

OFFICE OF THE CITY CLERK
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CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Finance and Management Agency
DATE: June 26, 2007

RE: **Resolution Adopting An Environmentally Preferable Purchasing Policy For The City Of Oakland That Adds Environmental And Human Health Attribute Criteria In The Acquisition Of Goods And Services, Complementing Traditional Purchasing Criteria Such As Performance, Quality, Service, Price And Local Availability And In The Goods And Services Provided Through Grant Programs By City Grant Recipients**

SUMMARY

A resolution has been prepared for the adoption of an Environmentally Preferable Purchasing (EPP) Policy. The goal of the proposed policy is to make the acquisition of services and supplies by City departments consistent with Council's goal of making the City's operations and services a model of sustainable practices. The policy would require City of Oakland employees, contractors and grant recipients to consider a range of environmental standards and health factors when purchasing all types of goods and services, evaluating bids or proposals for the award of contracts, and developing plans, drawings, work statements, and specifications.

The implementation of the EPP Policy would preserve natural resources, reduce energy and water use, decrease pollution and solid waste generation, and minimize the impact of City activities on the environment and human health. EPP can also contribute to economic development by improving markets for environmentally preferable products, fully "closing the loop".

FISCAL IMPACT

Approval of the proposed EPP Policy will have no immediate fiscal impact as it is implemented in the coming years. Staff from the Purchasing Section of the Finance and Management Agency (FMA), Contract Administration and Environmental Services Division (ESD) of the Public Works Agency (PWA) will oversee the implementation of the policy within existing budget resources. Existing Funding for staff to provide technical assistance is currently available in the Recycling Program Fund within the Purchasing and Environmental Services – Recycling Solid Waste Organizations.

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BACKGROUND

In March 2006, the Council adopted a Waste Reduction and Recycling Strategic Plan to achieve a goal of 75% waste diversion by year 2010 and a Zero Waste Strategic Plan with a zero waste goal by year 2020. An Environmentally Preferable Purchasing (EPP) policy was identified in both plans as an important strategy to achieve the 75% waste diversion and the zero waste goals.

EPP has been a common practice among jurisdictions. In 1998, the Federal Government through Executive Order 13101 began implementing an EPP policy and in 2002, the State of California passed AB 498 (Chan) to follow suit. Many Bay Area jurisdictions have approved similar policies including Cities of Berkeley, San Jose, San Leandro, City and County of San Francisco, San Mateo County and StopWaste.Org (Alameda County Waste Management Authority).

The City of Oakland has several environmental policies already in place that address EPP related polices. The existing policies are summarized below:

- a) 1994 Source Reduction and Recycling Procurement Policy - requires the use of recycled content products in city purchases.
- b) 1997 Integrated Pest Management Policy - requires the reduction in pesticide use in City projects and maintenance operations.
- c) 1999 Dioxin Pollution Resolution - requires all City departments to prevent dioxin pollution in City operations.
- d) 2003 Green Fleet Policy - requires the use of compressed natural gas in City non-emergency vehicles to reduce the impact of City operations on green house gas emissions.
- e) 2005 Green Building Ordinance (Section 15.35.010 of the Oakland Municipal Code) - mandates that municipal buildings projects, with a minimum construction cost of three million dollars, integrate green features into the project including the use of environmentally preferable products.
- f) 2006 Polystyrene Foam Disposal Food Service Ware Ordinance (Section 8.07.010 of the Oakland Municipal Code) - prohibits the use of polystyrene foam disposable food service ware by food vendors, restaurants and City facilities.

With the exception of the Green Building Ordinance and the Source Reduction and Recycling Procurement Policy, the remaining policies tend to look at a single product attribute, such as the amount of compressed natural gas used. Attachment (1) lists existing city policies, the corresponding product attribute and the environmental and health benefits.

An EPP policy goes well beyond a single product attribute and responds to purchasing issues affecting waste prevention, energy and water savings, green building, landscaping and toxics and pollution prevention by providing standards to gauge environmental preferability and to reduce toxicity.

