

STATE OF COLORADO
ENVIRONMENTALLY PREFERABLE
PURCHASING POLICY

DEPARTMENT OF PERSONNEL AND ADMINISTRATION
STATE PURCHASING OFFICE

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Colorado Procurement



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**Thank you all – John Utterback State Purchasing Director
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State of Colorado Environmentally Preferable Purchasing Policy

Table of Contents

I.	Introduction.....	1
II.	Purpose, Applicability, and Intended Use.....	1
III.	Authority	2
IV.	Statement of Policy.....	2
V.	Benefits and Goals of Green Procurement	4
VI.	Priorities.....	6
VII.	Specific Strategies.....	7
	A. Source Reduction.....	7
	B. Reduction of Toxic Elements, Energy, Emissions, and Pollution.....	8
	C. Recycled Content Products.....	11
	D. Energy and Water Saving Products.....	12
	E. Green Building – New Construction, Renovations, Operations & Maintenance..	13
	F. Landscaping and Xeriscaping.....	13
	G. Forest Conservation.....	14
	H. Agricultural and Bio-based Products.....	14
VIII.	Implementation.....	15
IX.	Program Evaluation.....	17
X.	Independent Third-Party Certification, Environmental Advocacy, Label and Standards Entities.....	17
	Appendix A - Definitions.....	19
	Appendix B – Abstracts of Certification, Environmental Advocacy, Label and Standards Entities.....	24

I. INTRODUCTION

This document provides policy for the State of Colorado concerning Environmentally Preferable Purchasing (EPP), and provides guidance for the procurement of sustainable commodities and services. Although the Department of Personnel and Administration, State Purchasing Office (SPO) is responsible for maintenance and oversight of the EPP policy, implementing green procurement at the State agency level through delegated purchasing offices is necessary to achieve compliance. Therefore, it is vital that each delegated agency develop and maintain internal EPP procedures and practices reflecting the goals, priorities, and strategies provided within this policy. The Governor's Energy Office (GEO) and DPA-SPO have a shared responsibility for maintaining EPP website resources. The Governor's Energy Office primary contact is the Greening Government Manager. The DPA-SPO primary point of contact is the State Purchasing Director.

II. PURPOSE, APPLICABILITY, AND INTENDED USE

- A. This policy is adopted to strengthen environmental outcomes through purchasing decisions that cause less pollution and waste, conserve resources and habitats, minimize local and global climate impact, and contribute to sustainable economic growth within the State of Colorado.
- B. This policy shall be referred to as the "Environmentally Preferable Purchasing (EPP) Policy"; with adherence required by all State of Colorado delegated Group I and Group II delegated Purchasing Agencies. Non-delegated agencies, and other governmental entities and public entities within the State are strongly encouraged to follow this guidance to the extent practicable.
- C. The guidance contained in this EPP Policy is intended to facilitate adoption of best environmental practices by delegated and non-delegated agencies and other public entities within the State of Colorado consistent with Federally-adopted environmental purchasing trends and laws, as well as to provide direction for compliance with State statutes, Executive Orders and policies.
- D. Primary users of this policy should be state government personnel involved in purchasing and contracting. Guidance specifically stated herein that contains the words "must" or "shall" is based on statutory or executive order requirements and adherence is mandatory by delegated State agencies. Guidance that contains the words "may" or "should" is *recommended practice*, but not required by law, statute, or order. Where documented standards do not require specific products, equivalent products should be researched and/or procured with the intent of

obtaining the best value and performance within an environmentally preferable framework.

III. AUTHORITY

A. Originating statutes, rules, policies, and executive orders.

Authority for this policy and its implementation are directed by, or derived from, the following official actions:

- Energy Policy Act (EP-Act 507- 1996)
- EO D0014-03 “Energy Performance Contracting, State Agencies” (7/04)
- EO D 005-05 “Greening of State Government” (5/05)
- 24-30-1104: Alternative Fuel Use Requirement (3/06)
- 24-30-1301 through 1305: High Performance State Buildings (4/07)
- EO D 0010-07 “The Governor’s Energy Office” (4/07)
- EO D0011-07 “Greening of State Government- Goals and Objectives” (4/07)
- EO D0012-07 “Greening of State Government- Detailed Implementation” (4/07)
- 24-103-207 C.R.S. “Recycled Paper Content Minimums”
- Colorado Climate Action Plan (11/07)
- 24-103-207.5 C.R.S. “Environmentally Preferable Purchasing Preference”

IV. STATEMENT OF POLICY

This policy shall take effect on July 1, 2009. This policy will be reviewed and updated consistent with State of Colorado statutes, executive orders and regulations, beginning with the following elements as a baseline:

- a. Guidance for this policy is derived from the definition of Environmentally Preferable Products (EPP) as, “...products or services that have a lesser or reduced adverse effect on human health and the environment when compared with competing

products or services that serve the same purpose” (24-103-207.5, May 21, 2007).

- b. Guidelines for this policy include giving preference to products as defined by Executive Order D0012 07 as those that, “...minimize environmental impacts over the lifetime of the product...[minimally considering]...a product’s energy profile and recycled material content, toxicity, and impact on air and water resources...” (EO D0012 07, April 16, 2007).
- c. Development, maintenance, and update of this policy shall be conducted by the Department of Personnel, Division of Finance and Procurement, State Purchasing Office (SPO), in coordination with the Governor’s Energy Office (GEO) and the Colorado Department of Public Health and Environment (CDPHE).
- d. In accordance with the aforementioned guidelines and authority, 24-103-207.5 CRS states: “When purchasing any product with public funds, the executive director or any purchasing agent shall be authorized to purchase products or materials with recycled content, that have been source-reduced, that are reusable, or that have been composted, unless one or more of the following conditions exist:
 - (i) The product is not available within a reasonable period of time;
 - (ii) The product fails to meet existing purchasing rules, including specifications;
 - (iii) The product fails to meet federal or state health or safety standards, as set forth in the code of federal regulations or the Colorado code of regulations.

