Environmentally Preferable Products (EPPs) Procurement Program

**General Information, Requirements and Guidance**

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##### General EPP Program Information

The Environmentally Preferable Products (EPP) Procurement Program, administered by the Operational Services Division (OSD), works with the partnership support of the Massachusetts Executive Office for Administration and Finance (ANF), the Executive Office of Energy and Environmental Affairs (EOEEA) and the Department of Environmental Protection (DEP) to minimize the environmental and public health impacts associated with products and services purchased on statewide contracts. The purchasing power of the Commonwealth allows us to do so in a cost-effective manner while fostering markets for EPP’s.

This guidance document provides general information and requirements to Commonwealth procuring agencies on integrating environmentally preferable products into their procurement process. Statewide contracts (SWCs) for goods and services, established by OSD, have designated products and services with minimum specifications for recycled content,energy efficiency, water conservation, toxic use reduction and waste prevention, helping procuring agencies meet EPP requirements. Cost savings of EPPs are most often measured through lower purchase price, reduced operations and maintenance costs (including energy and water savings) and/or reduced disposal fees.

See the EPP Procurement Program’s website at [EPP website at www.mass.gov/epp](http://www.mass.gov/epp) for up to date information, a listing of EPPs on SWC, and additional guidance.

##### EPP Procurement Program Staff

The EPP Procurement Program staff works to establish statewide contracts for environmentally preferable products, oversees efforts to institute minimum standards for the procurement of EPPs, and establishes environmental procurement goals where appropriate. They conduct outreach to the environmental business community and provide education and technical assistance to state agencies and political subdivisions (including municipalities) on broad-based environmental issues related to purchasing EPPs. In addition, they offer workshops to procurement officials and cooperative purchasing organizations, participate in OSD’s annual MASSBUYS Vendor Fair and Conference, and cooperate on a national level to expand EPP opportunities.

The EPP Program uses independent third-party standards and certifications wherever possible and consults with state and federal agencies, colleges and universities, municipalities, and non-governmental and private institutions to solicit feedback and advice on products, contracts, and vendors. The EPP Program has been a national leader and participates on a national level to expand EPP opportunities.

##### Commonwealth EPP Requirements

There are primarily two Executive Orders that define the Commonwealths environmental purchasing policies:

1. [**Executive Order 484 - Leading By Example: Clean Energy and Efficient Buildings**](http://www.mass.gov/anf/property-mgmt-and-construction/facilities-mgmt-and-maintenance/energy-and-sustainability/leading-by-exmple-clean-engy-and-effic-bldgs-eo484.html)**,** issued in April 2007, is administered by the Leading By Example Program (LBE) and requires state agencies to prioritize practices and programs that address resource use at state facilities, including reducing energy consumption derived from fossil fuels and emissions associated with such consumption. Among other things, the EO sets specific target dates to reduce greenhouse gas emissions that result from state government operations, reduce overall energy consumption at state owned and leased buildings, and reduce state use of potable water, while providing strategies to encourage the use of renewable energy sources.
2. [**Executive Order 515: Establishing an Environmental Purchasing Policy**](http://www.mass.gov/courts/docs/lawlib/eo500-599/eo515.pdf) was issued in October 2009 and requires all Commonwealth Executive Departments to reduce their impact on the environment and enhance public health by procuring EPP’s and services whenever such products and services are readily available, perform to satisfactory standards, and represent best value to the Commonwealth. In doing so procuring agencies will help conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. EO 515 incorporates by reference the agency procurement directives in EO 484, and considers life-cycle costs.

OSD, through its EPP Procurement Program provides overall program management for EO 515 by:

* Overseeing efforts to institute minimum standards for the procurement of EPPs
* Co-Chairing the Toxics Reduction Task Force with the Office of Technical Assistance and Technology (OTA)
* Establishing environmental procurement goals where appropriate
* Working with agencies to ensure that EO requirements are met
* Collaborates with the OSD’s Strategic Sourcing Leads (SSL’s) to expand the number of EPP’s in statewide contracts
* Issues EPP guidance
* Monitors compliance with EO 515
* Promotes the benefits and increased use of EPPs

##### Procuring Department Responsibilities for EPP Purchasing

Executive Departments in the Commonwealth, who are required to comply with EO 515, may usually do so by using SWCs and choosing available EPPs. Other departments and government entities are not required to use SWC’s but are encouraged to use them since the Commonwealth is able to use its purchasing power to provide competitively bid, fully researched, cost effective solutions to procuring goods and services with many environmentally preferable options. In order to build upon the successful track record of “green” or sustainable purchasing in Massachusetts state government, procuring Commonwealth departments are, in general, required to:

* follow the mandatory EPP purchasing and specification requirements described below whenever any of the listed commodities are being purchased;
* adhere to the EPP purchasing and specification recommendations below whenever possible;
* promote the procurement and use of EPPs which have not been designated by OSD whenever feasible;
* educate and inform all staff about EPPs and state requirements;
* identify in RFRs that additional points will be awarded to vendors who bid EPPs and to vendors that demonstrate desirable environmental business practices;
* establish evaluation criteria for selecting EPPs whenever feasible;
* maintain records of all procurements and purchases of EPPs in their procurement files;
* adopt specific measures to meet targets established in the Governor’s Executive Order #484 and Executive Order #515 where applicable.

