

## REVISED

# ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

CITY OF OAKLAND, CALIFORNIA

July 17, 07

## 1.0 STATEMENT OF POLICY

It is the policy of the City of Oakland to:

- institute practices that reduce waste by increasing product efficiency, reusability 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 agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine-free manufacturing processes, are lead-free and mercury-free, and use wood from sustainably harvested forests.
- consider the costs for product acquisition and use, and disposal of the product at the end of its useful life, in evaluating the lowest responsible bid.

## 2.0 PURPOSE

This Policy is adopted in order to meet the goal for an environmentally preferable purchasing policy and to make the City's operations and services a model of sustainable practices.

Further, this Policy is adopted in order to:

- protect the health and safety of workers and citizens,
- conserve natural resources,
- minimize environmental impacts such as pollution,
- eliminate or reduce toxics that create hazards to workers and our community,
- support recycling markets,
- reduce the amount of materials that are being sent to landfills,
- reduce greenhouse gas emissions,
- 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,
- create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals.

## **CITY OF OAKLAND ENVIRONMENTALLY PREFERABLE PURCHASING POLICY**

### **3.0 SPECIFICATIONS**

#### **3.1 Source Reduction**

- 3.1.1 The City of Oakland shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or quality. The City shall review, revise as appropriate, and further assure that purchases are consistent with the City's Recycled Content Procurement and Source Reduction Policy.
- 3.1.2 The City of Oakland shall purchase remanufactured products such as toner cartridges, tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality, effectiveness, or warranty that support the original product.
- 3.1.3 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 life of the product including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.
- 3.1.4 The City of Oakland shall request vendors to eliminate packaging or use the minimum amount necessary, without reducing product protection, to the greatest extent practicable.
- 3.1.5 The City of Oakland shall request vendors that cannot eliminate packaging to use packaging that is reusable, recyclable or compostable in existing recycling programs.
- 3.1.6 The City of Oakland shall require to the extent practicable, that surplus or outdated electronic equipment, including but not limited to computers, monitors, printers, and copiers, be designated for reuse and or recycling in a manner that minimizes the release of contaminants to the environment.
- 3.1.7 All documents shall be printed and copied on both sides to reduce the use and purchase of paper, except when a bona fide business reason exists.

#### **3.2 Recycled Content Products**

- 3.2.1 The City of Oakland shall specify and purchase wherever and whenever practicable products which contain:
  - the highest percentage of post-consumer recovered material consistent with standards established by the U.S. Environmental Protection Agency and the State of California, whichever is greater; and
  - the highest percentage of pre-consumer recovered material consistent with standards established by the U.S. Environmental Protection Agency and the State of California, whichever is greater.

In addition, the purchase of paper products shall meet the recycled paper products definition of the U.S. Environmental Protection Agency of the State of California whichever contains the higher recycled content.

- 3.2.2 Copiers and printers purchased or leased shall be compatible with the use of recycled content paper where practicable.

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- 3.2.3 In accordance with California Public Contract Code, Sec. 10409, the City of Oakland 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.
- 3.2.4 When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City of Oakland shall use recycled, reusable or reground materials when practicable.
- 3.2.5 The City of Oakland shall purchase paint meeting Green Seal or other equivalent environmental standard for recycled content latex paint whenever practicable.
- 3.2.6 All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper contains recycled content. The statement should indicate the percentage of postconsumer recycled content it contains.
- 3.2.7 The City shall review, revise and further assure that purchases shall be consistent with the City's Recycled Content Procurement and Source Reduction Policy.

### **3.3 Energy and Water Savings**

- 3.3.1 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.
- 3.3.2 The City of Oakland shall purchase and replace inefficient interior lighting with energy-efficient equipment.
- 3.3.3 The City of Oakland shall purchase and replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment. Exterior lighting shall be minimized where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.
- 3.3.4 All products purchased by the City of Oakland and for which the U. S. EPA Energy Star certification is available shall meet Energy Star certification. When Energy Star labels are not available, the City shall choose energy-efficient products that are designated by federal data bases, unless the product has a third party certification subject to review by the City's designated representative.
- 3.3.5 The City of Oakland shall purchase water-saving products whenever practicable. This includes, but is not limited to, high-performance fixtures like toilets, waterless urinals, low-flow faucets and aerators, and upgraded irrigation systems.

### **3.4 Green Building**

- 3.4.1 All building and renovations undertaken by the City of Oakland shall follow Green Building Practices for design, construction, and operation, where appropriate, as described in the LEED™ Rating System. Products and purchases made by the City shall be consistent with the City's Green Building Ordinance.

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- 3.4.2 To the greatest extent practicable, the City of Oakland shall procure wood products such as lumber that originates from forests harvested in an environmentally sustainable manner. When possible, the City of Oakland shall give preference to 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.
- 3.4.3 The City of Oakland encourages the purchase or use of previously used or salvaged wood and wood products whenever practicable.

