**Energy Savings Performance Contracts (ESPC)**

**National Historic Preservation Act, Section 106 Compliance**

To ensure contract compliance [the National Historic Preservation Act of 1966, as amended](http://www.achp.gov/nhpa.html), include the following clauses in all ESPC contracts for GSA historic buildings listed in or eligible for the [National Register of Historic Places](http://www.nps.gov/nr/), including buildings determined likely to become eligible on reaching 50 years of age.

**Criteria Governing Survey, Analysis, Recommendations and Design**

Services to be performed by the Architect-Engineer under this contract shall conform to all applicable requirements and criteria of the following laws, directives and guidelines and to the latest issuances of and changes thereto:

1. [The National Historic Preservation Act of 1966, as amended](http://www.achp.gov/nhpa.html)
2. [ADM 1020.3 GSA Procedures for Historic Properties](http://www.gsa.gov/portal/content/101031)
3. [GSA P100 Facilities Standards](http://www.gsa.gov/portal/content/104821) regarding Alterations to Historic Buildings for each applicable design category
4. The [Secretary of the Interior's Standards for Rehabilitation](http://www.nps.gov/tps/standards/rehabilitation.htm) and Guidelines for the Treatment of Historic Properties
5. [GSA Technical Preservation Guidelines](http://www.gsa.gov/portal/content/101402)
6. [GSA Building Preservation Plan](http://www.gsa.gov/portal/category/21663) and Historic Structure Report Recommendations
7. [National Park Service Brief No. 3 Improving Energy Efficiency in Historic Buildings](http://www.nps.gov/tps/how-to-preserve/briefs/3-improve-energy-efficiency.htm)

**Section 106 Compliance**

Work in GSA historic buildings listed in or eligible for the National Register of Historic Places shall be consistent with the [Secretary of the Interior's Standards for Rehabilitation](http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm), applicable [GSA Technical Preservation Guidelines](http://www.gsa.gov/portal/content/101402) and GSA Building Preservation Plan recommendations. Work that may affect historic spaces, materials or architectural features contributing to the significance of GSA historic property is subject to National Historic Preservation Act Section 106 compliance review, coordinated by GSA’s [Regional Historic Preservation Officer](http://www.gsa.gov/portal/staffDirectory/topic/46%40%40) (RHPO). Contact the RHPO in early planning to identify and address preservation issues the project may raise.

The RHPO must be review and approve proposed alterations that may affect restoration or rehabilitations zones identified in a Building Preservation Plan (BPP) or Historic Structure Report (HSR) before GSA can commit to or initiate such alterations. If no HSR or BPP exists for the building, the RHPO will determine these zones.

Submit for RHPO review and concurrence a completed [Section 106 Compliance Report](http://www.gsa.gov/portal/content/101738) identifying historic spaces and materials that may be affected by proposed energy performance improvement measures. Preservation issues may not yet be resolved at the onset of GSA’s compliance review. Preference will be given to alternatives that avoid adverse effects on the qualities that make the building eligible for the National Register.

Plans for any alterations that will result in adverse effects on historic property will require consultation with the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, at its discretion, and interested parties with the goal of identifying alternatives for avoiding or minimizing adverse effects. Projects that will result in unavoidable adverse effects may require extended consultation to explore additional alternatives and prepare project documentation required by the SHPO. Project documentation for 106 submissions must be prepared by a qualified historic architect meeting the [Secretary of the Interior’s Professional Qualification Standards](http://www.nps.gov/history/local-law/gis/html/introduction.html) and GSA [Qualification Requirements for Preservation Architects](http://www.gsa.gov/portal/content/101535). The historic architect must be integrally involved in the analysis and development of design solutions for work affecting restoration or rehabilitation zones to minimize adverse effects on historic materials and character.

**Preservation Design Parameters**

Seek to avoid adverse effects on GSA historic building as follows:

* Retain historic materials, features, spaces in BPP or HSR restoration or rehabilitation zones
* Design new installations to be compatible with the historic character of the space and to avoid damaging historic materials.
* Design alterations within restoration zones to be reversible, avoiding permanent changes to historic materials, features and character.