



## MEMORANDUM

Date: February 8, 2011

To: Bryan Montgomery, City Manager

From: Rebecca Willis, Community Development Director

Project: Adopt a Resolution to approve an Environmentally Preferable Purchasing Policy

Approved and forwarded to City Council

  
Bryan Montgomery,  
City Manager

### Summary

This item is a follow up to the AB 939 Planning Documents that were approved on May 25, 2010. One of the planned Solid Waste Diversion Program requirements is to implement an Environmentally Preferable Purchasing Policy (EPP). The EPP is intended to supplement Title 3, Chapter 6 of the Oakley Municipal Code, which deals with Purchasing and Contracting. As stated within the AB 939 Planning Documents, the City already purchases environmentally preferable products and City Staff has been encouraged to reuse and reduce in the workplace; the EPP will be used to further guide this practice. The adoption of an EPP policy may also assist the City in obtaining future grants through CalRecycle.

### Recommendation

Staff recommends the City Council adopt the Resolution approving the Environmentally Preferable Purchasing Policy.

### Attachments

1. Proposed Resolution
2. Draft Environmentally Preferable purchasing Policy

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE ENVIRONMENTALLY PREFERABLE PURCHASING POLICY**

**WHEREAS**, the City of Oakley adopted AB 939 Planning Documents, in which a requirement is to adopt an Environmentally Preferable Purchasing Policy, and

**WHEREAS**, the City desires to institute practices that reduce waste by increasing product efficiency and effectiveness, purchase products where cost effective, that minimize environmental impacts, such as toxics, pollution and hazards to worker and community safety; purchase cost effective products that reduce greenhouse gas emissions in their production, shipping, use and discard; and purchase products that include recycled content, are durable and long-lasting, and conserve energy and water, and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakley adopt the Environmentally Preferable Purchasing Policy.

**PASSED AND ADOPTED** by the City Council of the City of Oakley, California, this 8<sup>th</sup> day of February 2011 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
James L. Frazier, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Nancy Ortenblad, City Clerk

\_\_\_\_\_  
Date



## ENVIRONMENTALLY PREFERABLE PURCHASING POLICY (EPP)

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### 1.0 STATEMENT OF POLICY

It is the policy of the City of Oakley (City) to:

- Institute practices that reduce waste by increasing product efficiency and effectiveness;
- Purchase products where cost effective, that minimize environmental impacts, such as toxics, pollution and hazards to worker and community safety;
- Purchase cost effective products that reduce greenhouse gas emissions in their production, shipping, use and discard; and
- Purchase products that include recycled content, are durable and long-lasting, and conserve energy and water.

### 2.0 PURPOSE

This Policy is adopted in order to:

- Conserve natural resources;
- Minimize environmental impacts such as pollution and use of water and energy;
- Eliminate or reduce toxics that create hazards to workers and our community;
- Support strong recycling markets;
- Reduce materials that are landfilled;
- Increase the use and availability of environmentally preferable products that protect the environment;
- Identify environmentally preferable products and distribution systems;

- Reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems or services; and
- Create a model for purchasing environmentally preferable products that supports environmentally friendly practices during production, and that encourages other purchasers in our community to adopt similar goals.

### **3.0 STRATEGIES FOR IMPLEMENTATION**

#### **3.1 Source Reduction**

- 3.1.1 Institute practices that reduce waste, and encourage reuse.
- 3.1.2 Whenever feasible, purchase remanufactured products such as toner cartridges, tires, furniture, equipment and automotive parts.
- 3.1.3 Consider short-term and long-term costs in comparing product alternatives. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance and replacement parts, disposal costs and expected lifetime compared to other alternatives.
- 3.1.4 Purchase products that are durable, long lasting, reusable or refillable trying to avoid purchasing one-time use or disposable products.
- 3.1.5 Encourage vendors to eliminate packaging or use the minimum amount necessary for product protection. Also, vendors will be encouraged to take back packaging for reuse. A vendor's willingness to take back packaging may be used as part of the consideration in the bid process.
- 3.1.6 Indicate to vendors a preference for packaging that is reusable, recyclable or compostable, when suitable uses and programs exist.
- 3.1.7 Encourage vendors to take back and reuse pallets and other shipping materials.
- 3.1.8 Encourage suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, to take back equipment for reuse or environmentally sound recycling when the City discards or replaces such equipment, whenever possible. If the City requests a supplier to also dispose of equipment being replaced, and selection of the

vendor is determined using a bidding process, bidders will be required to state their take back, reuse or recycling programs during the bidding process.

- 3.1.9 Consider provisions in contracts with suppliers of non-electronic equipment that require suppliers to take back equipment for reuse or environmentally sound recycling when the City discards or replaces such equipment, whenever possible. If the City requests a supplier to also dispose of non-electronic equipment being replaced, and selection of the vendor is determined using a bidding process, bidders will be required to state their take back, reuse or recycling programs during the bidding process.
- 3.1.10 Encourage printing and copying of all documents on both sides to reduce the use and purchase of paper. Encourage the practice of setting printers and copiers to duplex as the default.
- 3.1.11 Encourage the use of scanning documents as a primary means for distribution to reduce the number of faxes transmitted.

## **3.2 Recycled Content Products**

- 3.2.1 Purchase products, to the extent that it is cost effective for the City, with the highest post-consumer content available. The City will refer to the United States Environmental Protection Agency (U.S. EPA) Comprehensive Procurement Guidelines for product recycle content standards.
- 3.2.2 Purchase copiers and printers compatible with the use of recycled content and remanufactured products.
- 3.2.3 To the extent possible and cost effective, when specifying asphalt, concrete, aggregate base or portland cement concrete for road construction projects, use recycled, reusable or reground materials in accordance with adopted standards and specifications.
- 3.2.4 To the extent possible and cost effective, specify and purchase recycled content traffic control products, including signs, cones, parking stops,

delineators, channelizers and barricades in accordance with adopted standards and specifications.