##### Department Purchasing Guidance and RFR Specifications for Designated EPP Products and Services

Executive departments who are required to use statewide contracts (per the Code to Massachusetts Regulations 801 CMR 21.00) must consider EPP’s in their purchasing choices. Non-Executive departments and other public entities are encouraged to use statewide contracts whenever feasible, and if conducting their own procurement, are encouraged to use the following guidance.

*Mandatory EPP Specifications*

OSD has established minimum environmental specifications for a number of products and services that can be found in the [Minimum Environmentally Preferable Products and Services Specifications Guide](https://www.mass.gov/files/documents/2016/09/wf/epp-specifications_0.xlsx). These products/services are available at a value and quality comparable to non-environmentally preferable counterparts. In an effort to assist departments, OSD has integrated these specifications into SWC’s. If any unusual circumstances necessitate a separate procurement of these designated commodities, and OSD has approved the procurement, the RFR must include the mandatory minimum specifications. Responses that do not meet the mandatory minimum specifications should be considered unresponsive and be disqualified.

*Recommended EPP Specifications*

OSD has determined that certain commodities are frequently available at a value and quality comparable to non-environmentally preferable counterparts and often offer a significant cost saving potential within a short period of time. OSD has integrated desirable specifications for these products/services into established statewide contracts. Some offer both EPP and non-EPP alternatives. Departments are encouraged to select the EPP alternative whenever possible or include desirable specifications in their own RFRs. A list of desirable specifications can also be found in the [Minimum Environmentally Preferable Products and Services Specifications Guide](https://www.mass.gov/files/documents/2016/09/wf/epp-specifications_0.xlsx).

*Recycled Content Purchasing Requirements for State Departments Using Federal Funds*

Any state agency which receives federal funding for a given program or project and intends to use such funding to purchase at least $10,000 worth of recycled products designated by the U.S. Environmental Protection Agency, must, under the provisions of Section 6002 of the Federal Resource Conservation and Recovery Act (RCRA) and Presidential [Executive Order 13693: Planning for Federal Sustainable in the Next Decade](https://www.whitehouse.gov/the-press-office/2015/03/19/executive-order-planning-federal-sustainability-next-decade), follow federal guidelines for the procurement of such products. The guidelines primarily govern minimum levels of recycled content which must be specified for these products. Those seeking current information on which products are subject to the federal guidelines may call the RCRA hotline at (800) 424-9346.

*Specific Guidance for Requests for Responses (RFR)*

Departments may use different strategies to integrate environmentally preferable products and services into their procurements, and to encourage sustainable business practices with awarded vendors:

* *EPPs and Best Value:* When a department pursues the procurement of commodities or services not designated by OSD as environmentally preferable, and has identified an EPP which provides best value, they may specify mandatory or desirable EPP criteria in their Request for Responses (RFRs) by following this guidance. Departments should consider specific environmental criteria which are relevant to the products or services being solicited by the RFR, or develop their own criteria based on available research and information.

An RFR may indicate that an EPP will be considered best value even when the purchase price is greater than that of a non-EPP. When considering best value, Strategic Sourcing Teams (SSTs) and departments are strongly encouraged to examine a wide range of financial implications and environmental criteria related to the commodity purchase price, as well as operational and disposal costs. RFRs may also consider other environmental and health benefits which provide best value to employees, customers and the public, such as an improved work environment, environmental protection and resource conservation. Departments should consider the “total cost of ownership” or the costs and benefits of EPPs over the life of the product to determine their true cost.

