



BUILDING PERFORMANCE STANDARD PROGRAM

Guide for Oregon Municipalities



OREGON
DEPARTMENT OF
ENERGY

BUILDING PERFORMANCE STANDARD PROGRAM GUIDE FOR OREGON MUNICIPALITIES

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INTRODUCTION

The Oregon Building Performance Standard is a mandatory program that aims to bring awareness about building energy use to owners of existing commercial buildings and to reduce energy use and utility costs for less efficient buildings. Oregon's BPS program is based on [ASHRAE Standard 100-2024](#), with Oregon-specific amendments. Buildings that must comply with this program are divided into two tiers based on gross floor area and property type.



This document provides support for the cities and municipalities that own buildings that are subject to the BPS to comply with its requirements.

Building owners are encouraged to assess their compliance responsibilities and options as soon as possible. Compliance dates are listed in Table 1. Building owners must confirm their building data, gather energy use information on the building(s), and prepare for actions that may be necessary to demonstrate compliance, such as making a comparison to energy targets, conducting an energy audit, and installing measures to reduce energy.

PURPOSE OF THIS DOCUMENT

This document delineates compliance requirements with the Oregon BPS that will result in improved energy efficiency and reduced greenhouse gas emissions of existing buildings. It is intended for municipalities but may also be referenced by any building owner to better understand BPS requirements and actions.

This document is directed toward:

- Supporting building owners that are required to comply with the BPS.
- Increasing the energy efficiency of the covered buildings.
- Promoting the use of district energy system decarbonization plans aligning with district energy policy in coordination with statewide building performance standards policies to reduce commercial and building emissions.

WHO MUST COMPLY WITH THE BPS

Table 1: Oregon Building Performance Standard Tiers

Gross Floor Area (excluding parking garages)	Property Type	Tier / Compliance Reporting Date
From 35,000 up to 90,000 square feet	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2030
From 90,000 up to 200,000 square feet	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2029

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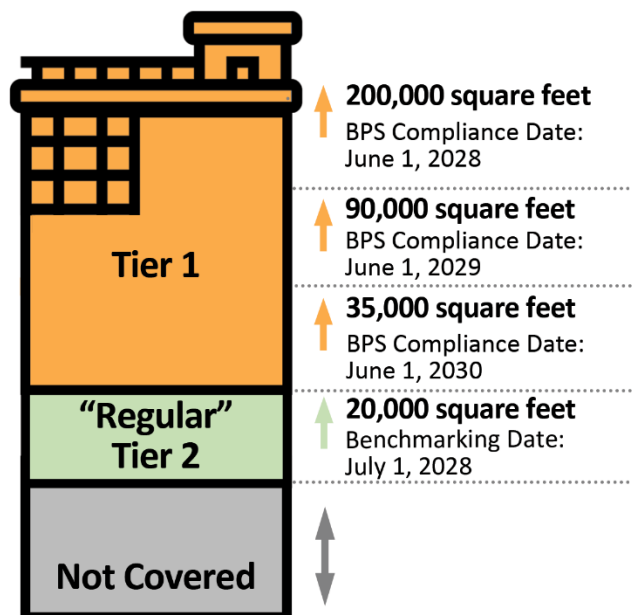
200,000 square feet and greater	Nonresidential, Hotel, or Motel	Tier 1 / June 1, 2028
From 20,000 up to 35,000 square feet	Nonresidential, Hotel, or Motel	Regular Tier 2 / July 1, 2028
35,000 square feet and greater	Multifamily Residential, Hospital, School, Dormitory, University Building, Residential/Senior Care Facilities, Barracks, Jails	Special Tier 2 / July 1, 2028

Regular and Special Tier 2 buildings are required to report Energy Use Intensity (EUI) and energy use intensity targets (EUI_t) by their July 1, 2028 compliance date.

