.C.S. § 103 (relating to definitions).

Green building practices—Techniques that promote construction of buildings that are healthier for both the environment and the occupants through a variety of methods, including energy and water conservation, environmentally sensitive site planning, the use of resource efficient building materials, and superior indoor environmental quality.

Life-Cycle Cost Analysis—A methodology for calculating the whole cost of a system from inception to disposal.

Peak demand periods—The times during a given day when energy use is at its highest and costs are greatest, particularly afternoons on hot days.

§ 1.504. Effective date.

This subchapter takes effect immediately.

§ 1.505. Termination date.

This subchapter will remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 05-2303. Filed for public inspection December 16, 2005, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER 2003-1]

Commonwealth's Health Care Reform Agenda

January 21, 2003

Whereas, the citizens of the Commonwealth are entitled to an accessible and affordable health care system of the highest quality; and

Whereas, the Commonwealth agencies responsible for administering and delivering health care services have over time been delegated overlapping responsibilities; and

Whereas, due to redundant responsibilities, the current health care system is subject to unnecessary duplication, inefficiency, and added costs; and

Whereas, it is the responsibility of the Commonwealth to determine how best to reform Pennsylvania's health care system and to develop sound fiscal policy so as to resolve the concerns of the Commonwealth's patients, health care providers, and insurance carriers; and

Whereas, the establishment of an Office of Health Care Reform and the establishment of the Governor's Health Care Reform Cabinet will coordinate and implement the Commonwealth's Health Care Reform Agenda.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Office of Health Care Reform and the Governor's Health Care Reform Cabinet. By doing so, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of the Commonwealth's Health Care Reform Agenda.

Edmund G. Rendell

Governor

Fiscal Note: GOV 03-1. (1) General Fund; (2) Implementing Year 2004-05 is \$1.209 million; (3) 1st Succeeding Year 2005-06 is \$1.209 million; 2nd Succeeding Year 2006-07 is \$1.209 million; 3rd Succeeding Year 2007-08 is \$1.209 million; 4th Succeeding Year 2008-09 is \$1.209 million; 5th Succeeding Year 2009-10 is \$1.209 million; (4) 2003-04 Program—\$N/A; 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter R. COMMONWEALTH'S HEALTH CARE REFORM AGENDA

Sec.	
6.251.	Office of Health Care Reform.
6.252.	Governor's Health Care Reform Cabinet.
6.253.	Relationship with other agencies.
6.254.	Effective date.
6.255.	Termination date.

§ 6.251. Office of Health Care Reform.

The Office of Health Care Reform shall be managed by the Director of the Office of Health Care Reform (Director), who serves at the pleasure of, and reports directly to, the Governor. The Director, in consultation with the Office of Administration, shall determine the appropriate staffing levels and associated classifications necessary to support the operation of the Office of Health Care Reform.

(1) *Responsibilities.* The purpose of the Office of Health Care Reform is to coordinate the Commonwealth's Health Care Reform Agenda. In coordinating the Commonwealth's Health Care Reform Agenda, the Office of Health Care Reform shall:

(i) Facilitate the analysis of administrative, fiscal and regulatory policies and practices.

(ii) Oversee the redesign of operations and infrastructure.

(iii) Direct the creation and maintenance of a system to assure the accountability of designated agencies for their assigned powers, duties and responsibilities.

(2) *Authority.* The Office of Health Care Reform shall, at the direction of the Governor, direct the restructuring of the Commonwealth's health care system and the implementation of its Health Care Reform Agenda.

(3) *Reporting.* The Office of Health Care Reform will not have line responsibility for day-to-day operations of the departments, agencies, commissions and offices with a health care purview or regulatory function. Certain relevant policy and process experts from throughout the government shall be designated “on-loan” or detailed to report to the Director to aid its mission. In addition, members of the Governor’s Health Care Reform Cabinet shall report to the Office of Health Care Reform and all accountabilities related to the Commonwealth’s Health Care Reform Agenda.

