

INTRODUCTION

An ordinance amending in its entirety Article X of Chapter X of Division X of the Los Angeles Administrative Code to establish an Environmentally Preferable Products (EPP) and Extended Producer Responsibility (EPR) Policy;

WHEREAS, it is in the public interest to purchase products and services that have a lesser or reduced adverse impact on human health and the environment when compared with competing products and services serving the same purpose, the City has historically promoted environmentally friendly procurement policies to protect and enhance the environment and the quality of life in the City; and

WHEREAS, in keeping with its role as a major purchaser of goods and services, the City will as a matter of policy promote markets for environmentally preferable products through employee education, the adoption of innovative procurement evaluation methods that assign value to environmentally preferable product attributes as well as price, development of rigorous specifications and contracts, including extended producer responsibility (EPR) specifications, and establishment of cooperative ventures with the City's proprietary departments other jurisdictions with regard to the procurement of EPP/EPR goods and services from manufacturers and vendors who share the City's commitment to the environment; and

WHEREAS, it is appropriate that the City adopt the following legislation to maintain and increase the viability of its procurement of environmentally preferable products (EPP) and products with Extended Producer Responsibility (EPR).

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Article X of Chapter X of Division X of the Los Angeles Municipal Code is hereby amended in its entirety to read:

ARTICLE X ENVIRONMENTALLY PREFERABLE PRODUCTS PURCHASING PROGRAM

Sec. X. Findings and Purpose.

a. Findings. The City Council hereby finds and declares as follows:

(1) The City of Los Angeles recognizes that, as a city government, it is a large consumer of goods and services. The City's purchases have an environmental impact resulting from the combined impacts of a

product's manufacture, use and disposition. As a result, the purchasing decisions of the City and its contractors can positively or negatively affect the environment.

(2) Since the 1990's, the City of Los Angeles has had in effect a Recycled Products Purchasing Program to protect the environment by helping to create a market for recycled-content products, thus creating related jobs, stabilizing the markets for recycled materials from curb-side recycling programs, protecting natural resources and extending the life expectancy of local landfills.

(3) As a natural progression to such environmental policies, the City recognizes that a more comprehensive Environmentally Preferable Products and Extended Responsibility Policy is needed to ensure that its purchasing decisions are based on environmental factors, including, but not limited to, recycled content.

(6) At this time, the City relies primarily on lowest price when awarding contracts, which precludes the City's ability to consider and weigh multiple attributes. It is in the City's interest to establish an evaluation system for products. Once the attributes have been identified that best embody a specific product, a weighting system can be developed that assigns a specific amount of points for each attribute identified. This system can then be applied to all potential suppliers of that specific product and the supplier with the maximum amount of points will be the supplier providing the best value. This proposed system weighs price more heavily than other attributes, as befits a public entity, but the system does not effectively preclude EPP attributes from purchasing decisions.

(b) Purpose. This Article is adopted to accomplish the following purposes:

(1) The City of Los Angeles seeks to conserve and enhance our local and global natural resources; promote and support a vibrant, diverse, and equitable economy; safeguard human health and the environment; and improve livability of the City's neighborhoods without compromising the ability of future generations to do the same.

(2) The City shall promote the use of Environmentally Preferable Products in its acquisition of goods and services. Environmental factors to be considered in selecting products include pollutant releases, waste generation, recyclability, recycled content, energy consumption, depletion of natural resources and potential impact on human health and the environment.

(3) Recognizing its role as a major purchaser of goods and services, the City shall seek opportunities to enhance markets for environmentally preferable products through employee education; encourage pilot testing of potential new products; adopt innovative product standards, specifications and contracts; and embark on cooperative ventures with other jurisdictions.

(4) The Council adopts this Article to reduce the environmental impact of the City's purchasing decisions by buying goods and services from manufacturers and distributors who share the City's commitment to the environment. By including environmental considerations in the City's purchasing decisions, along with traditional criteria of price, performance and availability, the City will remain fiscally responsible, while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, lessen the need for landfills, and utilize suppliers that reduce the adverse environmental impact of their production and distribution systems.

DEFINITIONS

Sec. 10.32.1. Definitions.

Anaerobic: To be "without oxygen." A biological process occurring in the absence of oxygen, marked by a foul odor. These odors may include acetic acid, butyric acid, or putrescine. Calrecycle

(a) "Awarding Authority" means any Board or Commission of the City of Los Angeles, or any authorized employee or officer of the City of Los Angeles, including the Purchasing Agent of the City of Los Angeles, who makes or enters into any contract or agreement for the provision of any goods or services of any kind or nature whatsoever for or on behalf of the City of Los Angeles, and shall include those departments of the City that exercise independent control over the expenditure of their funds and that adopt policies consistent with the provisions of this Article.

