

NO. 04-23-OR

ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County, Part 9, entitled “Competitive Procurement and Contracting,” by the creation of a new Article 921, entitled “Sustainable and Socially Responsible Procurement,” in order to implement a unified Sustainable and Socially Responsible Procurement policy.

WHEREAS, as the second largest County in the Commonwealth of Pennsylvania, Allegheny County is committed to using its purchasing power to address climate change and advance equity; and,

WHEREAS, it is the desire of Council to ensure that Allegheny County strives to improve its procurement policies to ensure that tax dollars are being invested in companies and products that are seeking to combat climate change and advance social responsibility; and,

WHEREAS, Allegheny County has historically attempted to further its progress in these areas through initiatives like increasing contract opportunities for Minority and Women Business Enterprises, worker equity and health by extending paid sick leave to employees of larger companies located within the County, environmental responsibility through utilizing renewable energy through hydroelectric generation to meet the County’s electrical power needs, and extending the County’s human relations ordinance to further worker equity in employment and other settings; and,

WHEREAS, Allegheny County has also historically undertaken other environmentally responsible steps that have both reduced consumption and improved County operations, including the purchase of electric vehicles for our fleet, enacting diesel engine idling restrictions, and establishing a clean construction requirement for County-owned vehicles; and,

WHEREAS, on September 16, 2022, the enactment of ordinance 25-22-OR provided for the creation of the Department of Sustainability, which replaced the Division of Sustainability, and which focuses on integrating sustainable practices within Allegheny County government; and

WHEREAS, it is accordingly the judgment of Council that implementing a unified Sustainable and Socially Responsible Procurement policy will simultaneously benefit the health, safety and welfare of the County’s residents and improve equity and inclusion in the County’s contracting process;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

The preamble to this Ordinance are hereby incorporated in their entirety herein.

SECTION 2. Amendment of the Administrative Code

The Administrative Code of Allegheny County, Part 9, entitled “Competitive Procurement and Contracting,” is hereby amended by the creation of a new Article 921, entitled “Sustainable and Socially Responsible Procurement,” comprised as follows:

**Article 921
Sustainable and Socially Responsible Procurement**

§5-921.01. Definitions.

The following words and phrases shall have the meanings established within this Section, unless the context clearly indicates to the contrary:

- A. APPROPRIATE SUSTAINABILITY STAFF – any County staff member(s) designated by the Allegheny County Manager to fulfil the functions assigned under the terms of this Ordinance.
- B. COUNTY OF ALLEGHENY or COUNTY - the independently elected officials and employees of Allegheny County.
- C. ENVIRONMENTALLY PREFERABLE PRODUCT – a product or service that has a lesser effect on the environment and human health when compared with competing products, as identified pursuant to the terms of §921.04.
- D. LIFE CYCLE ASSESSMENT or LCA - a comprehensive inspection of a product's environmental impacts through its lifetime, including the extraction of the material, transportation, manufacturing, use, and disposal.
- E. LIFE CYCLE COST ASSESSMENT or LCCA - the accounting of the total cost of ownership, including initial costs, operational and energy costs, durability, performance, and disposal costs.
- F. PRACTICABLE - sufficient in performance and available at a reasonable price.

- G. RECYCLABLE PRODUCT - a product which, after being used, can mostly be diverted from the County's solid waste stream for use in the production of another product.
- H. RECYCLED MATERIAL - material that has been diverted or recovered from solid waste, and used in place of raw virgin material in producing a product. It is made from post-consumer recycled material, industrial and manufacturing waste, and other waste material.
- I. SOCIALLY RESPONSIBLE PROCUREMENT - a framework of measurable policies and procedures and resulting behavior designed to benefit the workplace and, by extension, the individual, the organization, and the community.
- J. SOCIALLY RESPONSIBLE PRODUCT - a product or service provided by a supplier that works to advance the outcomes of inclusion, diversity, equity and well-being.
- K. SUSTAINABILITY PROFILE – a statement provided as part of the formal and nonformal procurement processes by prospective vendors of goods or services, describing their policies, practices, and/or history of success in providing environmentally preferable products and/or socially responsible products in sustainable and/or socially responsible procurement processes. Information submitted to the Department of Equity and Inclusion during the County's DBE certification program shall be deemed part of a vendor's Sustainability Profile.
- L. SUSTAINABLE PROCUREMENT - buying products and services that have a lesser effect on the environment and human health when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
- M. VIRGIN MATERIAL - any material occurring in its natural form that has not been used as material in any product prior to use. Virgin material is used in the form of raw material in the manufacture of new products.

§5-921.02. Interpretation.

- A. Nothing contained within this Article shall be construed or otherwise interpreted to:
 - 1. Require that a department or office procure products that do not perform adequately or are not available at a reasonable price and/or in a reasonable time period; or
 - 2. Abrogate or alter any existing procurement procedure that is required by applicable Federal or Commonwealth law.