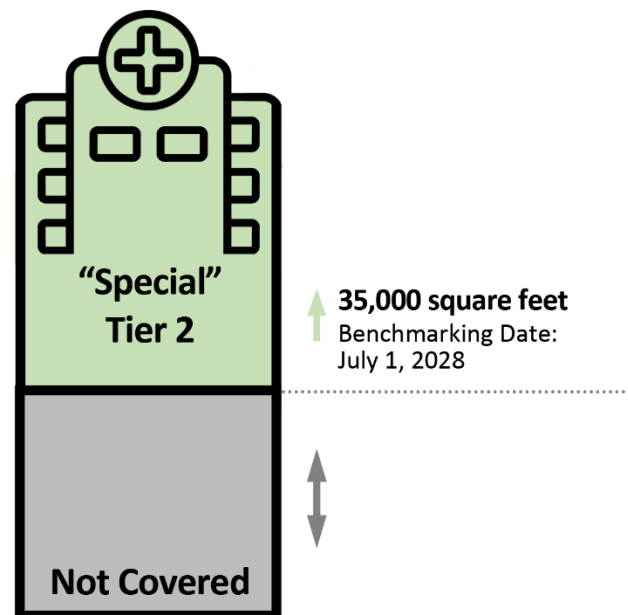
Tier 1 buildings are required to report EUI and EUI_t and submit Operation & Maintenance programs and Energy Management Plans by their compliance date. They must also meet the EUI_t or demonstrate an effort to reduce energy use through an alternative compliance pathway. Tier 1 buildings that expect not to meet their energy target must report at least 180 days before their compliance date, perform energy audits and life cycle cost assessments, and develop a plan to implement cost-effective energy efficiency measures by the June 1, 2028/2029/2030, compliance dates. For information on how to calculate the EUI_t, please visit <https://www.oregon.gov/energy/save-energy/Documents/BPS003-EUItarget.pdf>

Figure 1: Oregon BPS Tiers

**COMMERCIAL (NON-RESIDENTIAL),
HOTEL, and MOTEL***



**MULTIFAMILY RESIDENTIAL, HOSPITAL,
SCHOOL, UNIVERSITY, DORMITORY,
BARRACKS, PRISON, and
RESIDENTIAL/SENIOR CARE FACILITY***



**Mixed-use buildings follow more detailed guidelines to determine their tier*

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Exemptions

Buildings may request exemptions from BPS for any of the situations listed below. For a building to be exempt, the building owner must apply and be granted an exemption. Exemptions are available for Tier 1 and Tier 2 buildings.

- **At least 50 percent** of the building's area is **manufacturing or industrial** space.
- A building is used for **agriculture**.
- A building or building owner is undergoing **financial hardship**.
- A building had **no certificate of occupancy** for **at least 12 months** before the compliance date.
- A building had **less than 50 percent physical occupancy** over the 12 months before the compliance date.
- A building with a significant amount of unconditioned and/or semi-heated space may also request an exemption, or be reclassified to Tier 2, based on its remaining *Gross Floor Area after removing unconditioned and semi-heated space*:

$$\text{Gross Floor Area} - \text{Unconditioned Area} - \text{Semi-heated Area} = \text{Gross Conditioned Floor Area}$$

To request an exemption, submit **Form X: Exemption Application**. This form can be submitted no later than 180 days before the building compliance date. BPS staff will review this application and notify the building owner as to whether the exemption has been approved or denied. Approved exemptions are only good for the current five-year compliance cycle. If an exemption is denied, the building owner must proceed with all BPS compliance procedures.

More information regarding the Exemptions can be found here:

<https://www.oregon.gov/energy/save-energy/Documents/BPS002-exemptions.pdf>

As with other Oregon energy codes and standards, **historic buildings are not exempt from BPS compliance**. Historic buildings must assess and report their energy use like any other building covered by this standard. If the building does not meet its energy target, it must follow the requirements to perform an energy audit and implement energy efficiency measures.

However, historic buildings do not have to implement any energy efficiency measures that would compromise the historic integrity of any part of that building following the official assessment and audit procedure.

Building owners can file a **Form H: Historic Building Documentation** to request an exemption from any requirement to implement a specific energy efficiency measure or to perform any other work that might damage the building's historic integrity.