Backyard composting: The on-site process (typically small scale) where the biological decomposition of organic materials such as leaves, grass clippings, brush, and food scraps is processed into a soil amendment. Calrecycle

(b) "Bid documents" means Request for Proposals (RFPs), Invitations for Bids (IFBs), Request for Qualifications (RFQs), advertisements for bids, and all responses to such documents.

Biodiversity: The variability among living organisms on Earth, including the variability within and between species and within and between ecosystems. Calrecycle

Biofiltration: The harnessing of natural processes for volatile organic compounds (VOC) and odor control. Example: an air stream is passed through a biofilter containing microorganisms, which metabolize the VOCs, turning them into carbon dioxide and water. Calrecycle

Bioremediation: The use of plants or microorganisms to clean up contamination and pollution or to solve other environmental problems, and return the environment to its original condition. Calrecycle
Biosolids: The nutrient-rich organic byproduct material resulting from the treatment of sewage sludge and wastewater. Calrecycle

CAFO: Combined animal feeding operation (CAFO). Animal feeding operations (AFOs) are livestock-raising operations, such as hog, cattle and poultry farms, which confine and concentrate animal populations and their wastes. CAFO is the largest category of AFO with greater than 1,000 "animal units" and is a significant contributor to the pollution of waters in the U.S. Calrecycle

(e) "Carcinogen" is a substance or agent that can cause cancer.

Cellulose: The main substance in the cell walls of plants, which is used in making paper, artificial fibers, and plastics. Calrecycle

(f) "Chlorofluorocarbon (CFC)" means a fluorocarbon with chlorine; formerly used as a refrigerant and as a propellant in aerosol cans; the chlorine in CFCs causes depletion of atmospheric ozone.

"City" means the City of Los Angeles, and all awarding authorities thereof, including those departments of the City which exercise independent control over their expenditure of funds and which adopt policies consonant with the provisions of this Article.

Co-composting: The process of blending biosolids with manure or other green waste materials to produce compost. Co-composting includes both the active and curing phases of the composting process. Calrecycle

Compost: The product resulting from the decomposition of organic material. Material used to make compost includes landscape trimmings, agricultural crop residues, paper pulp, food scrap, wood chips, manure, and biosolids. These are typically referred to as feedstock. Calrecycle

Composting: The biological decomposition process of organic materials such as leaves, garden waste, coffee grounds, grass clippings, brush, and food waste into a soil amendment. Calrecycle
Compostable "Compostable" means products that can be broken down into compost through the composting process. Examples include leaves, garden waste, coffee grounds, grass clippings, brush, and food waste.

(c) "**Co-compost product**" means an end product which meets all of the following requirements: (1) It is derived from a blending of materials, of which at least 80 percent is household refuse and the remainder is sewage sludge or other comparable substitutes, including, but not limited to, nontoxic dairy wastes, livestock and horse manure, or fish wastes. (2) It is usable. (3) It is source-separated from the municipal solid waste stream.

(d) "**Compost product**" means an end product which meets all of the following requirements: (1) It is derived from the controlled biological decomposition of a blend of organic wastes, including, but not limited to, wood by-products, plant waste, yard refuse, or sewage sludge. (2) It is usable. (3) It is source-separated from the municipal solid waste stream.

Construction and demolition waste: Waste from building materials such as rubble, lumber, wire, sheet metal, and miscellaneous metal parts. Calrecycle

(I) "Contract" means any agreement, franchise, lease, or concession, including agreements for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies, or the rendition of any service to the City of Los Angeles or to the public, which is let, awarded or entered into with, or on behalf of, the City of Los Angeles or any awarding authority thereof, and in accordance with all applicable legal requirements.

Conversion technology: Term used for the technologies that convert unwanted organic materials into high-value products such as energy, alternative fuels, solvents, and other products. Calrecycle

(m) "Durable" means goods that can be used more than once and withstand long use, wear, and decay.

Ecosystem: All the living things in an area and the way they affect each other and the environment. Calrecycle

(n) "Energy efficient" with regard to a product means a product in the upper 25 percent of efficiency for all similar products or products labeled "Energy Star" or designated as such by the United States Department of Energy's Federal Energy Management Program (FEMP).

(o) "Environmental cost of entire product or service life cycle" means both the direct and indirect cost of the environmental impacts caused by the product in its entire life cycle, including cost of effluent/waste treatment, cost of effluent/waste control, cost of waste disposal, cost of implementation of environmental management systems, costs of eco-taxes, costs of rehabilitation (in case of environmental accidents), cost savings of renewable energy utilization, and cost savings of recycling and re-use strategies.