### **3.5 Landscaping**

- 3.5.1 Products and services purchased by the City shall be suitable for project application and consistent with the Bay-Friendly landscaping guidelines. Landscape renovations, construction and maintenance performed for the City of Oakland, shall employ sustainable landscape management techniques such as Bay-Friendly Landscaping for design, construction and maintenance whenever possible.
- 3.5.2 Plant waste should be minimized by selection of species that are appropriate to the microclimate that can grow to their natural size in the space allotted them, and that are perennials rather than annuals for color. Native and drought-tolerant plants that require minimal or no watering once established are preferred.
- 3.5.3 Hardscapes and landscape structures constructed of recycled-content materials are encouraged. The City of Oakland shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are preferred for walkways, patios, driveways and low volume traffic areas.

### **3.6 Toxics and Pollution Reduction**

- 3.6.1 When making a choice among comparable products, the City shall, whenever practicable, favor those products whose production and use involve fewer hazardous materials.
- 3.6.2 To the extent practicable, the City of Oakland shall purchase, or require janitorial contractors to supply, industrial and institutional cleaning products that meet Green Seal certification or other equivalent standards for environmental preferability and performance.
- 3.6.3 To the extent practicable, the City of Oakland shall purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute “Green Label” Testing Program – Vacuum Cleaner Criteria, are capable of capturing 96% of particulates 0.3 microns in size, and operate with a sound level less than 70dBA. Where possible and as applicable, other janitorial cleaning equipment shall be capable of capturing fine particulates, removing sufficient moisture so as to dry within 24 hours, operate with a sound level less than 70dBA, and use high-efficiency, low-emissions engines.
- 3.6.4 The use of chlorofluorocarbon and halon-containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating/air conditioning, refrigeration, insulation and fire suppression systems shall not contain them.
- 3.6.5 All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.

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- 3.6.6 The City of Oakland shall implement the Integrated Pest Management (IPM) Plan and practices for indoor and outdoor areas using chemical controls only as a last resort and providing on-going training and certification for City staff. Purchases of materials and services made by the City shall be consistent with its Integrated Pest Management policies.
- 3.6.7 When maintaining buildings, the City of Oakland shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no urea formaldehyde. Examples include paint, carpet, adhesives, furniture and casework.
- 3.6.8 The City of Oakland 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 establishing policy on dioxin, public health and the environment. This includes, but is not limited to:
- Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever possible.
  - Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies, whenever practicable.
- 3.6.9 The City of Oakland shall reduce the use of disposable batteries by purchasing rechargeable batteries for devices, such as cameras, remote control, tape recorders, telephone headsets, and wireless keyboards and mice and other equipment when practicable.
- 3.6.10 The City of Oakland shall favor the less hazardous item when purchasing products and equipment that contain lead or mercury and when the product or equipment has an established take-back program.
- 3.6.11 The City of Oakland shall specify that desktop computers, notebooks and monitors purchased or leased meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as "required" as contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, whenever practicable.
- 3.6.12 When replacing vehicles, the City of Oakland shall consider less-polluting alternatives to diesel such as compressed or liquefied natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available. Vehicle purchases shall be consistent with the City's "Green Fleet" Resolution establishing policies and procedures to reduce greenhouse gas emissions, improve air quality, and increase the energy efficiency of the City's fleet.
- 3.6.13 Vehicles fuels made from non-wood, plant-based contents such as vegetable oils are encouraged whenever practical. The Bio Fuel will meet the blending ASTM D6751 standards.
- 3.6.14 All City Departments and Agencies are prohibited from purchasing or acquiring polystyrene foam disposable food service ware and where affordable will use biodegradable or compostable disposable food service ware.

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- 3.6.15 Compostable plastic products purchased shall meet American Society for Testing and Materials (ASTM) standards as found in ASTM D6400-04. Biodegradable plastics used as coatings on paper and other compostable substrates shall meet ASTM D6868-03 standards

### **3.7 Producer Responsibility**

3.7.1 The City of Oakland shall, whenever practicable, favor products that are manufactured by companies that take financial and/or physical responsibility for collecting, recycling, reusing, or otherwise safely disposing of their products and packaging at the end of their useful life.

3.7.2 When products are available that have established manufacturer-financed recycling programs the City of Oakland shall require vendors to offer the manufacturer's recycling services.

## **4.0 IMPLEMENTATION**

- 4.1 The Directors of the Finance and Management Agency and the Public Works Agency, or other directors as designated by the City Administrator, shall implement this policy in coordination with other appropriate City of Oakland personnel.
- 4.2 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.
- 4.3 Purchasers shall include relevant businesses certified by the Bay Area Green Business Program in requests for products and services.
- 4.4 Vendors, contractors and grantees shall comply with applicable sections of this policy for products, and services provided to the City of Oakland and shall provide reporting, where practicable.
- 4.5 Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform according to their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.
- 4.6 Nothing contained in this policy shall be construed as requiring the City of Oakland, department, purchaser or contractor to take any action that conflicts with local, state or federal requirements.

## **5.0 PROGRAM EVALUATION**

- 5.1 The Finance and Management Agency and the Public Works Agency personnel or others shall be responsible for implementing this policy and shall periodically evaluate the success of this policy's implementation through benchmarking and goal setting and periodic reports.

