1. PURPOSE

Establish the policy and procedure for acquiring, developing, maintaining, and using specifications for supplies, services and construction that align with the City of Lansing 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 being environmentally and socially responsible and to support Lansing's Climate Action Plan, but also ensure affordability and financial efficiency standards.

Consequently, this policy is intended to:

- Reduce occupational health hazards for City staff as well as reduce exposure of City residents and visitors to potentially toxic chemicals by purchasing products for use in City operations that do not harm human health or the environment;
- Encourage the purchase and use of materials, products and services that best align with the City's fiscal, environmental, climate change, toxics reductions goals, community and performance goals;
- Protect and improve the air and water quality for Lansing residents and visitors by reducing 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 the use of toxic, bioaccumulative, or persistent chemicals;
- 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 which are most suited to the City's environmental, socially and fiscally responsible principles;
- Complement existing City ordinances and policies;
- Encourage and promote companies to bring forward emerging and progressive environmentally preferable products and services, by being a consumer of such products and companies 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 others. Nothing in this policy shall be construed as requiring a 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.

  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

It is the policy of the City to acquire or develop specifications which clearly describe City requirements for procurement of supplies, services, or construction, in a manner that integrates social and fiscal responsibility and environmental stewardship. Each City Department 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;
- Transparency and full disclosure of ingredients and product details
- Waste generation and waste minimization;
- Greenhouse gas emissions;
- Recyclability and recycled content;
- Energy consumption, energy and fuel efficiency, use of renewable energy;
- Depletion of natural resources;
- Potential impact on human health and the environment;
- Impacts on biodiversity;
- Manufactured locally and/or locally sourced
- Total Life Cycle Impacts and Costs, including impacts on worker health and community impacts
- Product durability, reusability and long-term performance;

When determining if a product is environmentally preferable, the following sample environmental and socially responsible attributes should be considered: Asthmagen-free, Biobased, Biodegradable, Bisphenol-free, Carcinogen free, Chloroflurocarbon (CFC)-free, Compostable, Energy efficient, Endocrine Disrupting Chemicals, 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, Using Integrated Pest Management and Least Toxic Pesticides, 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, Supplier Diversity, Non-Discriminatory Hiring Practices, Child Labor Avoidance, Safe and Healthy Worker Conditions, Fair Employee Compensation and Labor Standards.

C. Third-Party Certifications

Where applicable, 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 applicable when writing specifications or

procuring materials, products, or services, whenever a responsible label standard is available. Qualifying labels shall be:

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

In addition, whenever possible, label standards used in product or service specifications should represent standards that take into account multiple attributes and life-cycle considerations, with claims verified by an independent third party.

D. Producer Responsibility

The City shall favor products that are manufactured by companies that take financial and/or physical responsibility for collecting, recycling, reusing, or otherwise safely disposing of their products and packaging at the end of their useful life.

When products are available that have established manufacturer-financed recycling programs the City shall require vendors to offer the manufacturer's recycling services as financially prudent.

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

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

6 RESPONSIBILITIES

City Procurement Responsibilities*:*

1. Inform Departments and employees 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 in order to allow the proper and orderly evaluation of products and services for consideration by the City.

5. Support the 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.

6. As staff and resources allow, the City will work toward providing updates on environmentally preferable procurement Key Performance Indicators (KPI) to the mayoral administration. The progress update may include data and metrics that measure progress towards sustainable goals, and information regarding barriers to implementation.

Purchasing staff will work to:

(1) Review specifications submitted by departments to ensure that the specifications are not unduly restrictive of competition.

(2) With input from departments, prepare and maintain standard specifications including environmental requirements (for frequently purchased supplies and services) and standard construction specifications. Submit these specifications to departments for review at a minimum of every three years.

(3) Not change, rewrite or substitute a standard construction specification or any other specification, or purchase an "or equal" without written approval of the City Department requesting the contractual service, supply, or construction.

(4) Submit revisions to standard construction specifications to the City Attorney's Office for review and concurrence.

(5) Support the 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.

The City Attorney shall review and concur with all revisions to standard construction specifications.

Departments 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. Prioritize responses that include environmentally preferable options, wherever practicable and fiscally responsible. Cost will be assessed using a lifecycle perspective.

5. Include language in Assembly resolutions that highlights that environmental preferable criteria were considered as part of the award process.

Each City Department shall:

(1) Recommend and participate with purchasing staff and other City departments in selecting, preparing, compiling and maintaining specifications for common or general use items, and standard construction specifications.

(2) To the extent possible, adopt specifications for common or general-use items (standard specifications) and standard construction specifications for their operational, maintenance and construction requirements.

