



# Memorandum

**TO:** City Council

**FROM:** Mayor Chuck Reed  
Councilmember Judy Chirco

*Chuck Reed*  
*Judy Chirco*

**SUBJECT:** Environmentally Preferable Procurement Policy

**DATE:** March 16, 2007

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**APPROVED:**

**DATE:**

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## RECOMMENDATION

It is recommended that the City Council approve the staff recommendation approving revisions to Council Policy 4-6 Environmentally Preferable Procurement with the attached modifications.

## BACKGROUND

San José must be a leader in providing environmental leadership through policy development. When the City procures products we should procure them in an environmentally preferable and cost effective manner. The recommended modifications to the revised Environmentally Preferable Procurement Policy strengthen the City of San José's commitment to environmentally preferable procurement and ensure the City of San José's place among leaders with regard to environmental stewardship in the region and nation.

## ATTACHMENT

Revised Environmentally Preferable Procurement Policy with recommended modifications.

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE:</b>  <b>ENVIRONMENTALLY PREFERABLE PROCUREMENT POLICY (EP<sup>3</sup>)</b>	<b>PAGE</b>  1 of 4	<b>POLICY NUMBER</b>  4-6
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**APPROVED BY COUNCIL ACTION ON**

**Purpose**

The purpose of this policy is to set a standard of environmentally preferable procurement (green purchasing) and demonstrate the City's commitment to environmental, economic, and social stewardship. The City of San José has a unique opportunity to further expand its leadership in the area of environmentally preferable purchasing and, through its actions, elicit changes in the marketplace. By further incorporating environmental considerations into public purchasing, the City of San José will positively impact human health and the environment, remove unnecessary hazards from its operations, reduce costs and liabilities, fulfill its commitments under the UN Urban Environmental Accords, and improve the environmental quality of the region. This policy will guide the City's effort in procuring environmentally preferable products and services.

**Background**

In 1990, the City Council adopted Council Policy 4-4 on Source Reduction and Recycling Procurement. This policy supported the City's new recycling programs by reinforcing the City's public outreach and by helping to establish markets for recycled materials, especially paper.

In 2001, the City Council adopted the Environmentally Preferable Procurement Policy, which expanded environmental considerations in procurement beyond recycling and the reduction of solid waste and toxics by including energy conservation, water conservation, and life cycle analysis.

These policies allowed the City to receive grants from the California Integrated Waste Management Board, which requires a formal recycled content procurement policy and a report on its implementation in order to successfully compete.

In 2005, the City Council approved that the City become a signatory to the United Nations Urban Environmental Accords.

City policies which support EP<sup>3</sup> include the Sustainable City Policy of the General Plan, the Pollution Prevention Policy, the Green Building Policy, and the Source Reduction and Recycling Procurement Policy.

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## Policy

It is the Policy of the City of San José to:

1. Purchase products which contain, whenever practicable, the highest percentage of post-consumer recovered material, the highest percentage of total recovered material available in the marketplace, and reduce waste in the manufacture and use of products and packaging purchased by the City.
2. Ensure that specifications and performance standards for goods and services do not require the use of products made from virgin materials nor specifically exclude the use of environmentally preferable products.
3. Procure environmentally preferable goods and services where environmental criteria have been established by governmental or other widely recognized authorities.
4. Integrate environmental factors into the City's buying decisions, when practicable, where external authorities have not established criteria. At a minimum, the City shall~~Examples include but are not limited to:~~
  - Purchasing~~ge~~ non-emergency fleet vehicles that provide, whenever practicable, the best available net reduction in vehicle fleet emissions, including but not limited to the purchase of alternative fueled and hybrid vehicles.
  - Consider purchasing lower emission emergency fleet vehicles with comparable performance, safety, and fuel availability during emergencies and safety- as conventionally-powered emergency fleet vehicles;
  - Replac~~ing~~ disposables with re-usable, recyclable, or compostable goods;
  - Provid~~ing~~ locally grown, organic food in City facilities;
  - Consider~~ing~~ life cycle economics;
  - Consider~~ing~~ impacts and threats of harm to human health or the environment;
  - Evaluat~~ing~~, as appropriate, the environmental performance of vendors in providing products and services.
5. Require all City contractors and grantees to conform to this Policy such as contractors and grantees who procure materials or products to perform contractual services for the City, to produce or provide a work product to the City or on the City's behalf, or to conduct work funded by a grant from the City.

## Definitions

The following terms shall have the assigned definitions for all purposes under this policy:

**City of San José** means the City of San José elected and appointed officials and staff.

**Environmentally Preferable Products and Services** refers to products and services that have a lesser or reduced negative effect on human health and the environment when compared with competing products that serve the same purpose. This

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comparison analysis may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery.

Specifically, factors that should be considered when determining that a product or service has environmentally preferable attributes include, but are not limited to:

- Minimization of virgin material used in product or service life cycle;
- Maximization of recycled materials used in product or service life cycle;
- Life cycle economics of products and services
- Reuse of existing products or materials in product or service life cycle;
- Recyclability, biodegradability and compostability of product;
- Minimization of packaging;
- Reduction of energy and fuel consumption;
- Reduction of water consumption;
- Toxicity reduction or elimination;
- Durability and maintenance requirements; and
- Ultimate disposal of the product.

**LEED** (Leadership in Energy and Environmental Design) means the Green Building Rating System developed and administered by the United States Green Building Council and adopted by Council and the Agency in the Green Building Policy.

**Life Cycle Cost Assessment** means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.

**Practicable** means sufficient in performance and available at a reasonable price.

### **Implementation Guidelines**

The City Manager shall ensure the development and maintenance of implementation guidelines that provide sufficient direction and clarity to carry out this policy in an efficient and accountable manner. Specifically, the City Manager shall:

1. Prepare and deliver to the City Council an annual report on implementation of this policy. The report shall include documentation of the types, quantities, and dollar amounts of environmentally preferable products (including the percentage of post-consumer and total recovered material content) and services purchased in the previous year by the City, its contractors, and its grantees. The report shall also include dollar amounts of non-environmental or conventional products and services, identify and discuss instances where this policy is waived, or its requirements found impracticable, and highlight barriers to the procurement of environmentally preferable products and services, if applicable.
2. Ensure that all ~~new~~ City funded buildings and ~~major~~ renovations utilize materials and building systems that will promote that City buildings are qualified to support attainment of, at a minimum, help facilitate future LEED Silver certification and

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strive to reach LEED Gold or Platinum certification consistent with Council Policy 8-13.

3. Require the inclusion of environmentally preferable products and services in specifications for City solicitations, where practicable.
4. Establish guidelines governing the review and approval of specifications for procurement of products and services based on recyclability, energy and water conservation, life cycle cost, and other environmental considerations.
5. Every three years, or as required, review this policy and recommend changes, if warranted, to Council.