AIR QUALITY – EQUIPMENT EMISSIONS
SECTION 01111

{Instruction to Consultants: The Master Specification must only be considered to be general guidelines as it is not prepared for a Specific Project. If the items described in the Master Specification do not match the items actually going to be used in a Specific Project, then the Consultant must add new text or modify the existing text so that the final specification is fully coordinated and consistent with the Contract Drawings. The Master Specification must not be considered complete. Additions and deletions necessary to make it project specific are required from the Consultant.

The Consultant must add to and/or delete paragraphs, items, etc to the Master Specification Section as required by the scope and nature of the Specific Project. The general format and general statements of the various Sections must remain unchanged. The Consultant must modify and finalize the footer to identify the Specific Project as to name of Project, Project number, and issued for/issue date.)

PART 1 GENERAL

1.01 SUMMARY

A. The diesel emissions of vehicles and equipment used for work pertaining to this Contract shall be in accordance with Section 2-92-595 of the Chicago Municipal Code (“Code”) with exceptions as noted in this Specification Section.

B. This Section includes use and tracking requirements and procedures for compliance with certain sustainable design guidelines based on the Chicago Department of Aviation Sustainable Airport Manual (SAM), current version. References can be found at www.airportsgoinggreen.org.

C. This Section includes tracking requirements and forms necessary for compliance with this Specification and in accordance with the requirements of Credit 7.1 of the Design & Construction Chapter of the SAM.

1.02 RELATED DOCUMENTS

A. Section 2-92-595 “Clean Diesel Contracting” of the Chicago Municipal Code (attached at the end of this specification section)

B. Additional information can also be found on the City’s website at http://www.cityofchicago.org/city/en/progs/env/clean-diesel.html including federal and state grant and rebate programs to help defray costs to repower or retrofit diesel equipment.
C. Section 9-80-095 “Idling Reduction” of the Chicago Municipal Code

1.03 PERFORMANCE REQUIREMENTS

A. The Contractor will adhere to Section 2-92-595 of the City of Chicago Municipal Code with exceptions as noted in this Specification Section.

1.04 SUBMITTALS

A. In addition to submittal requirement pursuant to the Section 2-92-595 of the City of Chicago Municipal Code, the Contractor must transmit the submittals described below to the Commissioner/Construction Manager and to the following email address: samdocs@cityofchicago.org.

B. The Contractor shall submit documentation pursuant to 2-92-595 of the Code with the following additions:

1. The Contractor shall submit a Diesel Emissions Compliance Plan (see 1.04C) prior to the Contractor’s initial Application for Payment for Mobilization.

2. The Chicago Department of Aviation Diesel Emissions Compliance Form (attached at the end of this Specification and available electronically at www.airportsgoinggreen.org) shall be submitted monthly with the Contractor’s Application for Payment.

3. The Contractor shall submit a final Chicago Department of Aviation Diesel Emissions Compliance Form with the Contractor’s Application for Reduction of Retainage from 5% to 3%.

C. Diesel Emissions Compliance Plan: The Plan shall be developed by the Contractor and shall be submitted to the Commissioner for review with the Contractor’s Application for Payment for Mobilization: The Plan shall include the following sections, at a minimum:

1. General: Provide an overall strategy for complying with the requirements of this specification with the Project.

2. Contractor Identification: List names, addresses, and telephone numbers of the Contractor and all subcontractors operating equipment listed in the report. Identify any contractors or subcontractors that have a clean fleet score annual waiver as defined in Section 2-92-595 (a)(4).
3. Equipment Identification: Indicate anticipated types and quantities of equipment, applicable to this specification, using the Diesel Emission Compliance Form to calculate the pre-construction estimate of the clean fleet score for the Project.

D. Diesel Emissions Compliance Submittal Transmittal: When submitting the documentation to the Commissioner as required in Paragraphs 1.04B and 1.04C, the Contractor must complete the Submittal Transmittal Cover Sheet attached at the end of this Specification section and attach this with the appropriate submittal.

1.05 QUALITY ASSURANCE

A. Contractor Qualifications: Diesel emissions reporting as it pertains to this specification must be performed only by a qualified Contractor. The term qualified means experienced in performing the Work required by this Section. The qualified Contractor must have experience on Projects similar in size and scope to this Project. The Contractor will submit evidence of such qualifications (e.g. Project list, timeframe, diesel equipment emission compliance reports) upon request by the Commissioner.

