



## Legislation Details (With Text)

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**File created:** 3/19/2018      **In control:** Government Accountability and Oversight Committee

**On agenda:**      **Final action:** 6/18/2018

**Enactment date:** 6/27/2018      **Enactment #:** 18750

**Title:** AN ORDINANCE related to the purchase of sustainable goods and services; amending Ordinance 9240, Section 1, as amended, and K.C.C. 18.20.010, Ordinance 9240, Section 2, as amended, and K.C.C. 18.20.020, Ordinance 17074, Section 1, and K.C.C. 18.20.030, Ordinance 9240, Section 16, as amended, and K.C.C. 18.20.070, Ordinance 9240, Section 17, as amended, and K.C.C. 18.20.080, Ordinance 9240, Section 18, as amended, and K.C.C. 18.20.090 and Ordinance 9240, Section 19, and K.C.C. 18.20.100, adding a new section to K.C.C. chapter 18.20 and repealing Ordinance 17074, Section 1, and K.C.C. 18.20.030 and Ordinance 9240, Section 6, as amended, and K.C.C. 18.20.040, Ordinance 17085, Section 2, and K.C.C. 18.20.050 and Ordinance 9240, Section 9, as amended, and K.C.C. 18.20.060.

**Sponsors:** Dave Upthegrove

**Indexes:** Purchasing

**Code sections:** 18.20.010 - ., 18.20.020 - ., 18.20.030 - ., 18.20.040 - ., 18.20.050 - ., 18.20.060 - ., 18.20.070 - ., 18.20.080 - ., 18.20.090 - ., 18.20.100 - .

**Attachments:** 1. Ordinance 18750.pdf, 2. 2018-0157 legislative review form, 3. 2018-0157 transmittal letter, 4. 2018-0157 Fiscal Note, 5. 2018-0157\_SR\_SustainablePurchasing FINAL.docx, 6. 2018-0157\_ATT3\_Title Amendment.docx, 7. 2018-0157\_ATT2\_S1.docx, 8. 2018-0157\_Revised\_SR\_SustainablePurchasing.docx

Date	Ver.	Action By	Action	Result
6/18/2018	2	Metropolitan King County Council	Hearing Held	
6/18/2018	2	Metropolitan King County Council	Passed	Pass
6/12/2018	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute	Pass
3/19/2018	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/12/2018

AN ORDINANCE related to the purchase of sustainable goods and services; amending Ordinance 9240, Section 1, as amended, and K.C.C. 18.20.010, Ordinance 9240, Section 2, as amended, and K.C.C. 18.20.020, Ordinance 17074, Section 1, and K.C.C. 18.20.030, Ordinance 9240, Section 16, as amended, and K.C.C. 18.20.070, Ordinance 9240, Section 17, as amended, and K.C.C. 18.20.080, Ordinance 9240, Section 18, as amended, and K.C.C. 18.20.090 and

Ordinance 9240, Section 19, and K.C.C. 18.20.100, adding a new section to K.C.C. chapter 18.20 and repealing Ordinance 17074, Section 1, and K.C.C. 18.20.030 and Ordinance 9240, Section 6, as amended, and K.C.C. 18.20.040, Ordinance 17085, Section 2, and K.C.C. 18.20.050 and Ordinance 9240, Section 9, as amended, and K.C.C. 18.20.060.

STATEMENT OF FACTS:

1. In 2016, King County spent 1.5 billion dollars on purchased goods and services, including construction services.
2. Forty-six percent of the county's operational greenhouse gas emissions comes from purchasing these goods and services.
3. Purchased goods and services have inherent social, human health, environmental and economic impacts.
4. King County has required the purchase of recycled and environmentally preferable goods and services since the 1990s.
5. King County has a responsibility to make procurement decisions that promote and encourage the county's commitment to sustainability and meet the objectives of the Strategic Climate Action Plan, Equity and Social Justice Ordinance and Strategic Plan by supporting small and local businesses, considering environmental impacts including greenhouse gas emissions, and requiring fiscal sustainability of purchasing choices, including product durability and life-cycle resource use.
6. Environmental goods and services, technologies, and certification standards are rapidly changing in the marketplace.
7. The federal government provides guidance on environmental product standards and certifications and the use of ecolabels to validate sustainability.

8. King County policies should include strong requirements for sustainable purchasing while providing flexibility to take advantage of new goods and services, technologies and standards.

9. Strengthening the commitment to sustainable purchasing allows the county to be innovative and demonstrate leadership by incorporating progressively sustainable best practices, specifications, standards and strategies in procurement decisions.