(p) "Environmentally Preferable Products" means products that have a lesser adverse impact on human health and the environment when compared with competing products serving the same purpose. This comparison may consider all phases of the product's life cycle, including raw materials acquisition, toxicity levels, production, manufacturing, packaging, distribution, operation, maintenance and disposal, including potential for reuse or ability to be recycled. These products minimize the consumption of resources, energy and water; prevent the creation of solid waste, air pollution or water pollution; minimize the use of materials or processes which compromise the environment; and/or promote the use of non-toxic substances and avoid toxic materials or processes.

(e) "Fly Ash" means the component of coal which results from the combustion of coal, and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

Food material: Material acquired for animal or human consumption, is separated from the municipal solid waste stream, and does not meet the definition of "agricultural material." Calrecycle

Food scraps: All excess food, including surplus, spoiled, or unsold food such as vegetables and culls (lower quality vegetables or trimmings such as onion peels or carrot tops), as well as plate scrapings. Food scraps also are commonly called food remnants, food residuals, or food waste. Calrecycle

Food waste: Refers to all surplus food scraps. The term has fallen out of favor with some composters, who prefer to view this material as a resource rather than as waste material. However, this term is interchangeable with food scraps. Calrecycle

Grasscycling: The natural recycling of grass by leaving clippings on the lawn when mowing. Grass clippings will quickly decompose, returning valuable nutrients to the soil. Calrecycle

(r) "Greenhouse gases" refers to naturally occurring and human-made compounds which absorb some of the thermal radiation from the sun from being emitted back into the atmosphere, which heats the atmosphere and further warms the Earth's surface, which is known as the greenhouse effect. These gases include water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, partially halogenated fluorocarbons, hydrofluorocarbons, and perfluorinated carbons. The gases contribute indirectly to the greenhouse effect because they influence the rate at which ozone and other greenhouse

gases are created and destroyed in the atmosphere. Greenhouse gas emissions result from residential and commercial energy use, industrial processes, electricity generation, agriculture and forestry.

Green material: Green material includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processes from commingled collection, wood containing lead-based paint or wood preservative, and mixed construction or mixed demolition debris. Calrecycle

Green waste: A term used to refer to urban landscape waste generally consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, home garden residues, and other miscellaneous organic materials. Calrecycle

Hazardous Waste: This includes radioactive substances, toxic chemicals, explosives, biological waste (e.g. from hospitals), and flammable waste. Calrecycle

Heavy Metals: A commonly hazardous waste that can damage organisms at low concentrations, including cadmium, mercury, and lead, and which can be found in the waste stream in batteries, televisions, paints, and ink. Calrecycle

Integrated pest management (IPM): 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. Calrecycle

(t) "Less hazardous" means an environmentally-friendlier safer, alternative to hazardous solvents or materials based on the following indicators: global warming potential, ozone-depletion potential, volatile organic content, flammability/reactivity and toxicity/carcinogenicity.

(u) "Life Cycle Assessment" is an objective process to evaluate the environmental burdens associated with a product process or activity by identifying and quantifying energy and materials used and wastes released into the environment, to assess the impact of those energy and materials uses and releases on the environment, and to evaluate and implement opportunities to affect environmental improvements.

(v) "Life cycle cost" means the total cost of ownership of a product, including initial capital, installation, energy, maintenance, operating, insurance, disposal, replacement, and potential liability costs.

(w) "Low toxicity" refers to a decrease in the amount of toxic chemicals used in making a product. Example: water-based paint instead of lead paint, alcohol based thermometer instead of mercury-based thermometer.

(x) "Low volatile organic compound (VOC) content" refers to products

with a low amount of volatile organic compounds. Example: paint, aerosol sprays, solvents.

(f) "**Lubricating oil**" means engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

Methane: A gas created naturally in marshes and bogs, as well as landfills. Considered a potent greenhouse gas. Calrecycle

(g) "**Mill broke**" means any paper waste generated in a paper mill prior to completion of the papermaking process. It is usually returned directly to the pulping process. Mill broke is excluded from the definition of "Recycled material." Any paper waste generated in a paper mill prior to completion of the papermaking process. It is usually returned directly to the pulping process. Mill broke is excluded from the definition of "recovered fiber." Any paper waste generated in a paper mill prior to completion of the papermaking process. It is usually returned directly to the pulping process. Mill broke is excluded from the definition of "recovered fiber." US EPA:

Mixed Paper: Generally refers to paper of various grades, colors, finishes, and coatings mixed together. US EPA:

Mulch: A layer of organic material that is spread over the bare surface of soil to block the loss of moisture and to discourage the growth of weeds. Typically applied around plants to minimize moisture evaporation. Mulch is the term for non-composted materials, such as shredded or chipped bark. CalRecycle

Municipal organic materials: Organic materials generated by residential, business, institutional, and agricultural sources, which are then collected and sent to city and county waste facilities. CalRecycle

Municipal solid waste (MSW): Garbage. Refuse with the potential for energy recovery; includes residential, commercial, and institutional wastes. Means the material part of the municipal solid waste stream and is mixed with or contains nonorganic, processed industrial materials, or plastics. Compostable material that contains mixed demolition or mixed construction debris shall be considered mixed solid waste CalRecycle

Organic matter: Material that comes from organisms that were once alive, or derived from or produced through the biological activity of a living thing. CalRecycle

(h) "**Performance standards**" means a statement of the desired operation or function of a material, supply, or equipment.