B. Regulatory Requirements: In addition to City Ordinances regarding diesel emission requirements described herein, Contractor will comply with emission requirements of authorities (e.g. state, local, or federal) having jurisdiction.

1.06 SPECIAL REQUIREMENTS

A. (Not Used)

PART 2 PRODUCTS

2.01 FUEL USE REQUIREMENTS

A. The fuel use requirements apply to all off-road vehicles and equipment utilized by Contractors, Subcontractors and Suppliers.

B. The fuel use requirements apply to all on-road vehicles and equipment utilized by Contractors, Subcontractors and Suppliers.

C. The Contractor must utilize Ultra Low Sulfur Diesel (ULSD) for all diesel-powered vehicles and equipment (both mobile and stationary) with engine horsepower ratings of 50 hp or more that are utilized on the Project site. The ULSD must conform to the American Society of Testing and Materials (ASTM) D975 with the following additional specifications:
1. ASTM D5453 15 ppm Sulfur maximum

2. ASTM D6078 Lubricity (Scuffing Load Ball-on-Cylinder Lubricity Evaluator - SBOCLE) 3100g minimum

3. ASTM D613 Cetane 45 minimum

2.02 EQUIPMENT TECHNOLOGY REQUIREMENTS

A. The equipment technology requirements apply to all off-road vehicles and equipment utilized by Contractors, Subcontractors and Suppliers.

B. These requirements do not apply to on-road vehicles and equipment; however, Contractors, Subcontractors and Suppliers that transport materials regularly to and from the Project site are encouraged to follow these requirements to the best of their ability.

C. Requirements:

1. All off-road diesel-powered vehicles and equipment (both mobile and stationary), as applicable, with engine horsepower ratings of 50 hp or more, must install and/or retrofit with emissions control devices that will reduce emissions prior to utilization of said equipment on the Project. The retrofit emission control devices must consist of diesel oxidation catalysts, diesel particulate filters or similar retrofit equipment control technology that:

   a. is included on the EPA Verified Retrofit Technology List (http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm) or verified by the California Air Resources Board (CARB) (http://www.arb.ca.gov/diesel/verdev/verdev.htm) or

   b. meets one of the following diesel emission control devices as defined in Section 2-92-595 of the Chicago Municipal Code:

      (1) “Level 1 Control” is defined as an emission control device that achieves a particulate matter (PM) emission reduction of 25% or more.

      (2) “Level 2 Control” is defined as an emission control device that achieves a PM emission reduction of 50% or more.

      (3) “Level 3 Control” is defined as an emission control device that achieves a PM emission reduction of 85% or more.
2. Per Section 2-92-595 of the Chicago Municipal Code, diesel equipment emissions for all applicable equipment used in the performance of the contract shall be calculated using the clean fleet score (CFS) calculation described in 2-92-595 (c)(3) and included on the Diesel Emissions Compliance Form.

3. Per Section 2-92-595 of the Chicago Municipal Code, compliance with diesel equipment emissions shall be measured as described in 2-92-595 (b) using the average CFS for all diesel equipment used in the performance of the contract.
   a. After January 1, 2014, the average CFS shall be a minimum of 2.1.
   b. After January 1, 2017, the average CFS shall be a minimum of 3.0.
   c. After January 1, 2020, the average CFS shall be a minimum of 4.0.

D. Biodiesel must meet the requirements of ASTM D 6751. Any heavy-duty diesel vehicle, non-road diesel vehicle, or non-road equipment meeting the requirements of 2-92-595 (c)(3)(i) to (c)(3)(vii) that uses only a biodiesel blend of B20 (20% by volume of biodiesel in petroleum-based diesel) or greater during the reporting period can increase its clean fleet score by 0.5 points.

2.03 INTERPRETATION OF REQUIREMENTS

A. The interpretation of these requirements and any determination of lack of compliance with these requirements may be made the subject of a claim to the Commissioner. However, the Commissioner’s decision will be final. The Contractor may not file a dispute under Article XVII of Part 2 General Conditions.