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HOW TO COMPLY

Main Requirements

Table 2: Main Requirements for Tier 1 and Tier 2

Tier	BPS General Requirements	Tasks Required Before Compliance
Tier 1	<ul style="list-style-type: none"> Identify building's Energy Use Intensity target from the adopted Oregon BPS based on the ASHRAE 100 standard. Reach building's Energy Use Intensity target before the compliance date. Report building energy use data. Develop and maintain an energy management plan. Develop and maintain an operations and maintenance program. 	<ol style="list-style-type: none"> Submit an application for the building (or a group of buildings). Determine the Energy Use Intensity target* based on building type and operation (Table 7-2a of ASHRAE 100). Calculate the Energy Use Intensity* from 12 continuous months of data. <p>Tier 1 buildings must also submit the following before their compliance date:</p> <ul style="list-style-type: none"> Operations and Maintenance Program. Energy Management Plan. Decarbonization Plan for grouped buildings with district systems. (Optional) <p>In addition, Tier 1 buildings that do not expect to meet their energy target by their compliance date (i.e their Energy Use Intensity is greater than their Energy Use Intensity target) must take further action:</p> <ul style="list-style-type: none"> Report on their expected status 180 days before compliance date. Perform an Energy Audit and Life Cycle Cost Assessment (for building owners complying via investment criteria only) before their compliance date. Implement cost-effective energy efficiency measures that reduce Energy Use Intensity. Calculate and report on the building's updated EUI as milestones are reached.
Tier 2	<ul style="list-style-type: none"> Identify building's Energy Use Intensity target. Report building energy use data. 	<ol style="list-style-type: none"> Submit an application for the building (or a group of buildings). Determine the Energy Use Intensity target* based on building type and operation (Table 7-2a of Oregon BPS based on ASHRAE 100). Calculate the Energy Use Intensity* from 12 continuous months of data.

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*The instruction to the identification of Energy Use Intensity and its target can be found here:
<https://www.oregon.gov/energy/save-energy/Documents/BPS003-EUITarget.pdf>

Compliance Steps

Follow the **five steps** below to get started on BPS compliance:

Step 1: Visit the BPS Property Inventory List to confirm or adjust the information on file for your building:

- Log in to the BPS Inventory List from <http://bps.odoe.state.or.us/> or by scanning the QR code you received in the letter from ODOE.
- Create your personal account by clicking “Register.” Enter an email address and create a password.
- Enter your Unique Building ID number (UBID) (received in the letter). (If you did not receive a letter or lost it, you can search for your UBID by your building’s address or get your UBID information by emailing oregonbps@energy.oregon.gov.)
- Confirm or request corrections to your building’s details, including ownership status, square footage, property address, and property type.
- If you own additional buildings in Oregon greater than 20,000 square feet and not listed above, please email ODOE to add them (see above email address).

Step 2: Determine your building’s tier and compliance date, as explained in **Chapter 2**.

Step 3: Identify an energy professional to oversee compliance activities, a Qualified Person for Tier 1 buildings, and a Qualified Energy Manager for Tier 2 buildings.

Step 4: All covered buildings should assess their annual energy use (EUI and EUI_t), as explained in **Table 2**. Tier 1 buildings may need to conduct an energy audit to assess savings opportunities and implement measures to reduce energy usage.

Step 5: As your building’s compliance date approaches, use ODOE’s compliance reporting system to turn in compliance forms. Additional information and resources will soon be provided by ODOE.

Note: please use caution when reporting compliance information for the Oregon BPS. ODOE will not charge for the act of BPS compliance reporting, but there may be entities who present themselves as official, required reporting providers and attempt to charge for their services.

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If you do not own a building but you received a letter, please reach out to the building owner immediately, if known, and share the correct owner's contact information in the Property Inventory List.

If you think your building has been misidentified and should not be covered by the Building Performance Standard, please make a note in the Property Inventory List. Additional guidance documents for BPS are available on the BPS website: <https://tinyurl.com/ODOE-BPS>.

