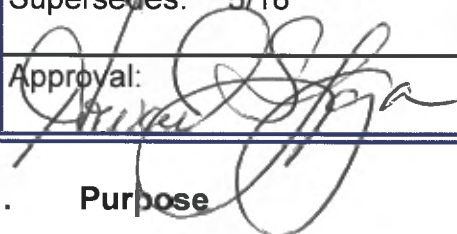




Administrative Policies and Procedures

Policy Title: Environmentally Preferable Procurement	Policy Number: 208
Effective: 8/19	
Supersedes: 5/18	
Approval: 	Page 1 of 11

1. Purpose

The City of Ann Arbor recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a vibrant community and economy. The City further recognizes that the products and services the City buys have inherent environmental and economic impacts and that the City should make procurement decisions that embody, promote and encourage the City's commitment to the environment and support Sustainability Framework Goals adopted by City Council (R-13-045). Consequently, this policy is intended to:

- Encourage the purchase and use of materials, products and services that best align with the City's fiscal, environmental, climate change, community, and performance goals;
- Reduce the spectrum of environmental impacts from City use of products, including reduction of greenhouse gas emissions, energy use, reduction of landfill waste, health and safety risks, resource consumption, and support movement towards zero waste;
- Empower City staff to be innovative and demonstrate leadership by incorporating progressive and best-practice environmental specifications, strategies and practices in procurement decisions;
- Encourage vendors and contractors to promote products and services that are most suited to the City's environmental principles;
- Complement existing City ordinances and policies;
- Encourage companies to bring forward emerging and progressive environmentally preferable products and services, by purchasing such products and services where their use is compatible with, and is beneficial in the long-term to the City's existing infrastructure; and
- Communicate the City's commitment to "green" procurement, by modeling the best product and service choices to residents, other

public agencies, and private companies.

Nothing in this policy shall be construed as requiring a City employee, unit, service area, vendor or contractor to procure goods or services that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. Decisions regarding adequacy or suitability for use shall be at the discretion of the Service Unit Manager.

2. Policy

A. General

The City shall acquire goods and services in a manner that considers both fiscal responsibility and environmental stewardship. Each City Service Area shall comply with this policy and actively encourage decisions that reflect the policy objectives stated herein. Procurement shall actively promote and encourage product and service acquisitions compliant with the policies and guidelines adopted herein.

B. Factors

Environmental factors to be considered in product and service acquisitions include, but are not limited to, the assessment of:

- Pollutant releases and toxicants, especially Persistent Bioaccumulative Toxics (PBTs), other chemicals of concern, air emissions, and water pollution;
- Waste generation and waste minimization;
- Greenhouse gas emissions;
- Recyclability and recycled content;
- Energy consumption, energy efficiency, use of renewable energy;
- Depletion of natural resources;
- Potential impacts on human health and the environment;
- Product durability, reusability and long-term performance;
- Impacts on biodiversity;
- Total life cycle costs.

When determining if a product is environmentally preferable, the following sample environmental attributes should be considered:

Asthmagen-free, Biobased, Biodegradable, Bisphenol-free, carcinogen-free, Chlorofluorocarbon (CFC)-free, Compostable, durable, energy efficient, fair trade certified, flame retardant-free, free of antimicrobial chemicals, fuel efficient, hazardous metal-free (e.g. no lead, mercury, cadmium), less hazardous, locally sourced, low Volatile Organic

Compounds (VOC) content, low-embedded energy, low- toxicity, made from renewable materials, not a single-use plastic product, orthophthalate-free, Per and Poly Fluoroalkyl-free, Polyvinyl chloride (PVC) and polystyrene-free, reduced packaging, refurbished, renewable energy, reproductive toxicant-free, reusable, and water efficient.

In addition, Service Areas should review and consider adopted “green policies” that have been previously approved by City Council (such as the Green Fleet Policy, Anti-idling policy, Coal Tar Sealants Policy, etc.), copies of which are available on request.

C. Third-Party Certifications

The City shall apply the most stringent third-party label standard available for a product or service being acquired, e.g. Energy Star, Forest Stewardship Council. The City shall use independent, third-party social and/or environmental (eco) product or service label certifications when writing specifications or procuring materials, products, or services, whenever a responsible label standard is available.

The above-requirements shall only apply to qualifying labels that:

- Are developed and awarded by an impartial third-party;
- Are developed in a public, transparent, and broad stakeholder process; and
- Represent specific and meaningful leadership criteria for that product or service category.

Qualifying labels should, whenever possible, represent standards that take into account multiple environmental factors and life-cycle costs, with claims verified by an independent third party.

D. City Code, City Policies and Federal and State Law and Regulations

It is the intent of this policy to complement current City Code and policy along with any applicable state and federal laws and regulations. When such code or law is updated to accommodate a more rigorous standard, or City Council adopts or alters established policy, this administrative policy shall be considered to likewise require such standard.