PART 3 EXECUTION

3.01 PLAN IMPLEMENTATION

A. General: Implement the Diesel Emission Compliance Plan as approved by Commissioner. All vehicles and equipment to which this requirement is applicable will be subject to random inspections to ensure full compliance with these requirements. If any equipment is found to be non-compliant, the Contractor, Subcontractor or Supplier must remove or retrofit this equipment or vehicle within 24 hours or be subject to possible impoundment by the Chicago Department of Aviation until that piece of equipment or vehicle is removed from the Project.
B. Diesel Equipment Coordinator: Assign a Diesel Equipment Coordinator to be a single point of contact responsible for implementation, monitoring, and reporting of the diesel emission compliance requirements. Coordinator must be present for the duration of the Contract.

C. Training: Contractor is responsible for training workers, subcontractors, and suppliers on diesel emission compliance requirements as applicable to this Contract. Distribute the Diesel Emissions Compliance Plan to all subcontractors and suppliers when Contract work begins.

D. Idling Restrictions

1. Idling of diesel powered vehicles and equipment must not be permitted during periods of non-active vehicle use. Diesel powered engines shall not be allowed to idle for more than three consecutive minutes in a 60-minute period when the equipment is not in use, occupied by an operator, or otherwise in motion, except only as follows:
   a. When equipment is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control
   b. When it is necessary to operate auxiliary systems installed on the equipment, only when such system operation is necessary to accomplish the intended use of the equipment
   c. To bring the equipment to the manufacturers recommended operating temperature
   d. When the ambient temperature is below forty (40) degrees F or above eighty (80) degrees F, or
   e. When equipment is being repaired.

2. The use of idling reduction devices is encouraged. Idle reduction technology allows engine operators to refrain from long-duration idling of the main propulsion engine by using an alternative such as automatic engine shutoff, direct-fired/fueled heaters, auxiliary power units or electrified heat/air conditioning units. An idle reduction technology is generally defined as the installation of a technology or device that:
   a. Reduces unnecessary main engine idling of the vehicle or equipment and /or
b. Is designed to provide services (e.g., heat, air conditioning and/or electricity) to the vehicle or equipment that would otherwise require the operation of the main drive equipment while the vehicle or equipment is temporarily parked or remains stationary.

E. Clean Buses/Light Duty Vehicles

1. Contractors are to incorporate, to the greatest extent possible, any other measures that may assist in reducing air quality emissions during the performance of the contract. For example, many cleaner vehicle options now exist for employee shuttle buses and Light Duty Vehicles (LDVs) including compressed natural gas (CNG), hybrid (fuel/electric), flex fuel, biodiesel (B20 or greater), and demand on displacement. The availability of cleaner vehicle options is anticipated to expand over time and over the course of the Project. Contractors working on the Project are strongly encouraged to consider these options when making purchase decisions.

2. Each Shuttle Bus used in the performance of this contract must be outfitted with a functioning idle-shutdown timer to automatically shut down the vehicle’s engine after three minutes of idling. Idle-reduction devices must allow for the elimination of unnecessary idling while providing for the comfort and safety of the driver and passengers. Such equipment may include, but is not limited to, additional battery storage, auxiliary fuel-fired heaters; auxiliary battery powered air conditioners and packaged auxiliary-power-unit solutions. The Contractor must strictly enforce a no-idling policy on all drivers involved in performance of this contract while ensuring that vehicle scheduling and on-board idle-reduction equipment function to reduce any need for idling.

3. See also SAM Credit 7.8 – Alternative Transportation During Construction.

PART 4 METHOD OF MEASUREMENT

4.01 MEASUREMENT

A. Air Quality - Equipment Emission Compliance will not be measured separately for payment, but will be considered included in the overall Contract.
PART 5 Basis of payment

5.01 Payment

A. All costs associated with meeting these requirements are included in the overall Contract. No additional time or monies will be granted to the Contractor for compliance with these requirements and any associated regulations.

END OF SECTION 01111
The following form(s) are submitted to comply with the requirements of the Specification Section 01111 Air Quality – Equipment Emissions (Check one):

- [ ] Diesel Emission Compliance Plan and Monthly Diesel Emission Compliance Form
- [ ] Pre-Construction Diesel Emission Compliance Form
- [ ] Final Diesel Emission Compliance Form

Note: These submittal requirements are in addition to the requirements put forth by the City of Chicago as outlined in Section 2-92-595 of the Chicago Municipal Code.
# Diesel Emissions Compliance Form - Chicago Municipal Code 2-92-595 (c)(2)

## Section 01111 - Air Quality - Equipment Emissions

### Diesel Emissions Compliance Form - Chicago Municipal Code 2-92-595 (c)(2)

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### City of Chicago Compliance

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### Certification Statement

In connection with the above-captioned project, (name, title of company name), do hereby state that the information as it is portrayed above on this Diesel Emissions Compliance Report conforms to Chicago Municipal Code 2-92-595 and is true and correct.