Furthermore, it is the policy of the State of Colorado to be a leader in the New Energy Economy by:

- instituting practices that support the implementation of Executive Orders and Colorado Revised Statutes for reducing waste and the environmental impact of product and energy use by all state agencies and institutions, and encouraging the same among all political subdivisions; and by
- purchasing products that have a lesser or reduced adverse effect on human health and the environment, including those that minimize toxins, pollution, and hazards to workers, community safety, and the larger global society to the greatest extent practicable; and by

- purchasing products that when compared with competing products serving the same purpose have reduced environmental impact and are economically feasible as allowed by statutory preference and life-cycle analysis; and by
- purchasing products wherever practicable and economically feasible that use recycled content, are durable and long-lasting, are produced locally in Colorado or regionally -whenever possible- conserve energy and water, use agricultural fibers and residues, can be reused, reduce greenhouse gas emissions, use unbleached or chlorine-free manufacturing processes, are low volatile organic compound (VOC) or toxin free, using materials from renewable or sustainably managed points of origin.

V. BENEFITS AND GOALS OF GREEN PROCUREMENT

A. Benefits

Green procurement has various benefits that facilitate sustainability and effective accomplishment of the State’s mission. Buying “green” also improves our environmental stewardship, and strengthens community relationships. Purchasing decisions can significantly influence the environmental performance of each agency, since the procurement process heavily influences the wastes and emissions that must be managed and paid for. When we buy a hazardous material, at the end of its life cycle it may become a hazardous waste that is costly to manage and dispose.

When we buy products or design buildings that are not energy efficient, we pay higher utility bills and contribute to internal and regional air pollution. Water-wasting products and systems drive up costs for water purchase and wastewater treatment – funds that could otherwise be used for essential purposes. The goal of the EPP Policy is to suggest environmentally responsible and proactive procurement practices to mitigate or avoid negative environmental impacts.

Specific benefits of practicing green procurement include but are not limited to:

- Strengthening recycling programs by increasing the demand for recycled products
- Complying with laws, regulations, and Executive Orders (EOs) that require state agencies to implement green procurement practices
- Saving money (may be in terms of product cost, the overall cost of manufacturing, or utility bills)
- Reducing air emissions, solid waste disposal rates, and associated health risks
- Providing jobs and economic opportunity

- Providing incentives for manufacturers to use technologies that incorporate environmentally preferable attributes and/or materials into products
- Conserving natural resources used to make new products
- Preserving energy resources and protecting the ozone layer
- Providing new and expanded markets for sustainable commodities and services
- Reducing U.S. dependence on petroleum and other imports

B. Goals

The initial goal of this policy is to analyze and adopt recognized third-party national standards or certifications, and tools that help evaluate the purchase of environmentally sound products. Life cycle assessments that measure product life costs and benefits in determining purchasing preference(s) are a preferred practice if not already incorporated by recognized standard or certification.

It is an ongoing goal of this policy to discover and implement practices that promote the inclusion of environmentally-focused specification language and definitions to be used in competitive solicitations for commodities and services. The SPO, in cooperation with GEO and cross-functional workgroups, will be a primary repository and lead partner agency in this effort. This EPP policy is designed in accordance with the State's intent to:

- Conserve natural resources
- Minimize environmental impacts from pollution,
- Reduce unnecessary or excessive use of water and energy,
- Mitigate toxic and otherwise harmful emissions,
- Eliminate or reduce toxics that create hazards to workers and communities within the State of Colorado and a wider society,
- Increase opportunities for recycling markets,
- Stimulate markets for environmentally sound products,
- Promote product reuse,
- Reduce materials that require landfill disposal,

- Maximize diversion of materials from the solid waste stream,
- Identify environmentally preferable products and distribution systems,
- Encourage manufacturers and vendors to reduce environmental and human health impacts in their production and distribution systems or services, especially those within the state of Colorado,
- Create guidance for the successful purchase of environmentally preferable products by state agencies, institutions, and other Colorado public entities.
- Provide leadership and a model for the development of environmentally preferable purchasing policies by state, higher education, and local agencies

VI. PRIORITIES

- A. The health and safety of the people who live and work in Colorado is of utmost importance. Purchasing directors will ensure that purchasing policies and practices employed are especially cognizant and protective of the health of children, the elderly and other vulnerable populations.
- B. Many agencies, educational institutions, and other government entities within the State of Colorado have made significant investments in developing successful recycling programs and systems, and the State Purchasing Office recognizes that procurement of recycled content products are essential to the continuing viability of these programs and to the foundation of an environmentally sustainable purchasing program. Therefore, to the greatest extent practicable, recycled content and other environmentally-oriented considerations should be included as part of performance and/or design specifications for solicited products.
- C. Nothing contained in this policy shall be construed as requiring an agency, institution, division, purchaser or contractor to procure products that:
- do not perform adequately for their intended use.
 - exclude adequate competition.
 - are not available at a reasonable price in a reasonable period of time.
 - would be construed as requiring the State of Colorado, its agencies or institutions, purchasers or contractors to take any action which conflicts with state or federal requirements.

