	Office of Construction Office of Procurement - Purchasing	Procedures Flammability and Energy Conservation Standards (Revised 06/25/02)
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Purpose

The purpose of this procedure is to provide guidance for compliance with DASNY fire safety and flammability requirements and compliance with applicable energy conservation standards.

Flammability Procedure


The procedure applies to all upholstered furniture, mattresses, draperies and similar items constructed of fabric that are purchased by DASNY. These requirements are as follows:

- **Upholstered Furniture:** CAL (California Technical Bulletin) 117, a test of the filling materials and fabrics used in the manufacturing of upholstered furniture, or CAL 133, a composite test that assesses the fire retardant properties of all furniture components after assembly.
- **Mattresses:** CAL 129, US Government Standard FF-4-72 (pursuant to 16 CFR part 1632) and Boston Fire Code BFD IX-11, composite tests specifically referring to the fire retardant properties of all mattress components after assembly.
- **Box Springs** – United States Government Standards for flammability of mattresses FF-4-72 (pursuant to 16 CFR part 1632).
- **Drapery Panels and Fabrics:** NFPA 701, a component test of all fabric.
- **Accordion Fold Doors:** Class B or Class C flame spread rating as determined by tests conducted in accordance with ASTM E84/NFPA 255. Whether the Class B or Class C standard will be used is dependent upon the occupancy; consult Code Compliance prior to commencing the procurement.
- **Reupholstered Furniture Filling Materials** – CAL 117

These requirements are in effect for all purchases made by the Dormitory Authority, regardless of the intended use of the facility where the commodity is to be used.

Energy Conservation Procedure

The procedure applies to all energy-using products and appliances that are purchased by the Authority. The procedure will assure compliance with existing regulations, including NYS Executive Order #111 and NYS Energy Law §5-108-a. Executive Order #111 requires the use of Energy Star® products, when available. NYS Energy Law §5-108-a empowers the New York State Energy Research and Development Authority (NYSERDA) to set minimum energy standards for several specific groups of equipment, including, but not limited to: fluorescent lamp ballasts, central air conditioners, room air conditioners, package terminal air conditioners, heat pumps, electric motors, refrigerators, freezers, refrigerator-freezers, water heaters, lamps, luminaries, dishwashers, clothes washers, clothes dryers, furnaces, boilers, and chillers.

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Units Involved

Purchasing
 Interior Design
 Project Management
 Code Compliance
 DASNY Clients
 Outside Design Consultants
 Outside Architects
 Outside Vendors
 New York State Energy Research and Development Authority (NYSERDA)

Procedure

Flammability Standards

- 1) At the commencement of a project, the Interior Designer, Purchasing Coordinator (PC) and/or the Assistant Purchasing Coordinator (APC) shall outline DASNY flammability requirements with respect to upholstered furniture, mattresses, draperies and fabrics to the client. When an outside architect and/or an outside design consultant are employed, they also will be briefed on these requirements. The additional expense shall be discussed, as well as the safety and risk management issues involved.
- 2) DASNY Interior Design or an outside design consultant shall only specify items that meet the approved DASNY flammability requirements.
- 3) The PC or APC shall assure that all IFBs and request for quotations include a statement that clearly delineates the fire safety and flammability testing requirements. The statement shall, at a minimum, appear as a notation, in a bold font, at the beginning of the detailed specifications portion of the IFB. Requests for quotations shall contain a clear statement as to the flammability requirements on the quotation request form (if one is utilized). Note that while it is unlikely that applicable items would be procured pursuant to a RFP, similar disclosures and requirements are applicable should the situation arise.
- 4) Items procured via a NYS Office of General Services Contract that have been identified by OGS in the contract as meeting fire safety standards, shall not be subject to further certification documentation by DASNY. The PC or APC shall, however, request this information from the company, should it be required by the client or should it be deemed necessary for any other reason. Items purchased through other centralized contracts shall have to meet the same documentation standards outlined in this procedure.
- 5) The PC or APC will direct any questions regarding applicable tests for a particular item to the DASNY Code Compliance Unit.
- 6) Vendors submitting pricing on covered items shall be required to supply a manufacturer's statement on company letterhead certifying that the goods being furnished meet or exceed any

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and all applicable flammability standards. Bids failing to include this statement from the manufacturer may be considered incomplete and non-responsive. Quotations must include a statement from the vendor submitting the quote, that the goods meet the applicable flammability standard. The successful vendor must provide a manufacturer's statement to the same effect prior to the issuance of a purchase order.

- 7) DASNY reserves the right to request bidders to submit certification and documentation from an independent testing laboratory that the subject items meet the applicable standards.
- 8) In the event that CAL 133 is required and a bidder submits pricing on an item for which the components have passed flammability testing, but the composite item itself has not been tested, the manufacturer shall have thirty (30) days from a request by DASNY to fabricate and test the composite item and submit an independent laboratory statement certifying the results.
- 9) Should any question arise as to the validity, appropriateness or the specific results of any laboratory test, the PC or APC shall consult the DASNY Code Compliance Unit and advise the Chief of Purchasing and Interior Design (CPID) of the status and outcome of the situation.
- 10) All certifications and related documentation received, in accordance with this policy, shall be maintained with the procurement record. A copy of the certification(s) and documentation will be transmitted to the facility at the time of the award of the procurement, or as soon thereafter as practical. A copy of the transmittal letter will be maintained in the procurement record.


