

City of Palm Springs Environmentally Preferable Purchasing Policy

FEBRUARY 21, 2023

CONTENTS

1
1
2
3.1 End Producer Responsibility and Source Reduction2
3
3.3 Recycled Content Products4
4
5
6
6
6
7
8
6.0 PROGRAM EVALUATION10
7.0 DEFINITIONS9

CITY OF PALM SPRINGS ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

1.0 STATEMENT OF POLICY

It is the policy of the City of Palm Springs to:

- A. Support Municipal Code 7.05.050 Recycled and energy consumptive materials—Life cycle costing—Environmental procurement, which states: “Guidelines shall be established governing the review and approval of specifications for the procurement of selected materials based on consideration of recycling, energy conservation, life cycle costing and other environmental considerations. (Ord. 1605 § 1, 2002)”
- B. Require purchase of products and services that minimize environmental and health impacts, toxics, pollution, and hazards to worker and community safety and to the larger global community to the greatest extent practicable

It is not the intent of this policy to require a department, buyer or contractor to take any action that conflicts with local, state or federal requirements or to procure products 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. Products that have already been purchased that do not meet these purchasing guidelines should be used until they need to be replaced. New purchases should follow this policy and any exceptions noted.

This policy includes references to the following City and State policies and regulations, which are included as attachments:

- A. City Food Ware Ordinance 2045
- B. SB 1383 Recovered Organic Waste Procurement and Reporting Regulations (14 CCR Division 7, Chapter 12, Article 12 and Article 13)
- C. California Public Contract Code, Sec. 10409
- D. Maximum Metal and Pathogen Concentrations for Recovered Mulch or Compost
- E. Municipal Code on Water Efficient Landscaping (Chapter 8.60)
- F. Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State’s Model Water Efficient Landscape Ordinance
- G. Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended

2.0 PURPOSE

This Policy is adopted to address the following:

- A. Minimize health risks to City staff and residents by:
 - 1. Purchasing products that have fewer toxic chemicals where possible.
- B. Minimize the City’s contribution to global climate change by:
 - 1. Purchasing energy from renewable or green sources instead of from fossil fuels.
 - 2. Promoting energy-efficient practices and technologies.
- C. Improve air quality by:
 - 1. Purchasing products that contribute to improved indoor air quality.

2. Implementing practices that reduce generation of harmful particulate matter and emissions of toxic chemicals.
- D. Protect the quality of ground and surface waters by:
1. Purchasing products and implementing practices that reduce pollution and conserve water.
- E. Minimize the City's consumption of resources by:
1. Increasing product efficiency and effectiveness, using products that are durable and long-lasting, and reducing materials that are landfilled.
 2. Purchasing products that include recycled content.
- F. Support emerging and established manufacturers and vendors that reduce environmental and human health impacts in their services and production and distribution systems.
- G. Comply with State requirements of SB 1383 procurement regulations (14 CCR Division 7, Chapter 12, Article 12) (Attachment B) to procure a specified amount of Recovered Organic Waste Products that will 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.

3.0 SPECIFICATIONS

3.1 END PRODUCER RESPONSIBILITY AND SOURCE REDUCTION

The City of Palm Springs shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.

- A. The City requires that all printers be set to default to double-sided printing to reduce the purchase of paper. Setting margins to .5 inches on all sides, when appropriate, also helps reduce paper use. Single-sided printing is allowed when necessary.
- B. The City shall utilize reusable food ware in its facilities for onsite food consumption and avoid the use of disposable food ware consistent with Ordinance 2045 (Attachment A).
- C. Other recommended practices that reduce waste or the need to purchase materials include:
1. Purchase remanufactured products (e.g., for equipment and vehicles) whenever practicable, but without reducing safety, quality, or effectiveness.
 2. Select products that are durable, long lasting, reusable, refillable, recyclable or otherwise create less waste shall be selected whenever possible.
 3. Select vendors that minimize packaging to the greatest extent practicable and take back and reuse pallets and packaging materials whenever possible.
 4. Require suppliers of electronic equipment to take back equipment for reuse or environmentally safe recycling when the City of Palm Springs discards or replaces such equipment, whenever possible.
 5. Use rechargeable batteries whenever possible. Properly recycle all batteries.
 6. Include longevity of items purchased as part of the evaluation of source reduction.

7. Follow the City’s Local Preference policy to reduce emissions and environmental impact related to purchases.

3.2 TOXIC CHEMICAL USE REDUCTION

The City strives to reduce exposure to employees and to the general public from toxic chemicals and atmospheric-damaging chemicals.