VII. SPECIFIC STRATEGIES

A. Source Reduction

1. The State of Colorado advocates practices that reduce waste and/or result in the purchase of fewer products whenever practicable and that those products purchased are cost-effective, without reducing safety or workplace quality.
2. The State of Colorado encourages the purchase of remanufactured products whenever practicable, but without reducing safety, quality or performance.
3. The State of Colorado prefers that all commodities purchased after the adoption of this policy be compatible with source reduction goals as referred to in this section. Buyers should consider source reduction in all product selection decisions whenever practicable.
4. Buyers may assess the life cycle cost of commodities with the aid of third-party certifications (if one exists) to address the feasibility of substituting sustainable alternative products that offer similar performance and price while meeting environmental policy goals.
5. A life cycle assessment (LCA) can include the evaluation of total costs expected during the lifetime of a product, and/or its time of ownership. This may include, but is not limited to, raw material extraction, acquisition, transport, energy consumption, use, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime as compared to alternative products. It is the intent of this policy to support development and use of accepted certification entities and assessment tools for determining the lifecycle cost of products.
 - a. Buyers may consider lifecycle cost of commodities by use and reference to specific nationally-recognized third-party certification entities maintained as a database list by the Governor's Energy Office (GEO), accessed through their website (www.Colorado.gov/energy).
 - b. Buyers may also consider lifecycle assessment of products through the use of nationally-recognized environmental advocacy, label and standards entities. These include, but are not limited to, the organizations found in Appendix B to this policy document.
 - c. Products that are durable or include reusable component features are preferred whenever feasible.

- d. The State of Colorado requests that vendors eliminate unnecessary packaging or use the minimum amount necessary for product protection to the greatest extent practicable.
- e. Packaging that is reusable, recyclable or compostable is preferred, when packaging is required.
- f. Vendors shall be encouraged to take back and reuse shipping pallets, and to collect and re-use or recycle packaging materials whenever feasible.
- g. As permissible or whenever possible, suppliers of electronic equipment, including but not limited to vendors of computers, monitors, printers, hand-held devices, and copiers shall be encouraged to take back equipment for responsible re-use or environmentally safe recycling when the State of Colorado discards or replaces such equipment..
- h. Rechargeable and recyclable batteries shall be purchased and used whenever practicable.
- i. All documents shall be printed and copied on both sides (duplex) to reduce the use and purchase of paper, unless otherwise required by state or federal law.
- j. In accordance with 24-103-207 C.R.S., recycled paper is required for at least 50% of all paper purchased and must contain a minimum of 30% Post Consumer Waste content.

B. Reduction of Toxic Elements, Energy, Emissions, and Pollution

1. To the greatest extent possible, no product or service purchased by the State of Colorado should contain, emit, create, or by use, application, or practice will introduce any of the following:
 - carcinogens and/or reproductive toxins,
 - persistent bio-accumulative toxicants, including lead, mercury, dioxins and furans, for example,
 - compounds toxic to humans or aquatic life, corrosive to the skin or eyes, or that are skin sensitizers, and
 - substances that contribute to the production of photochemical smog, ozone production, or that negatively impact indoor air quality.
2. All cleaning or disinfecting products (i.e., for janitorial or automotive use) should, at a minimum, meet third party certification standards for environmental performance, whenever practical. These products shall not contain chemicals listed by the U.S. EPA Toxics Release Inventory (TRI):

(<http://www.epa.gov/tri/index.htm>), or the National Institute for Occupational Safety and Health on the Registry of Toxic Effects of Chemical Substances (RTECS): (<http://www.cdc.gov/niosh/97-119.html>)

3. All surfactants and detergents should be readily biodegradable and, where practicable, should not contain phosphates or other agents known to result in water quality degradation.
4. Buyers shall avoid the purchase of products containing persistent, bio-accumulative and toxic chemicals (PBTs), where alternatives exist. This is in accordance with the spirit and intent of the State of Colorado's Climate Action Plan to minimize/eliminate the use of products that contain or generate PBTs during manufacturing, including reuse or disposal of substances such as mercury, lead or dioxin. Refer also to the EPA guidelines pertaining to these elements (<http://www.epa.gov/opptintr/pbt/>).
5. The use of chlorofluorocarbon-containing products, including refrigerants, solvents, aerosols, foam blowing agents, fire suppression, sterilants, adhesives, coatings and inks, and other products known to contribute to the depletion of the ozone layer shall be phased out, and new products purchased shall not contain them. [The State of Colorado shall endeavor to purchase alternatives to chlorofluorocarbon-containing refrigerants and other products in accordance with the EPA Significant New Alternatives Program (SNAP) guidelines (<http://www.epa.gov/Ozone/snap/index.html>).
6. Alternatives to polystyrene packaging and food service products should be considered whenever practicable, in recognition that unless polystyrene products are given specific recycling conditions, these products otherwise contribute significantly to non-captured waste and landfill space, and may also contain chemicals that with repeated exposure could negatively affect human health.
7. For building maintenance and landscapes, the State of Colorado shall manage pest problems through prevention and physical, mechanical and biological controls wherever feasible and practicable. This includes the purchase of products identified by third-party certification entities (as referenced in sections 3.1.4.1 and 3.1.4.2) as employing the least toxic chemical pesticide(s). This will be deemed acceptable only after safer approaches or products have been determined to be ineffective.
8. Buyers of building maintenance products should purchase products containing the lowest amount of volatile organic compounds (VOCs) including low or formaldehyde-free as applicable. Buyers shall also request recycled content packaging and low environmental impact products whenever feasible. All purchased materials (such as paint, carpeting, flooring, adhesives, furniture, casework, etc.) shall be assessed

for environmental impact using lifecycle analysis or third-party certification as available.