(bb) "Persistent, bioaccumulative toxic (PBT) chemical" refers to a toxic chemical that is stable and builds up in the environment for a long period of time, particularly in food chains, is not readily destroyed, and builds up or accumulates in body tissue. Relatively small releases of PBT chemicals can pose human and environmental health threats. PBTs include but are not limited to Dioxin and dioxin-like compounds, lead

compounds, mercury compounds, polycyclic aromatic compounds, Aldrin, Benzo (g, h, i) perylene, Chlordane, Heptachlor, Hexachlorobenzene, Isodrin, Lead, Mercury, Methoxychlor, Octachlorostyrene, Pendimethalin, Pentachlorobenzene, Polychlorinated biphenyls (PCBs), Tetrabromobisphenol A, Toxaphene, and Trifluran.

(i) "Postconsumer waste" means a finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste.

Postconsumer fiber does not include fiber derived from printers' over-runs, converters' scrap, and over-issue publications. US EPA "Postconsumer waste" is part of a broader category, "Recycled material." Postconsumer Recovered Fiber (Paper)

Postconsumer food scraps: Food that has been served to diners but is not eaten; also called plate scrapings. This may include vegetables, salad dressings, sauces, cheese, meat, and bones, as well as nonfood items, such as napkins. If the nonfood items are not separated from the food, these and other nonfood contaminants like straws, cups, and plastic utensils will become a part of this blend. CalRecycle

Preconsumer food scraps: Preconsumer scraps may include food processing wastes such as vegetable culls, brewery by-products, coffee grounds, or kitchen preparation wastes. Restaurants, for example, often cut off inedible portions of vegetables in food preparation. This can include carrot tops, potato peels, lettuce leaves, broccoli stems, or similar scraps. CalRecycle

(cc) "Post-consumer material" means any household or commercial product which has served its original, intended use, and has been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition. Post-consumer material is part of the broader category, "Recycled material".

(dd) "Practicable" means sufficient in performance and available within a reasonable period of time at a reasonable cost.

(ee) "Product" means goods, supplies or equipment.

(ff) "Rapidly renewable materials" means materials made from plants that are typically harvested within a ten-year cycle.

Recovered Fiber (Paper)

1. Postconsumer fiber such as:

o Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

- o All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste, and
- 2. Manufacturing wastes such as:
 - o Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and Repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others. US EPA:

- (gg) "Recyclable" refers to material that still has useful physical or chemical properties after serving its original purpose and can, therefore, be reused, reconditioned or remanufactured into additional products.
- hh) "Recycled content" means that portion of a material by mass that originates in either pre- or post- consumer waste streams. It includes products and packages that contain reused, reconditioned or remanufactured materials as well as recycled raw material.
- (ii) "Recycled material" means a material that can be utilized in place of a raw or virgin material in manufacturing a product of materials derived from post-consumer recycled content, secondary waste, or reusable products, all of which can be used in the manufacture of new products. New products that contain recycled material are considered "recycled-content products".
- (jj) "Recycled paper" means all paper and wood pulp products containing post-consumer material and secondary waste materials with not less than 50 percent of its total weight consisting of secondary and post consumer recycled material and not less than ten percent of its total weight consisting post consumer recycled material.

Recycled Paper

EPA does not defined this term. According to the Federal Trade Commission's (FTC) Guides for Environmental Marketing Claims, a paper can be called "recycled" only if it contains 100 percent postconsumer recovered fiber. If the postconsumer content is less than 100 percent, the paper should be called "recycled-content" paper.

- (kk) "Refurbished" refers to the process of restoring a product by cleaning, repairing, recovering, and reusing the item for its original intended use.
- (II) "Re-refined oil" means oil from which the physical and chemical

contaminants acquired through previous use have been removed through a refining process.

- (mm) "Resource-efficient" means a product that conserves water or energy.
- (nn) "Retreaded tire" means any tire that utilizes an existing casing for the purpose of vulcanizing new tread to such casing which meets all performance and quality standards specified in the Federal Motor Vehicle Safety Standards determined by the United States Department of Transportation.
- (oo) "Reusable" means able to use repeatedly in the same form (e.g.: glass bottles, cloth diapers).
- (pp) "Secondary waste" means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value, and includes post-consumer content, but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls (mill broke), wood slabs, chips, sawdust or other wood residue from a manufacturing process. Secondary waste is part of the broader category, "Recycled material".