- A. The following foodware items are either prohibited or must be purchased based on the City’s Food Ware Ordinance 2045 (Attachment A):
 1. Polystyrene and polystyrene-containing food ware and food ware accessories is prohibited starting January 1, 2022.
 2. Plastic straws and stirrers is prohibited starting January 1, 2022. A small number of plastic straws can be maintained to accommodate needs of those persons with disabilities.
 3. Any disposable food ware and accessories must be made of fiber-based compostable material starting January 1, 2023. Larger items such as cups, plates, and containers must be certified compostable.
- B. The purchase of new pentachlorophenol, arsenic, and creosote treated wood by the City of Palm Springs is prohibited.
- C. All cleaning or disinfecting products (e.g., for janitorial or automotive use) shall be certified to meet environmentally preferable standards, unless no adequate certified alternative products are available. Examples of eligible certified chemical programs include EPA’s Design for the Environment (DfE), EcoLogo, Cradle to Cradle (Sliver or better), and GreenSeal. Both Office Depot and Waxie, where the City purchases most of its cleaning products, carry certified products. Not all materials designated as “Eco-conscious” by Office Depot may qualify. Some examples of certified products available from Office Depot and Waxie are included below:
 1. Green Works® Natural Bathroom Cleaner (OD)
 2. Purell® Healthcare Surface Disinfectant Spray (OD)
 3. RMC Enviro Care Washroom Cleaner - Concentrate Liquid (OD)
 4. BETCO Green Earth Restroom Cleaner - Concentrate Liquid (OD)
 5. WAXIE-Green Hi-Gloss Floor Finish
 6. WAXIE-Green Elegante Foaming Hand Soap
- D. When maintaining and refurbishing buildings, the City of Palm Springs shall use products with the lowest amount of volatile organic compounds (VOCs) and low or no formaldehyde when purchasing materials such as paint, carpeting, flooring, adhesives, furniture, and casework. The following certification programs help identify low-emitting products: GreenSeal, Greenguard, Green Label Plus, and ClearChem. When replacing portions of existing building materials such as carpet and flooring, it is allowable to use non-compliant products when necessary to match existing materials.

- E. The use of chlorofluorocarbon-containing refrigerants, solvents and other products known to contribute to the depletion of the ozone layer shall be phased out and new purchases shall not contain them.
- F. The City shall avoid purchasing products containing brominated flame retardants (BFRs) wherever possible. In particular, the BFRs "penta" and "octa" will be targeted for phaseout.
- G. The City shall manage pest problems through prevention and physical, mechanical, and biological controls and use the least amount of toxic chemical pesticide products only after safer approaches or products have been determined to be ineffective.

Additional direction for chemical use in landscaping activities is provided in Section 3.5.

3.3 RECYCLED CONTENT PRODUCTS

The City will strive to purchase products with the highest recycled content to reduce raw material use and to encourage secondary materials markets. This is especially important for organic material such as paper products, plastics, and products made of extracted materials such as metals. Purchasers should review the recycled material content information for advertised products and try to use those products with the highest recycled content.

- A. To facilitate use of recycled content paper, copiers and printers purchased shall be compatible with recycled content and remanufactured products whenever possible.
- B. The use of recovered organic material such as Recycled Content Paper Products, Recycled-content Printing and Writing Paper, mulch, and compost shall be guided by the policies in Section 4 in accordance with the requirements of the SB 1383 Regulations.
- C. The following practices apply to facility and vehicle maintenance activities:
 - 1. In accordance with California Public Contract Code, Sec. 10409, the City of Palm Springs shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is consistent with the engine manufacturer's warranty and maintenance requirements.
 - 2. When specifying asphalt concrete, aggregate base or portland cement concrete for road construction projects, the City of Palm Springs shall use recycled, reusable or reground materials when practicable, available, and consistent with accepted engineering practices.

3.4 ENERGY AND WATER

The City of Palm Springs prioritizes conservation of energy and water. We recognize that we live in a unique and fragile environment where water is scarce and energy choices can have significant and lasting impacts.

- A. All electronic products purchased by the City of Palm Springs and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification, when practicable and available.