- B. The requirements of this Article shall apply to both the formal (as established in Article 903) and nonformal (as established in Article 905) procurement processes for both goods and services.

§5-921.03. General requirements.

The County of Allegheny shall:

- A. Procure environmentally preferable products where criteria have been established by governmental or other recognized authorities, as recommended by the County's appropriate sustainability staff.
- B. Consider the following purchasing guidelines when criteria have not been established by governmental or other recognized authorities:
 - 1. Replace disposable products with reusable and/or recyclable products;
 - 2. Support companies that focus on reducing consumption and/or perform eco-labeling by buying products with such labels in preference to others, when practicable; and
 - 3. Evaluate, when appropriate, the environmental performance and social responsibility of vendors
 - 4. Any other guideline as recommended by the County's appropriate sustainability staff.
- C. Take into account the Life Cycle Assessment (LCA) and Life Cycle Cost Assessment (LCCA) of the products that it purchases;
- D. Work to raise staff awareness about the requirements of this section of Code, as well as environmental and social issues surrounding procurement through training and education programs;
- E. Comply with all regulatory and environmental requirements in procuring products and services.

§921.04. Environmentally preferable product identification.

All County departments and offices shall identify and purchase the most environmentally preferable products and services that are practicable. Factors that should be considered when determining environmentally preferable goods and services include, but are not limited to:

- A. Minimization of virgin material used throughout life cycle;
- B. Maximization of recycled material;
- C. Reuse or repurposing of existing products or materials;
- D. Product recyclability;
- E. Minimization of packaging;
- F. Reduction of energy and water consumption during manufacturing and the operational use of the product;
- G. Toxicity reduction or elimination;
- H. Sustainable forestry practices for all wood and paper products;
- I. Durability and maintenance requirements;
- J. Reduction in transportation distance to reduce carbon emissions;
- K. Ultimate disposal of the product; and
- L. Any other factor as recommended by the County's appropriate sustainability staff.

§5-921.05. Procurement evaluation.

The County Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall work with the County's appropriate sustainability staff to:

- A. Evaluate each requested product or service to determine the extent to which specifications could include an environmentally preferable and/or socially responsible option;
- B. Make certain that contracts issued by the procurement office and individual agents include environmentally preferable and/or socially responsible products when practicable; and
- C. Ensure to their best ability that all purchases have been made with all guidelines contained within this Article in mind.

§5-921.06. Bid solicitation requirements.

The County's Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall:

- A. Include in all bid and/or quotation solicitations issued under the terms of Article 903 or 905 of this Administrative Code a requirement for vendors to provide a Sustainability; ~~Diversity and Inclusion~~ Profile as part of their proposal submission(s); and
- B. Ensure that each prospective vendor's Sustainability Profile is given weight and considered during the evaluation process; and

§5-921.07. Vendor reporting.

All County-approved vendors providing goods or services to the County via the formal and/or nonformal procurement process(es) shall report the County's purchases on an an ~~bi~~-annual basis in terms of environmental performance and social responsibility. A form for completing this process shall be developed and made available electronically by the Chief Purchasing Officer.

§5-921.08. Specifications.

The Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall work with the County's appropriate sustainability staff to include the following requirements in their solicitations, to the extent that the requirement(s) apply to a given procurement, to the extent reasonable and practicable:

- A. Office and Operational Supplies
 - 1. Paper -All paper products, when reasonable and practicable, must achieve Forest Stewardship Council Certification or other best available certification, and contain a minimum of thirty (30) percent post-consumer recycled content and must be processed chlorine-free. Vendors must certify that papers meet these post-consumer content and chlorine-free specifications. Vendors shall be encouraged to provide products that contain a higher percentage of post-consumer content than the thirty (30) percent minimum.
 - 2. Styrofoam-Polystyrene Foam - Styrofoam products shall not be purchased for food or drink. Food service providers/caterers shall be strongly encouraged to eliminate the use of Styrofoam when catering County events. Goods with the least amount of Styrofoam packaging in comparison to competing brands shall be purchased when reasonable and practicable.

3. Single Use Plastics - Single use plastic products, such as plastic bags, plastic drinking containers and straws, and cutlery shall not be purchased when reasonable and practicable.
4. Packaging - Products with reusable, recyclable, compostable, and/or minimal packaging shall be purchased when reasonable and practicable.