Soluble: Susceptible to being dissolved in or as if in a liquid and especially water. Calrecycle

- (qq) "Specification" means a clear and accurate description of the technical requirements for products and services, which specifies the minimum requirements for quality and construction of such products or services.

Textiles: Items made of thread, yarn, fabric, or cloth. This includes clothes, fabric trimmings, draperies, and all natural and synthetic cloth fibers. This does not include cloth-covered furniture, mattresses, leather shoes, leather bags, or leather belts.

- (rr) "Ultimate disposal" refers to the final process in the management of wastes.
- (ss) "Uncertified hardwoods" means any hardwoods from deciduous trees that are not certified by the Forest Stewardship Council.
- (tt) "Upgradeable" with regard to this Article means the ability to improve products for increased usefulness.

“Virgin Fiber/Paper” Refers to cellulose fiber derived directly from trees and other plants that is newly pulped, previously unused.

(uu) "Virgin material" means a mined or harvested raw material to be used in manufacturing.

Vermicomposting: The process whereby worms feed on slowly decomposing materials (e.g., vegetable scraps) in a controlled environment to produce a nutrient-rich soil amendment. Additional terms for the soil amendment are worm castings or worm manure. This material is rich in nutrients and is an excellent soil conditioner. Species typically used for vermicomposting include Red Wigglers and European nightcrawlers. CalRecycle

Volatile Organic Compound (VOC): Carbon-containing compounds that evaporate into the air (with a few exceptions). VOCs contribute to the formation of smog and/or may themselves be toxic. VOCs often have an odor. Typical liquids that release VOCs include gasoline, diesel fuel, pesticides, cleaning supplies, glues, and solvents used in paints. CalRecycle

(vv) "Water-efficient" refers to types of products whose production has become increasingly water use efficient as demonstrated by data collected over a period of time, including those meeting EPA's "WaterSense" standards.

Wood waste: Solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing, or storage of raw wood materials, or construction and demolition activities. CalRecycle

Xeriscaping: The practice of landscaping with slow-growing, drought-tolerant plants to eliminate the need for irrigation and lower the need for water consumption. CalRecycle

Yard trimmings: Wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, and weeds. CalRecycle

POLICIES & PRACTICES

Sec. 10.32.2. Policy and Practices.

It is the policy of the City of Los Angeles to:

- (a) Specify and mandate the purchase of environmentally preferable products and services where criteria have been established by governmental or other widely recognized and respected third-party authorities (e.g., Energy Star, Green Seal, EPA Recycled Materials Advisory Notice (RMAN) Comprehensive Purchasing Guidelines, Federal Electronic Product Environment Assessment Tool (EPEAT) program guidelines for electronics, State Agency Buy Recycled Campaign (SABRC)). The following environmental attributes should be considered in making a determination of whether a product is environmentally preferable:

1. Whether the product minimizes the usage of virgin materials for its production;
2. The percentage of recycled-content materials it contains;
3. Is the product re-usable;
4. Ease of recycling the product;
 5. The amount of packaging material for the product;
 8. Whether the product is made of carcinogen-free materials;
 9. Whether the product is Chlorofluorocarbon (CFC)-free;
 10. Whether the product is compostable;
 11. Whether the product is durable, rather than single-use or disposable;
 12. Whether the product is energy efficient;
 13. Whether the product is less hazardous than similar products;
 14. Whether the product contains low amounts of volatile organic compounds (low VOC content);
 15. Whether the product has low toxicity levels;
 16. Whether the product is mercury-free or free from other heavy metals
 17. Whether the product is free of persistent bio-accumulative toxics (PBT-free);
 18. Whether the product is made of rapidly renewable materials that are not sourced from a rainforest;
 19. Whether the product is refurbished or can be refurbished;
 20. Whether the product is water-efficient;
 21. Whether the product is upgradeable;
 22. Whether the product reduces greenhouse gas emissions;
 23. Whether the ultimate disposal of the product at the end of its life cycle is safer compared to similar products;

24. Whether the product is recyclable in the City's recycling program, and therefore can be kept out of the landfill.
 25. Whether the product minimizes packaging and the recyclability of the packaging in the City's recycling program.
- (b) Incorporate environmental factors into the City's product specifications, including but not limited to:
1. Minimization of virgin material use in product or service life cycle;
 2. Maximization of recycled products used in product or service life cycle;
 3. Environmental cost of entire product or service life cycle;
 4. Reuse of existing products or materials in product or service life cycle;
7. Reduction of energy and/or water consumption;
8. Toxicity reduction or elimination;
9. Elimination of uncertified hardwoods in product or service life cycle;
10. Durability and maintenance requirements;
11. Ultimate disposal of the product; and
12. Use of re-refined oil.
- (c) Raise staff awareness of environmental issues affecting City product lifecycles by providing relevant information through outreach and training.
- (e) Require providers of services to consider environmental impacts of service delivery by using environmentally preferable products and delivery methods whenever possible.