3.2.5 When feasible and cost effective, pre-printed recycled content papers intended for distribution by the City, that are either purchased or produced should contain a statement that the paper is recycled content and also indicates the percentage of post-consumer recycled content.

### **3.3 Energy Efficient and Water Saving Products**

3.3.1 Where applicable, purchase energy-efficient equipment. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

3.3.2 Whenever practicable, replace inefficient interior lighting with energy-efficient equipment.

3.3.3 Replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment, whenever practical. Minimize exterior lighting where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

3.3.4 Purchase U. S. EPA Energy Star certified products when available and cost effective. When Energy Star labels are not available, choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

3.3.5 Whenever practical, purchase water-saving products. This includes, but is not limited to, high-performance fixtures like toilets, low-flow faucets and aerators, and upgraded irrigation systems.

### **3.4 Green Building Products and Practices**

3.4.1 Consider Green Building practices for design, construction, and operation as described in the LEED™ Rating System for building and renovations undertaken by the City.

### **3.5 Landscaping Products and Practices**

- 3.5.1 Refer to and employ where practical, sustainable landscape management techniques for landscape renovations, construction and maintenance performed by the City. The City will request that workers and contractors providing landscaping services for the City refer to and use these techniques wherever practical, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost.
- 3.5.2 Select plants to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and consider perennials rather than annuals for color. Additionally, native and drought-tolerant plants that require no or minimal watering once established are preferred.
- 3.5.3 Hardscape and landscape structures constructed of recycled content materials are encouraged. Limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.
- 3.5.4 Consider creating swales in landscape renovations and construction performed by the City to assist in water run-off management. If applicable, develop outreach programs to instruct the public in the proper maintenance of swales.

### **4.0 RESPONSIBILITIES**

- 4.1 The health and safety of our workers and citizens is of utmost importance and takes precedence over all other practices. Nevertheless, the City recognizes its duty to act in a fiscally responsible as well as in a timely manner.
- 4.2 Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, risk the health or safety of workers and citizens, or are not available at a reasonable, competitive and cost effective price in a reasonable period of time.

- 4.3 Nothing contained in this policy shall be construed as requiring the City, department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.
- 4.4 The City has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and as the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio-based.
- 4.5 Utilize grant funds to support and implement the Environmentally Preferable Practices Policy to the extent allowable and eligible, where such funds are available and their use for this purpose desirable.

## **5.0 IMPLEMENTATION**

- 5.1 The City Manager or his/her designee shall implement this policy in coordination with other appropriate City personnel.
- 5.2 Require successful bidders to certify in writing that the environmental attributes claimed in competitive bids are accurate. When required by State law, vendors shall be required to specify the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.
- 5.3 Upon request, buyers making the selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy.
- 5.4 Encourage vendors, contractors and grantees to comply with applicable sections of this policy for products and services provided to the City.

## **6.0 PROGRAM EVALUATION**

- 6.1 The City Manager or his/her designee shall provide information about the program, including changes to the program, in the City's annual reporting to CalRecycle..



## 7.0 DEFINITIONS

- 7.1 "Bay Area Green Business Program" is a partnership of governments and businesses that certifies the environmental performance of government agencies and businesses.
- 7.2 "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions.
- 7.3 "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the City of Oakley or serves in a subcontracting capacity with an entity having a contract with the City of Oakley for the provision of goods or services.
- 7.4 "Energy Star" means the U.S. EPA's energy efficiency product labeling program.
- 7.5 "Energy-Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.
- 7.6 "LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System, or other related LEED™ Rating System, approved by the U.S. Green Building Council and designed for rating new and existing commercial, institutional, and residential buildings.
- 7.7 "Post-consumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.
- 7.8 "Pre-consumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Pre-consumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

- 7.9 "Recovered Material" means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and post-consumer material.
- 7.10 "Recycled Content" means the percentage of recovered material, including pre-consumer and post-consumer materials, in a product.
- 7.11 "Recycled Product" means a product that meets the City's recycled content policy objectives for post-consumer and recovered material.
- 7.12 "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
- 7.13 "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
- 7.14 "U.S. EPA Guidelines" means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
- 7.15 "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.

## **8.0 EFFECTIVE DATES**

- 8.1 This policy shall take effect on February 9, 2011.

**RESOLUTION NO. 16-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING  
THE ENVIRONMENTALLY PREFERABLE PURCHASING POLICY**

**WHEREAS**, the City of Oakley adopted AB 939 Planning Documents, in which a requirement is to adopt an Environmentally Preferable Purchasing Policy, and

**WHEREAS**, the City desires to institute practices that reduce waste by increasing product efficiency and effectiveness, purchase products where cost effective, that minimize environmental impacts, such as toxics, pollution and hazards to worker and community safety; purchase cost effective products that reduce greenhouse gas emissions in their production, shipping, use and discard; and purchase products that include recycled content, are durable and long-lasting, and conserve energy and water, and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakley adopt the Environmentally Preferable Purchasing Policy.

**PASSED AND ADOPTED** by the City Council of the City of Oakley, California, this 8<sup>th</sup> day of February 2011 by the following vote:

AYES: Anderson, Frazier, Pope, Rios, Romick

NOES: None


ABSTENTIONS: None

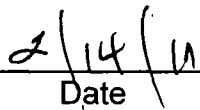
ABSENT: None

APPROVED:

  
James L. Frazier, Sr., Mayor

ATTEST:

  
Nancy Ortenblad, City Clerk

  
Date