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**REVIEWED BY:**

**President's Signature:**

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CHICAGO DEPARTMENT OF AVIATION/ O'HARE MODERNIZATION PROGRAM MASTER SPECIFICATIONS VOLUME IIIA REV. 8, ISSUED 2/14/14
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<td>Amendment of Chapter 2-92 of Municipal Code by adding new Section 595 regarding requirements associated with diesel equipment use</td>
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OFFICE OF THE MAYOR
CITY OF CHICAGO

RICHARD M. DALEY
MAYOR

March 9, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of the Environment, I transmit herewith an ordinance amending the Municipal Code regarding requirements associated with diesel equipment use.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

[Signature]

Mayor
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. Chapter 2-92 of the Municipal Code of Chicago is hereby amended by inserting a new section 2-92-595, as follows:

2-92-595 Clean diesel contracting.

(a) Definitions. For purposes of this section, the following definitions shall apply:

(1) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of the American Society for Testing Materials ("ASTM") D 6751.

(2) "Biodiesel blend" means a blend of biodiesel meeting ASTM D 6751 with petroleum-based diesel fuel, designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

(3) "CARS" means the California Air Resources Board.

(4) "Clean fleet score ("CPS") waiver grantee" means any construction firm to which the commissioner of environment has granted a clean fleet score annual waiver certificate pursuant to subsection (f) of this section.

(5) "Compression-ignition engine" means a reciprocating, internal-combustion engine that is not a spark-ignition engine.

(6) "Contract" means any contract, the amount of which is $2,000,000 or more, awarded by the city and whose cost is to be paid from funds belonging to or administered by the city, for construction projects including, but not limited to, the construction, demolition, restoration, repair, renovation, environmental remediation or environmental abatement of any building, structure, tunnel, excavation, roadway, bridge, transit station or parcel of land. The term "contract" does not include a fixed-price, fixed term, and indefinite quantity contract, such as contracts commonly referred to as "job order contracts," unless the estimated value of an individual order under the contract is $2,000,000 or more.

(7) "Contractor" means any person that enters into a contract with the city.

(8) "Department" means any city department or city agency that manages or supervises a contract awarded to a contractor.

(9) "Engine model year" means the year designating the annual new model production period during which the engine was produced, determined in accordance with 42 U.S.C. § 7521(b)(3), 40 C.F.R. § 86.082-2, 40 C.F.R. § 89.2, or 13 C.C.R. § 2421(a)(37) for purposes of compliance with US EPA or CARB emissions certification requirements and may differ from the model year of the vehicle or equipment powered by the engine.
(10) "Heavy-duty diesel vehicle" means a motor vehicle with a gross vehicle weight rating of at least 8,500 pounds that is powered by a compression-ignition engine and which is not a "heavy-duty alternative-fuel vehicle."

(11) "Heavy-duty alternative-fuel vehicle" means a motor vehicle with a gross vehicle weight rating of at least 8,500 pounds that is powered by an engine fueled at a minimum 80 percent, as measured by energy content, by natural gas, liquefied petroleum gas (commonly known as "propane"), hydrogen, or another fuel designated as an alternative fuel by the United States Department of Energy.

(12) "Level 1 Control" means a verified diesel emission control retrofit device that achieves a particulate matter (PM) emission reduction of 25 percent or more from uncontrolled compression-ignition engine emission levels.

(13) "Level 2 Control" means a verified diesel emission control retrofit device that achieves a particulate matter (PM) emission reduction of 50 percent or more from uncontrolled compression-ignition engine emission levels.

(14) "Level 3 Control" means a verified diesel emission control retrofit device that achieves a particulate matter (PM) emission reduction of 85 percent or more from uncontrolled compression-ignition engine emission levels.

(15) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(16) "Non-road engine" means a fifty horsepower or greater compression-ignition engine: (i) in or on a piece of equipment that is self-propelled (such as a cart or truck that is not a motor vehicle) or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or (ii) in or on a piece of equipment that is intended to be propelled while performing its function (such as pushed or towed equipment); or (iii) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. The term "non-road engine" does not include an engine that is used in a motor vehicle or vehicle used solely for competition, or in a stationary source, except that this term shall include compression-ignition engines used to power portable generators, portable compressors or similar equipment used in any construction program or project.