For a video introduction on the use of BPS Inventory List platform, please see <https://bps.ode.state.or.us/>.

BPS Compliance Forms

If a building is determined to be a Tier 1 or Tier 2 building that must comply with BPS, various forms must be submitted. These forms are listed below and the templates will be available soon. For more information see <https://www.oregon.gov/energy/save-energy/Documents/BPS001-compliance.pdf>.

Tier 1

Tier 1 building owners must submit the following **no later than their June 1, 2028/2029/2030**, compliance date, but can submit documents as early as **July 1, 2026**:

- **Form A:** Application for Oregon BPS Compliance **or**

Form G: Grouped Buildings¹ Application for BPS Compliance **or**

Form X: Exemption Application (must be **filed 180 days before** compliance date)

- **Form B:** Building Activity and Energy Use Intensity Target
- **Form C:** Calculation of Energy Use Intensity
- Operations and Management plan
- Energy Management Plan and
- **Form D:** Decarbonization Plan for Grouped Buildings with district systems

If the building doesn't meet target (EUI is greater than EUI_t), building owners must submit:

- **Form A or Form G 180 days before** the compliance date

Submit the following **no later than their June 1, 2028/2029/2030**, compliance dates:

- **Form E:** Energy Audit
- **Form L:** Life Cycle Cost Assessment (for building owners complying via investment criteria only)

In addition, the following forms get updated annually until EUI_t has been reached:

- **Form A and Form C**

¹ Grouped Buildings are defined as a collection of buildings on adjoining property with a single shared primary function that acts as a single property and shares common energy metering, or is on the same district heating or cooling system without submetering of individual buildings.

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Tier 2

Tier 2 building owners need to submit the following **no later than July 1, 2028**, but can submit documents as early as July 1, 2026:

- **Form A: Application** for Oregon BPS Compliance **or**

Form G: Grouped Buildings Application for Oregon BPS Compliance **or**

Form X: Exemption Application (only if conditioned square footage is below

Tier 2 minimum Gross Floor Area, must be **filed 180 days before** compliance date)

- **Form B:** Building Activity and Energy Use Intensity Target
- **Form C:** Calculation of Energy Use Intensity

Tier 2 building owners do **NOT** need to submit an Operations and Management Program, an Energy Management Plan, or Form D: Decarbonization Plan for grouped buildings with district systems, and do **NOT** need to take any action to reduce building energy use if building EUI is greater than EUI_t.

COMPLIANCE AND REPORTING WORK

Compliance Team

Various energy professionals are needed to help building owners comply with BPS. Determination of EUI and EUI_t should be done by a Qualified Person for Tier 1 buildings or by a Qualified Energy Manager or Qualified Person for Tier 2 buildings. For Tier 1 buildings, the Qualified Person must also compile and submit an Operations and Maintenance Plan and an Energy Management Plan. In addition, a Qualified Energy Auditor must perform energy audits and life cycle cost assessments for any Tier 1 buildings that don't meet the Energy Use Intensity target.

Compliance with the standard can get complicated. Plan ahead and understand the supporting roles needed for compliance.

A **Qualified Person** must be identified for all **Tier 1** buildings. The QP has the responsibility to complete **Form B, Form C, O&M** and **EMP** submittals, plus any **Form D** submittal that is needed for grouped buildings with district heating or cooling systems. **The QP must have:**

- Training and expertise in building energy use analysis, **AND**
- At least **one** (1) of the following certifications:
 - Professional architect's or engineer's license in the state of Oregon
 - Qualified as an energy auditor (see below)
 - Certified Energy Manager in current standing, through the Association of Energy Engineers
 - Building Operator Certification Level II by Building Potential
 - Energy Management Professional through the Energy Management Association

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- Degree from the Building Controls program at Lane Community College Energy Management, or an equivalent degree approved by ODOE
- Building commissioning professional certified by an ANSI/ISO/IEC 17024:2012 accredited organization

Either a Qualified Person or a **Qualified Energy Manager** must be identified for all **Tier 2** buildings, and must complete **Form B** and **Form C**. **A QEM must have:**

- At least two years of educational and/or professional experience with commercial building operations or building energy management, **OR**
- Must meet the definition of a Qualified Person.