9. The State of Colorado shall strive to reduce or eliminate the use of products that contribute to the formation of dioxins and furans. Buyers may consider the Environmental Protection Agency's recommendations for such reductions. This includes, but is not limited to:
 - a. Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed chlorine free or using the least amount of chlorine or chlorine derivatives whenever possible; and
 - b. Buyers should request that products do not contain polyvinyl chloride, or are not packaged using PVC film whenever feasible or practicable. This may include- but is not limited to- office binders, furniture, carpeting/flooring, building materials and supplies, and medical supplies.
10. Whenever possible, the State of Colorado should limit purchases of products and equipment that contain lead, cadmium or mercury. For products that must contain lead or mercury because no suitable alternative exists, purchasers shall give preference to those products containing the lowest quantities of these metals and/or to vendors with established lead, cadmium and mercury recovery programs.
 - a. When replacing electronic equipment, including but not limited to computers and printers, and where feasible and practicable as shown through lifecycle analysis and/or the use of the Electronic Product Environmental Assessment Tool (EPEAT), the State of Colorado shall consider those products that meet the highest Energy Star rating and/or minimum standard of EPEAT Bronze, Silver, or higher, as published in the IEEE 1680 standard, clause 1.4, for the Environmental Assessment of Personal Computer Products.
11. When replacing vehicles, and to the extent practicable and economically feasible within statutory preferences, the State of Colorado shall acquire only the most fuel-efficient model vehicles available that are best suited to particular business applications. Agencies shall consider car-pooling programs and/or policies to minimize the number of vehicles procured.
12. To the extent practicable and economically feasible, the State of Colorado shall use renewably-derived fuels or fuels that are cleaner and less polluting than gasoline and conventional diesel fuel, including but not limited to ethanol, bio-diesel, natural gas and electricity.

13. Buyers shall be discouraged from purchasing products containing pentachlorophenol, arsenic, or creosote, if adequate substitutes may otherwise be applied. Chemically treated wood products containing such elements (used in landscape or other construction applications) shall only be used in conjunction with products that encapsulate or mitigate the potential of contaminants leaching from the treated wood into soil or water systems.
14. Buyers shall avoid the purchase of products containing brominated flame retardants (BFRs) wherever possible. In particular, the BFRs “penta” and “octa” will be targeted for phase-out in keeping with European Union bans and emerging U.S. and State-legislated public health initiatives.

C. Recycled Content Products

1. Buyers are required to procure at least 50% of total paper purchases utilizing 30% Post Consumer Waste content in accordance with 24-103-207 C.R.S..
2. Buyers shall consider the purchase of all products for which the United States Environmental Protection Agency has established minimum recycled content standard guidelines, such as those for printing paper, office paper and non-paper office products, janitorial paper, materials and equipment for construction, landscaping, parks and recreation, transportation, vehicles, and other miscellaneous products. Commodities should contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
3. Acquisition of copiers and printers shall include specifications that contain language aimed at increasing recycled or recyclable component parts and/or component replacement considerations.
4. Solicitations of recycled content papers intended for distribution shall require a pre-printed statement or imprint from suppliers disclosing the postconsumer recycled content and/or percentage of the product(s).
5. The State of Colorado shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment whenever possible, as long as the re-refined products are in compliance with Engine Oil Licensing and Certification System (EOLCS) standards maintained by the American Petroleum Institute (API), and are appropriate for use in such equipment.
<http://www.api.org/certifications/engineoil/index.cfm>

6. Specifications for the purchase of asphalt products, concrete, aggregate base, Portland cement or concrete applications for road construction projects shall use recycled, reclaimed or reground materials whenever practicable.
7. Specifications for the purchase of transportation products including signs, cones, parking stops, delineators, and barricades shall include recycled content wherever available, economically feasible, and/or practicable.
8. Purchasers of furniture shall consider surplus inventory sources before issuing a solicitation for new purchase, or when considering the use of various Price Agreements.

D. Energy and Water Saving Products

1. Buyers shall consider EPA ENERGY STAR® certification as a minimum standard for all energy consuming products, when possible. When ENERGY STAR® labels are not applicable, products shall meet or exceed FEMP recommended levels, especially those within the upper 25% of energy and or water saving efficiency. These recommended levels shall be considered when purchasing new and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and processing equipment, and all other related components whenever practicable and feasible. Technologies such as on-demand water heaters or programmable regulating devices should be considered in system designs whenever applicable.
http://www1.eere.energy.gov/femp/procurement/eep_modellang.html
2. Where renewable forms of energy are unavailable or not practicable, natural gas shall be used in lieu of electricity or propane for space and water heating.
3. Energy buyers shall consider renewable energy resources wherever practicable and economically feasible through lifecycle analysis and allowable purchasing preferences. Renewable energy resources include solar power, wind power, geothermal, biomass, and hydroelectric energy, but do not include fossil fuels (coal, oil, or natural gas).
4. ENERGY STAR® power-saving features shall be enabled during initial installation, and shall remain enabled unless these features conflict with the manufacturer's recommended operation and maintenance for copiers, computers, monitors, printers and other office equipment.

E. Green Building – New Construction, Renovations, Operations and Maintenance

1. All capital construction projects, substantial renovations, and state-assisted facility (CRS 24-30-1301) shall follow Office of State Architect (OSA) high performance certification program (HPCP) policy and Executive Orders D005 05, D0011 07 and D0012 07. The HPCP set the design/construction/performance target as LEED-NC Gold for any construction project greater than 5,000 square feet depending on the source of funds for both construction and long-term operations and maintenance. All construction projects not within the requirements of the HPCP policy shall meet the requirements of Executive Orders D005 05, D0011 07, D0012 07 and shall implement all HPCP requirements as practicable and cost effective. The construction projects shall be consistent with the purchasing requirements of this policy document.
2. All buildings maintained by State of Colorado agencies and institutions shall consider energy performance contracting in accordance with Executive Order D014 07. All State of Colorado agencies and institutions shall include the Green Building practices operation and maintenance, where appropriate, as described in the LEEDTM Rating System. All buildings shall meet the requirements of Executive Orders D005 05, D0011 07, D0012 07 and shall be consistent with the purchasing requirements of this policy document.

F. Landscaping and Xeriscaping

1. All landscape, including, but not limited to, new construction, renovations, operations and maintenance by State of Colorado agencies and institutions, including workers and contractors providing landscaping services shall employ sustainable landscape management techniques for design, construction and maintenance whenever possible, including, but not limited to, storm-water control, integrated pest management, grass recycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from Colorado-generated plant debris (including harvested beetle-kill where available) and/or food and agricultural waste programs.
2. Plants should be selected to minimize waste and water use by purchasing species appropriate to the microclimate and using xeriscaping techniques for high altitude landscaping. Purchasers shall give preference to species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred.
Species designated as noxious weeds by local, state, or federal agencies should never be planted in any State landscape.