E. Responsibilities

City Procurement Responsibilities:

1. Inform Service Areas and Service Units of their respective responsibilities under this policy and provide implementation assistance.

2. Require, wherever practicable and where relevant specifications exist, that specifications and Formal Solicitation language include the requirement for vendors to provide, to the fullest extent possible, environmentally preferable goods and services that meet the needs as articulated in the Specification and are compatible with the long-term effectiveness of city operations, facilities, or infrastructure.
3. Maintain specifications and other information about environmentally preferable products and recycled products containing the minimum practicable amount of recycled materials, to be purchased by the City whenever possible. This information shall be placed in a location on the City's computer network that is readily apparent and available to all City Service Areas.
4. Modify existing Formal Solicitation documents to include appropriate forms and documents to allow the proper and orderly evaluation of products and services for consideration by the City in accordance with this policy.

City Sustainability and Innovations Office Responsibilities:

1. Support Procurement in its implementation of this policy by providing training, information when requested, and timely assistance in the evaluation of the environmental attributes of a product or service.
2. Support Service Areas and Units in evaluation and analysis of environmental attributes of products and services.
3. Provide a progress update on environmentally preferable procurement to the Environmental Commission on an annual basis. The progress update may include data and metrics that measure progress towards sustainability goals, information regarding barriers to implementation, as well as measurements of the impact of the purchases made both financially as well as environmentally.

Service Areas and Service Unit Responsibilities:

1. Evaluate all Formal Solicitations and, to the fullest extent possible, include a requirement that all vendors provide quotes for the most environmentally preferable products/services that meet the articulated need within the Solicitation.
2. Evaluate responses to Formal Solicitations to determine whether proposed products/services are environmentally preferable, based on data provided by the potential vendor from independent accredited organizations.
3. Expand employee awareness and use of Environmentally Preferable

Products and Environmentally Preferable Services, by assuring that all employees responsible for preparing documents for Formal Solicitation are aware of, and familiar with, this policy.

4. Include language in Council resolutions that highlights when environmentally preferable criteria were considered as part of the award process.
5. Prioritize responses that include environmentally preferable options, wherever practicable and fiscally responsible.

F. Use of Best Practices

Environmentally preferable procurement is a relatively new and evolving concept where better ideas, products, and practices are constantly being introduced. City Procurement, with the assistance of City staff, will continue to provide guidance on best value purchasing strategies (including environmental performance) to Service Areas in acquisition of goods and services within established purchasing criteria and in the best interest of the City.

3. Procedures

A. General

Every Formal Solicitation will contain an environmental commitment statement as follows:

Environmental Commitment

The City of Ann Arbor recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a vibrant community and economy. The City further recognizes that the products and services the City buys have inherent environmental and economic impacts and that the City should make procurement decisions that embody, promote and encourage the City's commitment to the environment.

The City strongly encourages potential vendors to bring forward tested, emerging, innovative, and environmentally preferable products and services that are best suited to the City's environmental principles. This includes products and services such as those with lower greenhouse gas emissions, high recycled content, without toxic substances, those with high reusability or recyclability, those that reduce the consumption of virgin materials, and those with low energy intensity,

As part of its environmental commitment, the City reserves the right to

award a contract to the most responsive and responsible bidder, which includes bids that bring forward products or services that help advance the City's environmental commitment. In addition, the City reserves the right to request that all vendors report their annual greenhouse gas emissions, energy consumption, miles traveled, or other relevant criteria in order to help the City more fully understand the environmental impact of its procurement decisions.

B. Preference

Environmentally preferable products/services often offer cost-savings when life cycle costs or best value costs are considered. The City shall consider short-term and long-term environmental and financial costs and benefits when comparing product alternatives.

In awarding of Formal Solicitations, City staff may give a bid discount or give additional points in evaluation of proposals, to environmentally preferable products/services that cost incrementally more up front than their traditional counterparts.

C. Environmental Preferable Products/Services Alternatives

Potential vendors will be encouraged to present alternative options in the bid or proposal to also include environmentally preferable products/services. When potential vendors present such alternative, they must use City-provided forms that allow the City to reasonably evaluate presented options in a timely manner.

Where relevant, potential vendors should provide recent data and information demonstrating why the product/service is environmentally preferable for the City. Testing data from independent accredited organizations are strongly preferred.

If an Environmentally Preferable Product/Service is bid as an alternate and not selected, the issuing Service Area or Unit shall be responsible for providing written justification for why such Environmentally Preferable/Service was not selected. Minor increases in costs, without extenuating circumstances, should not be used as justification to not adhere to this policy.

