AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER

03-O -0917

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE X OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, TO ESTABLISH AN ENVIRONMENTALLY RESPONSIBLE PURCHASING POLICY AND PROCDURE FOR THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has identified Environmental Protection as a right of its residents; and

WHEREAS, recycling and reusing materials and products can help to conserve resources and protect the environment; and

WHEREAS, using recycled and recyclable materials can encourage the market for recovered and recycled materials; and

WHEREAS, the City is a major purchaser of goods and services; and

WHEREAS, given the concern of limited landfill space and rising disposal costs, it is necessary to conserve and protect natural resources and support the City of Atlanta's recycling and market development goals; and

WHEREAS, a properly implemented Environmentally Responsible Purchasing Program would help to conserve resources while encouraging responsible environmental behavior throughout the City of Atlanta.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That Article X of Chapter 2 shall be amended to include Division 18, so that the new Division 18 shall include:

DIVISION 18. ENVIRONMENTALLY RESPONSIBLE PURCHASING

SECTION 2: That Section 2-1214. Reserved, shall be amended so that the new Section 2-1214 shall read as follows:

Section 2-1214. Environmentally responsible purchasing.

Each department of the City of Atlanta shall, whenever possible, purchase items and services according to the provisions of Division 18 of this chapter.

SECTION 3: That Chapter 2, Article X, shall be amended so that the new Chapter 2, Article X, Division 18 shall read as follows:

DIVISION 18. ENVIRONMENTALLY RESPONSIBLE PURCHASING

Section 2-1651. Purpose and intent.

(a) The City of Atlanta Environmentally Responsible Purchasing Policy provides that all departments shall, whenever possible, use recycled products and recycled materials.

(b) The Environmentally Responsible Purchasing Policy calls upon each City department to evaluate its opportunities for the use of products manufactured with recycled materials, to revise contracting and procurement procedures and specifications, and to increase the purchase of recycled products. In the implementation of this policy, each department:

(1) Evaluates recycled products to determine the extent to which they may be used by the department and its contractors;
(2) Purchases recycled products and recyclable products whenever practicable;
(3) Ensures that contracts issued by the department require recycled material content whenever practicable and that contractors provide the type of recycled content and reports of amounts purchased;
(4) Attempts to reduce the use of paper products and photocopying by double-siding documents; and
(5) Reports the progress of the policy implementation, including evaluation results and volume purchased by the department and its contractors.

Section 2-1652. Recycled Products.

(a) A Recycled Products Procurement Committee will be established to assist in the implementation process of this division.

(1) This committee will be comprised of the heads of each department of the City of Atlanta, or their designees.
(2) Their task will be to determine the parameters and guidelines of acceptable recycled products and materials for the City to purchase.

(b) The Recycled Product Procurement Program shall be monitored by the Department of Purchasing. In the implementation of this policy, the Department of Purchasing will:

(1) Assemble information about recycled products, vendors, and educational opportunities and communicate it to departments;
(2) Review procurement opportunities and policy requirements with departments and monitor implementation efforts;

(3) Work with the Recycled Products Committee in establishing purchasing guidelines and requirements of recycled materials and products for the City use; and
(4) Submit an annual report to City Council reflecting the implementation status of the recycled procurement program.

Section 2-1653. Affected department.

All City of Atlanta departments and offices that make purchases of any kind or that contract with others to make purchases shall make purchases according to the provisions of this division.

Section 2-1654. Definitions.

Environmentally preferable product means a product that has a lesser or reduced negative effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and disposal of the product. This term includes, but is not limited to, recyclable products, recycled products, and reusable products.

Life cycle analysis means a comprehensive examination of a product's environmental and economic effects throughout its lifetime, including new material extraction, transportation, manufacturing, use, and disposal.

Practicable means satisfactory in performance and available at a fair and reasonable price.

Post-consumer recovered materials means a finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Examples include, but are not limited to; old newspaper, office paper, yard waste, steel, aluminum cans, glass, plastic bottles, oil, asphalt, concrete and tires.

Pre-consumer recovered materials means material or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Examples include, but are not limited to; obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting and other converting operations.

Recyclable product means a product that, after its intended end use, can demonstrably be diverted from the City's solid waste stream for use as a raw material in the manufacture of another product, preferably higher value uses.

Recycled product means a product containing recycled material.

Reusable product means a product, such as a washable food or beverage container, storage container, or a refillable ballpoint pen, which can be used several times for an intended use before being discarded.

Total recovered material means the total pre- and post-consumer recovered material contained in a product.

Section 2-1655. Environmental factors to be considered.

(a) The City shall acquire its goods and services in a manner that complies with federal, state, and City laws.

(b) The City shall promote the use of environmentally preferable products in its acquisition of goods and services.

(c) Environmental factors to be considered in selecting products include life cycle analysis of:

(1) Pollutant releases;
(2) Waste generation;
(3) Recycled content;
(4) Energy consumption;
(5) Depletion of natural resources; and
(6) Potential impact on human health and the environment.

(d) City departments shall use, where practicable, reusable products, recycled-content products, and recyclable products.