* ***Contract Language:*** SSTs have a number of ways to incorporate environmental language into the RFR, and to incorporate those requirements into the evaluation criteria and scoring.
* ***Specific Environmental Criteria:*** [The Minimum Environmentally Preferable Products and Services Specifications Guide](https://www.mass.gov/files/documents/2016/09/wf/epp-specifications_0.xlsx) provide minimum criteria which are either mandatory or desirable, to include into the RFR specifications. For example, all copy paper should include a mandatory specification requiring 30% post-consumer recycled content paper in the body of the RFR, or computers should include a mandatory specification for EPEAT registered products. SSTs also may encourage bidders to bid greener products that do not have mandatory specifications. They may use the “desirable” minimum environmentally preferable specifications listed in the above referenced document, or include their own researched specifications.
* ***Environmental Plan:*** Departments are in a position to encourage awarded vendors to work with them during the contract term to enhance their environmental profiles by requiring them to create an environmental plan and commit to implementing it. Such an agreement removes the onus from all bidders and places it just with those actually awarded a contract. In addition, it allows the procuring department to actively encourage the contractor(s) to expand their environmental initiatives during the contract term, or to be able to add new initiatives. The details of such an environmental plan depend on the interests of the procuring department. The following sample language may be included in the RFR:

*“Throughout the contract duration, awarded contractors must agree to work with OSD and the SST to examine the feasibility of implementing an environmental plan. Such a plan may include, but not be limited to, the following:*

* *A plan to implement the recycling of materials used or produced in normal business operations.*
* *Environmental initiatives at a corporate and/or manufacturing level, such as clearly identifying recycled content of packaging on the packaging, use of recycled content papers for marketing materials, use of alternative vehicles for delivery or in the corporate fleet, product life cycle assessments and the elimination of the ozone depleting chemical usage in the manufacturing process and internal environmental auditing related to pollution control for the purpose of identifying ways to reduce the impact of manufacturing on the environment.*
* *Collaboration with the SST to develop and distribute information and/or materials to Commonwealth customers on the contractor’s environmental practices and initiatives throughout the term of the contract.*
* *Development and publication of a corporate environmental policy, sustainability plan and/or an environmental management system (EMS).*
* *Obtain industry certifications to verify environmental benefits and claims.”*
* ***Bidder Current Environmental Practices Form:*** Procuring departments are encouraged to offer additional points to bidders who can document that they incorporate environmental initiatives into their own business operations. In order to collect and score information on such initiatives, departments may attach to the RFR a [Bidder Current Environmentally Preferable Products/Practices Form](https://www.mass.gov/files/documents/2016/09/sg/eppform.docm). Depending on the products/service bid, some of the entries in the sample form may not be applicable. RFR developers should keep those entries that make sense for the product/service bid, delete those that do not apply, and add entries specific to the product/service (e.g., if there is a specific certification for the industry or a particular environmental practice to add).
* ***Substituting or Adding EPPs to an Existing Contract:*** Departments should include language in all RFRs which stipulates that negotiations between the department and contractor may occur during the contract term to permit the substitution or addition of EPPs when such products become available at a competitive cost, are readily available and satisfy the department’s performance needs.
* ***Greening the Market Basket:*** If a department is using a “market basket” list to drive down pricing for highest purchased items[[1]](#footnote-1), it is encouraged to include green product alternatives in order to receive the deepest discounts for environmentally preferable products. RFR developers can also choose to remove conventional products that are not environmentally preferable out of the market basket, so that it will not receive the deepest discount, but still be accessible on the contract.
* ***Response Submissions:*** Bidders should be encouraged to submit information identifying any and all environmental attributes of the requested product or services, even when such attributes have not been required. Departments may use this information to develop specifications in the future which incorporate EPP criteria. Departments are also encouraged to ask Bidders to provide an EPP as an alternative (or replacement) for their conventional product wherever possible. Such requests serve to reveal new EPPs in the marketplace.
* ***Documenting Usage of EPPs*:** In order to fulfill EPP tracking goals required by EO 515, departments should include language in the RFRs which requires awarded contractors to report on the quantity and value of EPPs purchased by the department. If the RFR requires EPP plans and/or reporting, the department must maintain the winning bidder's EPP plan and/or reports in the procurement file. Alternatively, departments may choose to do their own tracking of EPP purchases. Record keeping should, in the least, be on a fiscal year basis and should include the total amount of the product purchased, e.g., cases, cubic yards, etc., as well as its total dollar value.

##### EPP Technical Assistance

Departments may wish to clarify these guidelines or obtain additional information. Departments are encouraged to engage in discussions with existing contractors about possible environmental criteria for products being purchased, or attend various workshops as well as OSD’s annual Vendor Fair, MASSBUYS. All other inquiries should be directed to the appropriate Strategic Sourcing Services Team Leader and the EPP Program Director:

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(617) 502-8836|[EPP website at www.mass.gov/epp](http://www.mass.gov/epp)

1. A market basket list in a procurement is a representative sample of items that resemble the highest spend products, and usually it will be requested to provide the deepest discounts for those items in order to drive down costs. [↑](#footnote-ref-1)