

## Part I Chapter 22 "Green" Procurement

### A. "Buy Green" Policy.

1. The procurement and use of products and services can have a profound impact on the environment. As a large consumer in the marketplace, the Commonwealth of Pennsylvania recognizes the positive impact that it can make on the environment and human health through the procurement decisions that purchasing agencies make. It is the intent of the Department of General Services to integrate environmental considerations into every aspect of procurement. Although the environment may not be the core of our professional mission, the integration of these factors will result in economic, health and environmental gains that will further our goals.
2. Commonwealth agencies are expected to use their buying power to procure environmentally-preferable products and services in order to:
  - a. Advance the protection of the environment and support sustainability,
  - b. Minimize the potential environmental and health impacts on workers and the public,
  - c. Encourage the production and sale of affordable, environmentally friendly and human health conscious products.
3. This "Buy Green" policy is consistent with the goal to "incorporate environmentally sustainable practices into its planning, operations, policymaking, and regulatory functions and to strive for continuous improvement in environmental performance with the goal of zero emissions" ([Executive Order 1998-1, Governor's Green Government Council](#)).

### B. Definitions.

1. **"Environmentally preferable"** - products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. The product or service comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal. Such products or services may include, but are not limited to products that:
  - a. Maximize post-consumer and overall recycled content,
  - b. Minimize waste,
  - c. Conserve energy or water,
  - d. Reduce the amount of toxics disposed or consumed,
  - e. Are Reusable or Recyclable,

- f. Minimize Greenhouse Gases.
  2. **“Comparable”** - essentially equal in quality and availability and price.
  3. **“Energy Star compliant”** - meeting the requirements of the US Department of Energy and US Environmental Protection Agency’s Energy Star Program.
  4. **“Electronic Product Environmental Assessment Tool (EPEAT) registration”** - a product that meets the environmental performance criteria specified by the Electronic Product Environmental Assessment Tool (EPEAT) for the registration level of at least Silver.
  5. **“Post-consumer material”** - any product generated by a business or consumer that has served its intended end use, and that has been separated or diverted from solid waste for the purposes of collection, recycling and disposition. The term includes industrial by-products that would otherwise go to disposal or processing facilities. The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes.
  6. **“Post-consumer paper”** - any paper, paperboard and fibrous wastes from retail stores, office buildings, homes and so forth, after they have been 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, as well as all paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste.
  7. **“Recycled content”** - the portion of goods, supplies, equipment, materials or printing containing post-consumer materials.
  8. **“Recovered materials”** - waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.
- C. Purchase of Products Containing Post-Consumer Recycled Content.**
1. **Mandatory Requirement.** Solicitations and contracts for the procurement of supplies, services and construction must contain requirements for the procurement of products containing post-consumer recycled content.
    - a. **Procurement of Supplies.** For those supplies for which the Environmental Protection Agency (EPA) has adopted procurement guidelines under the *Resource Conservation and Recovery Act of 1976* (Public Law 94-580, 42 U.S. C. Section 6901 et seq.), as amended, the procurement documents shall require that the items meet the minimum percentage levels for total recycled content and post consumer recycle content or are otherwise environmentally preferable as certified under a third party independently verified life cycle analysis conforming to the ISO 14040 series of standards or as specified in the guidelines or in the DGS specifications, whichever reflects the higher level of post-consumer recycled content. DGS may also identify other supplies for which the procurement documents shall

require that the items meet the minimum percentage levels for total recycled content as set forth in DGS specifications.

- b. Procurement of Services.** All contracts for services shall include the requirement that any supplies, which are provided to the Commonwealth as a part of the performance of the contract and for which either the EPA has adopted procurement guidelines under the *Resource Conservation and Recovery Act of 1976* (Public Law 94-580, 42 U. S. C. Section 6901 et seq.), as amended, or supplies that DGS has identified, must meet the minimum percentage levels for total recycled content and post-consumer recycled content or are otherwise environmentally preferable as certified under a third party independently verified life cycle analysis conforming to the ISO 14040 series of standards or as specified in the guidelines or in DGS specifications, whichever reflects the higher level of post-consumer recycled content.
- c. Construction Contracts.** All public work contracts for construction/renovations and/or modifications shall include the requirement that any supplies that are provided to the Commonwealth as a part of the performance of the contract and for which either the EPA has adopted procurement guidelines under the *Resource Conservation Recovery Act of 1976* (Public Law 94-580, 42 U. S. C. Section 6901 et seq.), as amended, or supplies that DGS has identified, must meet the minimum percentage levels for total recycled content and post-consumer recycle content or are otherwise environmentally preferable as certified under a third party independently verified life cycle analysis conforming to the ISO 14040 series of standards or as specified in the guidelines or in DGS specifications, whichever reflects the higher level of post-consumer recycled content.
- d. List of Supplies.** DGS has prepared a list of the supplies for which either the EPA has adopted procurement guidelines under the *Resource Conservation and Recovery Act of 1976* or DGS has identified as an item which should be procured as a supply containing post-consumer recycled content. The list and the required contract clauses can be found on the DGS website.