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- With the technical assistance and support of the Public Works Agency, Finance and Management Agency personnel, or other personnel as designated by the City Administrator shall collect data and assist with benchmarking and reporting.
- Public Works Agency personnel shall provide educational resources, training, technical support and prepare reporting

### 6.0 DEFINITIONS

- 6.1 “American Society for Testing and Materials” means ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.
- 6.2 “Bay Area Green Business Program” is a partnership of San Francisco Bay Area governments and businesses that certifies the environmental performance of government agencies and businesses.
- 6.3 “Bay-Friendly Landscaping” means working with the natural ecosystems of the San Francisco Bay Area to foster soil health, to reduce runoff and pollution, prevent and reuse plant waste, conserve water and other natural resources. Bay-Friendly Landscaping practices are described in the *Bay-Friendly Landscape Guidelines*, by StopWaste.Org.
- 6.4 “Biodegradable plastic” means the degradation of the plastic must occur as a result of the action of naturally occurring microorganisms.
- 6.5 “Biodegradable Products Institute” (BPI) is a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or D6868, based on testing in an approved laboratory.
- 6.6 “Buyer” means anyone authorized to purchase or contract for purchases on behalf of The City of Oakland or its subdivisions.
- 6.7 “The Carpet and Rug Institute” (CRI) is the national trade association representing the carpet and rug industry. CRI has developed and administered the “Green Label” indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners. The “Green Label Plus” testing program incorporates additional requirements to meet California’s Collaborative for High Performance Schools low-emitting materials criteria.
- 6.8 “Chlorine free” means products processed without chlorine or chlorine derivatives.
- 6.9 “Compostable plastic” means plastic that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

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- 6.10 “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 Oakland or serves in a subcontracting capacity with an entity having a contract with The City of Oakland for the provision of goods or services.
- 6.11 “Degradable plastic” means plastic that undergoes significant changes in its chemical structure under specific environmental conditions.
- 6.12 “Dioxins and furans” are a specific group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the U.S. Environmental Protection Agency (EPA).
- 6.13 “Energy Star” means the U.S. EPA’s energy efficiency product labeling program.
- 6.14 “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.
- 6.15 “Electronic Product Environmental Assessment Tool” (EPEAT) is a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes.
- 6.16 “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.
- 6.17 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.
- 6.18 “Green Building Practices” means a whole-systems approach to the design, construction, and operation of buildings and structures that help mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED™ Rating System, recognize the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.
- 6.19 “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.
- 6.20 “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 nontarget organisms, and the environment.
- 6.21 “LEED™ Rating System” means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System, or other

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related LEED™ Rating System, approved by the U.S. Green Building Council and designed for rating new and existing commercial, institutional, and high-rise residential buildings.

- 6.22 "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.
- 6.23 "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.
- 6.24 "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.
- 6.25 Producer Responsibility means an environmental strategy in which producers assume financial and/or physical responsibility for the management of post-consumer products so that those who produce and use those products bear the costs of recycling and proper disposal.
- 6.26 "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.
- 6.27 "Recycled Content" means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.
- 6.28 "Recycled Content Standard" means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as "recycled products."
- 6.29 "Recycled Product" means a product that meets the City's recycled content policy objectives for postconsumer and recovered material.
- 6.30 "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.
- 6.31 "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.
- 6.32 "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.
- 6.33 "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.

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- 6.34 “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.

### **7.0 EFFECTIVE DATES**

- 7.1 This policy shall take effect on adoption by the City Council.

### **SUPPORTING DOCUMENTS:**

1. 1994 Resolution No. 70814 Adopting Recycled Content Procurement and Source Reduction Policy for the City of Oakland and Redevelopment Agency
2. 1997 Resolution No. 73968 Adopting An Integrated Pest Management Plan.
3. 1998 Resolution #74678 Adopting Sustainable Community Development Initiative
4. 1999 Resolution No. 74773 Establishing a Regional Task Force and Policy on Dioxin, Public Health and the Environment.
5. 2003 Resolution No. 77842 Establishing “Green Fleet” Policies and Procedures to Reduce Greenhouse Gas Emissions and Improve Air Quality in the City Of Oakland, and to Increase the Energy Efficiency of the City’s Fleet.
6. 2005 Ordinance No. 12658 Establishing Green Building (E.G. Sustainable Site Development, Water Savings, Energy Efficiency Materials Selection and Indoor Environmental Quality) Requirements for Certain City Projects.
7. 2006 Resolution No. 79775 Adopting Waste Reduction and Recycling Strategic Plan to achieve a 75% solid waste diversion goal by 2010.
8. 2006 Resolution No. 79774 Adopting a Zero Waste goal by year 2020 and directing staff to develop a Zero Waste Strategic Plan.
9. 2006 Ordinance No. 12747 To Prohibit the Use of Polystyrene Foam Disposable Food Service Ware and Require the Use of Biodegradable or Compostable Disposable Food Service Ware by Food Vendors and City Facilities.
10. 2007 Resolution No.80390 supporting State and Local legislation to hold manufacturers and producers responsible for the management of post consumer waste products.

Supporting documents can be obtained form: [www.oaklandpw.com](http://www.oaklandpw.com)