

ARTICLE 18

SUSTAINABLE PROCUREMENT

18.1 TITLE. The following sustainability guidelines shall be utilized for all city procurements toward on-going efforts to balance environmental, economic and social equity issues.

18.2 POLICY. It is the policy of the city to exercise sustainable purchasing practices, whereby purchasing agents seek products and services that have a reduced impact on human health and the environment, as well as support local and regional businesses, communities and economies, when compared to competing products and services serving the same purpose. To meet this requirement, the purchasing agent shall follow Sustainability Principles in section 18.3.

18.3 SUSTAINABILITY PRINCIPLES. The following Sustainability Principles shall serve as general guidance to purchasing agents when procuring goods and services for the city:

- (a) Eliminate the use of toxic, persistent and bioaccumulative compounds.
- (b) Reduce greenhouse gas (GHG) emissions, as general guidance and in particular to meet local, state and national goals and regulations.
- (c) Closed-loop flows of materials, always seeking recyclable materials and products, materials and products with recycled content, and manufacturers who participate in take-back programs for their materials and products at the end of their useful life.
- (d) Minimize negative impacts on local, regional and global habitats, through direct alteration, pollution, overharvesting or overuse.
- (e) Use all resources, including but not limited to energy, water and materials, with increasing efficiency over time.
- (f) Minimize life-cycle costs and impacts, wherever it is feasible to determine life-cycle information.
- (g) Select alternatives that enhance or at least do not compromise the health of staff, city residents and people elsewhere.
- (h) Promote local purchases to support economic development in the community.
- (i) Leverage existing efforts where environmental and sustainability related policies have already been completed as well as identifying best practices of other jurisdictions. Whenever possible, any recommended procurement process should build upon and assist in the implementation of these completed efforts.

18.4 GUIDELINES. The city shall:

- (a) Utilize sustainability-oriented and preferable products as described Section 18.3 to the extent practicable.

- (b) Where the city must award a solicitation to the offeror providing the best value, allocate no less than 10 percent of the total criteria points available to sustainable efforts performed by the offeror.
- (c). Where the city must award a solicitation to the offeror providing the best value, when determined practical by the solicitation agent, the city shall consider any or all of the following categories:
 - (1) Price
 - (2) Technical competence of supplier
 - (3) The ability of suppliers to make timely deliveries
 - (4) The quality and performance of the product or service
 - (5) Environmental performance of the product
 - (6) Social impact of the product
- (d) Notwithstanding provisions of law requiring the city to award a contract to the lowest Responsible bidder or best offeror or provider of a quotation, the city shall give preference to the Procurement of Recycled Products if the Recycled Product:
 - (1) Is available;
 - (2) Meets applicable contract Specifications and standards;
 - (3) Can be substituted for a comparable non-recycled product; and
 - (4) Does not cost more than five percent more than the non-recycled product.
- (e) The City shall purchase lubricating oil and industrial oil from the seller whose oil product contains the greater percentage of recycled oil, unless a specific oil product containing recycled oil is:
 - (1) Not available within a reasonable period of time or in quantities necessary to meet the city's needs;
 - (2) Not able to meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; or
 - (3) Available only at a cost greater than 105% percent of the cost of comparable virgin oil products.

18.5 PREFERENCE FOR OREGON GOODS AND SERVICES; NON-RESIDENT BIDDERS. (ORS 279A.120). For the purposes of awarding a Public Contract, the city shall:

- (a) Give preference to Goods or Services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal; and
- (b) Add a percent increase to the Bid of a non-Resident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides, as shown in the list published by DAS.

18.6 SUBCONTRACTING TO EMERGING SMALL BUSINESSES. (ORS 279A.105). The Solicitation Agent may require a contractor to subcontract some part of a contract to, or to obtain materials to be used in performing the contract from, a Person that is certified under ORS 200.055 as disadvantaged, a minority, a woman or an emerging small business enterprise.

18.7 AFFIRMATIVE ACTION; DISADVANTAGED BUSINESS ENTERPRISE PROGRAM. It is the policy of the city that Disadvantaged Business Enterprises (DBE) shall be afforded an equal opportunity to participate and compete in the competitive marketplace for city business.

- (a) **Statement of Qualification.** A Person may submit a statement to the Solicitation Agent that it is a minority or women business enterprise or as a disadvantaged business enterprise as defined in ORS 200.005. The Solicitation Agent, may, but shall not be required to, investigate the facts asserted in any statement.
- (b) **Contracting for Affirmative Action.** (ORS 279A.100). A Solicitation Agent may limit competition to Persons who submit a statement described in 6.2.4.1 that they are either a minority-owned women-owned or disadvantaged business enterprises for:
 - (1) A Public Contract for Goods and Services, or
 - (2) Any other Public Contract estimated to cost \$50,000 or less.

The Solicitation can be limited to business of a certain category or sub-category of classification.

- (c) **DBE Directory.** When requested by a vendor, the city shall add a designation in its vendor base to indicate the vendor's status as a state-certified or self-declared minority or women business enterprise, emerging small business enterprise or disadvantaged business enterprise.

18.8 SOLICITATION FORMAT. Where the city is required to issue written solicitations by the solicitation agent, the city shall adhere to the following requirements:

- (a) Solicitation responses must be submitted use 100% Post Consumer Waste paper or comparable product with similar environmental impact. Vendor brochures/data, and non-standard paper shall be excluded from this requirement.
- (b) Vendors shall be instructed to provide responses that are double sided whenever practical.
- (c) Solicitations shall be issued and received electronically to maximum extent reasonably possible.