A **Qualified Energy Auditor** must perform any Energy Audits and Life Cycle Cost Assessments for **Tier 1** buildings. **A QEA must have:**

- At least three years of professional experience in building energy auditing, **AND**
- At least **one** (1) of the following certifications:
 - Professional architect's or engineer's license in the state of Oregon
 - Building Energy Assessment Professional certified from ASHRAE
 - Certified Energy Auditor via the Association of Energy Engineers
 - Certified Energy Manager in current standing, via AEE
 - Energy Management Professional via the Energy Management Association

The requirements for the energy Audit can be found here:

<https://www.oregon.gov/energy/save-energy/Documents/BPS005-audit-LCCA.pdf>

The description of the energy professionals involved in the project can be found here:

<https://www.oregon.gov/energy/save-energy/Documents/BPS006-professionals.pdf>

Compliance Process if EUI is Greater than EUI_t

Buildings that do not expect to meet their energy target by the compliance date can choose one of three ways to comply with BPS:

- Conditional Compliance – Energy Efficiency Measures from the Energy Audit or Life Cycle Cost Assessment have been implemented by the compliance date and the building **IS** expected to reach its energy target, but more time is needed to collect energy data for confirmation.
- Investment Criteria – Energy Efficiency Measures from the Energy Audit and Life Cycle Cost Assessment have been implemented by the compliance date, but the building **is NOT** expected to reach its energy target, or Energy Use Intensity cannot be determined due to unavailability of energy data.
- Investment Criteria through Conditional Compliance – in Energy Efficiency Measures from the Energy Audit and Life Cycle Cost Assessment are **NOT** implemented before the compliance date but are being phased in over time.

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Building owners should strive to implement energy efficiency measures promptly. This helps the building accrue energy and utility bill savings as soon as possible and enables the building to reach BPS compliance.

Ideally, building owners should implement energy efficiency measures before the building's compliance date. If energy efficiency measures can be installed early enough, the building may be able to reach its energy target before the compliance date. This means it would be able to demonstrate compliance, forego submitting **Form E** or **Form L**, and avoid submitting annual follow up reports to track progress on energy efficiency measure implementation and building energy performance.

In all three cases, annual reporting to document energy efficiency measure implementation and progress in reducing Energy Use Intensity is required when following these options, using **Form A** or **Form G** and **Form C**. When the building reaches its energy target, Completion Reporting can be submitted via **Form A** or **Form G** and **Form C** to show the building has met its energy target and to demonstrate BPS compliance.

COMPLIANCE INCENTIVES

Early Compliance Incentives Offered by ODOE

Oregon House Bill 3409 directs the Oregon Department of Energy to establish an early compliance incentive program. There is currently approximately \$14 million available for BPS incentives. The incentive funds available, and how they can be spent, are as follows:

- The state's general fund provides \$2 million for incentive funds. These funds can only be used for buildings that have an EUI at least 15 points higher (worse) than the EUI_{it}. Tier 1 and Tier 2 building owners may be eligible for an incentive of up to \$0.85 per square foot, with total incentive caps. This funding is referred to as the Early Compliance Action and Planning Program, or ECAPP. The total incentive amount is capped between \$10,000 and \$50,000 per building, depending on the building's type and size. Please refer to specific incentive program rules and criteria for applicable incentive limits and requirements.

Compliance Action	Incentive per Square Foot
Energy Benchmarking and Reporting	\$0.35
EMP and O&M Program	\$0.05
Energy Audit	\$0.35
Achieving Compliance	\$0.10
Maximum Incentive	\$0.85

- The remaining \$12 million in BPS funds comes from Climate Equity and Resilience Through Action program (CERTA). These funds can only be used for energy efficiency measures, such as envelope upgrades and improvements. This program is referred to as the Building Energy Reduction Incentive, or BERI.

