

CITY OF EUREKA

Category: FINANCE

POLICIES & PROCEDURES

Subject: Environmentally Friendly
Purchasing Policy

Date Adopted: September 1, 2015

File 2.51
Number

POLICY OBJECTIVE

(A) Require purchase of products and services that minimize environmental and health impacts, toxics, pollution, and hazards to worker and community safety and to the larger global community to the greatest extent practicable; however

(B) It is not the intent of this policy to require a department, buyer or contractor to take any action that conflicts with local, state or federal requirements or 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.

ASSIGNED RESPONSIBILITY

All personnel.

APPLICABILITY

(A) This Policy is adopted in order to meet the goals of a Environmentally Friendly Purchasing Program that includes, but are not limited to:

- (1) minimizing health risks to City staff and residents,
- (2) minimizing the City's contribution to global climate change,
- (3) improving air quality,
- (4) protecting the quality of ground and surface waters, and
- (5) minimizing the City's consumption of resources.

(B) Further, this Policy is adopted in order to:

- (1) purchase products that include recycled content in order to support strong recycling markets,
- (2) institute practices that reduce waste by increasing product efficiency and effectiveness, use products that are durable and long-lasting, and reduce materials that are land filled,
- (3) purchase products and institute practices that conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, and use recycled wood and wood from sustainably harvested forests,
- (4) purchase energy from renewable or green sources in preference to fossil fuels,

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(5) purchase products that are free of mercury and lead and eliminate the use of other persistent bio-accumulative toxic chemicals where possible,

(6) increase the use and availability of environmentally preferable products, services and distribution systems that protect human health and the environment,

(7) support emerging and established manufacturers and vendors that reduce environmental and human health impacts in their services and production and distribution systems, and

(8) create a model for successfully purchasing environmentally preferable products and services that encourages other buyers and consumers in our community to adopt similar goals.

POLICY

(A) *Source Reduction*

(1) The City of Eureka 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.

(2) The City of Eureka shall purchase remanufactured products (i.e. for equipment and vehicles) whenever practicable, but without reducing safety, quality or effectiveness.

(3) The City of Eureka shall require all equipment bought after the adoption of this policy to be specified and delivered so it is compatible with source reduction goals as referred to in this section (3.1), whenever practicable.

(4) All buyers shall consider life cycle 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, refillable, and recyclable or otherwise create less waste shall be selected whenever possible.

(6) The City of Eureka requires vendors to minimize packaging to the greatest extent practicable.

(7) Packaging that is reusable, recyclable or compostable shall be selected when suitable uses and programs exist. The City of Eureka shall not purchase any polystyrene foam food packaging and 50% by volume of the food packaging purchased by the City shall be recyclable or degradable.

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(8) Vendors shall be required whenever possible to take back and reuse pallets and packaging materials.

(9) Suppliers of electronic equipment shall be required to take back equipment for reuse or environmentally safe recycling when the City of Eureka discards or replaces such equipment, whenever possible.

(10) Rechargeable and recyclable batteries shall be purchased and used whenever possible.

(11) All documents shall be printed and copied on both sides to reduce the use and purchase of paper, whenever practical.

(B) *Toxics Reduction and Pollution Prevention*

(1) No product or service purchased by the City of Eureka shall contain, emit, or create the following in its use, to the extent practicable:

- (a) carcinogens and reproductive toxins,
- (b) persistent bio-accumulative toxicants, including lead, mercury, dioxins and furans for example,
- (c) compounds toxic to humans or aquatic life, corrosive to the skin or eyes, or that are skin sensitizers, and
- (d) substances that contribute to the production of photochemical smog, tropospheric ozone production, or poor indoor air quality.

(2) All cleaning or disinfecting products (i.e. for janitorial or automotive use) shall at a minimum meet Green Seal Standards for environmental prefer ability and performance, whenever practical.

(3) Purchasing products containing persistent, bio-accumulative and toxic chemicals (PBTs) shall be avoided, where alternatives exist to minimize/eliminate the use of products that contain or generate PBTs during manufacturing or reuse/disposal such as mercury, lead or dioxin.

(4) The use of chlorofluorocarbon-containing refrigerants, solvents and other products known to contribute to the depletion of the ozone layer shall be phased out and new purchases shall not contain them.

(5) When maintaining buildings and landscapes, the City of Eureka shall manage pest problems through prevention and physical, mechanical and biological controls and use least toxic chemical pesticide products only after safer approaches or products have been determined to be ineffective. The City of Eureka shall adopt and implement an Integrated Pesticide, Herbicide and Fertilizer Management (IPHFM) policy and practices for indoor and outdoor areas using chemical controls only as a last resort and

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providing on-going education and training to City staff.