KEY ISSUES AND IMPACTS

Policy Development

Staff developed the EPP Policy from a model Policy developed by StopWaste.Org, a regional public agency that specializes in waste reduction and recycling programs and policies. StopWaste.Org developed the policy with input from Bay Area and national experts in transportation products, energy efficient products, paper, toxics, green building, landscaping and purchasing practices. Staff and consultants from StopWaste.Org provided technical assistance and will continue to assist the City in implementing EPP including writing specifications, product testing and evaluation.

Staff of the PWA-ESD and FMA, including personnel who may be assigned to Department of Contracting and Purchasing (DCP) as proposed in fiscal year 07-09 budget, met to discuss the implementation of the EPP policy. ESD also circulated the draft policy to key staff making purchases for their input and comment. Concerns included resource availability and potential increased cost to implement the EPP policy. To address these issues, an interagency work group will work on developing the appropriate tools and resources, as well as evaluating the effectiveness of an EPP program.

Policy Description

The EPP Policy identifies six (6) areas of opportunity to include environmental and health attributes in making purchasing decisions. These areas are:

- Source Reduction
- Recycled Content Products
- Energy and Water Savings
- Green Building
- Landscaping
- Toxics and Pollution

The EPP Policy outlines criteria in each area for purchasing decisions based on multiple product attributes which include: dioxin-free, green house gas emission prevention, energy efficient, pollution prevention/reduction, recycled content, renewable, waste minimization/source reduction, and water conservation.

Why EPP?

EPP provides a broader system for evaluating purchases by adding environment and health attributes to traditional purchasing criteria such as performance, quality, service price and local availability. Contractors also providing services to the City will be required to comply with EPP goals. Consequently, City acquisition of products and services will result in increased benefit to the environment and workers health, improved cost allocation, and prevention of waste being sent to landfills.

- Increased benefit to the environment and workers health
EPP allows for comparing multiple product attributes. It is based on using standards to gauge environmental preferability. EPP also favors the less-hazardous materials when making choices among options. This results in the selection of products and services that benefit the environment and workers health. An example may include evaluating a product based on percent of recycled content, reduced emissions or toxics such as Volatile Organic Compounds (VOCs) and recyclability.
- Improved cost allocation
EPP enables buyers to consider short-term and long-term costs when comparing product alternatives and attributes. Certain products may have a higher initial purchase cost, but require less maintenance or long-term-costs over the life of the product. Purchasing a durable product can be less expensive than the repeated replacement and disposal costs for a less durable product. EPP can therefore be viewed as an opportunity for cost savings through reduced replacement and labor costs.
- Preventing Waste
Additionally, EPP provides a system to evaluate the impact of product acquisition and purchases on landfill disposal. It goes beyond recycled-content products and recycling at the end-of-life to include the waste prevention criteria that results in minimizing the use of natural resources. Purchasing or leasing of copiers and printers that allow for duplex copying, eliminating double packaging of products, or specifying a recyclable product package are all purchasing decisions that result in conservation of natural resources and less waste being sent to landfills.

EPP Program

Implementation

Roll out of the EPP program will consist of two phases:

- *Phase one* – PWA and FMA (personnel to be assigned to DCP) will develop implementation tools that will consist of training materials and resources, electronic tracking system, contract specification and vendor compliance forms. This phase will involve:
 - Identifying a baseline for environmental purchases through data collection
 - Developing the City of Oakland’s EPP benchmark standards and goals
 - Collecting data to measure and evaluate effectiveness
 - Integrating EPP into existing purchasing practices supported by extensive education
 - Amend the City’s Purchasing Ordinance, Oakland Municipal Code Chapter 2.04
 - Developing a green purchasing team to review and provide input on the various implementation toolsAttachment (2) reflects the proposed implementation tools.

- *Phase two* – PWA and FMA (personnel to be assigned to DCP) will roll out the EPP program to all Agencies and Departments. This phase will include the continued collection of data to measure and evaluate the ongoing effectiveness of the EPP program.