- B. When energy is purchased by the City or by a Direct Service Provider leasing or occupying City property, the City or Direct Service Provider will choose renewable sources such as solar, wind, geothermal and hydroelectric. To facilitate these purchases, the City or Direct Service Provider shall select a 100% carbon free plan where available.
- C. Energy Star and power-saving features for copiers, computers, monitors, printers, and other office equipment shall be enabled during the initial installation and shall remain enabled unless these features conflict with the manufacturer's recommended operation and maintenance of the equipment or negatively impact performance.
- D. When renovations are made in City buildings, existing lighting fixtures should be replaced with low-energy fixtures that use LEDs and natural gas space and water heating equipment should be replaced with electric equipment.
- E. The City shall not plant new turf or replace turf in areas in which turf is not required for a specific purpose (e.g., ball fields, dog parks, etc.). The City shall work to prioritize turf conversion efforts and systematically address and convert turf to water-efficient landscape options.
- F. When replacing water-using fixtures such as toilets, faucets, irrigation controls, and appliances, the City shall use WaterSense products if they are stricter than Title 20 standards.
- G. When replacing vehicles, the City of Palm Springs shall lease or purchase electric vehicles (EVs) where EV models are available that are suitable for each task. If EV models are not available for the task, the City of Palm Springs shall lease or purchase only the most fuel-efficient models available that are suitable for each task and through vehicle-sharing and vehicle-pooling, shall minimize the number of vehicles purchased.
- H. To the extent available, the City shall use renewably derived fuels or fuels that are cleaner and less-polluting such as biodiesel, natural gas, hydrogen, and electricity.

3.5 LANDSCAPING

The City will employ landscaping practices consistent with integrated pest management practices, toxic use reduction efforts, water efficiency priorities, and requirements for reduction and proper management of organic waste.

- A. When maintaining landscapes, the City of Palm Springs shall not use products containing glyphosate (such as Roundup®).
- B. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals. Native and drought-tolerant plants that require minimal watering once established are preferred.
- C. Hardscapes and landscape structures constructed of recycled content materials are encouraged.
- D. The use of recovered organic material such as paper, paper products, mulch, and compost shall be guided by the policies in Section 4 in accordance with the requirements of the SB 1383 Regulations.

- E. For City-owned and for contracted maintenance services, landscaping power tools shall be electric and constructed with reusable or recyclable materials whenever possible.

3.6 APPAREL AND OTHER FABRIC GOODS

The City will prioritize the purchase of sustainably and responsibly produced apparel and other fabric goods (e.g. tents, backpacks, totes, towels, etc.)

- A. Purchase apparel and fabric goods from manufacturers that use recycled, upcycled, and/or organic content in their products, when possible.
- B. Purchase natural fibers such as organically produced hemp and linen, which grow with very little water and no petrochemical inputs, when possible.
- C. Prioritize organic cotton and/or recycled cotton.

4.0 SB 1383 PROCUREMENT REQUIREMENTS FOR RECYCLED CONTENT PAPER AND RECOVERED ORGANIC WASTE PRODUCTS

The City will purchase recovered organic waste products consistent with the requirements of the SB 1383 Regulations as outlined in this section.

4.1 PROCUREMENT TARGET FOR RECOVERED ORGANIC WASTE PRODUCTS

- A. The City of Palm Springs will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds an Annual Recovered Organic Waste Product Procurement Target, which will be calculated by multiplying the City's population (according to the most recent data posted by the Department of Finance) by .08 tons.
- B. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each product meets the criteria in their respective definitions included in the SB 1383 Regulations):
 - a. Compost
 - b. Mulch
 - c. Renewable Gas (in the form of transportation fuel, electricity, or heat)
 - d. Electricity Procured from Biomass Conversion

4.2 REQUIREMENTS FOR RECOVERED ORGANIC WASTE PRODUCTS

- A. Divisions and departments and any Direct Service Providers responsible for landscaping maintenance, renovation, or construction that purchase Mulch or Compost shall:
 - 1. Use Compost and Mulch that satisfies the Recovered Organic Waste Procurement Targets of SB 1383 Regulations (14 CCR 18993.1) for landscaping maintenance, renovation, or construction, as practicable, whenever available. Mulch used for land

application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3). The supplier should verify that materials meet these requirements.