(e) The City shall seek opportunities to achieve the following:

(1) enhance markets for environmentally preferable products through employee education;
(2) encourage pilot testing of potential new products;
(3) adopt innovative product standards, specifications, and contracts; and
(4) embark on cooperative ventures with other jurisdictions.

Section 2-1656. Environmentally preferable products.

Whenever possible, each Department of the City of Atlanta shall purchase environmentally preferable products for use by the City, including but not limited to the following:

(1) Paper and paper products; Photocopy paper, computer paper, and a growing variety of recycled printing papers are widely available. EPA content standards have been used by most major paper mills as they have developed

recycled products, and distributors of paper are increasingly familiar with recycled content terminology.

(2) Compost products;
(3) Horticultural mulch made with recycled land clearing and other wood debris;
(4) Construction aggregates made with recycled cement concrete, glass, or asphalt;
(5) Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire rubber;
(6) Lubricating oil and hydraulic oil with re-refined oil content;
(7) Antifreeze;
(8) Recycled and readily recyclable plastic products;
(9) Remanufactured tires and products made from recycled tire rubber, including rubber mats and playfield surfaces;
(10) Insulation products;
(11) Paint;
(12) Remanufactured laser printer toner cartridges;
(13) Other products as designated by the Recycled Products Committee.

Section 2-1657. Minimum recycled-content procurement standards.

(a) It is recommended that whenever practical and fiscally responsible, each department of the City of Atlanta shall purchase products which contain, in order of preference, the following:

(1) The highest percentage of recycled content of post-consumer recovered material, available in the marketplace; and
(2) The highest percentage of "pre-consumer recovered material," available in the marketplace.

(b) In any instance where it is deemed impractical to procure a recycled-content item, a specific explanation for the finding must be included in the purchasing record (see Section 2-1661. Monitoring.)

Section 2-1658. Purchase Requisition, Specification, and Bid Solicitation.

Product specifications and requisitions shall conform to the following guidelines:

(1) Product specifications and requisitions shall not indiscriminately require the use of products made from virgin materials, nor specifically exclude the use of recycled-content products;
(2) Performance standards must be reasonable and related to function, and shall not be designed to exclude the purchase of recycled-content products;
(3) To the extent such information is known, City staff shall identify to the Department of Procurement products available with recycled content and vendors from whom such products are available;

(4) Purchasing agents have the authority to specify a minimum recycled-content standard in bid solicitation to accomplish the purpose of this policy.

Section 2-1659.Contractors and grantees.

(a) All City contractors and grantees shall be requested to conform to the minimum recycle-content procurement standards set forth by Section 2-1657, as well as, select products from Section 2-1556 if applicable.

(b) This request shall be applied to contractors and grantees in procuring materials or products to perform contractual services for the City, to produce or provide a work product in the City or on the City's behalf, or to conduct work funded by a grant from the City.

(c) Contractors and grantees shall be further requested to the City the types, quantities, and total dollar amounts of recycled products that are purchased by the contractor or grantee in connection with City-funded work. The percentage of post-consumer and total recovered material content of such purchased products shall also be requested to be included in the report.

(d) Any request for proposals or bids for services requested by the City will include a statement that the City prefers doing business with companies that adhere to our principles. In addition, it will request that any proposal submitted to the City shall be printed two-sided on recycled paper with removable, reusable bindings or staples, and the percentage of post-consumer contractors producing reports for the City will submit on recycled paper and recyclable paper.

Section 2-1660. Promotion.

(a) All City purchased and printed recycled paper products shall be labeled with the standard phrase: "Printed on Recycled Paper."

(b) All City departments shall be required to use recycled products for their business cards, letterhead stationery, envelopes, business forms, plans, and pertinent documents.

(c) All said documents shall be printed, with the standard phrase: "Printed on Recycled/Recyclable Paper" with the exception of business cards thereby promoting the use of post-consumer content.

(1) If sufficient documentation and certification is available, reasonable efforts shall be undertaken to specifically indicate the percentage of recycled post-consumer content. In this case, the phrase "Printed on ___% Post Consumer Recycled Paper" shall appear on all products produced by and for the City.
(2) In addition, the use of non-toxic inks shall be encouraged.

Section 2-1661. Monitoring.

(a) The Department of Purchasing, along with the Recycled Products Committee, shall prepare and deliver to the City Council an annual status report on implementation of this policy and formalize a recycled products list to aid in purchasing and monitoring goals.

(1) The report shall include documentation of the types, quantities, and dollar amounts of recycled products purchased in the previous year by the City, its contractors, and grantees.
(2) The report shall also identify and discuss the following:

a. Instances where this policy is waived or its requirement found impracticable; and
b. Barriers to the procurement of recycled-content products.

Section 2-1662—2-1675. Reserved.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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- ❑ CONSENT REFER
- ❑ REGULAR REPORT REFER
- ❑ ADVERTISE & REFER
- ❑ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 6/2/03
Referred To: Finance/Exec
Date Referred
Refferred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

Committee	Committee
Finance/Executive	
Date 6/11/3	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Finance/Executive	
Date 10/15/3	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other File	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
❑ 2nd ❑ 1st & 2nd Readings ❑ 3rd
❑ Consent ❑ V Vote ❑ RC Vote

CERTIFIED

MAYOR'S ACTION