(4) *Health Care Reform Advisory Council.* The Office of Health Care Reform shall establish a Health Care Reform Advisory Council (Advisory Council), consisting of stakeholder experts recommended by the Director and appointed by the Governor. The Advisory Council shall advise the Director, and the Governor’s Health Care Reform Cabinet on matters relating to health care. The Director is the Chairperson of the Advisory Council.

(i) *Terms.* The members of the Advisory Council serve at the pleasure of the Governor.

(ii) *Compensation.* Members of the Advisory Council serve without compensation for their services. The members of the Advisory Council may be reimbursed the necessary and actual expenses incurred in attending meetings of the Advisory Council and in the performance of their duties in accordance with established Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 6.252. Governor’s Health Care Reform Cabinet.

(a) *Responsibilities.* The Governor’s Health Care Reform Cabinet shall advise the Director of the Office of Health Care Reform (Director) and the Governor on matters related to health care reform and direct government resources in the implementation of the Health Care Reform Agenda. The Director is the Chairperson for the Governor’s Health Care Reform Cabinet.

(b) *Composition.* The Governor’s Health Care Reform Cabinet consists of the following officials and individuals:

- (1) The Director of the Office of Health Care Reform.
- (2) The Secretary of Aging.
- (3) The Adjutant General.
- (4) The Secretary of Health.
- (5) The Commissioner of Insurance.
- (6) The Secretary of Public Welfare.
- (7) The Director of the Governor’s Policy Office.

(8) Additional members as may be recommended by the Director and appointed by the Governor.

§ 6.253. Relationship with other agencies.

The agencies under the Governor’s jurisdiction shall cooperate with and provide assistance and support to the Office of Health Care Reform and the Governor’s Health Care Reform Cabinet. The Office of Health Care Reform shall also be directed and appointed by the Governor to participate in certain other commissions, panels, cabinet and initiatives.

§ 6.254. Effective date.

This subchapter takes effect immediately.

§ 6.255. Termination date.

This subchapter shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 05-2304. Filed for public inspection December 16, 2005, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE
[4 PA. CODE CH. 6]
[EXECUTIVE ORDER NO. 2004-8]

Enterprise Information Technology Governance Board

April 29, 2004

Whereas, historically, the Commonwealth's information technology (IT) policy for the governance of IT initiatives throughout the Enterprise has been largely decentralized; and

Whereas, Commonwealth offices under the Governor's jurisdiction invest approximately one billion dollars annually to create and support IT infrastructure and systems; and

Whereas, The Administrative Code of 1929 requires administrative departments and several independent and departmental administrative boards to coordinate their work and activities with other departments, boards, and commissions; and

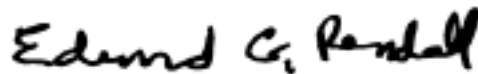
Whereas, IT investments and development efforts should be prioritized across the Commonwealth and coordinated across agencies to enhance information sharing, standardization, and cost-effectiveness; and

Whereas, coordinated technology standardization across Commonwealth agencies will increase the effectiveness of product development projects, reduce research and development investments, enable volume hardware and software purchases, and enhance system compatibility and data sharing; and

Whereas, an integrated IT strategy will improve organizational efficiency, streamline data collection and data sharing, and enhance the security of the Commonwealth IT infrastructure from cyber attacks; and

Whereas, no central IT organization currently exists to govern, evaluate, and monitor agency IT planning, research, project prioritization, investment, and effectiveness. Therefore, it is imperative to establish an Enterprise IT Governance Structure to facilitate a cost-effective, coordinated technology investment strategy that effectively leverages IT resources and data systems across Commonwealth agencies.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws do hereby establish an Enterprise Information Technology Governance Board and order and direct as follows.



Governor

Fiscal Note: GOV-04-13. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter Q. ENTERPRISE INFORMATION TECHNOLOGY
GOVERNANCE BOARD

Sec.	Purpose.
6.241.	Purpose.
6.242.	Powers and duties.
6.243.	Composition.
6.244.	Responsibilities of the Governor's Office of Administration, Office for Information Technology.
6.245.	Communities of practice.
6.246.	Agency information technology requirements.
6.247.	Effective date.