(17) "Non-road equipment" means equipment that is powered by a non-road engine.

(18) "Non-road vehicle" means a vehicle that is powered by a non-road engine and that is not a motor vehicle or a vehicle used solely for competition.

(19) "Reporting day" means the fifth day on which city business is transacted following the last working day of every reporting period.

(20) "Reporting period" means (i) every 60 working day period from the beginning of work on the contract; or (ii) the period between the first working day and the last working day, if the contract is completed in less than a 60 working
day period; or (iii) any period following the last day of the last 60 working day period up to and including the last working day, if such period consists of not more than 75 working days and, if such period consists of more than 60 working days, the contractor provides a written notice to the department before the 60th working day that such period will consist of more than 60 working days.

21. "Solicitation" means the process used to communicate procurement requirements and to request responses from interested vendors.

22. "Spark-ignition engine" means a gasoline-fueled engine or other engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle and uses a throttle to regulate intake air flow to control power during normal operation.

23. "Subcontractor" means any person that enters into a contract with a contractor to perform work on a contract.


25. "Ultra low sulfur diesel fuel" means diesel fuel that has a sulfur content of no more than fifteen parts per million.


27. "Verified diesel emission control retrofit device" means an emission control device or strategy that has been verified to achieve a specified diesel PM reduction by US EPA or CARB. "Verified diesel emission control retrofit device" does not mean the use of ultra low sulfur diesel fuel alone or a device installed by the engine manufacturer for purposes of compliance with US EPA or CARB emissions certification requirements.

28. "VIN" means vehicle identification number.

29. "Working day" means a day on which work is performed on a construction project site pursuant to a contract.

(b) Emission reduction. (1) Any solicitation for a contract advertised or otherwise communicated on or after June 1, 2011, and any contract entered into as a result of such solicitation shall include a specification that the contractor and any subcontractor, including a CFS waiver grantee, shall use ultra low sulfur diesel fuel for any heavy-duty diesel vehicle, non-road vehicle or non-road equipment used in the performance of the contract.

(2) Any solicitation for a contract advertised or otherwise communicated on or after June 1, 2011, and any contract entered into as a result of such solicitation shall include a specification that the contractor or any subcontractor, including a CFS waiver grantee, shall minimize idling of motor vehicles and non-road vehicles used in the performance of the contract during periods of inactivity and shall comply with the anti-idling requirements imposed by any applicable federal, state or local law.
(3) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2014, and any contract entered into as a result of such solicitation shall include a specification that any contractor or any subcontractor, including a CFS waiver grantee, shall not use any of the following vehicles and equipment in the performance of the contract:

(i) any heavy-duty diesel vehicle not meeting or exceeding the US EPA’s emission standards for heavy-duty diesel vehicles for the 1998 engine model year, unless such vehicle is fitted with a verified diesel emission control retrofit device; or

(ii) any non-road vehicle or non-road equipment not meeting or exceeding the US EPA’s Tier 1 Non-road Diesel Standards, unless such vehicle or equipment is fitted with a verified diesel emission control retrofit device.

(4) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2014, and any contract entered into as a result of such solicitation shall include a specification that the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of such contract must incorporate such engine or retrofit technology so that the contractor, through such engine or retrofit technology used directly by the contractor and all subcontractors, shall have a minimum of 2.1 clean fleet score per a reporting period, as calculated by using the methodology described in subsection (c)(5) of this section. Such solicitation and contract shall also include a specification that the contractor may exclude from the calculation of the clean fleet score all of the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during a reporting period that are owned or leased by any CFS waiver grantee.

(5) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2017, and any contract entered into as a result of such solicitation shall include a specification that the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of such contract must incorporate such engine or retrofit technology so that the contractor, through such engine or retrofit technology used directly by the contractor and all subcontractors, shall have a minimum of 3.0 clean fleet score per a reporting period, as calculated by using the methodology described in subsection (c)(5) of this section. Such solicitation and contract shall also include a specification that the contractor may exclude from the calculation of the clean fleet score up to fifty (50) percent of all the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during a reporting period that are owned or leased by any CFS waiver grantee.