3. Buyers shall consider hard-scape and landscape structures constructed or composed of recycled materials wherever practicable. The State of Colorado shall limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.
4. Buyers shall, in good faith, document to file their efforts to incorporate E.P.P. strategies contained in this policy. This applies for all purchases where sustainable products may be economically or feasibly substituted, that also meet performance and safety requirements.

G. Forest Conservation

1. To the greatest extent practicable, the State of Colorado shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, State of Colorado agencies and institutions shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification, in accordance with House Bill 08-1207, and Section 1, 24-103-207.5 of the Colorado Revised Statutes.
2. The State of Colorado discourages the purchase of products made from virgin wood whenever products made from recycled or reclaimed wood are available, economically feasible and practicable. There are also substitute products available instead of wood which are made with other materials with less impact such as **recycled content products**.

H. Agricultural Bio-Based Products

1. Fuels for vehicles and other combustion engine equipment, and/or fuels used for heating are encouraged to be sourced from recoverable organic, non-wood, plant-based materials, or contain recoverable content such as vegetable cooking oils whenever practicable.
2. The purchase of some wood sources are encouraged, such as those from Colorado beetle kill biomass chip products as long as the vendor is a procurement source recognized by the Governor's Energy Office Biomass program as efficient, economically feasible and practicable.
3. Paper, paper products, and construction products made from non-wood, plant-based, agricultural crop residual fiber, or other organic fibrous materials, are encouraged whenever practicable.

VIII. IMPLEMENTATION

- A. Implementation of this policy will be phased accordingly with goals set forth by applicable statutes, executive orders, rules, codes, available resources, and policy priorities.
- B. The Department of Personnel, Division of Finance and Procurement, State Purchasing Office (SPO), shall implement this EPP policy in coordination with the PAC (Purchasing Advisory Council) Executive Committee, the Governor's Green Coordinating Council, the Governor's Energy Office (GEO), Colorado Department of Public Health and Environment (CDPHE), and other appropriate jurisdictional entities or personnel.
- C. Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. Vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.
- D. The State Purchasing Office, in conjunction with the Governor's Energy Office, and other jurisdictional personnel, shall develop an internet-based site for Environmentally Preferable Purchasing which shall contain:
 - an Introduction to, and References for, Environmentally Preferable Purchasing
 - an EPP "Decision Tree" for assisting agencies in their consideration of purchasing products that reduce environmental impact, including the requirements of statutes, executive orders, and regulations, and
 - an updated list of State Price Agreements, Commodities and Major Solicitation categories where environmentally preferable products have been added, and
 - information on EPP 'best practices', and
 - active links to EPP buying opportunities through other jurisdictions, cooperative buying, and consolidated contracting such as the WSCA, and
 - sample solicitation language for agency inclusion in competitive bids, and
 - a policy template for agency and political subdivision to use in the development of an EPP policy, and
 - active links to the third-party certifiers listed in section (8.0) of this policy document, and/or to the Governor's Energy Office website for third party certifiers and lifecycle cost assessment tools, and,
 - active links to environmentally friendly product lists, and,
 - lists and/or announcements of available EPP workshops and training opportunities.
- E. The State Purchasing Office (SPO) shall institute an ongoing procedure for assessing all State Price Agreements for the inclusion of required and/or preferential environmental purchase specifications and definitions.

- F. The State Purchasing Office (SPO) shall institute an ongoing procedure for identifying and assessing BIDS Categories, Commodities and Major Solicitation groups for the inclusion of required and/or preferential environmental purchase specifications and definitions, in cooperation with cross-functional workgroups.
- G. When evaluating responsiveness of prospective bidders in its procurement of goods and services, the State Purchasing Office (SPO) and delegated agencies shall develop sustainability and green purchasing language and solicitation approaches through user groups such as commodity teams and cross-functional workgroups.
- H. The State Purchasing Office (SPO) shall coordinate and cooperate with the Governor's Office of Information Technology (OIT) for updating energy reducing and environmentally preferable standards for all electronic purchases.
- I. The State Purchasing Office (SPO) shall use the expertise of cross-functional staff, users, and work groups such as commodity teams to create pilot programs, create policies, test products, collaborate with GEO on creation of an EPP website, and promote the use of third-party certifiers and life cycle assessment tools.
- J. Vendors, contractors and grantees shall be encouraged to comply with applicable sections of this policy for products and services, where practicable.
- K. The State Purchasing Office shall institute procedures to consider EPP standards, guides, and lists developed by other jurisdictions in order to control the cost and resource expenditures for researching, developing, and updating EPP materials. For example, guides may include, but are not limited to, the U.S. EPA site for Environmentally Preferable Purchasing, the Buying Green guides published by the European Commission of the European Union (EU-EC), models and templates published by the Responsible Purchasing Network (RPN), and the vetted product and EPP information databases of other state or Federal entities, local districts, governmental or municipal entities.
- L. The State Purchasing Office and Governor's Energy Office shall cooperatively establish goals for increasing and measuring the purchase of environmentally preferable products and those with recycled content, monitoring progress toward these goals.
- M. In accordance with State law and Executive Orders, the State Purchasing Office shall consider sustainable and green purchasing practices for all new and updated procedures, practices and rule making.
- N. The State Purchasing Office (SPO) shall work cooperatively with other jurisdictions to encourage markets for environmentally preferable/sustainable products, to obtain

favorable prices, and to reduce waste packaging and products by combining purchases/contracting for the same or similar products whenever feasible.