- 2. Bidding Preference for Recycled Content (Procurement of Supplies Only).** All invitations for bids using the competitive sealed bidding method of procurement, for the purchase of supplies must set forth minimum percentage of post-consumer recycled content for the supplies that must be certified by the bidder in order to qualify for a bidding preference of five percent. For those supplies for which the EPA has adopted procurement guidelines under the *Resource Conservation and Recovery Act of 1976*, the minimum percentage of post-consumer recycled content cannot be less than what is specified in those guidelines. DGS may waive this requirement for those supplies which cannot be procured with recycled content.

**D. Other Environmentally Preferable Procurements.**

1. Before any solicitation for the procurement of supplies, services, or construction is issued, the purchasing agency shall perform an analysis to determine and document the availability and competitiveness of environmentally preferable products and/or services. When environmentally preferable products and/or services are available that are comparable to competing products, the purchasing agency shall restrict the statement of work or specifications to only the environmentally preferable products or services.
2. Purchasing agencies shall, when practicable, include consideration of environmental and actual costs through out the entire life cycle of the product ([Executive Order 1980-3, Life Cycle Costing](#)), to include environmental impacts, social impacts replacement costs and disposal costs.
3. Purchasing Agents are encouraged to maximize the procurement of environmentally preferable items purchased, as a percentage of total purchases.
4. Each purchasing agency shall prepare an annual summary of agency procurements of environmentally preferable products and services that details the type, volume and dollar amounts of environmentally preferable products purchased by the agency and include an analysis of the environmental impact of these purchases in comparison with equivalent non-environmentally preferable purchases.
5. Each contract issued with "environmentally preferable" items required or available should encourage the supplier to provide an annual statement that details the type, volume and dollar amounts of environmentally preferable products purchased by the Commonwealth and include an analysis of the environmental impact of these purchases in comparison with equivalent non-environmentally preferable purchases.
6. Specifications shall require suppliers to offer environmentally preferable and recycled-content products when available.
7. Specifications shall be written to ensure that they do not contain restrictive language or other barriers to purchasing environmentally preferable or recycled-content products, unless such specifications are necessary to protect public health, safety, or welfare.
8. All electronic office equipment, including but not limited to, computers, monitors, printers, scanners, photocopy machines, facsimile machines, and other such equipment purchased by state agencies shall be Energy Star® compliant (with a preference to maximize Energy Efficiency) unless no comparable options are available.
9. All desktops, laptops, and computer monitors are required to have achieved Silver registration or higher (with a preference for Gold registration) under the Electronic Products Environmental Assessment Tool (EPEAT).
10. Specifications shall encourage bidders and suppliers to minimize packaging to the extent practical. Packaging made of recycled or recyclable content is preferable to other forms of packaging.

11. In all product procurements, purchasing agencies shall make best efforts to purchase low toxicity products, and other products manufactured through environmentally sustainable methods. In cases where alternatives are not available, purchasing agencies should include specifications to encourage product manufacturers to take back and recycle used products containing toxic materials.
12. All replacement light bulbs used in all buildings participating in the LEED or LEED-EB certification shall meet or exceed Green Seal Standards for energy efficiency, performance and mercury content and maintain Mercury content to levels of less than 90 picograms per lumen hour on weighted average.
13. All invitation for bids and requests for proposals for construction projects issued by purchasing agencies shall set forth any provision of federal and state statutes, rules, and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect the project.
14. Purchasing agencies shall encourage and, to the extent possible, require the procurement of recycled oil products which are substantially equivalent to products made from new oil.
15. Agencies should give consideration to environmentally preferable products for small no-bid procurements, for small informal bid procurements, and in making selections from statewide requirements contracts based upon best value.

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**References:**

1. [Management Directive 205.22, Recycling, Waste Reduction and Procurement of Environmentally Preferable Products](#)
2. [Executive Order 1998-1, Governor's Green Government Council](#)
3. [Executive Order 1980-3, Life Cycle Costing](#)