(6) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2020, and any contract entered into as a result of such solicitation shall include a specification that the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of such
contract must incorporate such engine or retrofit technology so that the contractor, through such engine or retrofit technology used directly by the contractor and all subcontractors, shall have a minimum of 4.0 clean fleet score per a reporting period, as calculated by using the methodology described in subsection (c)(5) of this section. Such solicitation and contract shall also include a specification that the contractor may exclude from the calculation of the clean fleet score up to twenty-five (25) percent of all the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during a reporting period that are owned or leased by any CFS waiver grantee.

(c) Compliance. (1) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2014, and any contract entered into as a result of such solicitation shall include a specification that the contractor shall submit a written compliance plan to the department with respect to compliance with the requirements of this section within 14 days following the notice to proceed. The plan shall detail the strategy to be used by the contractor to comply with the requirements of this section. The chief procurement officer and the commissioner of environment are authorized to determine the contents of a compliance plan by rules and regulations promulgated pursuant to subsection (h) of this section.

(2) On every reporting day, the contractor must submit to the department a detailed report of all heavy-duty diesel motor vehicles, non-road vehicles and non-road equipment used in the performance of such contract during the reporting period preceding the reporting day. The report shall, on a form provided by the city, include the following:

(i) names, addresses, and telephone numbers of the contractor, any subcontractor, and the person responsible for the operation of the vehicles or equipment listed on the report;

(ii) for each heavy-duty diesel vehicle, the manufacturer, engine manufacturer, engine model year, VIN, the specific type of fuel that was used, and estimated hours of operation during the period covered by the report;

(iii) for each non-road vehicle and non-road equipment, the manufacturer, engine manufacturer, serial number or engine serial number, engine US EPA Tier rating, the specific type of fuel that was used, and estimated hours of operation during the period covered by the report;

(iv) for any heavy-duty diesel vehicle, non-road vehicle or non-road equipment fitted with a verified diesel emission control retrofit device, the retrofit device type, US EPA or CARB verification level and year of installation, in addition to the information required by subsections (c)(2)(ii) and (c)(2)(iii) of this subsection;

(v) a clean fleet score calculated in accordance with the provisions of this subsection; and
(vi) a certification that the contractor has met the requirements of this section and the terms of the contract specified pursuant to the provisions of this section.

(3) For the purpose of calculating a clean fleet score, each heavy-duty diesel vehicle, heavy-duty alternative-fuel vehicle, non-road vehicle and non-road equipment used in the performance of the contract shall be assigned a numerical value, as follows:

(i) 0 points for any heavy-duty diesel vehicle with an engine model year of 2003 or earlier not fitted with any verified diesel emission control retrofit device;

(ii) 0 points for any non-road vehicle and non-road equipment meeting US EPA's Tier 1 Non-road Diesel Standards and not fitted with any verified diesel emission control retrofit device;

(iii) 1 point for any heavy-duty diesel vehicle with an engine model year of 2004, 2005 or 2006 and not fitted with any verified diesel emission control retrofit device;

(iv) 1 point for any heavy-duty diesel vehicle, non-road vehicle and non-road equipment fitted with a Level 1 Control;

(v) 2 points for any non-road vehicle and non-road equipment meeting US EPA's Tier 2 Non-road Diesel Standards and not fitted with any verified diesel emission control retrofit device;

(vi) 2.25 points for any non-road vehicle and non-road equipment meeting US EPA's Tier 3 Non-road Diesel Standards and not fitted with any verified diesel emission control retrofit device;

(vii) 3 points for any heavy-duty diesel vehicle, non-road vehicle and non-road equipment fitted with a Level 2 Control;

(viii) 3 points for any heavy-duty alternative-fuel vehicle with an engine model year of 2004, 2005 or 2006;

(ix) 4 points for any heavy-duty diesel vehicle with an engine model year of 2007, 2008 or 2009 and not fitted with any verified diesel emission control retrofit device;

(x) 4 points for any heavy-duty alternative-fuel vehicle with an engine model year of 2007, 2008 or 2009;

(xi) 4 points for any non-road vehicle and non-road equipment meeting US EPA's Tier 4 Non-road Diesel Standards and not fitted with any verified diesel emission control retrofit device;

(xii) 4 points for any heavy-duty diesel vehicle, non-road vehicle or non-road equipment fitted with a Level 3 Control;

(xiii) 5 points for any heavy-duty diesel vehicle with an engine model year of 2010 or later;

(xiv) 5 points for any heavy-duty alternative-fuel vehicle with an engine model year of 2010 or later; and

(xv) 5 points for any heavy-duty diesel vehicle, non-road vehicle and non-road equipment fitted with a verified diesel emission control retrofit device exceeding the efficiency levels of a Level 3 Control to the
extent that the verified diesel emission control retrofit device provides emissions reductions equivalent to the US EPA requirements for heavy-duty diesel vehicles engine model year 2010.