Construction of Article

Sec. 10.32.3. Construction of Article.

- (a) Nothing in this Article shall be construed so as to require a City

Department, Board, Commission or contractor to: (1) procure products that do not perform adequately for their intended use; (2) exclude adequate competition; and (3) procure products that are not available at a reasonable price in a reasonable period of time.

- (b) Procedures and Guidelines may be established by the City Council as necessary to ensure the continuation of a strong Environmentally Preferable Product and Extended Producer Responsibility Program.

Applicable Products

Sec. 10.32.4. Applicable Products.

- (a) This Article specifically applies, but is not limited to, the purchase of the following products:
 - 1. Paper products, including but not limited to fine grades of paper, corrugated boxes, newsprint, tissue, and toweling;
 - 2. Compost and co-compost products;
 - 3. Glass;
 - 4. Lubricating oil;
 - 5. Plastic;
 - 6. Solvents and paint, including water-based paint;
 - 7. Tires
 - 8. Building insulation;
 - 9. Concrete and cement
 - 10. Automobile parts;
 - 11. Rubber;
 - 12. Asphalt;
 - 13. Batteries;

14. Aggregate rock;
15. Remanufactured, recyclable or recycled toner cartridges;
16. Antifreeze/coolant;
17. Processed and crushed miscellaneous base materials; and
18. Movable/portable walls.

(b) Los Angeles Sanitation and Environment (LASAN) shall be authorized to add and remove products/ materials from this list. Products/ materials may be added to this list provided LASAN has determined the environmentally preferable version of a product is commercially available, and the environmentally preferable product will satisfy performance standards.

Contractors and Service Providers

Sec. 10.32.7. Contractors and Service Providers

Persons contracting with the City for the provision of services such as printing, paving, and construction with respect to work performed under such contracts, shall be permitted by the terms and conditions of their contract with the City to utilize, to the maximum extent feasible and consistent with performance standards, materials, supplies, and equipment containing recycled materials and/or Environmentally Preferable Products. This requirement shall not apply to contracts which are funded in whole or in part by a grant or with grant or loan funds. This requirement shall apply to those contractors providing materials, supplies, and finished products to the City but not to those using materials incidental to their contractual obligations.

Award of Contract

Sec. 10.32.2.1. Award of Contracts.

(a) This Section shall not apply to contracts for purchases of \$1,000.00 or less.

Provided, however, that whenever the Purchasing Agent determines that the items to be purchased are reasonably available with EPP attributes and that (1) there is sufficient market availability of such items, and (2) the items with EPP attributes will satisfy performance standards, the request for bids shall specify only items containing EPP attributes.

(d) Nothing in this Section shall be construed to require that an awarding authority not consider guarantees as to efficiency, operating cost, useful life, availability, time of delivery, and other appropriate factors in determining the lowest and best regular responsible bidder. This Section shall not be construed to relieve the contractor or vendor of providing a product that satisfactorily meets all specifications and applicable performance standards.

(e) In bids in which the City has reserved the right to make multiple awards, the preference established in this Section shall be applied, to the extent possible, so as to maximize the procurement of products which contain recycled materials.

(g) Contracts wherein the preference established in this Section applies shall be excluded from the application of the Small Local Business Program set forth in Article 4 of Chapter 1 of Division i0 of this Code.

Specification Review

Sec. 10.32.3. Specifications to Allow For Environmentally Preferable Products

(a) Specification Review

(1) All City departments, agencies, and offices that have responsibility for drafting or reviewing specifications for products procured by the City shall review those specifications and ascertain whether products with recycled materials or Environmentally Preferable Products are excluded from the specifications. All specifications with such exclusions shall be rewritten without the exclusion, unless performance standards would not be satisfied. For products listed in the US EPA Comprehensive Procurement Guidelines, specifications for these products shall be updated to mandate the purchase of Environmentally Preferable Products and/or products containing recycled content

(2) Any statement in a specification that requires the product to be manufactured from virgin materials shall be eliminated, unless performance standards would not be satisfied.

3. Any specification shall be revised if the exclusion of Environmentally Preferable Products is arbitrary, and the use of Environmentally Preferable Products would not have an effect on that product's performance.

4. Specifications shall require the Recycled Material content in the products to be post-consumer content wherever practicable or allow that the Recycled Material utilized, if any, contain the highest percentage of Post-Consumer Content that is practicable. Such amount or percentage shall be based on criteria established by governmental or other widely recognized and respected third-party authorities (e.g., Energy Star, Green Seal, EPA Recycled Materials Advisory Notice (RMAN) Purchasing Guidelines, Federal Electronic Product Environment Assessment Tool (EPEAT) program guidelines for electronics, or the State Agency Buy Recycled Campaign (SABRC)).