SUSTAINABLE OPPORTUNITIES

Economic: EPP will support markets for environmental preferable products by increasing demand through City purchases.

Environmental: The EPP Policy supports and supplements sustainability, natural resource conservation, air and water pollution reduction, and habitat protection.

Social Equity: The EPP Policy will reduce the impact of City activities and operations through purchasing decisions contributing to preservation and enhancement of the environment and natural systems that provide basic ecological services such as clean water, air, and safe food for all.

DISABILITY AND SENIOR CITIZEN ACCESS

This project will not have any direct impact on disability and senior citizen access.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution adopting the attached EPP Policy and establish a directive for implementing an EPP program in a phased manner that focuses on increasing the environmental and health benefits associated with products and services acquired through City purchasing and associated with products and services provided through grant programs by grant recipients.

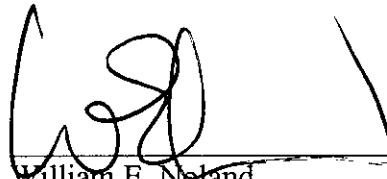
ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution adopting an Environmentally Preferable Purchasing Policy.

Respectfully submitted,



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Director, Public Works Agency



William E. Neland
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APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

ATTACHMENTS

- (1) - EPP Policy, Environmental and Health Attributes
- (2) - EPP Policy, Implementation Tools
- (3) - EPP Policy

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Environmentally Preferable Purchasing Policy Environmental & Health Attributes

City's Existing Policies & Lead Agency	Environmental and Health Attributes	Product - Material Description	Benefits of Environmentally Preferable Purchasing
1994 Source Reduction & Recycling Procurement Policy Resolution No. 70814 PWA & Finance	Recycled content	A product that contains a certain percentage of recovered material, including pre and post consumer.	<ul style="list-style-type: none"> • Conserves natural resources.
	Waste minimization and source reduction	A product that results in purchasing fewer products of the same product category and results in reducing waste.	<ul style="list-style-type: none"> • Conserves natural resources. • Saves disposal costs.
1997 Integrated Pest Management Policy Resolution No. 73968 PWA & Parks	Pollution prevention Reduction	A product that produces reduced or zero emission of materials that are hazardous to human health or has agent capable of producing cancer in humans.	<ul style="list-style-type: none"> • Protects human health. • Protects natural systems. • Saves natural habitat.
1999 Dioxin, Public Health and the Environment Policy Resolution No. 74773 PWA & Finance	Dioxin free	A product that does not emit dioxin (hazardous chemical) into the atmosphere. Such as non-chlorinated products	<ul style="list-style-type: none"> • Protect human health and environment. • Reduces the negative impact of man made materials on the human health and environment.
2003 Green Fleet Policy Resolution No. 77842 PWA	Greenhouse gas emission prevention	A product that reduces or eliminates the emission of sulfur dioxide (SO ₂) and Nitrous oxides (NO _x)	<ul style="list-style-type: none"> • Minimizes the use of fossil fuel • Protect human health. • Reduces the use of natural resources.

Environmentally Preferable Purchasing Policy Environmental & Health Attributes

City's Existing Policies & Lead Agency	Environmental and Health Attributes	Product - Material Description	Benefits of Environmentally Preferable Purchasing
2005 Green Building Ordinance Resolution No. 12658 PWA § 15.35.010 of the Oakland Municipal Code	Energy efficient	A product that reduces energy consumption and is labeled as an energy efficient product. Such as Energy Star	<ul style="list-style-type: none"> • Reduces energy consumption. • Reduces fossil fuel extraction • Saves utility costs.
	Renewable material	A product that is made from raw materials that is not finite and can be replaced.	<ul style="list-style-type: none"> • Conserves natural resources.
	Water conservation	Devices that conserve water use.	<ul style="list-style-type: none"> • Conserves natural resources. • Saves utility costs.
2006 Polystyrene Foam Disposal Food Service Ware Ordinance No. 12747 § 8.07.010 of the Oakland Municipal Code	Bio-Based/Bio-degradable	Commercial or industrial products that uses agricultural crops or residue, but does not include products made from forestry materials	<ul style="list-style-type: none"> • Minimizes the use of fossil fuel • Protects water systems