(4) Each heavy-duty diesel vehicle, non-road vehicle and non-road equipment used in the performance of the contract shall be assigned only the maximum assigned point value for which it qualifies during one reporting period; provided, however, that the maximum assigned value for each heavy-duty diesel vehicle, non-road vehicle and non-road equipment listed in subsections (c)(3)(i) through (c)(3)(vii) of this section that consumed only a B20 or greater biodiesel blend during the reporting period shall be increased by one half point.

(5) The clean fleet score for each reporting period shall be calculated by adding the numerical point values allocated, in accordance with subsections (c)(3) and (c)(4) of this section, to each heavy-duty diesel vehicle, non-road vehicle and non-road equipment used in the performance of the contract during the reporting period and dividing the total numerical point values by the total number of all heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during the reporting period, provided, however, the contractor may, to the extent specified in the contract pursuant to subsections (b)(4), (b)(5) and (b)(6) of this section, exclude from the calculation of the clean fleet score heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during the reporting period that are owned or leased by all CFS waiver grantees.

(d) Costs. All costs associated with meeting the requirements imposed pursuant to this section are incidental to the overall contract. No additional time or monies will be granted to the contractor for compliance with the requirements imposed pursuant to this section and any regulations promulgated pursuant thereto.

(e) Enforcement. Any solicitation for a contract subject to the provisions of this section and any contract entered into as a result of such solicitation shall include terms necessary to enforce the provisions of this section, including, but not limited to, terms

(1) requiring the contractor and subcontractors to comply with the provisions of this section;
(2) specifying that any city agency may conduct an audit to verify the contractor’s compliance with the requirements of this section and the terms of the contract specified pursuant to the provisions of this section;
(3) specifying that the commissioner or head of the department or the commissioner of environment or any other city agency designated by the commissioner or head of the department or the commissioner of environment is authorized to inspect or to have inspected any vehicle or equipment in order to ensure full compliance with contract requirements specified pursuant to subsections (b)(1), (b)(2), and (b)(3) of this section;
specifying that in the event of violation of any of the specifications required pursuant to subsections (b)(1), (b)(2), and (b)(3) of this section, liquidated damages shall be assessed against the contractor in the amount of $5,000 for each violation and that each day of noncompliance shall be a separate violation; provided, however, the damages shall not exceed a total of $50,000 for any one vehicle or piece of equipment; that such liquidated damages are not imposed as a penalty but as an estimate of the damages that the city will sustain from delay in completion of the project and inspection and other enforcement costs, as well as the resultant damages to the public health of its citizens, which damages by their nature are not capable of precise proof; and authorizing the city to withhold and deduct from monies otherwise payable to the contractor the amount of liquidated damages due to the city;

specifying that in the event the contractor has not met the minimum clean fleet score specified pursuant to subsections (b)(4), (b)(5) or (b)(6) of this section during any reporting period, liquidated damages shall be assessed against the contractor in the dollar amount that shall be calculated as follows:

\[(\text{RCFS} - \text{ACFS}) \times 500.00 \times \text{the number of working days in the reporting period; where RCFS stands for the minimum required clean fleet score during the reporting period and ACFS stands for the actual clean fleet score obtained by the contractor in the reporting period.}\]

Such solicitation or contract shall also specify that noncompliance during each reporting period shall be a separate violation; that such liquidated damages are not imposed as a penalty but as an estimate of the damages that the city will sustain from delay in completion of the project and inspection and other enforcement costs, as well as the resultant damages to the public health of its citizens, which damages by their nature are not capable of precise proof; and authorizing the city to withhold and deduct from monies otherwise payable to the contractor the amount of liquidated damages due to the city; and

specifying that any person who knowingly makes a false statement of material fact to any city agency with respect to compliance with any of the contract requirements specified pursuant to any of the provisions of this section or rules and regulations promulgated thereunder shall be fined not less than $1,000.00 nor more than $5,000.00 for each such false statement. For purposes of this section, a person knowingly makes a false statement of material fact when such person makes a false statement of material fact as described in subsection (d) of section 1-21-010 of this Code.