(6) When maintaining buildings, the City of Eureka shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, flooring, adhesives, furniture and casework. *The City shall make every effort to adhere to the provisions of California Green Building Standards Code Chapter 8 "Environmental Quality."*

(7) The City of Eureka shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. Purchases shall be consistent with the City's resolution to eliminate anthropogenic sources of dioxin pollution. 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, and

(b) Prohibiting purchase of products that contain or are packaged in polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, carpeting/flooring, other building materials and supplies, and medical supplies whenever practicable.

(8) The City of Eureka shall purchase products and equipment with no lead, cadmium or mercury whenever possible. For products that must contain lead or mercury because no suitable alternative exists, the City of Eureka shall give preference to those products with the lowest quantities of these metals available and to vendors with established lead, cadmium and mercury recovery programs.

(9) When replacing vehicles, the City of Eureka shall lease or purchase only the most fuel-efficient models available that are suitable for each task and through car sharing and carpooling, shall minimize the number of vehicles purchased.

(10) To the extent practicable, the City shall use renewably-derived fuels or fuels that are cleaner and less-polluting than gasoline and conventional diesel fuel, including biodiesel, natural gas and electricity.

(11) The purchase of all pentachlorophenol, arsenic and creosote treated wood by the City of Eureka is prohibited.

(12) The City shall avoid purchasing products containing brominated flame retardants (BFRs) wherever possible. In particular, the BFRs "penta" and "octa" will be targeted for phase out.

(C) *Recycled Content Products*

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(1) All products purchased for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines 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 purchased shall be compatible with the use of recycled content and remanufactured products.

(3) In accordance with California Public Contract Code, Sec. 10409, the City of Eureka shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is consistent with the engine manufacturer's warranty and maintenance requirements.

(4) When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City of Eureka shall use recycled, reusable or reground materials when practicable and consistent with accepted engineering practices.

(5) The City of Eureka shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades.

(6) A 5% price preference may be given to recycled content products based on the lowest bid or price quoted by the suppliers offering the competing non-recycled content products.

(7) Paper purchases shall be made consistent with the City's resolution stating the City's preference for recycled content and recyclable paper.

(8) All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper has recycled content. Whenever feasible, the statement should indicate the percentage of postconsumer recycled content it contains.

(D) *Energy and Water Savings*

(1) New and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and process equipment and all such components shall meet or exceed Federal Energy Management Program (FEMP) recommended levels, whenever practicable.

(2) All products purchased by the City of Eureka and for which the U. S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable. When Energy Star labels are not available, products shall meet or exceed the FEMP recommended levels.

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(3) When energy is purchased, renewable or green sources are preferred. These include solar power or photovoltaic, wind power, geothermal, and hydroelectric energy sources and do not include fossil fuels (coal, oil or natural gas).

(4) Demand water heaters shall be purchased whenever practicable. Where renewable forms of energy are unavailable or not practicable, natural gas shall be used in lieu of electricity for space heating and water heating.

(5) Energy Star and power-saving features for copiers, computers, monitors, printers and other office equipment shall be enabled during the initial installation and shall remain enabled unless these features conflict with the manufacturer's recommended operation and maintenance of the equipment.

(E) *Green Building - Construction and Renovations*

(1) All building and renovations of over 5,000 square feet undertaken by the City of Eureka shall follow Green Building practices for design, construction, and operation, where applicable, as described in the LEEDTM Rating System. All such buildings for which design and construction begins after January 1, 2010 shall meet LEED SilverTM standards and incorporate Low Impact Development (LID) to the maximum extent practicable. Purchases of products and services shall be made consistent with the City's Green Building Resolution.

(F) *Landscaping*

(1) All landscape renovations, construction and maintenance by the City of Eureka, including workers and contractors providing landscaping services for the City of Eureka, shall employ Bay-Friendly Landscaping or sustainable landscape management techniques for design, construction and maintenance whenever possible, including, but not limited to, Integrated Pesticides, Herbicide and Fertilizer Management, grass cycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food waste programs.

(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. 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 of Eureka shall limit the amount of impervious surfaces in the landscape, wherever practicable.

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Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

(G) *Forest Conservation*

(1) To the greatest extent practicable, the City of Eureka shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, the City of Eureka shall give preference to wood and wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.

(2) The City of Eureka prohibits the purchase and use of virgin redwood for City projects and authorizes the use of previously used or certified sustainably-harvested redwood.

(H) *Agricultural Bio-Based Products*

(1) Vehicle and equipment 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 to be purchased and used whenever practicable.