§ 6.241. Purpose.

The purpose of the Enterprise Information Technology (IT) Board is to establish an Enterprise IT Governance Structure to oversee the investment and performance of information solutions across the Commonwealth's agencies and to advise and counsel the Governor on the development, operation and management of the Commonwealth's IT investments, resources and systems.

§ 6.242. Powers and duties.

(a) The Enterprise Information Technology (IT) Board (Board) will:

- (1) Define a strategic vision for Commonwealth IT operations.
- (2) Establish program priorities.
- (3) Approve IT planning.
- (4) Direct IT investments.
- (5) Oversee IT purchasing and policy.

(b) The Board will have the authority to resolve interagency disputes, make and implement recommendations on staffing and operational issues, monitor project performance and perform other duties as assigned by the Governor.

§ 6.243. Composition.

(a) The Governor will designate one person from the Enterprise Information Technology Board (Board) to serve as chairperson for the purposes of convening meetings and conducting business.

(b) The Board will be composed of the following:

- (1) Secretary of Administration.
- (2) Secretary of the Budget.
- (3) Secretary of General Services.
- (4) Governor's Chief of Staff.
- (5) Deputy Secretary for Information Technology/Office of Administration, who serve as the Commonwealth's Chief Information Officer.
- (6) Other members as deemed necessary by the Governor.

§ 6.244. Responsibilities of the Governor's Office of Administration, Office for Information Technology.

The Governor's Office of Administration, Office for Information Technology (IT) will be responsible for:

- (1) Implementing policy, planning and budget directives adopted by the Enterprise Information Technology Governance Board (Board), including monitoring projects approved by the Board.
- (2) Making recommendations to the Governor through the Board on IT-related budget requests; monitoring annual enterprise-wide IT spending; and reviewing and approving, prior to submission to the Department of General Services, all IT sole source requests as well as providing preissu-

ance approval for all agency requests for proposal, invitation to qualify scopes of work greater than an amount specified by the Board, and IT Emergency Contracts.

(3) Creating and maintaining a current Enterprise IT inventory.

(4) Managing a communities of practice planning process.

(5) Reviewing and approving all IT senior management appointments through the Deputy Secretary for Information Technology, who will provide a recommendation through the established senior level appointment process to the Governor's Office for all appointments to chief information officer (CIO) or information technology manager positions.

(6) Assisting in the performance appraisal of IT senior management appointments through the Deputy Secretary for Information Technology, who will co-evaluate the performance of CIOs in collaboration with the appropriate, responsible agency official.

(7) Establishing an enterprise architecture and deploy enterprise-wide technology, including establishing product standards, technical reviews of agency systems and establishing security procedures and protocols.

(8) Developing and deploying geographic information system and geospatial technology investments, including establishing data development priorities, interoperability and architecture standards for data sharing across agencies and with extended enterprise partners.

(9) Performing other IT-related activities as directed by the Board.

§ 6.245. Communities of practice.

The Governor's Office of Administration, Office for Information Technology (IT) will establish a communities of practice (CoP) planning process that will bring together agencies that share program and policy objectives, serve common populations or have compatible data collection and management needs. The CoP process will focus on enterprise IT planning and project prioritization to:

(1) Ensure that the IT projects funded in the Governor's budget are the most critical and are aligned with enterprise goals.

(2) Identify similar projects being addressed across multiple agencies and plan for the development of these initiatives in a collaborative, nonredundant manner.

§ 6.246. Agency information technology requirements.

Each executive agency under the Governor's jurisdiction shall:

(1) Establish a central information technology (IT) organization within the agency to manage IT processes.

(2) Submit an annual strategic plan to the Governor's Office of Administration, Office for Information Technology.

(3) Comply with enterprise hardware and software standards established by the Board.

(4) Comply with enterprise security policy and conduct periodic security audits.

§ 6.247. Effective date.

This subchapter takes effect immediately.

[Pa.B. Doc. No. 05-2305. Filed for public inspection December 16, 2005, 9:00 a.m.]