

Introduced by: Councilmember Male

First Reading: July 14, 2014

Second Reading: July 28, 2014

Effective Date: September 1, 2014

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE 2014-41**

**Amending the Takoma Park Code, Title 7, Chapter 7.08, Source Selection and Contract Formation, to add provisions on Environmentally Preferable Purchasing**

WHEREAS, the Council is committed to ensuring that the City of Takoma Park is fiscally, environmentally, and economically sustainable; and

WHEREAS, the City's efforts toward environmental sustainability will be enhanced by including environmental effects and energy utilization as considerations in its purchasing and procurement decisions; and

WHEREAS, the Takoma Park Code already provides for a general preference for the purchase of recycled products and allows for a price preference of up to 15% for such purchases; and

WHEREAS, the Council desires to expand the preference for the purchase and use of recycled products to incorporate a broader range of environmental considerations, including a preference for locally supplied products.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK MARYLAND THAT:

SECTION 1. Takoma Park Code, Title 7, Purchasing and Taxation, Division 1, Purchasing, Chapter 7.08 Source Selection and Contract Formation is amended by adding a new section as follows:

Section 7.08.145 Environmentally preferable purchasing.

A. General Preferences. Environmental and energy considerations shall become part of the City's normal purchasing and procurement decisions, with the goals of justifying environmental and energy costs of City decisions and choosing minimal-effect options, consistent with such traditional factors as safety, price, performance, and availability. The City also prefers to do business with vendors and contractors that are locally owned, use and sell environmentally preferable products or services, produce minimal waste, and use recycled products and environmentally preferable purchasing practices, as services provided by local suppliers reduce environmental impact due to transportation and keep municipal funds in the community. To the greatest extent practicable, the City shall purchase environmentally and energy preferable products and services that:

1. Use recycled materials.

2. Generate minimal waste in manufacturing or use.
3. Are durable, longer lasting, reusable, refillable or compostable.
4. Use minimal energy and water.
5. Involve minimal use of toxic and hazardous materials.
6. Minimize production of greenhouse gases.
7. Minimize production of environmental pollutants including ozone precursors.
8. Are locally supplied or produced.

B. Price Preference. To the greatest extent practicable, the City shall purchase environmentally preferable and locally supplied products and services, and may provide for a price preference for such products and services not to exceed 15%.

C. Locality Preference. The City may give preference in purchasing products and services to locally supplied products, goods, and services, Montgomery County green certified businesses, and State of Maryland certified small businesses.

D. Purchase of Certain Specified Products and Services. City procurement actions shall comply with the following provisions:

1. Energy and water savings. Where applicable, energy-efficient equipment shall be purchased with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.
2. Energy efficiency certifications. All products purchased by the City for which United States Environmental Protection Agency (U.S. EPA) Energy Star or WaterSense certification is available shall meet that certification, when practicable. When Energy Star or WaterSense labels are not available, energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program are preferred.
3. Recycled content products. All products for which the U.S. EPA has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by U.S. EPA Guidelines. These standards are described at [www.epa.gov/cpg](http://www.epa.gov/cpg).

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

5. Ozone depleting compounds. The use of refrigerants, solvents and other products shown to deplete stratospheric ozone shall be phased out and new purchases shall not contain them.

6. Pollutants. All detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.

E. Product Specifications. All departments of the City shall review and revise product specifications so as to conform to the following guidelines, to the extent practicable:

1. Specifications shall not require the use of products made from virgin materials.

2. Specifications shall not exclude the use of recycled or remanufactured products.

3. A minimum percentage of recovered material content shall be incorporated into each specification when it is known that there are sufficient and readily available supplies of a particular recycled product.

4. Cleaning or disinfecting products (i.e. for janitorial or automotive use) shall not contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory.

5. Wherever practicable, products and materials shall use and meet the following federal standards where applicable:

- U.S. EPA Energy Star (energy efficient products)
- U.S. EPA WaterSense (water efficient products)
- U.S. EPA Guidelines (various other products at [www.epa.gov/cpg](http://www.epa.gov/cpg))
- U.S. Green Building Council LEED standards

6. At the discretion of the City Manager, industry standards for environmentally preferable products, including construction, landscaping, paper, park and recreation, transportation, vehicular, nonpaper office and other products should be followed. Current examples of these are:

- Responsible Purchasing Network (various products)
- EcoLogo (various products) Green Seal (various products)
- Greenguard Environmental Institute (various products)
- CFPA (chlorine free paper)
- EPEAT (electronics)
- Forest Stewardship Council (paper products)

- Resilient Floor Covering Institute (flooring products)
- Carpet & Rug Institute (carpets)

F. Practicability of Procurement. In an assessment of the practicability of the procurement or purchase of specific environmentally preferable or locally available products, the City shall consider, among other relevant factors, product availability, product longevity, and product suitability for its intended use, including whether the product meets established performance standards, any adverse impact of the product on the health and safety of employees and residents, and cost. Nothing contained in this section shall require a City department, purchaser, or contractor to procure or purchase products that do not perform adequately for their intended use, exclude adequate competition, or cost more than 15% above the standard cost for the product.

SECTION 2. Takoma Park Code, Title 7, Purchasing and Taxation, Division 1, Purchasing, Chapter 7.04 General Provisions, Section 7.04.040, Definitions, is amended to add new definitions as follows:

“Environmentally preferable products” means products that have a lesser or reduced adverse effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

“Locally supplied” means products and goods made or supplied, or services provided, from an independently owned and operated individual, business, or organization located within 150 miles of the City.

“Price preference” means a percentage of increase in price that the City may pay to obtain a designated recycled or environmentally preferable product or service.

SECTION 3. This Ordinance shall become effective on September 1, 2014.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 28TH DAY OF JULY, 2014 BY ROLL-CALL VOTE AS FOLLOWS:

AYE:	Williams, Grimes, Male, Stewart, Seamens, Smith, Schultz
NAY:	None
ABSTAIN:	None
ABSENT:	None