2. When using Compost and Mulch, the applications are subject to Chapter 8.60 (Water Efficient Landscaping) of the Municipal Code; Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State’s Model Water Efficient Landscape Ordinance; or [Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015](#); whichever is more stringent. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Office of Sustainability, upon completion of project. Records shall include:
 - i. General procurement records, including:
 1. General description of how and where the product was used and applied, if applicable;
 2. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 3. Type of product;
 4. Quantity of each product; and,
 5. Invoice or other record demonstrating purchase or procurement.
 - ii. For Compost and Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and provided to residents.
- B. When Procurement of Mulch or Compost occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order that requires the Direct Service Provider to comply with the SB 1383 requirements.
- C. Should the City decide to pursue purchase of other recovered organic waste material such as Renewable Gas or electricity from biomass conversion, this policy will be updated with appropriate purchasing and recordkeeping requirements.

4.3 REQUIREMENTS FOR PURCHASE OF RECYCLED CONTENT PAPER PRODUCTS AND RECYCLED CONTENT PRINTING AND WRITING PAPER

- A. If fitness, quality, and price of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber whenever the total cost is no more than one hundred and twenty percent (120%) of the total cost for the non-recycled items. (This requirement is consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.)

- B. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an Unqualified Recyclable label.
- C. Departments responsible for purchasing items included in this section shall maintain and provide on request records to the Office of Sustainability of all Paper Products and Printing and Writing Paper purchases. Records shall include a copy of the invoice or other documentation of purchase, certifications as required for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and percentage of recycled content. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are purchased, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.
- D. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City shall:
 - 1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber.
 - 2. Only provide Paper Products and Printing and Writing Papers that have an Unqualified Recyclable label.
 - 3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
 - 4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an Unqualified Recyclable label.
 - 5. Provide records to the Office of Sustainability of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by the Office of Sustainability made by a division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Sections 4.3.C for Paper Products and Printing and Writing Paper purchases.
- E. All vendors providing printing services to the City of Palm Springs via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

5.0 IMPLEMENTATION

- A. This policy shall go into effect July 1, 2023, unless otherwise noted for specific provisions.
- B. If not documented automatically through vendor systems, Buyers must maintain records and make them available on request to the Office of Sustainability. Records include those associated with Section 4 of this Policy, including the following:

1. Organized copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of City's documentation of its compliance with ASB 1383 Procurement Requirements (14 CCR Section 18993.3).
 2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with SB 1383 Procurement Requirements (14 CCR Section 18993.1).
- C. The Office of Sustainability will work with the Procurement Manager and Buyers to collect, collate, and maintain documentation submitted by the City purchasers, Direct Service Providers, and/or vendors, as described in Section 4 and compile an annual report on behalf of the City. The report shall include the City's direct procurement, and vendor/other procurement on behalf of the City, of procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for procurement of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper. This report shall be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to State requirements (14 CCR Division 7, Chapter 12, Article 13) (Attachment B). The report shall be published annually as evidence of implementing this Policy.
- D. The Office of Sustainability shall advise the Procurement Manager regarding environmentally preferable products that comply with this policy. Recommendations will include input of applicable environmental staff. Whenever possible, the City will use existing eco-labels and standards to make purchasing decisions.
- E. Any Buyer seeking to purchase products that do not meet the environmentally preferable purchasing requirements in this Policy shall provide a written justification to the Procurement Manager and the Office of Sustainability for why compliance is not practicable, (e.g., the product is not technically practical, economically feasible, or available within the timeframe required). The City Manager or designee shall be the authority to approve all contracts that do not require City Council authority.
- F. The Department of Information Technology shall be responsible for setting duplexing as the default on each workstation for all capable printers. This includes printing from network connected or stand-alone personal computer printers that are capable of duplexing.

- G. Relevant training for Buyers and other relevant city staff, vendors, contractors, and grantees shall include instruction on the requirements of this Environmentally Preferable Purchasing Policy.

6.0 PROGRAM EVALUATION

The Office of Sustainability shall work with the Procurement Manager to evaluate the success of this Policy's implementation by providing an annual report to the City Manager. In particular, the report shall identify successes such as the following:

- Quantity of Recovered Organic Materials purchased to meet SB 1383 Procurement Targets
- Percentage of paper and paper products purchase that meet the 30% recycled content requirement
- Percentage of cleaning supplies that meet the policy requirements
- Percentage of electronics purchases that meet Energy Star standards
- Justifications for purchases that did not meet requirements or standards
- Percentage of gas-powered vehicles replaced by EVs.

The report shall relate progress in meeting the goals and objectives of this Policy and note any barriers encountered, recommendations for resolution, and/or description of assistance needed to continuously improve staff's ability to meet this Policy's objectives for the procurement of environmentally preferable products and services.