



COUNTY EXECUTIVE OFFICE POLICIES AND PROCEDURES

COUNTY PROCUREMENT OFFICE:

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BOARD ACTION DATE: 9/9/2008

POLICY EFFECTIVE DATE: 9/9/2008

CATEGORY:

SUB-CATEGORY:

TITLE: ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

REVISION: 10/20/23

COUNTY PROCUREMENT OFFICER SIGNATURE:

I. SCOPE

This policy shall apply to all Orange County Deputy Procurement Agents to encourage the procurement of environmentally preferable products and to ensure compliance with mandated State regulations related to the procurement of necessary goods and services.

II. PURPOSE/RECITALS

The Environmentally Preferable Purchasing (EPP) Policy aims to provide information and tools to ensure that the County of Orange agencies and departments actively research and purchase recycled and other environmentally preferable products and services whenever they meet the price and performance requirements of the County and have the lowest life-cycle cost. This regulation provides the basis for securing environmentally friendly and sustainable purchasing practices through the EPP Best Practices Guide.

- A. **Public Contract Code Section 12400 - Environmentally Preferable Purchasing** - This law, formerly known as AB 498 (Chan, Chapter 575, Statutes of 2002), addresses environmentally preferable purchasing and became California law in September 2002. It directs the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide State agencies with information and assistance regarding environmentally preferable purchasing. The Secretary of the State and Consumer Services Agency, in consultation with the Cal/EPA, established the Environmentally Preferable Purchasing Task Force to develop a strategy to achieve the goals set forth in AB 498. The task force comprises representatives from various State agencies with specific fiscal, procurement, and environmental policy expertise.

- B. **Electronic Waste Recovery and Recycling Regulations (California Code of Regulations Title 14, Division 7, Chapter 8.2)** – Provides for the implementation of the California Electronic Waste Recycling Act of 2003 that reduces hazardous substances used in the manufacturing of electronic products, and establishes a funding and reimbursement system for businesses, consumers, and the public to collect and recycle certain electronic wastes.
- C. **California Department of General Services (DGS) Management Memo 12-06 Remanufactured Auto parts and Re-Refined Oil** - Requires agencies to request these products whenever practical and cost-beneficial when vehicles need to be serviced or repaired.
- D. **California Department of General Services (DGS) Management Memo 06-08 California Gold Sustainable Carpet Standard** - Establishes minimum requirements for material emissions, postconsumer recycled-content and end of life management for all carpets purchased by the State of California.
- E. **Public Contract Code (PCC) 12153-12156 and 12320 State Agency Buy Recycled Campaign (SABRC)** - Mandates for both State agencies and the Legislature.
- F. **Public Contract Code (PCC) 12164.5-121671.1 and 12300-12306 Project Recycle for State agencies and the Legislature** - Requires State agencies and the Legislature to purchase products with recycled content. The legislation is implemented jointly by the Department of General Services (DGS) and the California Integrated Waste Management Board (CIWMB). It complements the efforts of the Integrated Waste Management Act [AB 939 (Sher), Statutes of 1989, Chapter 1095], and the statute regarding State agency waste diversion [AB 75 (Strom-Martin), Statutes of 1999, Chapter 764] which were enacted to reduce the amount of waste going to California's landfills.
- G. **Public Contract Code (PCC) 12200-12217 Recycled Materials, Goods and Supplies** - Requires State agencies (including California State Universities) to ensure that at least 75 percent of the dollars spent on reportable purchases of products within 14 product categories be spent on recycled-content products (RCP), with the exception that at least 50 percent of the dollars spent on reportable purchases of paint, antifreeze, and tires be spent on RCP. In addition, PCC section 12211 requires RCP and non-RCP purchases to be reported in each agency's annual SABRC Procurement Report. Reused products are considered to be RCPs; therefore, items purchased through the Surplus Property Reuse Program can be counted as RCPs under the SABRC. [1]
- H. **Federal Executive Order 13101** - Strengthens and expands the Federal government's commitment to recycling and buying recycled-content and environmentally preferable products.
- I. **Public Resources Code sections 42920 et seq. and California law [Chapter 764, Statutes of 1999 (Strom-Martin, AB 75)]** - Requires each State agency and large State facility to divert 50 percent of its solid waste from landfills or transformation facilities by January 1, 2004 through source reduction, recycling, and composting activities. State agencies can obtain source reduction credit for donating items through the Surplus Property Reuse Program. State agencies implement a wide variety of programs to meet

the diversion mandates. Reported programs range from source reduction to full recycling programs which request, and in some cases require, employees, contractors, and visitors to recycle.