Environmentally Preferable Purchasing Policy - Implementation Tools

Implementation Tools	
A. Reporting	<ul style="list-style-type: none"> • Oracle set-up with pull down menu • Develop reporting criteria for Oracle • Test systems with mock requisitions • Review and input provided by affected stakeholders
B. Bid & Contract Package	<ul style="list-style-type: none"> • Draft bidders and contractors check list for compliance with policy • Review and comment provided by affected stakeholders • Include check list in bid and contract package • Provide applicable list of environmentally preferable products
C. Contracts & Specifications	<ul style="list-style-type: none"> • Develop list of contracts and timeline of issuance • Review contracts specifications for opportunities to add environmentally preferable products • Provide draft specifications to affected stakeholders for review • Integrate final specifications into contract
D. Environmentally Preferable Purchasing (EPP) Resources	<ul style="list-style-type: none"> • Resources for Contractors <ol style="list-style-type: none"> a. Develop a flyer that includes elements of the EPP policy and describes how to comply b. Develop and post documents and resources to City website c. Make presentations at pre-bid and request for proposals meetings regarding compliance with EPP policy • Resources for Staff <ol style="list-style-type: none"> a. Post EPP policy and supporting documents on City intranet b. Post green purchasing bulletins on the intranet
E. Training	<ul style="list-style-type: none"> • Develop and make Power Point presentations for divisions and departments through the City • Schedule and give trainings • Provide EPP guides and how-to fact sheets about the EPP policy

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY
CITY OF OAKLAND, CALIFORNIA

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.

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.

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*.

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- 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.
- 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.

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- 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.
- 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

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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.
- 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

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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.
- 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

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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.
- 4.3 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.
- 4.4 Purchasers shall include relevant businesses certified by the Bay Area Green Business Program in requests for products and services.
- 4.5 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.
- 4.6 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.
- 4.7 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.
 - 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.

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- 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.
- 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.

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- 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 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 “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.

CITY OF OAKLAND ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

- 6.26 “Recycled Content” means the percentage of recovered material, including preconsumer and postconsumer materials, in a product.
- 6.27 “Recycled Content Standard” means the minimum level of recovered material and/or postconsumer material necessary for products to qualify as “recycled products.”
- 6.28 “Recycled Product” means a product that meets the City’s recycled content policy objectives for postconsumer and recovered material.
- 6.29 “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.
- 6.30 “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.
- 6.31 “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.
- 6.32 “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.
- 6.33 “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:

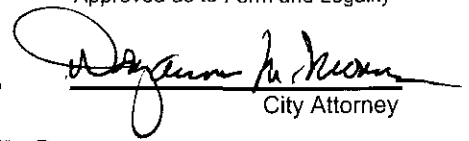
1. 1994 Resolution No. 70814 Adopting Recycled Content Procurement and Source Reduction Policy for the City of Oakland and Redevelopment Agency
2. 1997 Resolution No. 73968 Adopting An Integrated Pest Management Plan.
3. 1998 Resolution #74678 Adopting Sustainable Community Development Initiative
4. 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.

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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

OAKLAND CITY COUNCIL


City Attorney

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.

2007 JUN 14 PM 3:09

RESOLUTION ADOPTING AN ENVIRONMENTALLY PREFERABLE PURCHASING POLICY FOR THE CITY OF OAKLAND THAT ADDS ENVIRONMENTAL AND HUMAN HEALTH ATTRIBUTE CRITERIA IN THE ACQUISITION OF GOODS AND SERVICES, COMPLEMENTING TRADITIONAL PURCHASING CRITERIA SUCH AS PERFORMANCE, QUALITY, SERVICE, PRICE, AND LOCAL AVAILABILITY AND IN THE GOODS AND SERVICES PROVIDED THROUGH GRANT PROGRAMS BY CITY GRANT RECIPIENTS