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Other Resources

Energy Trust of Oregon offers funding in Oregon and Southwest Washington to support energy savings and clean energy solutions. Energy Trust services and incentives can help reduce energy costs in homes, businesses and organizations, and support utilities and communities in achieving their clean energy goals. To learn about incentives, [please visit Energy Trust's website.](#)

Gas and electric utility providers may offer energy efficiency programs. Also, they may share more about a building's energy use history. If you do not know your utility, you can use ODOE's [Find Your Utility map.](#)

NONCOMPLIANCE PENALTIES

[Under House Bill 3409](#), the Oregon Building Performance Standard has the authority to assess civil financial penalties when a building has not met the requirements of this standard.

Penalties are only assessed on Tier 1 buildings that have not complied with this standard. Penalties are capped at a maximum value of \$5,000, plus one dollar per square foot of Gross Floor Area per year, based on the duration of any continuing violation. Penalties may be assessed for each compliance period.

Before assessing penalties, BPS staff will notify the building owner about their noncompliance via the following procedures:

- Issue a *Notice of Violation and Opportunity to Correct (first notice)* to the building owner after a failure to submit documentation that demonstrates compliance with this standard by the scheduled reporting date:
 - Specifies which reports are needed to reach compliance.
 - Specifies a new date for reaching compliance, at least seven calendar days from receipt of the *Notice of Violation and Opportunity to Correct*.
- Issue a *Notice of Violation and Intent to Assess Civil Penalties (second notice)* to the building owner after a failure to submit documentation that demonstrates compliance with this standard by the date specified in the *Notice of Violation and Intent to Assess Civil Penalties*:
 - Specifies which reports are needed to reach compliance.
 - Describes how penalties are calculated for non-compliance.

Assessment of Civil Penalties proceeds if the building owner does not respond to the *Notice of Violation and Intent to Assess Civil Penalties* within 30 days. Responses from the building owner can include any of the following:

- Submitting compliance documents.
- Submitting a noncompliance mitigation plan, with a successful plan reducing civil penalties to no more than 30 percent of \$5,000, plus a daily amount equal to \$0.20 per square foot of Gross Floor Area per year.
- Submitting a Form X: Exemption Application or requesting a hearing within 30 days after being denied an exemption.

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- Requesting a hearing to challenge or mitigate penalties.

Note: a building owner may choose to pay civil penalties rather than pursuing compliance and may notify the BPS of that intent at any time.

Once any penalties are assessed, they are due in 30 days. Interest and late fees may start to accrue if penalties are not paid within 180 days, although the maximum penalty is still limited to \$5,000 plus one dollar per square foot of Gross Floor Area per year.

RESOURCES

1. [BPS 001 – Tier 1 and Tier 2 Compliance](#)
2. [BPS 002 – Exemptions and Historic Buildings](#)
3. [BPS 003 – Finding Energy Use Intensity Target](#)
4. [BPS 004 – Calculating Energy Use Intensity](#)
5. [BPS 005 – Energy Audits and Life Cycle Cost Assessments](#)
6. [BPS 006 – Energy Professionals](#)
7. [BPS 007 – Operations and Maintenance Programs](#)
8. [BPS 008 – Energy Management Plans](#)
9. [BPS 009 – Grouped Buildings or Campuses](#)
10. [BPS 010 – Incentives and Penalties](#)
11. [BPS 011 – Application to Tribal and Federal Buildings](#)
12. [BPS-FAQs.pdf](#)

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ANNEX 1: DEFINITIONS FOR TIER 1, TIER 2, AND GROUPED BUILDINGS

Below are important definitions to understand when determining whether a building must comply with BPS:

Building: a structure, including mobile homes, manufactured homes, and other factory-built buildings, wholly or partially enclosed within exterior walls, or within exterior and party walls and a roof, that affords shelter to people, animals, or property.

Building Owner: an individual or entity possessing title to a building. In the event of a land lease, the building owner is the entity possessing title to the building on leased land. Where condominium structures are subject to the standard, building owner means the owners' association.

