

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. 06-01-17

Introduced By: Mayor & Council
Date Introduced: June 5, 2017
Public Hearing Date: None
Amendments Adopted: None
Date Adopted: July 3, 2017
Date Effective: July 24, 2017

AN ORDINANCE concerning

Environmentally Sustainable Procurement

FOR the purpose of providing for consideration of matters of environmental sustainability in certain procurements for the Town of Indian Head; and matters generally related to an environmental sustainability procurement policy for the Town of Indian Head.

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BY repealing and reenacting, with amendments
Chapter 3 – Administration of Government
Article III – Purchasing and Contracts
Sections 3-21 .A. and G.
Code of the Town of Indian Head
(1990 Edition as amended)

BY adding
Chapter 3 – Administration of Government
Article III – Purchasing and Contracts
Section 3-22
Code of the Town of Indian Head
(1990 Edition as amended)

<p align="center">EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment. *** indicates existing text omitted from this Ordinance</p>
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EXPLANATORY STATEMENT: the Town of Indian Head is charged with protecting the public health and welfare of its citizens and workers, as well as the health of the environment, and is aware of its responsibility to the larger global community:

- Minimizing health risks to Town staff and residents;

- Minimizing the Town 's contribution to global climate change;
- Improving air quality;
- Protecting the quality of ground and surface waters; and
- Minimizing the Town 's consumption of resources.

The Environmentally Sustainable Procurement Policy that is incorporated in this Ordinance was developed with extensive input from the Sustainable Maryland Collaborative effort between the Environmental Finance Center (EFC) at the University of Maryland and the Maryland Municipal League to replicate sustainable communities throughout the Mid-Atlantic States.

The Town of Indian Head recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a diverse, equitable, and vibrant community and economy. The Town recognizes that the types of products and services the Town buys have inherent social, human health, environmental and economic impacts, and that the Town should make procurement decisions that embody the Town's commitment to sustainability. This Ordinance is intended to:

- Identify those sustainability factors that shall be incorporated into procurement decisions;
- Provide implementation guidance;
- Empower employees to be innovative and demonstrate leadership by incorporating sustainability factors into procurement decisions; and
- Communicate the Town's commitment to sustainable procurement.

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD, That Sections 3-21.A. and G. of the Code of the Town of Indian Head (1990 Edition, as amended), Chapter 3 – Administration, Article III, Purchasing and Contracts, is repealed and reenacted, with amendments, to read as follows:

CHAPTER 3 – Administration

ARTICLE III – Purchasing and Contracts

§ 3-21 Rules and regulations.

- A. Policy.** It shall be the policy of the town to assure that purchases and contracts for services are made at the best possible cost consistent with the requirements of the town **AND OF THE TOWN'S ENVIRONMENTAL SUSTAINABILITY PROCUREMENT POLICY IN SECTION 3-22.**
- G. Town Manager.** It shall be the duty of the Town Manager to administer the purchase of supplies, materials, equipment and contractual services required by the town in accordance with the provisions of this section **AND OF THE TOWN'S ENVIRONMENTAL SUSTAINABILITY PROCUREMENT POLICY IN SECTION 3-22.** The Town Manager shall assure compliance with the policies and requirements of this section before purchasing supplies, materials, equipment or contractual services for the town. The following specific requirements shall apply:

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SECTION 2. AND BE IT FURTHER ENACTED, that new Section 3-22 is added

to the Code of the Town of Indian Head (1990 Edition, as amended), Chapter 3-Administration, Article III, Purchasing and Contracts, to follow immediately after Section 3-21 and to read as follows:

CHAPTER 3 – Administration

ARTICLE III – Purchasing and Contracts

§ 3-22 ENVIRONMENTALLY SUSTAINABLE PROCUREMENT.

