



CITY MANAGER ADMINISTRATIVE INSTRUCTIONS
Instruction Number 19

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

PURPOSE:

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 who reduce environmental impacts in their production and distribution systems or services, and create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals.

SCOPE:

This policy applies to all applicable purchases.

POLICY:

It is the policy of the City of Benicia to:

- institute practices that reduce waste by increasing product efficiency and effectiveness,
- purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable, and
- purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use natural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, are lead-free and mercury-free, and/or use wood from sustainably harvested forests when practicable.

I. SPECIFICATIONS:

A. Source Reduction

1. The City shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

2. The City shall purchase remanufactured products such as laser toner cartridges, tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.

3. The City shall require all equipment bought after the adoption of this policy to be compatible with source reduction goals as referred to in this section I.A., when practicable.

4. All buyers shall consider short-term and long-term costs in comparing product alternatives, when feasible. 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, disposal costs and expected lifetime compared to other alternatives.

5. Products that are durable, long lasting, reusable or refillable are preferred whenever feasible.

6. The City shall request vendors to eliminate packaging or use the minimum amount necessary for product protection, to the greatest extent practicable.

7. Packaging that is reusable, recyclable or compostable is preferred, when suitable uses and programs exist.

8. Vendors shall be encouraged to take back and reuse pallets and packing materials.

9. Suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, shall be required to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever possible.

B. Recycled Content Products

1. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest postconsumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.

2. Copiers and printers bought shall be compatible with the use of recycled content products.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

3. In accordance with California Public Contract Code, Sec. 10409, the City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.

4. When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City shall use recycled, reusable or reground materials when practicable.

5. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades when practicable.

6. All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is recycled content.

B. Energy and Water Savings

1. Where applicable and practicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

2. When practicable, the City shall replace inefficient lighting with energy-efficient equipment.

3. All products purchased by the City and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable.

4. When Energy Star labels are not available, the City shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

5. The City shall purchase water-saving products whenever practicable.

C. Green Building – Construction and Renovations

All buildings and renovations undertaken by the City shall follow Green Building practices for design, construction, and operation, where appropriate, as described in the LEED™ Rating System.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

D. Landscaping

1. All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction and maintenance whenever possible, including, but not limited to, integrated pest management, grass cycling, drip irrigation, composting, and procurement and use of mulch and compost.
2. Plants should be selected 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 perennials rather than annuals for color when practicable. Native and drought-tolerant plants that require no or minimal watering once established are preferred.
3. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

E. Toxics and Pollution

1. To the extent practicable, no cleaning or disinfecting products (i.e. for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.
2. The use of chlorofluorocarbon-containing refrigerants, solvents and other products shall be phased out and new purchases shall not contain them.
3. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.
4. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls where practicable. The City may implement pest management practices using the least toxic pest control as a last resort.
5. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low adhesives, furniture and casework as practicable.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

6. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:

- a. Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever possible.
- b. Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies whenever practicable.

7. The City shall purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, the City shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.

8. When replacing vehicles, Benicia shall consider less-polluting alternatives to diesel such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available.

F. Forest Conservation

To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system.

G. Agricultural Bio-Based Products

1. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practicable.

2. Paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged whenever practicable.

II. PRIORITIES

A. The health and safety of workers and citizens is of utmost importance and takes precedence over all other policies.

B. The City has made and continues to make 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 for the foundation of an environmentally sound production system. Therefore, to the

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio-based.

C. 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, or are not available at a reasonable price in a reasonable period of time.

D. 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.

III. IMPLEMENTATION

A. The purchasing officer shall implement this policy in coordination with other appropriate jurisdiction personnel.

B. Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.

C. 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.

D. Vendors, contractors and grantees shall be encouraged to comply with applicable sections of this policy for products and services provided to the City where practicable.

IV. PROGRAM EVALUATION

The purchasing officer shall periodically evaluate the success of this policy's implementation.

V. DEFINITIONS

A. "Agricultural Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

B. "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions.

C. "Chlorine free" means products processed without chlorine or chlorine derivatives.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

- D. “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 or serves in a subcontracting capacity with an entity having a contract with the City for the provision of goods or services.
- E. “Dioxins and furans” are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the Environmental Protection Agency.
- F. “Energy Star” means the U.S. EPA’s energy efficiency product labeling program.
- G. “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.
- H. “Federal Energy Management Program” is a program of the Department of Energy that issues a series of *Product Energy Efficiency Recommendations* that identify recommended efficiency levels for energy-using products.
- I. The “Forest Stewardship Council” is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.
- J. “Integrated Pest Management (IPM)” is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.
- K. “LEEDTM Rating System”, also known as the *Leadership in Energy and Environmental Design (LEED) Green Building Rating SystemTM*, is a third-party green building certification program developed by the U.S. Green Building Council (USGBC). It is the nationally accepted benchmark for the design, construction and operation of high performance commercial, institutional, and high-rise residential buildings.
- L. “Organic Pest Management” prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Foods (CCOF).

M. "Postconsumer 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.

N. "Practical" and "Practicable" mean whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

O. "Preconsumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer 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.

P. "Proposition 65" means a list of chemicals that are known to the State of California to cause cancer, birth defects or other reproductive harm.

Q. "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 preconsumer and postconsumer material but does not include excess resources of the manufacturing process.

R. "Recycled Content" means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.

S. "Recycled Content Standard" means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as "recycled products."

T. "Recycled Product" means a product that meets [jurisdiction's] recycled content policy objectives for postconsumer and recovered material.

U. "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.

V. "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.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

W. "Source Reduction" refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced, packaging.

X. The "Toxics Release Inventory" (TRI) is a publicly available U.S. EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.

Y. "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.

Z. "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.

Date: August 18, 2008


City Manager