IX. PROGRAM EVALUATION

- A. The Director of the State Purchasing Office (SPO), and/or other delegated agency personnel responsible for implementing this policy, shall periodically evaluate the success of this policy's implementation.
- B. To evaluate the success of implementing EPP practices in accordance with this policy, the GEO in cooperation with SPO shall periodically require reporting from delegated agency personnel in accordance with EO D0011-07.
- C. This policy shall be updated at least once each year on or before April 22nd (Earth Day), of each year.

X. INDEPENDENT THIRD-PARTY CERTIFICATION, ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES

- A. Buyers shall give primary consideration to information published by recognized independent third-party certification organizations when considering environmentally acceptable product (and service) attributes.
 - 1. Secondary weight should be given to existing environmentally preferable product lists maintained by a state or the federal government.
 - 2. Final regard may be given to Environmental Advocacy and Label Entities that do not certify products and services, but that offer supporting background for considering Environmentally Preferable Purchasing decisions.
- B. The State Purchasing Office shall use the resources and certification capability of third-party sources in compliance with the authority contained in 24-103-207.5 C.R.S including, but not limited to, the following resources, with updated listings maintained at the SPO and/or GEO websites. The following are examples only, provided to distinguish between the types of entities:

Example 1: Recognized Third-Party Certification Entities:

- a. Carpet and Rug Institute
- b. Eco-logo
- c. EPEAT
- d. Environmental Choice
- e. Forest Stewardship Council
- f. Green Seal

Example 2: Reference to a published environmentally preferable product list maintained by federal, state, or local government:

- a. State of Massachusetts
- b. State of California
- c. State of Washington
- d. State of Vermont
- e. King County, Washington

Example 3: Environmental Advocacy, Label and Standards Entities:

- a. Chlorine Free Products Association
- b. Energy Star
- c. Federal Energy Management Program
- d. Global Eco-labeling Network
- e. U.S. Environmental Protection Agency

APPENDIX A DEFINITIONS

GREEN PROCURMENT DEFINITIONS

1. “Agricultural Bio-Based Products” means commercial or industrial products that utilize agricultural crops or residues (other than those used for food or feed) but does not include products made from forest-related materials.
2. “BIDS” Categories refers to the commodities and service categories listed on the State Purchasing Office (SPO) BIDS system.
3. “Buyer” means a dedicated purchasing agent trained and authorized to purchase, conduct solicitations, or contract for purchases on behalf of the State of Colorado, its agencies, institutions, or political subdivisions. See also “Purchaser” (.25).
4. “Chlorine free” means products processed using minimal chlorine or chlorine derived processes.
5. “Contractor” or “Vendor” means any person, group of persons, business, consultant, designer, planner, architect, association, partnership, corporation, supplier, vendor or other entity that may contract with or provide products to the State of Colorado, its agencies, institutions or subdivisions, or that serves in a subcontracting capacity with an entity having a contract with the State of Colorado, its agencies, institutions or subdivisions for the provision of products.
6. “Cost Analysis” as it relates to EPP, means comparative pricing utilizing Life Cycle Analysis (LCA) and/or Total Cost of Ownership (TCO). See also the definitions for these assessment types, (20 and 36).
7. “Dioxins and furans” are a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the U.S. Environmental Protection Agency.
8. “Economically feasible” means to decide whether or not a procurement is prudent, thrifty, effective and efficient; to source in a fiscally responsible manner; to consider the best return on investment of available funds (when considering environmental benefits), not being wasteful or extravagant.
9. “ENERGY STAR®” means the U.S. EPA’s energy efficiency product labeling program.
10. “Energy efficient product” means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets federal standards.

APPENDIX A DEFINITIONS

11. “EPEAT”, or Electronic Products Environmental Assessment Tool, is an independent program that certifies “green” electronic equipment such as computers, monitors and laptops.
12. Environmentally Preferable Purchasing (“EPP”), means to purchase a product that has a lesser or reduced negative effect or increased positive effect on human health and the environment when compared with competing products that serve the same purpose. Incorporating EPP in the procurement process considers raw materials acquisition, production, fabrication, manufacturing, packaging, distribution, reuse, operation, maintenance, and disposal of the product. This term includes, but is not limited to, sourcing recyclable products, recycled products, and reusable products. See also “Green Purchasing” (15).
13. Federal Energy Management Program (“FEMP”) is a program of the Department of Energy that issues a series of *Product Energy Efficiency Recommendations* that identify recommended efficiency levels for energy-using products.
14. The “Forest Stewardship Council” is a global nonprofit organization that identifies and certifies responsible forest management practices according to rigorous standards developed by a broad variety of stakeholder groups.
15. “Green purchasing” means the procurement of products that have a lesser or reduced negative impact or increased positive effect on human health, safety, or the environment when compared to competing products serving the same purpose. Green Purchasing results from a set of policies and procedures and uses tools that allow an organization to make the most efficient use of materials, produce a minimum of waste and pollution, and stimulate the use of post-consumer material. See also (12).
16. “Group I Delegated Purchasing Agency” means those State Agencies or Institutions of Higher Education authorized by written SPO delegation to perform limited purchasing functions within allowances and limits specified in the Procurement Code and Rules.
17. “Group II Delegated Purchasing Agency” means those State Agencies or Institutions of Higher Education authorized by written SPO delegation to perform full purchasing functions within allowances and limits specified in the Procurement Code and Rules.
18. “Integrated Pest Management (IPM)” is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest

APPENDIX A DEFINITIONS

control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

19. Leadership in Energy and Environmental Design (“LEED”TM) rating system means the self-assessing system developed by the U.S. Green Building Council designed for rating new and existing commercial, institutional, and high-rise residential buildings that assigns a point rating scale for energy efficiency, water efficiency, materials management, EPP, and other factors related to sustainability in design and systems elements.
20. “Lifecycle Assessment” and “Lifecycle Analysis” mean the comprehensive examination of a product’s environmental impacts throughout its lifetime, including new material extraction, transportation, manufacturing, energy footprint, use, and disposal. Differs from a Total Cost of Ownership assessment, which focuses on the lifetime costs of acquiring, operating, and disposal.
21. “New Energy Economy” means opportunities for economic growth stemming from development of environmentally-conscious “clean technologies” that provide jobs, that encourage alternative energy research and implementation of technologies to promote independence from fossil fuels, and that contribute sustainable technology solutions toward reducing global warming.
22. “Organic Pest Management” prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All organic pest control products shall be toxin or chemical free, and provide a pest management solution that does not introduce adverse materials or elements to the environment that could be considered harmful to humans, plants, or wildlife. Refer to California Certified Organic Foods (CCOF) for effective products and practices not using conventional chemicals.
23. “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.
24. “Practical” and “Practicable” mean whenever possible and compatible with local, state and federal law, without reducing safety, quality or effectiveness, and where the product or service is available at a reasonable cost in a specified period of time.
25. “Purchaser” means a person assigned to buy, or authorized to conduct discretionary purchases of goods on behalf of the State of Colorado, its agencies, institutions, or subdivisions. See “Buyer” (3).

APPENDIX A DEFINITIONS

26. “Recovered Material” means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and postconsumer material but does not include excess resources of the manufacturing process.
27. “Recycled Content” means the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.
28. “Recycled Content Standard” means the minimum level of recovered material, and/or postconsumer material necessary for products to qualify as “recycled products.”
29. “Recycled Product” means a product that meets stated requirements of the State of Colorado, its agencies, institutions and subdivisions, indicating specific recycled content for postconsumer and recovered material.
30. “Remanufactured Product” means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
31. “Responsible Purchasing Network (RPN)” is a national nonprofit network organization comprised of procurement-related professionals dedicated to socially responsible and environmentally sustainable purchasing. The program is staffed and managed by the [Center for a New American Dream](#), and advised by a voluntary [Steering Committee](#) of leading procurement stakeholders from government, industry, educational institutions, standards setting organizations, and related organizations.
32. “Reused Product” means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
33. “Source Reduction” refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced toxic constituents; and products marketed with minimal, or reduced, packaging.
34. “Sustainable Purchasing” refers to the process of purchasing materials, products, and labor in a manner that reflects fiscal responsibility, social equity, and environmental stewardship.
35. The “Toxics Release Inventory (TRI)” is a publicly available U.S. EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal entities: <http://www.epa.gov/tri/index.htm>.

APPENDIX A DEFINITIONS

36. “Total Cost of Ownership” 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. May also include Life Cycle Assessment or Life Cycle Analysis for environmental impact. Refer to (20) for LCA definition.
37. “U.S. EPA Guidelines” means the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
38. “Volatile Organic Compounds” (V.O.C.’s) means any organic compound (all chemical compounds containing carbon with exceptions) that is volatile (evaporating or vaporizing readily under normal conditions). The most common V.O.C.’s are emitted by consumer products such as cleaning solvents, paints, and printers in an indoor environment. Many building materials such as paints, adhesives, wall boards, and ceiling tiles, new furnishings, wall coverings, and office equipment such as photocopy machines can also off-gas VOC particles into the air.
39. “Water-Saving Products” are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.
- 40.. “Xeriscaping” means the practice of incorporating native and drought-resistant plants and/or naturally low or zero-water consuming product design elements into outdoor landscaping that promote the most efficient, or lowest use of water.

APPENDIX B
ABSTRACTS OF RECOGNIZED THIRD PARTY CERTIFICATION,
ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES



EcoLogo™ Launched by the Canadian federal government in 1988, EcoLogo has grown to serve buyers and sellers of green products throughout the United States and Canada, and around the world. It is North America’s oldest environmental standard and certification organization (and the second oldest in the world). It is the only North American standard approved by the Global Ecolabeling Network as meeting the international ISO 14024 standard for environmental labels. By setting standards and certifying products in more than 120 categories, EcoLogo helps identify, buy, and sell environmentally preferable (“green”) goods and services. On this website, you’ll find more than 7,000 EcoLogo-certified products from hundreds of manufacturers. See <http://www.ecologo.org>



Electronic Products Environmental Assessment Tool (EPEAT) is an independent program that certifies “green” electronic equipment such as computers, monitors and laptops. See www.epeat.net



ENERGY STAR® is a joint program of the US Department of Energy and US Environmental Protection Agency where you can find certified energy-efficient products (such as light fixtures, exit signs, appliances and office equipment). See www.energystar.gov



Environmental Choice is Canada’s environmental product certification program. It has issued standards for over 300 product categories (such as flooring, paint, electricity, cleaners, office equipment, and paper products), many of which are sold in the U.S. and available in Colorado. See www.environmentalchoice.com/English/ECP%20Home.



FSC Forest Stewardship Council certifies lumber and other building products made with sustainably harvested wood or that reduce wood consumption; go to www.fsc.org

APPENDIX B
**ABSTRACTS OF RECOGNIZED THIRD PARTY CERTIFICATION,
ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES**

GEN :: GLOBAL ECOLABELLING NETWORK The Global Ecolabelling Network (GEN) is a non-profit association of third-party, environmental performance recognition, certification and labeling organizations founded in 1994 to improve, promote, and develop the "ecolabeling" of products and services.
<http://www.globalecolabelling.net/>



Green Seal is a nonprofit organization that set standards for products (such as janitorial cleaners, floor strippers, and paints) and certifies products that meet those standards. Find certified products, standards, and *Choose Green Reports* at www.greenseal.org



Green-e is a labeling program established by the nonprofit organization, Center for Resource Solutions, which verifies electricity that has been generated using renewable sources such as solar and wind energy. See www.green-e.org



Greenguard is a nonprofit organization that certifies products that impact indoor air quality. Find products (such as flooring, paints, furniture, and cleaning products) with low VOCs and other emissions. Some are certified for use near children: www.greenguard.org.