(f) **Clean fleet score annual waiver.** (1) Any construction firm may apply to the commissioner of environment for a clean feet score annual waiver certificate. Applications for a clean fleet score annual waiver certificate shall be on a form provided by the department of environment and shall be accompanied by a non-refundable application fee of $100.00. The
application shall also include all of the following information and statements which shall be verified by affidavit:

(i) list of all heavy-duty diesel vehicles, non-road vehicles and non-road equipment owned or leased by the applicant at the time of application, including the horsepower, and, to the extent applicable, the manufacturer, engine manufacturer, engine model year, VIN, serial number or engine serial number, and engine US EPA Tier rating of each of such vehicles and equipment (for purposes of this subsection, "listed vehicles and equipment");

(ii) a statement that the sum total horsepower of all of the listed vehicles and equipment is less than or equal to 2,500 horsepower (hp); and

(iii) a statement that repowering, replacing or retrofitting all or some of the listed vehicles and equipment in order to comply with contract requirements that shall be specified in accordance with the provisions of this section will cause the applicant to suffer an undue financial hardship.

(2) If, upon review of the application, the commissioner of environment or the commissioner's designee determines that the applicant has met all of the requirements set forth in subsection (f)(1) of this section, the commissioner is authorized to grant a clean fleet score annual waiver certificate to the applicant.

(3) Any contractor may exclude from the calculation of the clean fleet score, to the extent allowed in subsection (b)(4), (b)(5), and (b)(6) of this section, the heavy-duty diesel vehicles, non-road vehicles and non-road equipment used in the performance of the contract during a reporting period that are owned or leased by any CFS waiver grantee.

(4) A clean fleet score annual waiver certificate granted pursuant to this subsection shall be valid as long as the grantee continues to qualify for such waiver; provided, however, no such waiver shall be valid for more than a one year period from the time it has been granted; and further provided that the commissioner may renew the clean fleet score annual waiver certificate for additional one year periods upon submission by the CFS waiver grantee of a statement verified by affidavit that any of the information and statements that the CFS waiver grantee submitted to the commissioner to qualify for the waiver are not changed.

(5) Any person who knowingly makes a false statement of material fact to the commissioner of environment with respect to a clean fleet score annual waiver certificate application specified in this subsection or rules and regulations promulgated thereunder shall be subject to the penalties provided in section 1-21-010 of this Code. For purposes of this section, a person knowingly makes a false statement of material fact when such person makes a false statement of material fact as described in subsection (d) of section 1-21-010 of this Code.

(6) No clean fleet score annual waiver certificate shall be granted as of January 1, 2023.

(g) Recordkeeping. The contractor shall maintain copies of plans, reports and clean fleet scores prepared or calculated and submitted in accordance with subsections (c)(1) and (c)(2)
of this section for a period of three years after the completion of the contract, and, if requested by any city agency, shall make them available for the purpose of auditing.

(h) Regulations. The chief procurement officer and the commissioner of environment are authorized to jointly adopt rules and regulations they may deem appropriate for the administration and enforcement of the provisions of this section.

(i) Scope. (1) This section shall not apply to any contract to the extent that the requirements imposed by this section are inconsistent with procedures or standards required by any law or regulation of the United States or the State of Illinois to the extent such inconsistency is not permitted under the home rule powers of the city.

(2) Any contractor, subcontractor or CFS waiver grantee, performing a contract that the commissioner of aviation is authorized to enter into in relation to the design, construction, operation and maintenance of all public airports owned or operated by the city, including, but not limited to, O'Hare Modernization Program contracts, as the term "O'Hare Modernization Program" is defined in section 2-20-025(a) of this Code, shall comply with (i) the construction air quality specifications set forth in any such contract, and (ii) all contract requirements that shall be specified in accordance with the provisions of this section; provided, however, for the purpose of this subsection (i)(2)(ii), any contractor may exclude from the calculation of the clean fleet score the vehicles and equipment used in the performance of the contract during a reporting period that are owned or leased by any CFS waiver grantee to the extent allowed in subsection (b)(4), (b)(5), and (b)(6) of this section.

(j) Sunset. Unless otherwise provided by ordinance, the provisions of subsections (c)(1) and (c)(2) of this section shall expire on December 31, 2030.

SECTION II. This ordinance shall take effect 10 days after its passage and approval.