(3) Purchasing and sustainability staff will work together to develop, update, and maintain standard specifications.

This shall be done within financial limitations

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.

7. PROCEDURE

A. General

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

The City 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 human health.

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.

The City will do this within its financial ability and affordability.

B. Sustainable Procurement Metrics and Reporting

The following metrics and reporting requirements shall encourage continuous improvement and may be updated in between policy revisions per the continuous maintenance process.

Purchasing staff will begin to develop at least one Key Performance Indicator (KPI) for each of the targeted impact areas. As sustainable procurement data capabilities and sustainable procurement resources advance, purchasing staff will begin to develop additional KPIs.

To the extent possible, the Purchasing Department shall develop and track KPI data at the department level to facilitate feedback to departments on sustainable procurement performance.

To facilitate continuous improvement and process efficiencies, the City will do its best to utilize sustainable procurement spend and impact data, life cycle costing, cost-benefit, and/or supplier evaluation tracking and reporting tools as best practices in sustainable procurement metrics (e.g. percentage of EPP products purchased in a product category, total dollars spent on EPP products, etc.) and data capabilities develop. The Purchasing Department will work toward reporting annually on the prioritized impact area KPIs and seek to increase reporting frequency and data access as applicable tools become available.

Annual reports/KPI data shall be posted on the Purchasing Department's website.

C. Policy Update and Continuous Maintenance

Process Policy Update Process

Purchasing staff and City Department staff shall periodically bring together stakeholders to review and update this policy.

Continuous Maintenance Process

Sections of this policy subject to continuous maintenance may be revised in between policy update cycles in order to incorporate new applicable initiatives, best practices, tools, capabilities and processes, and remove outdated references. Updates made to this policy through continuous maintenance will be posted on the Purchasing Department's website and reference the month and year the update was made. The continuous maintenance process shall be initiated by the Purchasing Director. Proposed updates shall be reviewed by applicable stakeholders for input and refinement. Proposed updates shall be approved by an internal City stakeholder group. Continuous maintenance updates shall occur no more frequently than once a year.

D. Preparation and Adoption of Standard Construction Specifications and Standard Specifications.

(1) Departments will review their inventories, past procurements, and usage to develop a list of commonly used or general items that may be considered candidates for procurement under standard specifications.

(2) Purchasing staff will authorize the preparation of a standard specification if the its determines that:

- An item is in common or general use:
- The City's recurring needs require uniquely designed or specially produced items; or
- It is in the City's best interest to have a standard specification.

(3) Each user Department and the Purchasing Department will assign someone to be responsible for developing, updating, and maintaining standard specifications including environmental and human health factors.

(4) Purchasing will work with others on the task of determining if commercially-developed specifications are available for items or, if not available, the task of preparing proposed specifications.

(5) Purchasing will forward copies of proposed specifications to user departments for their review and comment. To reduce the possibility of limiting competition by use of an unnecessarily restrictive specification, a reasonable number of suppliers should also be given the opportunity to review and comment.

(6) Purchasing, upon receipt of comments from user departments and suppliers, will review the comments, incorporate the comments as appropriate, and publish the resulting standard specifications. Copies of the specifications will be made available to all departments.

(7) Departments may submit requests to revise standard specifications and standard construction specifications for approval by Purchasing. Purchasing staff may also initiate revisions.

(8) Purchasing will make an effort to initiate the review of standard construction specifications and standard specifications for needed revision or cancellation every five years.

E. Brand Name or Equal Specification

(1) Purchasing staff may permit a brand name or equal specification to be used until a standard specification has been approved and adopted.

(2) Purchasing staff, when authorizing the use of a brand name specification in a solicitation, will make every attempt to identify more than one source for the item and solicit offers from those sources.

F. Emergency Procurement

Purchasing staff, when authorizing procurement to meet an emergency, should utilize specifications developed according to provisions in this document. However, if necessary, purchasing may use other specifications.

3. ORGANIZATIONS AFFECTED

All City departments participating in the preparation and maintenance of specifications for procurement of supplies, services, or construction

4. DEFINITIONS

Antimicrobials – are chemicals that are designed to kill or suppress the growth of harmful microorganisms such as bacteria, viruses, and fungi. Antimicrobials of concern include triclosan and triclocarban, nanosilver, ortho-phenyl, phenol, and quaternary ammonium salts or compounds (quats) such as benzalkonium chloride. Antimicrobials such as Triclosan have been associated with hormone disruption, developmental and reproductive effects, allergen sensitivity, and antibiotic resistance. While 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.