10. King County has won awards from the Sustainable Purchasing Leadership Council and other organizations recognizing the county's sustainable purchasing practices.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9240, Section 1, as amended, and K.C.C. 18.20.010 are each hereby amended to read as follows:

The purpose of this chapter is to ensure that King County agencies purchase ~~((recycled and other environmentally preferable))~~ sustainable goods and services whenever ~~((the products))~~ they meet the price and performance requirements of the county and advance the goals and priority actions of the King County Strategic Plan, Strategic Climate Action Plan, Green Building Ordinance and Equity and Social Justice Strategic Plan.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 18.20 a new section to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Federal guidance" means the United States Environmental Protection Agency's comprehensive purchasing guidelines authorized by Congress under section 6002 of the Resource Conservation and Recovery Act, 42 U.S.C. 6962, as amended, and guidelines for performance standards and ecolabels.

B. "Social cost of carbon" means expected economic costs created from net changes in agricultural productivity, human health, property damage from increased flood risk, and the value of ecosystem services

caused by carbon emissions and climate change.

C. "Sustainable goods and services" for the purposes of this chapter, "goods" shall have the same meaning as "intangible personal property" as defined in K.C.C. chapter 2.93, such that "goods" include materials, products, supplies, or equipment supplied by a contractor and "services" shall have the same meanings as "services," "technical services" and "professional services" as defined in K.C.C. chapter 2.93, such that "services" include labor, work, analysis, or similar activities supplied by a contractor to accomplish a specific scope of work. To be "sustainable," the good or service must also provide environmental, social, and economic benefits while protecting public health and environment over the entire life cycle of the good or service, from the extraction of raw materials through final disposal.

D. "Sustainable purchasing" means procuring sustainable goods and services in a manner that integrate fiscal responsibility, social equity and community and environmental stewardship.

E. "Total life-cycle cost" 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.

SECTION 3. Ordinance 9240, Section 2, as amended, and K.C.C. 18.20.020 are each hereby amended to read as follows:

A. In accordance with this chapter, ((D)) departments shall ((buy recycled and other preferable products )) purchase sustainable goods and services whenever ((practicable)) they meet price, performance and availability requirements.

B. Departments shall implement sustainable purchasing by including in their procurement planning process, for all goods and services purchased in accordance with K.C.C. chapter 2.93, consideration of the factors and strategies in subsections C. through F. of this section as either performance or responsibility criteria and adherence with subsection G. of this section.

C. Environmental factors to be considered when purchasing goods and services include, but are not limited to:

1. Recycled content;
2. Pollutant releases;
3. Toxicity, especially the use of persistent, bioaccumulative and toxic chemicals;
4. Waste generation;
5. Greenhouse gas emissions, which also factors in the location and transportation of goods;
6. Energy and water consumption;
7. Depletion or degradation of natural resources;
8. Impacts on biodiversity and habitat;
9. Social cost of carbon and
10. Use of local businesses.

D. Social equity factors to be considered when purchasing goods and services include, but are not

limited to:

1. Human health impacts;
2. Fair wage, also known as living wage, in accordance with K.C.C. chapter 3.18; and
3. Use of small contractors and suppliers, in accordance with K.C.C. chapter 2.97.

E. Fiscal factors to be considered when purchasing goods and services include, but are not limited to:

1. Use reduction;
2. Product or material performance, quality, durability and repairability;
3. Life-cycle cost assessment; lowest total life-cycle cost;
4. Leveraging buying power;
5. Impact on county staff time and labor; and
6. Long-term financial or other market changes.

F. Departments shall promote and encourage strategies to reduce consumption, thus lessening the impact on landfills, resource depletion, impact on human health and greenhouse gas emissions. The strategies

may include, but are not limited to:

1. Procuring goods delivered in minimal packaging;
2. Reducing the procurement of goods that contain and perpetuate the use of toxics;
3. Procuring goods that are durable, long-lasting, reusable, recyclable, repairable, remanufactured or

refurbished or that otherwise create less waste; and

4. Any one or more of manufacturer, vendor and municipal take-back programs.

G. In those contracts for which a department utilized sustainable purchasing, ((F))the county shall require its selected goods or services contractor((s)) or consultant((s)) to use ((~~recycled and other environmentally preferable products~~)) sustainable goods and services and minimize waste whenever practicable in the fulfillment of the contract.