Scientific Certification Systems verifies green claims such as “biodegradable” or “contains recycled content”. SCS also oversees compliance with the California Gold Sustainable Carpet Standard and other environmental certifications; see www.scs-certified.com

APPENDIX B
**ABSTRACTS OF RECOGNIZED THIRD PARTY CERTIFICATION,
ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES**



TransFair maintains a Fair Trade label issued to companies that import products such as coffee, tea, chocolate and rice that have been manufactured and sold under fair and safe working conditions. For a list of certified products, go to www.transfairusa.org



US Department of Agriculture allows use of its organic label for products meeting federal standards that address pesticide and fertilizer use as well as other approved methods used to grow, harvest and process food and other agricultural products. Information about this organic certification program can be found at www.ams.usda.gov/AMSV1.0/

California

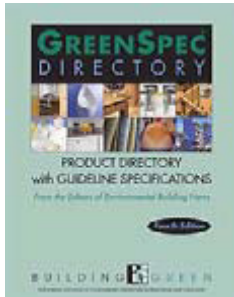
INTEGRATED WASTE MANAGEMENT BOARD This state site is nationally recognized for its online *EPP Tool Kit* features and an *EPP Best Practices Manual* and other relevant resources. The Manual describes how to find “Best Value Through Environmentally Preferable Purchasing,” and links to specific information about how to procure EPPs in approximately 30 product categories such as rechargeable batteries, recycled carpeting and paint, low-mercury light bulbs, less-toxic cleaning products, and more. California’s EPP resources can be found at www.green.ca.gov/EPP/default.htm.

Environmentally Preferable Purchasing Network (EPPNet) is a free electronic list-serv that links public and private officials charged with purchasing environmentally preferable products and services. It provides subscribers with quick access to EPP policies, specifications, vendors, and pricing and performance information. To subscribe, go to: www.nerc.org/eppnet.html.

APPENDIX B
**ABSTRACTS OF RECOGNIZED THIRD PARTY CERTIFICATION,
ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES**



Green Purchasing Institute provides hands-on technical support to local governments on EPP issues, including the development of environmental purchasing policies, bid specifications, contract language and outreach materials. Email: info@greenpurchasing.org



GreenSpec Directory is a paper and online directory that lists over 2,100 environmentally preferable building products based on uniform environmental criteria. It can be found at www.buildinggreen.com

U.S. Green Building Council LEED® Green Building Rating System™ LEED (Leadership in Energy and Environmental Design) is a voluntary, consensus-based national rating system for developing high-performance, sustainable buildings. Developed by USGBC, LEED addresses all building types and emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality. LEED is a practical rating tool for green building design and construction that provides immediate and measurable results for building owners and occupants.

King County, Washington is a municipal leader in environmental purchasing and has developed specifications for a wide variety of recycled, energy-efficient, and low-toxicity products. It issues periodic bulletins when new environmentally preferable products are added to County contracts and an annual report publicizing its successes.

www.metrokc.gov/procure/green/



Responsible Purchasing Network (RPN) is a member-based network of procurement stakeholders that maintains an online clearinghouse of information on EPP policies, programs, purchasing guides, reports, upcoming events and other related resources. See www.responsiblepurchasing.org.



StopWaste is a public agency in Alameda County that promotes waste prevention, recycling and EPP. It offers an EPP resource guide, model policy, and fact sheets on rechargeable batteries, remanufactured toner cartridges, recycled content recreation and

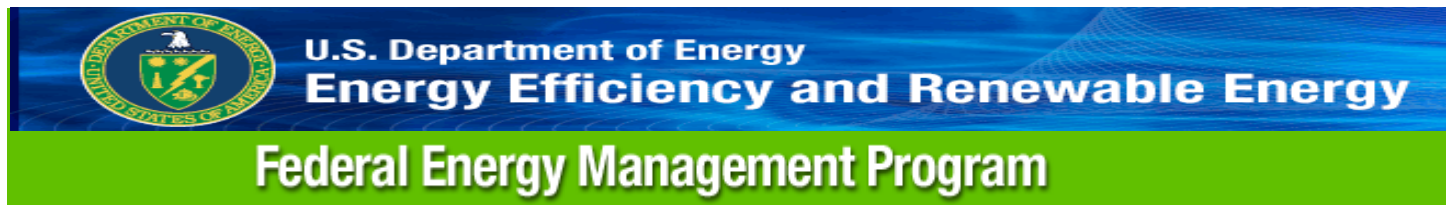
APPENDIX B

ABSTRACTS OF RECOGNIZED THIRD PARTY CERTIFICATION, ENVIRONMENTAL ADVOCACY, LABEL AND STANDARDS ENTITIES

transportation products, and environmentally preferable cleaning and office products. See www.stopwaste.org.



The USCC is a national, non-profit trade and professional organization promoting the recycling of organic materials through composting. The USCC is the only national organization committed to the advancement of the composting industry. See <http://www.compostingcouncil.org/>.



As the largest energy consumer in the United States, the federal government has both a tremendous opportunity and a clear responsibility to lead by example with smart energy management. By promoting energy efficiency and the use of renewable energy resources at federal sites, the Federal Energy Management Program helps agencies save energy, save taxpayer dollars, and demonstrate leadership with responsible, cleaner energy choices. Use FEMP's product recommendations and other useful tips to help you buy the most efficient equipment for your offices and facilities. See <http://www1.eere.energy.gov/femp/>



US Environmental Protection Agency (US EPA) has developed Comprehensive Procurement Guidelines that recommend minimum recycled-content levels for dozens of products. For more information, go to www.epa.gov/cpg/products.htm . US EPA has also developed a suite of tools to help facilitate EPP, including a database listing:

- Contract language, specifications, and policies created by federal, state and local governments;
- Vendor lists of product brands that meet federal EPP standards; and
- EPP Updates, guidance documents, fact sheets, and case studies.