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 of asthmagens is maintained by the Association of Occupational and Environmental Clinics (AOEC).

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.

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.

Biodegradable - the ability of a substance to decompose in the natural environments into harmless raw material by the action of living things such as bacteria. All biodegradability claims should be verified by a third-party certifier, (e.g. Scientific Certification Systems).

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.

Brand Name Specification - A specification limited to an item by a manufacturer's name and catalog number or model number, with no substitution allowed.

Brand Name or Equal Specification - A specification which uses one or more manufacturers' names and catalog/model numbers to describe the standard of quality, performance, and other characteristics to meet the requirements, and which provides for the submission of equivalent products by the offer or for consideration.

Carcinogens - are substances that are known or suspected to cause cancer. There are several authoritative lists of carcinogens, including one kept by the

International Agency for Research on Cancer and California's Proposition 65 list of carcinogens.

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.

Compostable – a product that can be placed into a composition of decaying biodegradable materials and eventually turn into a nutrient-rich material. It is synonymous with "biodegradable", except it is limited to solid materials (liquid products are not considered compostable). Compostable food serviceware products and bags should be certified by the Biodegradable Products Institute (BPI) or an equivalent certifier based on ASTM D6400 or D6868 or the product is on the Cedar Grove List of Acceptable Products and does not contain any chemicals of concern including PFAS.

Contractor - any person or entity having a contract with the City.

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.

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.

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.

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.

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.

Hazardous Metals - include arsenic, lead, mercury, cadmium, hexavalent chromium (chromium VI), organotins, and compounds that contain those metals.

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 human health, wildlife, pollinators or the environment, according to authoritative bodies such as the World Health Organization or the US Environmental Protection Agency.

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. Pesticides should be the last resort, when all other tactics have failed.

An IPM program also seeks to minimize the toxicity of and exposure to any pesticide products that are needed through the development and utilization of a reduced-risk pesticide list that identifies pesticides with the least human health and environmental risks. Reduced risk pesticides include the US EPA's list of "Minimum Risk Pesticides" under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) or pesticides approved for use by the National Organic Standards Board (NOSB).

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.

Key Performance Indicator (KPI): demonstrates how effectively an organization is achieving success according to objectives; helps evaluate various functions and processes important to achieving goals.

Life Cycle Cost (LCC) - the total cost of ownership over the lifespan of the asset. 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. Costs to worker health or adverse community impacts are also factors to be considered.

Ortho-Phthalates – are 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.

Per and Poly Fluoroalkyl Substances (PFAS) – chemicals sometimes referred to as PFCs or PFAS; 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 for extremely long periods and have been found as 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.

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 impact. They include heavy metals and chemicals such as mercury, dioxins, and PCB's (polychlorinated biphenyls), as well as certain brominated and chlorinated flame retardants. A list of PBT's can be found in the 'Washington State list of Chemicals of High Concern to Children' or in the authoritative lists of the California Department of Toxic Substances Control.

Performance Specification - A specification that describes how a supply, service, or construction item should functionally perform and the required results.

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. Polystyrene is difficult to recycle with few recycling centers that will accept it..

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 the manufacturing process and if burned in a building or landfill fire or trash incinerator. PVC is also difficult to recycle.

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.

Request for Proposal (RFP) - means a formal bid solicitation method used for requirements exceeding authorized financial 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.

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, food service ware, containers, cups and cutlery.

Specification - A description of the physical, functional, or performance characteristics, or the nature of a supply, service, or construction item. A specification includes requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Specification for a Common or General Use Item - A specification which has been developed and approved for repeated use in procurements. It may also be referred to as a standard specification.

Standard Construction Specification - A specification developed by the City for the performance of a specific scope of work, e.g. concrete, asphalt paving, sever construction, landscaping, etc. It sets forth how work is to be performed, what professionally developed and accepted codes are to control the standards of work and material to be used, and how the units of work are to be measured for payment. It does not address when, where or how much work is to be performed.

Supplier Diversity: a proactive business program which encourages the use of minority-owned, women owned, veteran owned, LGBTQ-owned, service disabled veteran owned, historically underutilized business, and Small Business Administration (SBA)-defined small business concerns as suppliers.

Vendor - any person or entity who offers goods for purchase or services for hire.

Volatile Organic Compounds (VOCs) - chemicals that readily evaporate and contribute to the formation of air pollution when released into the atmosphere. Many VOCs are classified as toxic and carcinogenic.

Water efficient - a 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.

8. ANNUAL REVIEW DATE/LEAD REVIEW DEPARTMENT

The Purchasing Department will review this document in June of each year for any needed revisions.