- J. **Executive Order S-06-06** – Establishes targets to increase in-state production and use of bioenergy, including ethanol and bio-diesel fuels made from renewable resources. For biofuels, the State shall produce a minimum of 20 percent of its biofuels within California by 2010, 40 percent by 2020, and 75 percent by 2050. For biomass for electricity, the State must meet a 20 percent target within the established State goals for renewable generation for 2010 and 2020.
- K. **Executive Order B-18-12**, signed in April of 2012, updated some of the requirements of Executive Order -02-04 while rescinding the earlier Order. It adjusts the energy savings targets on grid-based energy purchases to be reduced by 20% by 2018 using 2003 as a baseline. New state buildings and major renovations started after 2025 must be constructed to be zero net energy, while 50% of existing square footage must be in the process of achieving zero net energy by 2025. Additionally, new buildings or major renovations larger than 10,000 square feet must earn the "Silver" level of **LEED** certification and incorporate on-site renewable energy if economically feasible.
- L. **Executive Order S-7-04** - Sets forth a blueprint for government and private agencies to work together in planning and building a hydrogen infrastructure.
- M. **Executive Order S-3-05** - Establishes the following greenhouse gas (GHG) emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. The Secretary of the California Environmental Protection Agency is charged with the coordination of the oversight of efforts to achieve these targets.
- N. **AB 2160 Green Building Report** - Requires the California Energy Commission to report to the Green Action Team on ways to facilitate State building energy efficiency and resource efficient projects, including a life cycle cost analysis model. Additionally, the Energy Commission will identify obstacles to private sector commercial building energy efficiency and will identify financial or other forms of incentives to facilitate the latter.
- O. **SB 1383 – Short-Lived Climate Pollutants** – Establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. For recycled paper, product should contain at least 30% recycled material and at least 75% of purchases are for recycled products. Paper purchases must also be recyclable and eligible to be labeled with an “unqualified recyclable label” indicating that recycling facilities are available to at least 60 percent of the consumers or communities where the item is sold.

As such, the County desires to encourage the use of environmentally preferable products and services accordingly.

III. DEFINITIONS

A. Environmentally Preferable Purchasing

Environmentally Preferable Purchasing refers to the procurement of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. This comparison shall take into consideration, to the extent feasible, raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, product performance, durability, safety, the needs of the purchaser, and cost.

B. Environmentally Preferable Products

Environmentally Preferable Products have reduced environmental impact because of the way they are made, used, transported, stored, packaged, and disposed of. It means looking for products that do not harm human health, that are less polluting, and that minimize waste, maximize use of bio-based or recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials.

IV. POLICY

A. Solicitations for Products and Services

The County will encourage and provide assistance in the purchase of environmentally preferable products and services to the extent feasible in all solicitations.

B. County Procurement Officer Responsibilities

1. Purchase all equipment, supplies, and services required by the County of Orange in compliance with this policy and delegate this authority to authorized personnel in accordance with County policy.
2. Assist agency/department Deputy Procurement Agents in adhering to the requirements outlined in this policy and in securing, where feasible, the lowest life-cycle cost supplies and services that have the best short and/or long-term value, as appropriate.
3. Maintain an annual EPP Best Practices Guide to be distributed countywide that contains a list of products, services, and specifications identified by the County Procurement Officer that meet the provisions of this policy.
4. Provide County training on any and all EPP Policy updates as needed.
5. County Procurement Officer has the authority, per Board approval on September 9, 2008, to update this policy as required and will communicate any material changes to the CEO and Board Of Supervisors via Memorandum.

C. Deputy Procurement Agent (DPA) Responsibilities

1. Encourage and research within their respective agencies/departments the procurement of “environmentally preferable” products in all bids and solicitations, where practical, that are executed by the County in accordance with this policy.
2. When deemed to be in the best interest of the County, accept the lowest life cycle cost equivalents of requested goods and services as defined in the EPP Best Practices Guide, unless compatibility, operations or maintenance require specific products.
3. Be familiar with the most recent EPP Best Practices Guide and endeavor to significantly reduce the use of unsustainable or environmentally unsound products and services.
4. Except under extenuating circumstances (public health/public safety), the purchase of polystyrene foam (Styrofoam) shall be prohibited.
5. County departments shall incorporate environmental considerations in their purchasing practices including the procurement of Recovered Organic Waste Products to assist the County in complying with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure specified amounts of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper whenever feasible.

In its effort to meet SB 1383 Annual Recovered Organic Waste Product Procurement Targets as found in 14 CCR Section 18993.1, County departments shall maintain procurement records, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13, identifying procurement of qualifying Recovered Organic Waste Products.

Recovered Organic Waste Products, as defined in 14 CCR Section 18982(a)(60), shall include Compost, Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion.”

D. Procedures

1. Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.
2. Upon request, Deputy Procurement Agent making the selection from competitive bids shall provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy. This justification shall be maintained in the purchasing file/record.
3. Vendors and contractors shall be encouraged to comply with applicable sections of this policy for products and services provided to the County when appropriate.

V. REFERENCES

Public Contract Code Section 12400—Environmentally Preferable Purchasing; Electronic Waste Recovery and Recycling Regulations (California Code of Regulations Title 14, Division 7, Chapter 8.2); California Department of General Services (DGS) Management Memo 01-22 Re- Refined Oil; California Department of General Services (DGS) Management Memo 06-08 California Gold Sustainable Carpet Standard; Public Contract Code (PCC) 12153-12156 and 12320 State Agency Buy Recycled Campaign (SABRC); Public Contract Code (PCC) 12164.5- 121671.1 and 12300-12306 Project Recycle for State agencies and the Legislature; Public Contract Code (PCC) 12200-12217 Recycled Materials, Goods and Supplies; Federal Executive Order 13101; Public Resources Code sections 42920 et seq. and California law [Chapter 764, Statutes of 1999 (Strom-Martin, AB 75)]; Executive Order S-06-06; Executive Order S-20-04; Building Maintenance / Cleaning Products - Executive Order S-20-04; Executive Order S-7-04; Executive Order S-3-05; AB 2160; SB 1383; County of Orange Environmentally Preferable Purchasing (EPP) Best Practices Guide

CONTACTS: COUNTY PROCUREMENT OFFICE

ATTACHMENTS:

County of Orange Environmentally Preferable Purchasing (EPP) Best Practices Guide