

OPERATIONAL SERVICES DIVISION

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 in partnership with 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 environmentally and climate preferable products and services (EPPs).

This guidance document provides general information and requirements to Commonwealth procuring agencies on integrating EPPs 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 www.mass.gov/epp for up-to-date information, a listing of EPPs on SWC in the EPP Products and Services guide, and additional guidance.

EPP Procurement Program Staff

The EPP Procurement Program staff works to establish statewide contracts for EPPs, 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.

The EPP Program uses independent third-party standards and certifications wherever possible and consults with state and federal agencies, colleges and universities, municipalities, 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 two primary Executive Orders that define the Commonwealths environmental purchasing policies:

1. **Executive Order 515: Establishing an Environmental Purchasing Policy** 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 whenever they 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

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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 and best value.

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 Services unit to expand the number of EPP's in statewide contracts
- Issues EPP guidance
- Monitors compliance with EO 515, and publishes an annual report
- Promotes the benefits and increased use of EPPs

2. **Executive Order 594 - Leading By Example: Decarbonizing and Minimizing Environmental Impacts of State Government**, issued in April 2021 and is administered by the Leading By Example Program (LBE). Building on the success of Executive [Order 484](#), Executive Order 594 supersedes all provisions contained in Executive Order No. 484 (except where existing design and construction projects are already subject to prior requirements) and sets goals and requirements to accelerate the decarbonization of fuels used to heat and cool state facilities, help to demonstrate new technologies and strategies necessary to meet the Commonwealth's energy goals, and quicken the shift to electric heating and vehicles. By leading by example in these and other areas, state government can help guide the Commonwealth toward a cleaner future.

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. 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 #515 and Executive Order#594 where applicable.

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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](#). These products/services are available at a value and quality comparable to non-environmentally preferable counterparts. 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](#).

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 several 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](#) 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

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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:

“Awarded Bidders must agree to work with OSD and the SST to examine the feasibility of implementing an environmental plan throughout the life of the contract. Such a plan may include, but not be limited to, implementing energy initiatives, adopting, and implementing sustainability policies or third-party standards and/or certifications, or publicizing their environmental initiatives. The objective of this requirement is to actively encourage suppliers to incorporate sustainable practices throughout their business operations and further market such practices to Contract users. Bidders may include written proposals submitted as an attachment [name of attachment] to their Quote detailing a commitment to action contingent upon receipt of a Contract award.”

- **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 are encouraged to include in the RFR an [Environmental Practices Form](#). Depending on the products/service bid, some of the entries in the template form (from the above link) 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). It is recommended to assign at least 5 evaluation points to this form.
- **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 items¹, 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

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.

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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.

- **Developing an EPP Price File:** It is recommended to have awarded vendors provide a price file for products or services offered on the contract which includes identification of those that are environmental and climate preferable. This may include identification of any third-party certifications, recycled content, or other standards to verify that the product meets the environmental specifications.
- **Documenting Usage of EPPs:** 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:

Julia Wolfe
Director of Environmental Purchasing
Operational Services Division
One Ashburton Place, Room 1017
Boston, MA
(617) 720-3153 | [EPP website at www.mass.gov/epp](http://www.mass.gov/epp)