WHEREAS, in 1994, the Council passed Resolution #70814 C.M.S. adopting a Source Reduction and Recycling Procurement Policy to increase the purchase of recycled-content products used by City agencies and departments, and to reduce waste in the manufacture and use of products and packaging purchased by the City; and

WHEREAS, in 1997 the Council approved the implementation of a comprehensive Integrated Pest Management Policy and passed Resolution #73968 C.M.S. to prohibit the use of pesticides on City property except as specifically exempted; and

WHEREAS, the Council adopted the Sustainable Community Development Initiative through Resolution #74678 C.M.S. in 1998, with a goal to make the City of Oakland's operations and services a model of sustainable development practices including waste reduction, recycling and the purchases of environmentally preferable products; and

WHEREAS, in 1999, the Council passed Resolution #74773 C.M.S. preventing Dioxin pollution in all City operations; and

WHEREAS, in 2003 through Resolution #77842 C.M.S., the City Council established the "Green Fleet" policy to reduce greenhouse gas emissions and improve air quality by increasing the energy efficiency of the City's fleet; and

WHEREAS, in 2005 through Ordinance #12658 C.M.S. the Council adopted a Green Building Ordinance that requires Green Building standards to be incorporated into certain City building projects to meet the LEED-Silver rating under the US Green Building Council; and

WHEREAS, in 2006 the Council passed Resolution #79775 C.M.S., adopting a Waste Reduction and Recycling Strategic Plan to achieve a 75% solid waste diversion goal by 2010; and

WHEREAS, in 2006 through Resolution #79774 C.M.S., the City Council assumed a leadership role in advocating waste reduction principles for materials management by adopting a Zero Waste goal for year 2020; and

WHEREAS, the Waste Reduction and Recycling Strategic Plan and the Zero Waste Strategic Plan recommend the adoption of an Environmentally Preferable Purchasing (EPP) policy as a strategy to achieve the 75% diversion and the zero waste goals; and

WHEREAS, in 2006 Council passed Ordinance #12747 C.M.S. to adopt the Polystyrene Foam Disposable Food Service Ware Ordinance that prohibits the use of extended polystyrene food ware by food vendors, restaurants and City facilities; and

WHEREAS, through Resolution #80390 C.M.S., adopted in 2007, the City supported State and local legislation that would hold producers responsible for the management of post consumer waste products; endorsed the development of an Environmentally Preferable Purchasing policy that would give preference to City vendors who employ waste reduction and recycling practices to manage products at the end of their useful life; and

WHEREAS, the City of Oakland is charged with protecting the public health and welfare of its residents and workers and assumes the authority and responsibility to comply with the California Health and Safety Code Chapter 6.95 and the Oakland Municipal Code Chapter 8.12; and

WHEREAS, EPP is defined through the US Environmental Protection Agency's Executive Order No. 13101 (Greening the Government Through Waste Prevention, Recycling and Federal Acquisition), as the "act of purchasing products and services for which the environmental impacts have been considered and found to be less damaging to the environment and human health than competing products and services that serve the same purpose"; and

WHEREAS, the goal of an EPP policy is a careful selection of products and services to ensure that environmental and human health are sustained and improved by considering environmental and health factors when making purchasing decisions; and

WHEREAS, the environmental and health factors that make a product preferable to purchase over other products include that such products are durable, made from renewable or recycled materials, minimize green house gas and dioxin emissions in their manufacture or use, minimize waste production, and reduce water and energy consumption; now therefore be it

RESOLVED: That the City Council does hereby adopt an Environmentally Preferable Purchasing Policy that will be implemented in a phased in manner, beginning with the development of implementation tools and resources and followed by an EPP program; and be it

FURTHER RESOLVED: That the City of Oakland's purchasing ordinance, Oakland Municipal Code, Title 2, Chapter 2.04, shall be amended to require vendors and contractors to comply with applicable sections of this Policy for products and services provided to the City; and be it

FURTHER RESOLVED: That all grant recipients shall be required to comply with applicable sections of this Policy for products and services provided through grant programs by City grant recipients.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California