Energy Conservation Standards

- 1) In compliance with NYS Executive Order #111, all energy-using equipment shall be Energy Star[®] rated unless there is no product with an Energy Star[®] label that meets the need that is being addressed through the procurement. The PC or APC will utilize the Energy Star[®] website (<http://www.energystar.gov/products/>) or accessible printed materials in determining the availability of Energy Star[®] products.
- 2) Pursuant to NYS Energy Law §5-108-a, the NYS Energy Research and Development Authority (NYSERDA) has been charged with developing minimum efficiency standards for specific groups of energy-using products and appliances. The Chief of Purchasing and Interior Design shall disseminate information relative to these standards as they take effect and they shall be included as an appendix to this procedure. All equipment purchased by DASNY shall meet or exceed any standard set by NYSERDA.
- 3) Should any standard set by NYSERDA exceed Energy Star[®], the standard set by NYSERDA in accordance with NYS Energy Law shall prevail.


Instructions

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- Nothing contained in this procedure shall prevent or discourage a client from requesting that items be specified to exceed standards that are referenced in this procedure.
- Any client that requests DASNY to issue an "in-house" purchase order or designates a vendor for any commodity that falls within the scope of this procedure shall certify to DASNY, in writing, that the commodity meets the flammability contained herein.
- All upholstered furniture will be required to meet the CAL 117 flammability testing standard. If the facility in which the furniture is to be located is not fully sprinklered, then the upholstered furniture must meet the flammability requirements of CAL 133.
- For the purposes for this procedure, the following shall not be considered as upholstered furniture: a) furniture that is procured solely for outdoor use; b) furniture procured solely for exercise purposes (e.g., weightlifting benches, vaulting horses); and c) furniture containing less than one-half inch of stuffing material where the horizontal and vertical surfaces do not meet.
- Reupholstered furniture shall be constructed using filling materials that meet the CAL 117 standards.
- The above referenced thirty (30) day laboratory test deadlines may be extended for a reasonable period of time at the sole discretion of DASNY, should the circumstances warrant an extension. The decision to grant an extension can be made by the PC or APC. Factors to be considered include, but are not limited to, the complexity of the testing, the availability and workloads of laboratories for the testing, the time required to assemble a sample item for composite testing, the vigilance of the potential vendor in attempting to secure the test, the project schedule, etc.
- DASNY reserves the right to request copies of test reports directly from the laboratories that perform them.
- The cost of testing will be borne by the bidder or potential vendor. Should a situation arise whereby it is determined that it would be impractical to require a vendor to bear the cost of testing, the Authority may elect to reimburse the testing expense to the vendor.
- In situations where it is impractical to provide each facility with a copy of certifications and documentation related to this procedure (i.e., repetitive purchases for various facilities pursuant to term contracts), the certifications and documentation shall be filed with the procurement record and made available to any affected facility upon request.

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- Bid specification language will read as follows:
 - *Upholstered Furniture required to meet CAL 117:* "The filling material and fabric used in the upholstered furniture must meet the flammability requirements of California Technical Bulletin 117 (CAL 117). Each bidder must supply a manufacturer's statement on company letterhead that the goods being bid meet CAL 117. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive. Information regarding CAL 117 is available from the California Bureau of Home Furnishings at (916) 574-2040."
 - *Upholstered Furniture required to meet CAL 133:* "Upholstered furniture must meet the flammability requirements of California Technical Bulletin 133 (CAL 133). Each bidder must supply a manufacturer's statement on company letterhead that the goods being bid meet CAL 133. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive. Information regarding CAL 133 is available from the California Bureau of Home Furnishings at (916) 574-2040."
 - *Mattresses:* "The mattresses must meet the flammability standards set forth by the US Government for flammability of mattresses FF-4-72 (pursuant to 16 CFR part 1632) and shall meet or exceed the flammability standard set forth in California TB-129 and Boston Fire BFD IX-11. All bidders must supply a manufacturer's statement on company letterhead that the mattresses shall meet the requirements set forth by the US Government for flammability of mattresses FF-4-72 and shall meet or exceed the flammability standard set forth in California TB-129 and Boston Fire IX-11. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive."
 - *Drapery and Fabrics:* "All (*drapery panels and lining*) (*fabrics*) must meet the flammability requirements of NFPA 701. Each bidder must supply a manufacturer's statement on company letterhead that the fabric being bid meets NFPA 701. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive."
 - *Accordion Fold Doors:* "The doors shall have a Class C flame spread rating as determined by tests conducted in accordance with ASTM E84/NFPA 255. Each bidder must supply a manufacturer's statement on company letterhead that the items being bid meet these requirements. Bidders must produce an independent laboratory certification

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verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive."

- *Box Springs:* "Box Springs shall meet the requirements set forth in the United States Government Standards for flammability of mattresses FF-4-72 (pursuant to 16 CFR part 1632). Each bidder must supply a manufacturer's statement on company letterhead that the items being bid meet these requirements. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive."
- *Reupholstered Furniture Filling Materials:* "Materials must meet the flammability requirements of California Technical Bulletin 117 (CAL 117). Each bidder must supply a statement on company letterhead that the material being bid meets these requirements. Bidders must produce an independent laboratory certification verifying such within thirty (30) days of the date that the information is requested by DASNY. All costs associated with the testing and certification of any product shall be borne by the bidder. All bids failing to comply with these requirements may be considered incomplete and non-responsive." (Note that the specification for fabric would also need to be included, when applicable).

Forms

- Invitation for Bids (IFB) – maintained by Purchasing (T: Drive)
- Request for Proposals (RFP) – maintained by Purchasing (T: Drive)
- Designation of Vendor Form – maintained by Purchasing (T: Drive)
- In-house Purchase Order Request – maintained by Purchasing (T: Drive)