- A. GENERAL POLICY. TOWN EMPLOYEES SHALL PROCURE MATERIALS, PRODUCTS OR SERVICES IN A MANNER THAT INTEGRATES FISCAL RESPONSIBILITY, SOCIAL EQUITY, AND COMMUNITY AND ENVIRONMENTAL STEWARDSHIP.**
- B. SUSTAINABILITY FACTORS. TOWN EMPLOYEES SHALL INCORPORATE THE FACTORS IN SUBSECTIONS C., D. AND E. WHEN WRITING SPECIFICATIONS FOR, OR PROCURING, MATERIALS, PRODUCTS, OR SERVICES. WHILE NOT ALL FACTORS WILL BE INCORPORATED INTO EVERY PURCHASE, IT IS THE INTENT OF THIS SECTION THAT TOWN EMPLOYEES MAKE A GOOD FAITH EFFORT TO INCORPORATE AND BALANCE THESE FACTORS TO THE MAXIMUM EXTENT POSSIBLE.**
- C. ENVIRONMENTAL FACTORS TO BE CONSIDERED INCLUDE, BUT ARE NOT LIMITED TO, THE LIFE CYCLE ASSESSMENT OF:**
 - 1. POLLUTANT RELEASES;**
 - 2. TOXICITY, ESPECIALLY THE USE OF PERSISTENT, BIO ACCUMULATIVE, AND TOXIC (PBT) CHEMICALS;**
 - 3. WASTE GENERATION;**
 - 4. GREENHOUSE GAS EMISSIONS;**
 - 5. ENERGY CONSUMPTION;**
 - 6. DEPLETION OF NATURAL RESOURCES; AND**
 - 7. IMPACTS ON BIODIVERSITY.**
- D. SOCIAL EQUITY FACTORS TO BE CONSIDERED INCLUDE, BUT ARE NOT LIMITED TO:**
 - 1. HUMAN HEALTH IMPACTS;**
 - 2. USE OF LOCAL BUSINESSES; AND**
 - 3. USE OF STATE OF MARYLAND MINORITY, WOMEN, AND EMERGING SMALL BUSINESSES**
- E. FISCAL FACTORS TO BE CONSIDERED INCLUDE, BUT ARE NOT LIMITED TO:**
 - 1. USE REDUCTION, BUY ONLY WHAT YOU REALLY NEED;**
 - 2. PRODUCT PERFORMANCE AND QUALITY;**

3. LIFE-CYCLE COST ASSESSMENT, LOWEST TOTAL COST;
 4. LEVERAGING BUYING POWER;
 5. IMPACT ON STAFF TIME AND LABOR; AND
 6. LONG-TERM FINANCIAL/MARKET CHANGES.
- F. USE OF BEST PRACTICES. TOWN EMPLOYEES SHALL UTILIZE BEST PRACTICES IN SUSTAINABLE PROCUREMENT AS THEY EVOLVE. AS IT APPLIES TO THIS SECTION, BEST PRACTICES IN SUSTAINABLE PROCUREMENT ARE THOSE THAT UTILIZE LEADING EDGE SUSTAINABILITY FACTORS, STANDARDS, AND PROCEDURES IN AN EFFICIENT AND EFFECTIVE WAY THAT IS SUCCESSFUL AND REPLICABLE.
- G. TOXICS IN PRODUCTS AND SERVICES. TOWN EMPLOYEES SHALL UTILIZE THE FRAMEWORK OF THE PRECAUTIONARY PRINCIPLE AS A GUIDE WHEN EVALUATING THE COMPARATIVE TOXICITY OF PRODUCTS AND SERVICES.
- H. USE OF SOCIAL AND ENVIRONMENTAL PRODUCT OR SERVICE LABELS. TOWN EMPLOYEES SHOULD USE INDEPENDENT, THIRD-PARTY SOCIAL AND/OR ENVIRONMENTAL (ECO) PRODUCT OR SERVICE LABEL STANDARDS WHEN WRITING SPECIFICATIONS FOR, OR PROCURING MATERIALS, PRODUCTS, OR SERVICES, SO LONG AS SUCH LABELS:
1. WERE DEVELOPED AND AWARDED BY AN IMPARTIAL THIRD-PARTY;
 2. WERE DEVELOPED IN A PUBLIC, TRANSPARENT, AND BROAD STAKEHOLDER PROCESS; AND
 3. REPRESENT SPECIFIC AND MEANINGFUL LEADERSHIP CRITERIA FOR THAT PRODUCT OR SERVICE CATEGORY.

IN ADDITION, WHENEVER POSSIBLE, LABEL STANDARDS USED IN PRODUCT OR SERVICE SPECIFICATIONS SHOULD REPRESENT STANDARDS THAT TAKE INTO ACCOUNT MULTIPLE ATTRIBUTES AND LIFE-CYCLE CONSIDERATIONS, WITH CLAIMS VERIFIED BY AN INDEPENDENT THIRD-PARTY.

- I. TOWN CODE AND STATE LAW. IT IS THE INTENT OF THIS SECTION TO COMPLEMENT OTHER PROVISIONS OF THE TOWN CODE AND STATE LAWS.
- J. PRODUCT AND SERVICE STANDARDS. THE TOWN MANAGER SHALL BE RESPONSIBLE FOR:
1. ENSURING TOWN STAFF UTILIZE PRODUCT AND SERVICE STANDARDS AND BEST PRACTICES THAT COMPLY WITH THIS POLICY. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO, STANDARDS FOR MINIMUM RECYCLED CONTENT, ENERGY EFFICIENCY, AND PROHIBITED TOXIC INGREDIENTS.