5. Specifications that are unnecessarily stringent for a particular end use and that bear no relation to function or performance shall be revised in order to allow for a higher utilization of Recycled Materials containing Post-Consumer Content or other Environmentally Preferable Products.

6. All specifications shall be submitted to LASAN for review to ensure they do not arbitrarily exclude Environmentally Preferable Products. LASAN is hereby authorized to withhold endorsement of approval of specifications subject to this Article that do not comply with the provisions hereof.

Section 10.32. 4 Evaluation System

(a) At this time, the City relies primarily on lowest price when awarding contracts, which precludes the City's ability to consider and weigh multiple attributes. It is in the City's interest to establish an evaluation system for products. Once the attributes have been identified that best embody a specific product, a weighting system can be developed that assigns a specific amount of points for each attribute identified. This system can then be applied to all potential suppliers of that specific product and the supplier with the maximum amount of points will be the supplier providing the best value. This proposed system weighs price more heavily than other attributes, as befits a public entity, but the system does not effectively preclude EPP attributes from purchasing decisions.

LASAN shall work with the City Attorney to develop and assess an evaluation system to evaluate bidders based on their products environmentally preferable attributes, as listed in Section 10.32.2, and shall be used in the process of awarding a bid for the purchase of products or services. Once the attributes have been identified that best embody a specific product, a weighting system can be developed that assigns a specific amount of points for each attribute identified. The system shall be as follows:

1. Each bidder's product shall be evaluated on the attributes of price, recycled content and other environmentally preferable attributes relevant to the product. Each category shall be scored on a 1-10 scale, based on how they compared with the industry as a whole or with other suppliers offering similar products.
2. The sum of the weights of all categories shall equal 100% and each category shall be weighted as follows:
 - a. Price- 40%
 - b. Any other environmentally friendly attribute – (60% / number of other attributes assigned to the product).
3. The rating of the attribute in a given category is multiplied by its category weight to receive the final weighted score for that category, as seen in the following example:

Attribute	Rating (10 Possible)	Weight	Score
Price	7	40%	2.8
Conserves Energy	4	10%	0.4
Recycled Content	9	10%	0.9
Improves Air Quality	5	10%	0.5
Conserves Water	6	10%	0.6
Reduces Global Warming	8	10%	0.8
End-of-Life Management	10	10%	1.0
Packaging	3	10%	0.3
Total			7.3

It is imperative that the evaluation criteria used to determine the point ratings of each bidder be consistently applied to all suppliers being evaluated. The bidder supplying the product with the highest total score under this system will be deemed to provide the best value, if said bidder meets all other provisions of the bid.

Powers and Duties of LA Sanitation and Environment (LASAN)

(b) Powers and Duties of LASAN.

1. LASAN, shall review the procurement specifications used by the requesting departments, agencies and offices to insure that they allow the procurement of Environmentally Preferable Products and contain Extended Producer Responsibility requirements, when needed.
2. LASAN is hereby authorized to withhold his or her endorsement of approval of those specifications subject to this Article that do not comply with the provisions hereof.
3. LASAN shall revise specifications to eliminate purchases of paper products deemed potential contaminants to the City's recycling programs.
4. Nothing in this section shall be construed to require that LASAN not consider guarantees as to vendor efficiency, product availability, time of delivery, and other appropriate life cycle cost assessment factors relating to vendor performance in determining the lowest and best responsible bidder. Nothing contained herein shall be deemed or construed to preclude an awarding authority from rejecting all bids as permitted by City Charter Section 371.

Certifications by Contractors

Sec. 10.32.6. Certification by Contractors and Vendors.

Contractors or vendors shall certify in writing to the awarding authority the minimum, if not the exact, percentage of Recycled Material, both Post-Consumer Recycled Content and Secondary Waste as defined in Section 10.32.1 and other environmentally preferable attributes listed in Section 10.32.2 (a) in products to be provided in the performance of the contract. The contractor or vendor shall provide such certification even in instances in which the product contains no Recycled Material or other environmental attributes. Contractors or vendors shall also provide proof of third-party environmentally preferable certifications for products to be provided in the performance of the contract. Failure to provide such certification shall result in the product being deemed to contain no Recycled Material or Environmentally Preferable attributes.

Incorrect Supporting Information

Sec. 10.32.7. Incorrect Supporting Information.