D. Award

The City will award Formal Solicitations after taking into account the environmentally preferable products/services proposed by potential vendors and award contracts to the vendor whose product or service proposes the best value to the City. Nothing in this document shall be construed to have a meaning other than that the City of Ann Arbor retains

the exclusive right to make all evaluations in the manner in which it chooses. All decisions made by the City are considered to be final.

4. Definitions

- 4.1 1,4-dioxane – a clear liquid that easily mixes with water. It is used as a solvent in the manufacture of other chemicals and as a laboratory reagent (also found in some cosmetics, detergent, and shampoos). 1,4-dioxane can be released into the air, water, and soil at places where it is produced or used as a solvent. One can be exposed to 1,4-dioxane through inhalation, in tap water, or through the skin. The U.S. Department of Health and Human Services considers 1,4-dioxane as reasonably anticipated to be a human carcinogen.
- 4.2 Antimicrobials – are chemicals that are meant to kill or suppress the growth of microorganisms such as bacteria, viruses, and fungi. Antimicrobials of concern include triclosan and triclocarban, nanosilver, ortho-phenyl, phenol and quaternary ammonium salts (quats) such as benzalkonium chloride. Antimicrobials such as Triclosan have been associated with hormone disruption, developmental and reproductive effects, allergen sensitivity, and antibiotic resistance. Quats are linked to asthma, dermatitis, and allergies. Triclosan, triclocarban, quats, and nanosilver are all toxic to aquatic organisms. The data on antimicrobials in consumer products does not support their perceived health benefit.
- 4.3 Asthmagens - substances that have been reported by experts in occupational asthma to cause asthma or trigger asthma attacks through respiratory sensitization or irritation. An up to-date list asthmagens is maintained by the Association of Occupational and Environmental Clinics (AOEC).
- 4.4 Best Value – an assessment of the return that can be achieved based on the total life cycle cost of the item; may include an analysis of the functionality of the item; can use cost-benefit analysis to define the best combinations of quality, services, time, and cost considerations over the useful life of the acquired item.
- 4.5 Biobased - products that are composed in whole or in significant part, of biological products or renewable agricultural materials (including plant, animal and marine materials) or forestry materials. Biobased products should be certified by the USDA's Bio-preferred program.
- 4.6 Biodegradable - the ability of a substance to decompose in the natural environments into harmless raw materials by the action of living things such as bacteria. All biodegradability claims should be verified by

a third-party certifier such as Scientific Certification Systems.

- 4.7 Bisphenols - Bisphenol A and related structural analogues, including bisphenol AP, bisphenol AF, bisphenol B, bisphenol C, bisphenol C2, bisphenol E, bisphenol F, bisphenol G, bisphenol M, bisphenol S, bisphenol P, bisphenol PH, bisphenol TMC, bisphenol Z, and 4-cumylphenol (HPP). Chemicals such as Bisphenol A (BPA), Bisphenol S (BPS), and Bisphenol F (BPF) are widely used in polycarbonate plastics, epoxy resins, food packaging, and thermal receipt paper. Exposure to BPA has been linked to asthma, neurodevelopmental problems, obesity, type 2 diabetes, heart disease, decreased fertility, and prostate cancer. Some manufacturers have substituted BPA with Bisphenol S (BPS) and Bisphenol F (BPF). These chemicals are less well studied but appear to have similar health effects such as hormone-disruption.
- 4.8 Carcinogens - are substances that are known or suspected to cause cancer. There are several authoritative lists of carcinogens, including one kept by the American Cancer Society.
- 4.9 Chlorofluorocarbons (CFCs) - any of a group of compounds that contain carbon, chlorine, fluorine, and sometimes hydrogen and have been used as refrigerants, cleaning solvents, aerosol propellants and in the manufacture of plastic foams.
- 4.10 Compostable – products that can be placed into a composition of decaying biodegradable materials and eventually turn into a nutrient-rich material in a commercial composting facility. Compostable is synonymous with "biodegradable", except it is limited to solid materials (liquid products are not considered compostable). Compostable food service ware products and bags should be certified by the Biodegradable Products Institute (BPI) or an equivalent certifier based on ASTM D6400 or D6868 or be listed on the Cedar Grove List of Acceptable Products.
- 4.11 Contractor - any person or entity having a contract with the City.
- 4.12 Energy efficient product - a product that is in the upper 25 percent of energy efficiency for all similar products, or that is at least 10 percent more efficient than the minimum level meeting US federal government standards. This includes products certified by the U.S. EPA's ENERGY STAR program.
- 4.13 Environmentally Preferable Products (EPPs) - goods and materials that have a less adverse impact on human health and the environment when compared with competing goods and materials. This comparison shall consider raw materials acquisition, production, manufacturing, packaging, distribution, re-use, operation, maintenance, and waste

management of the good or material.