2. ENSURING THAT WHEN THE NEED FOR DEVELOPING A TOWN STANDARD OR BEST PRACTICE IN SUSTAINABLE PROCUREMENT ARISES, STAFF WILL PARTICIPATE AND COLLABORATE WITH OTHER APPLICABLE STAFF SO AS TO HARMONIZE AND CONTINUOUSLY IMPROVE STANDARDS THROUGHOUT THE TOWN.
3. ENCOURAGING PILOT TESTING FOR ENVIRONMENTALLY PREFERABLE/SUSTAINABLE PRODUCTS.
4. ENSURING INTERNAL POLICIES AND PROCEDURES REFERENCE THIS POLICY AND INCORPORATE THE USE OF SUSTAINABLE PRODUCTS AND SERVICES THAT MEET THE INTENT OF THIS POLICY.
5. PROVIDING RESOURCES FOR ASSISTING DEPARTMENTS WITH STANDARDS AND BEST PRACTICES IN SUSTAINABLE PROCUREMENT.

K. EDUCATION. THE TOWN MANAGER SHALL BE RESPONSIBLE FOR:

1. BUILDING AWARENESS OF THIS POLICY THROUGH INFORMATION DISSEMINATION AND INCORPORATION INTO ROUTINE EMPLOYEE TRAININGS.
2. ENCOURAGING EMPLOYEE ATTENDANCE AT INTERNAL AND EXTERNAL TRAININGS RELATED TO SUSTAINABILITY.
3. ENCOURAGING THE USE OF ENVIRONMENTALLY PREFERABLE/SUSTAINABLE PRODUCTS AND SERVICES THROUGH INFORMATION DISSEMINATION, DEVELOPMENT OF INTERNAL PROCEDURES, PILOT TESTING, AND LEADING BY EXAMPLE.
4. DEVELOPING EMPLOYEE SUSTAINABLE PROCUREMENT RESOURCES SUCH AS, BUT NOT LIMITED TO, STANDARDS, SPECIFICATIONS, TOOLS, AND BEST PRACTICES.
5. DEVELOPING BUYER-SPECIFIC TRAINING ON SUSTAINABLE PROCUREMENT BEST PRACTICES THAT MEET THE INTENT OF THIS SECTION.
6. DEVELOPING INTER-OFFICE COMMUNICATION AMONG STAFF ABOUT SUSTAINABLE PROCUREMENT BEST PRACTICES.
7. TAKING THE LEAD IN COMMUNICATING TO EXISTING AND POTENTIAL CONTRACTORS AND THE PUBLIC ABOUT THIS POLICY AND RELATED TOWN REQUIREMENTS.

L. DATA COLLECTION AND PERFORMANCE REPORTING. THE TOWN SHALL BE RESPONSIBLE FOR:

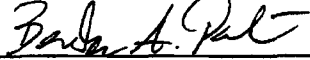
1. COOPERATING IN GATHERING INFORMATION FOR THE PURPOSES OF TRACKING, REPORTING, AND EVALUATING THE TOWN'S SUSTAINABLE PROCUREMENT ACTIVITIES AND EVALUATING THE EFFECTIVENESS OF THIS SECTION.
2. INTEGRATING DEPARTMENT-SPECIFIC SUSTAINABLE PROCUREMENT GOALS INTO TOWN'S SUSTAINABILITY PLANS.
3. INCORPORATING A PROGRESS REPORT ON SUSTAINABLE

PROCUREMENT ACTIVITIES AND THE EFFECTIVENESS OF THIS SECTION INTO THE TOWN'S ANNUAL OR BIENNIAL REPORT.

- M. RESOURCES. THE TOWN SHALL COMMIT TO PROVIDING THE APPROPRIATE DEDICATED STAFF LEVELS AND RELATED FUNDING TO SUPPORT THE IMPLEMENTATION AND COORDINATION OF THIS POLICY. THIS INCLUDES ACTIVITIES SUCH AS, BUT NOT LIMITED TO, EMPLOYEE TRAINING AND RESOURCES, PROFESSIONAL SERVICES, PRODUCT/SERVICE PILOT TESTS, AND EDUCATIONAL MATERIALS.
- N. POLICY REVIEW. THE TOWN MANAGER SHALL BE RESPONSIBLE FOR PERIODICALLY BRINGING TOGETHER INTERNAL STAKEHOLDERS TO REVIEW THE POLICIES IN THIS SECTION FOR UPDATES OR TO OTHERWISE DETERMINE WHETHER THESE POLICIES ARE IN ALIGNMENT WITH OTHER TOWN SUSTAINABILITY EFFORTS AND POLICIES. THE POLICIES REVIEW SHALL BE COMPLETED AT LEAST EVERY YEAR, BUT MAY BE DONE ON A MORE FREQUENT BASIS AS NEEDED.

SECTION 3. AND BE IT FURTHER ENACTED, that this Ordinance shall become effective at the expiration of twenty (20) calendar days after its approval by the Council.

INDIAN HEAD TOWN COUNCIL



Brandon Paulin, Mayor




Ron Sitoula, Vice Mayor



Curtis Smith, Councilman

ATTEST:



Town Clerk

Date 7/3/17