~~((C. The county shall promote the use of recycled and other environmentally preferable products by publicizing its environmental purchasing policy and its implementation, consistent with this chapter.))~~

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 18.20 a new section to read as follows:

A. Departments are required to evaluate the use of independent, third-party environmental good or service label standards when applicable when writing specifications for or procuring goods or services, to ensure that they are sustainable, so long as the labels:

1. Were developed and awarded by an impartial third-party;
2. Were developed in a public, transparent, and broad stakeholder process; and
3. Satisfy the standards for certification developed by the International Organization of Standards or

other recognized standards-setting or accreditation organizations.

B. The procurement and payables section of the finance and business operations division, in consultation with departments, shall establish minimum environmental standards for goods and services in accordance with Strategic Climate Action Plan goals, measures and targets, federal guidance, third-party

certified environmental standards and best practices.

SECTION 5. The following are each hereby repealed:

- A. Ordinance 17074, Section 1, and K.C.C. 18.20.030;
- B. Ordinance 9240, Section 6, as amended, and K.C.C. 18.20.040;
- C. Ordinance 17085, Section 2, and K.C.C. 18.20.050; and
- D. Ordinance 9240, Section 9, as amended, and K.C.C. 18.20.060.

SECTION 6. Ordinance 9240, Section 16, as amended, and K.C.C. 18.20.070 are each hereby amended to read as follows:

All departments are responsible for:

- A. Assigning appropriate personnel to evaluate opportunities for buying ~~((recycled and other environmentally preferable products))~~ sustainable goods and services reflected in federal guidance or communicated by the procurement and ~~((contract services))~~ payables section of the finance and business operations division through its sustainable purchasing implementation guidance document, other tools and training for departments;
- B. Purchasing ~~((recycled and other environmentally preferable products))~~ sustainable goods and services whenever practicable and as required or recommended by the sustainable purchasing implementation guidance document; ~~((and))~~
- C. ~~((Reporting evaluation results and purchases of recycled and other environmentally preferable products to the procurement and contract service section by February 28 of each year))~~ Working with the procurement and payables section of the finance and business operations division to set appropriate environmental standards and certifications for various goods categories, conducting sustainable purchasing training, including encouraging employee attendance at internal and external trainings related to sustainable purchasing;
- D. ~~((Educating employees in paper conservation practices and implementing paper reduction strategies,~~

~~such as increasing use of electronic drafts, and reducing the standard number of document copies wherever practicable.))~~ Ensuring internal policies and procedures provide for the implementation of this chapter;

E. ~~((Working with the appropriate information technology service units and copier service providers to ensure printing and copying preferences are set to double sided as the default setting))~~ Encouraging pilot testing for sustainable goods and services; and

F. Ensuring contractors and consultants use and supply sustainable goods and services and minimize waste whenever practicable.

SECTION 7. Ordinance 9240, Section 17, as amended, and K.C.C. 18.20.080 are each hereby amended to read as follows:

The solid waste division is responsible for:

A. Providing information and technical assistance to external agencies, such as local governments, schools, colleges and other public and private organizations to increase their purchase of ~~((recycled and other environmentally preferable products))~~ sustainable goods and services; and

B. ~~((Preparing press releases and fact sheets publicizing the successes of the program;~~

~~);~~) Assisting the procurement and ~~((contract services))~~ payables section of the finance and business operations division in fulfilling its responsibilities under this chapter~~((; and~~

~~D. Providing technical assistance to county departments in evaluating paper reduction strategies and educating employees in implementing paper conservation measures))~~ as related to recycled materials and products, waste reduction, green building, toxics reduction and recycling.

SECTION 8. Ordinance 9240, Section 18, as amended, and K.C.C. 18.20.090 are each hereby amended to read as follows:

The procurement and ~~((contract services))~~ payables section of the finance and business operations division is responsible for:

A. Assigning appropriate personnel to fulfill the requirements of this policy;



B. ~~((Preparing or revising bid documents and contract language where necessary to implement this chapter))~~ Assisting agencies in developing sustainable purchasing specifications and integrating these requirements into contracting practices;

C. Developing and maintaining an implementation guidance document, training and other tools to assist agencies in specifying and buying sustainable goods and services;

D. Researching opportunities for procurement of ~~((recycled and other environmentally preferable products and))~~ sustainable goods and services by communicating these to appropriate county departments for evaluation and purchase through the implementation guidance document, website and training;

~~((D. Collecting data on purchases by departments of recycled and other environmentally preferable products; and))~~

E. Establishing minimum environmental standards for goods and services and setting priorities in accordance with Strategic Climate Action Plan goals, measures and targets, state and federal guidance, third-party certified environmental standards and best practices;

F. Providing education and training to agencies to support implementation of this chapter; and

G. Collecting purchase data, ~~((P))~~preparing information and providing staff support as necessary for the preparation of the report required in K.C.C. 18.50.010.