- 4.14 Environmentally Preferable Services (EPSs) - services that have a more beneficial or less adverse impact on human health and the environment when compared with competing services.
- 4.15 Flame Retardants – chemicals that are added to products to resist or inhibit the spread of fire. Flame retardant chemicals include, but are not limited to, halogenated, phosphorous-based, nitrogen-based, and nanoscale flame retardants.
- 4.16 Formal Solicitation - a bid, proposal or request that must be submitted in a sealed envelope and in conformance with a prescribed format to be opened in public at a specified date and time. See also ITB and RFP.
- 4.17 Hazardous Metals - include arsenic, lead, mercury, cadmium, hexavalent chromium (chromium VI), organotins, and compounds that contain those metals.
- 4.18 Hazardous Pesticides – insecticides, herbicides, fungicides, and rodenticides that are acknowledged to present severe or irreversible harm – including particularly high levels of acute or chronic hazards – to humans, health, wildlife, pollinators, or the environment.
- 4.19 Integrated Pest Management – a reduced-risk approach to pest management that prioritizes pest prevention and monitoring, as well as mechanical, structural, and biological controls in order to eliminate or drastically reduce the use of pesticides.
- 4.20 Invitation to Bid (ITB) - a formal request to prospective vendors soliciting price quotations or bids; contains, or incorporates by reference, the specifications or scope of work and all contractual terms and conditions.
- 4.21 Life Cycle Cost (LCC) - the total cost of ownership over the lifespan of the item. An analysis technique that takes into account operating, maintenance, the time value of money, disposal, and other associated costs of ownership as well as the residual value of the item.
- 4.22 Request for Proposal (RFP) - means a formal bid solicitation method used for requirements exceeding authorized limits when it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirements, or other factors will be considered in the selection of the contractor/consultant in addition to price.
- 4.23 Ortho-Phthalates – a class of chemicals that are added to some polyvinyl chloride (PVC) plastic products to make them more flexible.

They are also added to some glues, caulks, paints, personal care products, and air fresheners. Phthalates are endocrine disruptors. Exposure to these chemicals has been linked to asthma, certain cancers, neurotoxicity, reduced fertility in men, and male reproductive birth defects.

- 4.24 Per or Poly Fluoroalkyl Substances – chemicals sometimes referred to as PFCs or PFASs; including long- and short-chain per- and poly-fluorinated alkyl compounds and fluorinated polymers. These chemicals are commonly used in products for oil-, stain-, and water-repellent properties. They persist in the environment, and can be ground and drinking water contaminants. Chemicals in this class have been linked to kidney and testicular cancer, elevated cholesterol, thyroid problems, and decreased fertility. They have been found in 98% of the U.S. Population.
- 4.25 Persistent, Bioaccumulative, Toxic compounds (PBT's) - toxic chemicals that persist in the environment and increase in concentration through food chains as larger animals consume PBT-laden smaller animals. They transfer rather easily among air, water, and land, and span boundaries of programs, geography, and generations. As a result, PBTs pose risks to human health and ecosystems. They are associated with a range of adverse human health effects, including effects on the nervous system, reproductive and developmental problems, cancer, and genetic impacts. They include heavy metals and chemicals such as mercury, dioxins, and PCB's (polychlorinated biphenyls), as well as certain brominated and chlorinated flame retardants.
- 4.26 Polystyrene - a plastic polymer made from the monomer styrene. It comes in many forms: sheet, expanded or extruded foam, or as oriented polystyrene. The World Health Organization has classified polystyrene as a probable carcinogen for humans.
- 4.27 Polyvinyl Chloride (PVC) - commonly known as “vinyl”, is a synthetic thermoplastic resin made by polymerizing vinyl chloride monomer. PVC is present in many common consumer products. Vinyl chloride is classified as “carcinogenic to humans” by the International Agency for Research on Cancer and is listed as a carcinogen by the State of California. PVC can generate and release hazardous compounds during manufacture and if burned in a building fire or trash incinerator. PVC is also difficult to recycle.
- 4.28 Reproductive toxicants - substances that are known to cause birth defects, adverse effects on male or female reproductive systems, or developmental harm. There are several authoritative lists of reproductive toxicants, including the State of California’s Prop 65 List.

- 4.29 Single-use plastics - often referred to as disposable plastics, these plastics are commonly used for plastic packaging and items intended to be used only once before they are thrown away or recycled. Examples include grocery bags, food packaging, bottles, straws, containers, cups and cutlery.
- 4.30 Vendor - any person or entity who offers goods for purchase or services for hire.
- 4.31 Volatile Organic Compounds (VOCs) - chemicals that readily evaporate and contribute to the formation of air pollution when released into the atmosphere or indoor environment. Many VOCs are classified as toxic and carcinogens or asthmagens.
- 4.32 Water Efficient - product that is in the upper 25 percent of water efficiency for all similar products, or that is at least 10 percent more efficient than the minimum level meeting US federal government standards. This includes all products that are certified by the WaterSense program.