B. Facilities and Construction Materials

1. Lighting - When reasonable and practicable, interior and exterior lighting shall be replaced with energy-efficient lighting using light-emitting diodes (LED) and/or the best available technology and shall adhere to dark sky lighting principles to the extent practicable where appropriate.
2. Water Fixtures - When reasonable and practicable, the most water efficient fixtures shall be purchased. These include, but are not limited to: low-flow faucets and showerheads, aerators, high performance toilets, and waterless urinals. Use of plumbed water filter dispensers should be used where practicable in all County facilities.
3. Wood Products - When reasonable and practicable all wood and wood contained within purchased products shall meet standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.
4. Heating and Cooling Equipment - All heating, cooling, and ventilation equipment shall contribute to the goal of net zero energy efficiency in any major rehabilitation, maintenance, and/or new construction when reasonable and practicable. All efforts shall be made to purchase the most energy-efficient equipment available, with the most recent efficiency functions.
5. Cleaning supplies - When reasonable and practicable, certified green cleaning products and supplies, or best available certified products are preferred.
6. Cleaning equipment - When reasonable and practicable, to reduce and prevent injury, low VOC emitting and ergonomically appropriate equipment such as, but not limited to, sprayers, mops, dusters, blowers, mowers, brooms, vacuums, cleaners, toters, shovels, and spreaders should be replaced with or equipped with the appropriate air pollution filters or equipment upgrades, hand grips, wheels, and mounts designed to reduce exposure to volatile organic compounds (VOCs), fine particulate matter (PM 2.5), excessive knee, back, elbow, and/ or hand strain.
7. Recycling - Ensure staff and suppliers are educated and supplied with recycling receptacles for paper, cardboard, paperboard, plastics, cans, and bottles in accordance with the County's current recycling guidelines as established by the Department of Sustainability. Facilities Management must be notified to collect

hard to recycle items such as televisions, batteries, and non-LED lightbulbs (such as fluorescent and compact fluorescent (CFL) lightbulbs).

C. Electronics

1. All energy-using products purchased by the County shall meet the U.S. EPA Energy Star certification, an international standard for energy efficient consumer products, when practicable. When Energy Star products are unavailable, purchasing units shall buy products that meet the best available certification.
2. The purchase of all computers and monitors shall take into consideration the criteria established by the Electronic Product Environmental Assessment Tool (EPEAT), an evaluation tool Institute of Electrical and Electronics Engineers Family of Standards for Environmental Assessment of Electronic Products. All purchases of such equipment shall reach, at minimum, bronze designation contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Product, when reasonable and practicable, as specified at: <http://www.epeat.net>.
3. All copiers and printers purchased shall be compatible with recycled content and remanufactured products, and shall be programmed by the Department Information & Technology to automatically copy/print double-sided, to the extent possible.
4. The Departments of Information & Technology shall periodically consult with the Department of Sustainability to update the County's plan for recycling electronics.

§5-921.09. Additional departmental duties and requirements.

- A. The Department of Sustainability shall work towards procurement of carbon-free energy to offset County electricity consumption, with a goal of 100% carbon-free electricity by 2028.
- B. Departments, offices and divisions involved in the procurement of fleet or County-owned vehicles shall work in cooperation with the Department of Sustainability in such procurements, and shall procure electric or sustainably fueled fleet vehicles where the technology exists and where reasonable and practicable.
- C. The Department of Sustainability shall develop policies governing procurement of electric or sustainably fueled landscaping and other equipment and tools, where the technology exists and where reasonable and practicable.

- D. The Department of Sustainability shall explore alternative surfacing and other construction materials to work towards incorporating recyclable, cooling, permeable and other best practices.
- E. The Department of Sustainability shall review departmental purchases annually for EPP compliance and compliance with this policy. The Department of Sustainability shall work with each department and various contracting agencies in order to improve EPP purchases.
- F. The Office of the County Manager shall implement a public-facing website to track the County's progress toward its sustainable procurement goals.
- G. The County Manager shall comprehensively review the County's progress toward more energy-efficient and environmentally-friendly procurement no less than once every three (3) years. Upon completion of such review, the County Manager shall provide a report to the Chief Executive and County Council proposing necessary and/or recommended amendments or additions to the provisions of this Article.

SECTION 3. Effective Date and Staff Designation.

The provisions of this Ordinance shall become effective on January 1, 2024, and Allegheny County shall implement all provisions contained herein no later than 180 days from such effective date.

SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

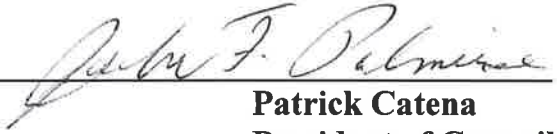
SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER PRIZIO


CO-SPONSORS: COUNCIL MEMBERS NACCARATI-CHAPKIS, BENNETT, HALLAM, KLEIN and MACEY

Enacted in Council, this 21st day of February, 2023,

Council Agenda No. 18184-22



Patrick Catena
President of Council

Attest: 

Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office 02/23, 2023

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Jennifer Liptak
Chief of Staff