Procedures

(A) The Finance Director, or designee, shall implement this policy in coordination with other appropriate City of Eureka personnel.

(B) Implementation of this policy will be phased based on available resources and City priorities.

(C) The City will encourage all vendors responding to RFPs or RFQs to submit their responses on recycled paper, printed on both sides and take back any packaging included.

(D) Successful bidders shall certify in writing that the environmental attributes claimed in formal 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.

(E) Preference for local businesses shall be in accordance with the City's Local Business Preference Program to promote businesses in Eureka that provide environmentally preferable products and services.

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(F) Vendors, contractors and grantees shall comply with applicable sections of this policy for products and services provided to the City of Eureka, where practicable. In particular, vendors, contractors and grantees providing written materials to the City shall do so on recycled content paper meeting minimum standards of the U.S. EPA Guidelines and labeled as such and printed on both sides. Vendors, contractors and grantees shall be prohibited from using pentachlorophenol, arsenic, and creosote treated wood.

(G) If the buyer making the selection from competitive bids or the requesting department seek to purchase products that do not meet the environmentally preferable purchasing criteria in this Policy, the buyer or the department shall provide a written justification to the Finance Director, or designee, for why compliance is not practicable, e.g., the product is not technically practical, economically feasible, or available within the timeframe required. The Finance Director, or designee, shall be the authority to approve all contracts that do not require City Council authority or items covered under contracts executed prior to the effective date of this Policy.

(H) If a vendor that is under contract to the City of Eureka is no longer able to provide a product that meets the City's environmentally preferable specifications, it shall notify the Finance Director, or designee, and provide written justification for why compliance is not practical. Prior written consent from the Finance Director, or designee, shall be required before substituting any alternative product to any City employee.

(I) The Department of Information Technology shall be responsible for setting duplexing as the default on each workstation for all capable printers. This includes printing from network connected or stand-alone personal computer printers that are capable of duplexing.

(J) Training of buyers and other relevant city staff, vendors, contractors and grantees shall include instruction on the requirements of this Environmentally Preferable Purchasing Policy.

PROGRAM EVALUATION

(A) Departments will provide ongoing reports to the City Council demonstrating compliance with this Policy. The reports shall relate progress of staff's ability to meet this Policy's goals for the procurement of environmentally preferable products and services.

DEFINITIONS

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(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 personnel authorized to purchase or contract for purchases on behalf of the City of Eureka or its subdivisions.

(C) **CHLORINE FREE** means products manufactured or processed without chlorine or chlorine derivatives.

(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 of Eureka or serves in a subcontracting capacity with an entity having a contract with the City of Eureka for the provision of goods or services.

(E) **DIOXINS** and **FURANS** are a group of chemical compounds that are classified as persistent, bio-accumulative, and toxic (PBT) by the Environmental Protection Agency. Some sources of dioxins and furans are:

(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 (FEMP)** 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) **FOREST STEWARDSHIP COUNCIL** is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards for sustainably harvested forests developed by a broad variety of stakeholder groups.

(J) **GREEN SEAL** is an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA's criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.

(K) **INTEGRATED PESTICIDE, HERBICIDE AND FERTILIZER MANAGEMENT (IPHFM)** is an ecosystem-based strategy that focuses on alternatives other than pesticides, herbicides and fertilizers through a combination of techniques such as biological control, non-toxic control, habitat

manipulation, modification of cultural practices, and use of resistant varieties. Pesticides, herbicides and fertilizers 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. Least toxic control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

(L) **LEED™ RATING SYSTEM** means the Leadership in Energy & Environmental Design system developed by the U.S. Green Building Council designed for rating new and existing commercial, institutional, and high-rise residential buildings.

(M) **LIFE CYCLE COST** is the 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.

(N) **PERSISTENT BIO-ACCUMULATIVE TOXINS** (PBTs) are chemicals and/or pollutants that remain in the environment for a long time (persist) without breaking down, accumulate in the environment and build up in the tissues of humans, fish, and animals (bio-accumulative), and are toxic (causing cancer and other health problems) to living organisms, including humans.

(O) **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.

(P) **PRACTICABLE** means 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. For energy and water consuming devices, a reasonable cost shall mean that the product has a life-cycle cost that is reasonably similar to the life-cycle costs of other similar products.

(Q) **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.

(R) **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

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postconsumer material but does not include excess resources of the manufacturing process.

(S) **RECYCLED CONTENT** means the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

(T) **RECYCLED CONTENT STANDARD** means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as “recycled products.”

(U) **RECYCLED PRODUCT** means a product that meets the City of Eureka recycled content policy objectives for postconsumer and recovered material.

(V) **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.

(W) **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.

(X) **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.

(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.