Gross Floor Area (GFA): the space of a building measured from its exterior enclosing walls, **not including any parking garage area.**

- Including all offices, lobbies, restrooms, equipment storage areas, mechanical rooms, break rooms, elevator shafts, and conditioned basements.
- Not including outside bays or docks, exterior spaces, covered walkways, open roofed-over areas, outdoor play courts, porches, exterior terraces or steps, roof overhangs, balconies, decks, patios, pipe trenches, interstitial plenum space between floors, driveways, parking garages, or surface parking areas.
- For specific areas, view [Table 7-4 of the Oregon Building Performance Standard](#).

Hotel: buildings renting overnight room/suites, typically with bath/shower and other facilities in guest rooms. Hotels typically have daily services for guests including housekeeping/laundry & front desk/concierge. Hotel does not apply if >50 percent floor area is fractional ownership units like condominiums, vacation timeshares, or private residences rented on a daily or weekly basis.

Motel: hotel like lodging where most rooms are entered from the exterior.

Multifamily Residential Building: a covered multifamily building on contiguous property, containing sleeping units or more than five (5) dwelling units where occupants are primarily permanent in nature.

Hospital: a general medical and surgical facility providing acute care services intended to treat patients for short periods of time, including emergency medical care, physician's offices, diagnostic care, ambulatory care, surgical care, and limited specialty services such as children's hospitals, long-term acute care, inpatient rehabilitation services, cancer care, psychiatric care, and substance abuse facilities. Hospital can also refer to all buildings owned by the hospital that are located within the hospital building complex, including non-clinical spaces such as administrative offices, food service, retail, hotels, and power plant facilities.

School: buildings used for educational purposes, including:

- **Adult Education:** buildings used primarily for providing adult students with continuing education, workforce or professional development outside of a college or university.
- **K-12 School:** buildings or campuses used as a school for Kindergarten through 12th grade students. At least 75 percent of the students must be in grades Kindergarten through 12.

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- **Preschool/Daycare:** buildings used for educational programs or daytime supervision/recreation for young children before they attend Kindergarten.
- **Vocational School:** buildings primarily designed to teach skilled trades, including trade and technical schools. Vocational schools are commonly post-secondary education, consisting of 1-2 years of technical/trade training.
- **Other School:** buildings used for religious, community, or other educational purposes that do not meet the definition of any other type of school.

More information can be found here:

<https://www.oregon.gov/energy/save-energy/Documents/BPS009-grouped.pdf>

Additional definitions can be found here:

<https://www.oregon.gov/energy/save-energy/Documents/BPS002-exemptions.pdf>

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ANNEX 2: FLOW CHARTS OF PROCESS IMPLEMENTATION

Figure 2: Flowchart for buildings with performance targets

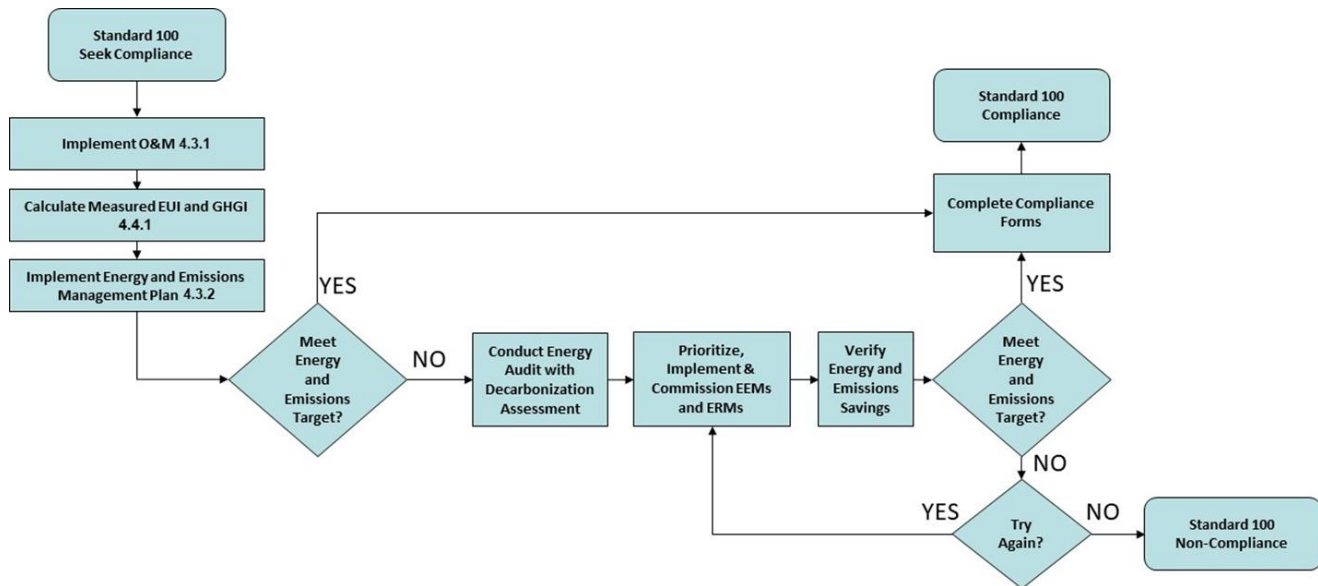
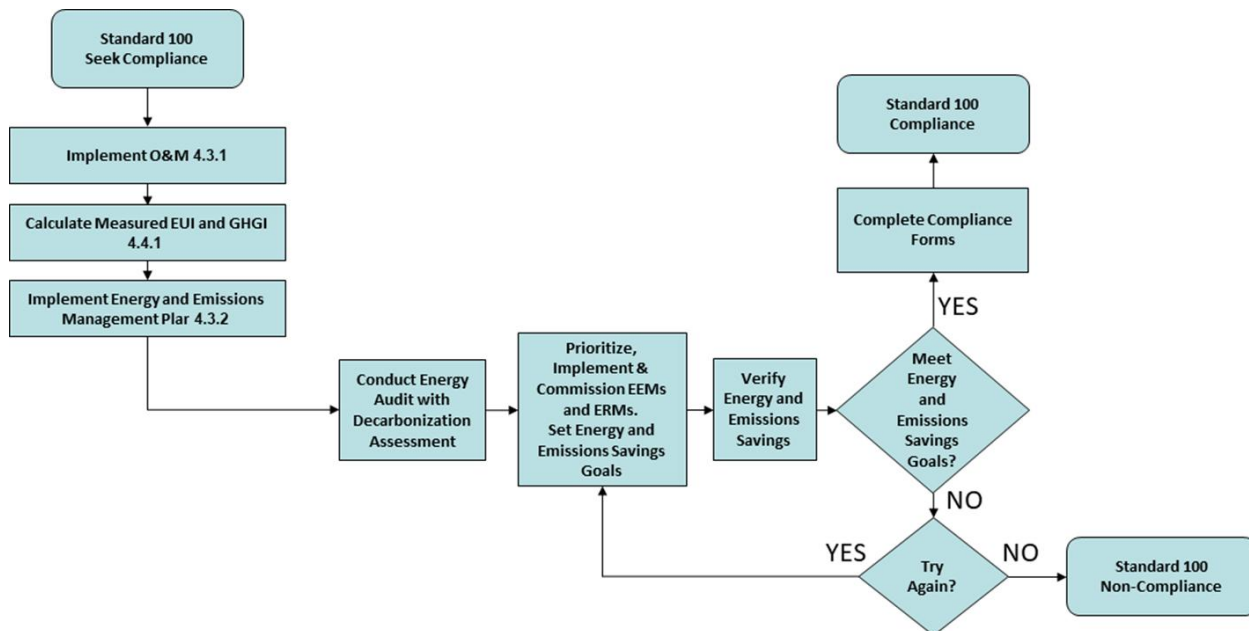


Figure 3: Flowchart for buildings without performance targets



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ANNEX 3: BPS PROGRAM TIMELINE – KEY DATES