- (a) The Purchasing Agent is hereby authorized to establish procedures and guidelines for verifying that contractors supply environmentally preferred products according to the specifications in the contract.
- (b) A firm which has obtained a contract by reason of having furnished incorrect supporting information and which by reason of such information has been awarded a contract to which it would not otherwise be entitled shall:
 - 1. Pay to the City any difference between the amount paid to the firm pursuant to the contract and the calculated cost to the City if the contract had been properly awarded;
 - 2. At the option of the City be subject to having all or part of the contract terminated; and
 - 3. Be ineligible to transact any business with the City for a period of not less than three months and not more than 36 months as determined by the awarding authority.
- (c) Prior to the imposition of any sanction under this section, the contractor or vendor shall be entitled to an administrative hearing by the awarding authority and to ten days prior notice of the time and place thereof. The Notice of Hearing shall state the reason for the hearing.
- (d) The City shall retain all rights and remedies available under the contract.

Promotion Programs

Sec. 10.32.8. Promotion Program.

- (a) The following shall be done by each awarding authority to promote the purchase of Environmentally Preferable Products:
 - 1. Place a statement describing the City's EPP and EPR policy in procurement invitations; and
 - 2. Describe the City's EPP and EPR policy in all bid documents.
- (b) In addition, the Purchasing Agent shall inform industry trade associations and industry journals of the City's policy, and respond to specific requests about products, materials and goods purchased by the City from persons interested in manufacturing such Environmentally Preferable Products.

Rules & Regulations

Sec. 10.32.10. Rules and Regulations.

- (a) The Purchasing Agent may propose, subject to the approval of the City Council, rules and regulations not in conflict with this Article to assist the awarding authorities of the City to carry out the purposes of this Article. Those Departments which exercise independent control over their expenditure of funds and elect to adopt policies consistent with this Article may promulgate their own rules and regulations or adopt those proposed by the Purchasing Agent and approved by the City Council.
- (b) Such rules may include, but are not limited to, the following:
 - 1. The form and content of the statement to be obtained from prospective bidders; and
 - 2. Identification of products and materials to be added or deleted from the application of this Article as set forth in Section 10.32.2.

The Purchasing Agent shall prepare and adopt a standard form to meet the requirements of Section 10.32.5. without further Council approval.

- (c) The Supply Services division, of the General Services Department shall be required to:
 - 1. Create and maintain a library of product and service specifications from current and past bids.
 - 2. Work with LASAN to develop a library of standardized specifications for Environmentally Preferable Products and standardized contract clauses for related topics such as Extended Producer Responsibility, for use in future bid documents.
- (d) Each City department shall be required to submit to LASAN, specifications for the products listed in Sec. 10.32.4 of this ordinance that are commonly used in that department's operations.
- (e) LASAN, in collaboration with the Chief Procurement Officer of the General Services Department shall develop specifications /contract clauses requiring a contractor to use Environmentally Preferable Products if the contractor uses products listed in Sec. 10.32.4 of this ordinance while fulfilling a service contract for the City.

Annual Review

Sec. 10.32.11. Annual Review.

- (a) In order to conduct a thorough assessment of the EPP and EPR Policy, the Supply Services division of the General Services Department shall be required to submit to LASAN no later than July 1 of each year a list of active contracts from the preceding fiscal year. This list shall include the following information:
 - 1. The name of the vendor named in the contract; and

2. The year when the contract was executed; and
3. The renewal options exercised on the contract; and
4. A list of products and/ or services sold to the City under that contract

(b) No later than September 1, of each year, each awarding authority shall prepare and submit to LASAN, a review and monitoring report of its Environmentally Preferable Products Program during the preceding fiscal year. This report shall be completed in a reporting form to be distributed to each awarding authority by LASAN. The report shall include the following:

1. An estimate of the quantity and dollar amount of Environmentally Preferable Products and products containing Recycled Material purchased, indicating both Post-Consumer Recycled Content and Secondary Waste;
2. Experience with the performance of the procured Environmentally Preferable Products and products containing Recycled Materials;
3. Documentation of specification revisions made during the report period;
4. Any enforcement actions taken under Section 10.32.7. of this Article;
5. The feasibility of utilizing Environmentally Preferable Products and products containing Recycled Materials, with a minimum content requirement in the specification of products;
6. Opportunity to reduce waste generated by City departments by modifying specifications; and
7. Recommendations for the exclusion or addition of specific products to which the program is applicable.

(f) No later than September 1, of each year, each contractor/ vendor shall prepare and submit to LASAN a review and monitoring report of an estimate of the quantity and dollar amount of Environmentally Preferable Products sold to the City during the preceding fiscal year. This report shall be completed in a reporting form to be distributed to each awarding authority by LASAN. The report shall include the following:

1. An estimate of the quantity and dollar amount of Environmentally Preferable Products and products containing Recycled Material purchased, indicating both Post-Consumer Recycled Content and Secondary Waste;

b) No later than January 1, of the following year, LASAN shall submit to the City Council a summary and analysis of the awarding authorities' and vendor reports with recommendations as appropriate.

Sec. 3. This ordinance shall be operative three months after its effective date.

