



**CITY OF HAYWARD**  
**ADMINISTRATIVE RULE**

A.R. NUMBER  
3.9

**SUBJECT: ENVIRONMENTALLY PREFERRED PURCHASING POLICY**

- I. **Purpose:** The purpose of this policy is to set a standard of environmentally preferable procurement and demonstrate the City's commitment to environmental, economic, and social stewardship. The City has a unique opportunity to expand its leadership in the area of environmentally preferable purchasing and, through its actions, elicit changes in the marketplace. By further incorporating environmental considerations into public purchasing, the City will positively impact human health and the environment, remove unnecessary hazards from its operations, reduce costs and liabilities, fulfill its commitments under the climate action plan, and improve the environmental quality of the region. This policy will guide the City's effort in procuring environmentally preferable products and services.
- II. **Application:** This policy shall apply to all City of Hayward departments and divisions.
- III. **Responsibility:** It is the responsibility of department heads and management staff to implement this policy and to make employees aware of its provisions. It is the responsibility of all employees to follow the guidelines established in this policy in regard to the purchasing of goods and services.
- IV. **Policy:** The City recognizes that its purchases of goods and services can contribute significantly to the success of its sustainability policies and goals. Therefore, the City shall incorporate environmental, economic, and social stewardship criteria into its purchases of products and services.

This policy will align the City's purchases and Purchasing Department policies and procedures with the City's climate action plan and programs to:

- Protect and conserve natural resources;
- Minimize the City's contributions to global warming, solid waste, local and global pollution, and toxic chemical exposures to people and the environment;
- Promote human health and well-being; and
- Institute practices that reduce waste by increasing product efficiency and effectiveness.

This policy shall not require the City to exclude competition, or to purchase products or services that do not perform adequately or are not available at a reasonable price in a reasonable period of time.

Evaluation prices for goods and services shall factor in life-cycle costs, total product cost over the lifetime of the product (use, maintenance, and disposal), risk management, regulatory requirements, and penalties for non-compliance.

It is the policy of the City of Hayward to:

- a. Purchase products which contain, whenever practicable, the highest percentage of post-consumer recovered material, the highest percentage of total recovered material available in the marketplace, and reduce waste in the manufacture and use of products and packaging;
- b. Ensure that specifications and performance standards for goods and services do not require the use of virgin materials nor specifically exclude the use of environmentally preferable products;
- c. Procure environmentally preferable products and services where environmental criteria have been established by governmental or other widely authorized authorities; and
- d. Integrate environmental factors into the City's buying decisions, when practicable, where external authorities have not established criteria. Examples include but are not limited to:
  - Purchasing non-emergency fleet vehicles that provide, whenever practicable, the best available net reduction in vehicle fleet emissions;
  - Replacing disposables with re-usable, recyclable, or compostable goods;
  - Providing locally produced, manufactured or grown supplies;
  - Considering life cycle economics;
  - Considering impacts and threats of harm to human health or the environment; and
  - Evaluating, as appropriate, the environmental performance of vendors in providing products and services.

V. Procedure: To achieve these goals:

- a. The City Manager or his/her designee shall appoint a standing committee consisting of mid-level management representatives. Members of the standing committee are intended to represent the various aspects of this program, including but not limited to: businesses, utilities conservation related programs, climate action plan, green procurement, and other related environmental programs.

The standing committee is charged with the following responsibilities:

1. Create guidelines that will provide sufficient direction and clarity to carry out this policy in an efficient and accountable manner at the product level. The guidelines may address, but are not limited to:
  - a. Source reduction
  - b. Recycled content products
  - c. Organics recycling
  - d. Energy and water savings
  - e. Green building (LEED)
  - f. Landscape

- g. Toxics and pollution
  - h. Forest conservation
  - i. Producer responsibility
2. The City Manager and his/her designee will assure that an annual written report is submitted for review to the City Council Sustainability Committee and submitted for approval to the Hayward City Council. This annual report shall identify the practices that minimized environmental impacts, toxics, pollution, waste and hazards to workers to workers and community.
  3. Facilitate necessary training or education for City staff to help further implement policy.
  4. Recommend and submit any updates or changes to the aforementioned guidelines and / or policy every two years or as needed to ensure they align with City priorities and requirements.

The Standing Committee will collaborate and coordinate efforts before, during, and after any new environmental purchasing policy implementation to ensure mutual program needs are met and confer and resolve problems jointly.

VI. Definitions:

**City of Hayward** – means the City of Hayward’s elected and appointed officials and staff.

**Compostable** – biodegradable during composting to yield carbon dioxide, water, and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

**Environmentally Preferable Products** – refers to products and services that have a lesser or reduced negative effect on human health and the environment when compared with competing products that serve the same purpose. This comparison analysis may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery.

Specifically, factors that should be considered when determining that a product or service has environmentally preferable attributes include, but are not limited to:

- Minimization of virgin material used in the product or service life cycle
- Maximization of recycled materials used in the product or service life cycle
- Life cycle economics of products and services
- Reuse of existing products or materials in product or service life cycle
- Recyclability, biodegradability and compostability of product
- Minimization of packaging

Reduction of energy and fuel consumption  
Reduction of water consumption  
Toxicity reduction or elimination  
Durability and maintenance requirements  
Ultimate disposal of the product  
Environmental costs or impact of bringing product to market or point of sale

**LEED (Leadership in Energy and Environmental Design)** – means the Green Building Rating System developed and administered by the United States Green Building Council and adopted by Council and the Agency in the Green Building Policy.

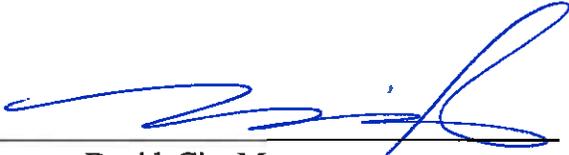
**Life Cycle Economics** – means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.

**Postconsumer Material** – means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

**Practicable** – means sufficient in performance and available at a reasonable price.

**Producer Responsibility** – means an environmental strategy in which producers assume financial and/or physical responsibility for the management of post-consumer products so that those who produce and use those products bear the costs of recycling and proper disposal.

**Council Sustainability Committee** – established by the City Council on September 25, 2007 to focus on alternative energy generation and conservation, including commercial and residential types of energy sources and uses; green building policies for new developments; programs to generally improve green building renovation throughout the City; and productive steps to reduce global warming on the local level. Committee includes two Council Members, the Mayor, three Planning Commissioners and a member of the “Keep Hayward Clean and Green” Task Force.

  
\_\_\_\_\_  
Frances David, City Manager

  
\_\_\_\_\_  
Date

Department Responsible for Revisions: Finance Department 10/6/11

Issued: March 18, 2010  
Revised: October 10, 2011