

ORDINANCE NO. 180751

An ordinance amending in its entirety Article 6 of Chapter 1 of division 10 of the Los Angeles Administrative Code to establish a policy to promote the City's purchase of recycled and other environmentally preferable products whenever they meet price and performance requirements.

WHEREAS, the City of Los Angeles (City) recognizes that as a city government, it is a large consumer of goods and services and the City's purchases have an environmental impact resulting from the combined impacts of a product's manufacture, use and disposition; and

WHEREAS, the City has historically promoted environmentally friendly procurement policies to protect and enhance the environment and the quality of life in the City; and

WHEREAS, the City has adopted the Recycled Energy, Natural resources, and Economic benefit for Los Angeles Plan (RENEW LA Plan); and

WHEREAS, the Mayor has directed the General Managers and Directors of all City departments and offices and all boards and commissions of the City, including proprietary departments, to develop sustainability plans that include the procurement of environmentally preferable products; and

WHEREAS, in keeping with its role as a major purchaser of goods and services, the City desires to seek opportunities to promote markets for environmentally preferable products through employee education, the adoption of innovative product standards, specifications and contracts, and to establish cooperative ventures with other jurisdictions with regard to the procurement of goods and services from manufacturers and vendors who share the City's commitment to the environment; and

WHEREAS, it is in the public interest to purchase products and services that have a lesser or reduced adverse impact on human health and the environment when compared with competing products and services serving the same purpose; and

WHEREAS, it is appropriate that the City adopt the following legislation to maintain and increase the viability of its procurement of environmentally preferable products.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The second unnumbered paragraph of Section 9.1 of the Los Angeles Administrative Code is amended to be the third unnumbered paragraph of that

section, and the following paragraph is added as a new second unnumbered paragraph of that section, to read:

All purchases shall be subject to the provisions of Article 6 of Chapter 1 of Division 10 of this Code, relating to the "Environmentally Preferable Products Purchasing Program."

Sec. 2. Article 6 of Chapter 1 of Division 10 is hereby amended in its entirety to read:

ARTICLE 6
ENVIRONMENTALLY PREFERABLE PRODUCTS PURCHASING PROGRAM

Sec. 10.32. Findings and Purpose.

(a) **Findings.** The City Council hereby finds and declares as follows:

(1) The City of Los Angeles recognizes that, as a city government, it is a large consumer of goods and services. The City's purchases have an environmental impact resulting from the combined impacts of a product's manufacture, use and disposition. As a result, the purchasing decisions of the City and its contractors can positively or negatively affect the environment.

(2) Since the 1990's, the City of Los Angeles has had in effect a Recycled Products Purchasing Program to protect the environment by helping to create a market for recycled-content products, thus creating related jobs, stabilizing the markets for recycled materials from curb-side recycling programs, protecting natural resources and extending the life expectancy of local landfills.

(3) As a natural progression to such environmental policies, the City recognizes that a more comprehensive Environmentally Preferable Purchasing Policy is needed to ensure that its purchasing decisions are based on environmental factors, including, but not limited to, recycled content.

(b) **Purpose.** This Article is adopted to accomplish the following purposes:

(1) The City of Los Angeles seeks to conserve and enhance our local and global natural resources; promote and support a vibrant, diverse, and equitable economy; safeguard human health and the environment; and improve the livability of the City's neighborhoods without compromising the ability of future generations to do the same.

(2) The City shall promote the use of environmentally preferable products in its acquisition of goods and services. Environmental factors to be considered in selecting products include pollutant releases, waste generation,

recyclability, recycled content, energy consumption, depletion of natural resources and potential impact on human health and the environment.

(3) Recognizing its role as a major purchaser of goods and services, the City shall seek opportunities to enhance markets for environmentally preferable products through employee education; encourage pilot testing of potential new products; adopt innovative product standards, specifications and contracts; and embark on cooperative ventures with other jurisdictions. Environmental factors to be considered in selecting products include pollutant releases, waste generation, recyclability, recycled content, energy consumption, depletion of natural resources and potential adverse impact on human health and the environment.

(4) The Council adopts this Article to reduce the environmental impact of the City's purchasing decisions by buying goods and services from manufacturers and distributors who share the City's commitment to the environment. By including environmental considerations in the City's purchasing decisions, along with traditional criteria of price, performance and availability, the City will remain fiscally responsible, while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, lessen the need for landfills, and utilize suppliers that reduce the adverse environmental impact of their production and distribution systems.

Sec. 10.32.1. Definitions.

The following definitions shall apply to the terms used in this article:

- (a) **"Awarding Authority"** means any Board or Commission of the City of Los Angeles, or any authorized employee or officer of the City of Los Angeles, including the Purchasing Agent of the City of Los Angeles, who makes or enters into any contract or agreement for the provision of any goods or services of any kind or nature whatsoever for or on behalf of the City of Los Angeles, and shall include those departments of the City that exercise independent control over the expenditure of their funds and that adopt policies consistent with the provisions of this Article.
- (b) **"Bid documents"** means Request for Proposals (RFPs), Invitations for Bids (IFBs), Request for Qualifications (RFQs), advertisements for bids, and all responses to such documents.
- (c) **"Bio-based product"** refers to a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials (including plant, animal and marine materials) or forestry materials.

- (d) **“Biodegradable”** means materials that can decompose, usually by bacteria or sunlight, into basic components. Most organic materials (paper, grass clippings, food scraps), under the right conditions, are biodegradable.
- (e) **“Carcinogen”** is a substance or agent that can cause cancer.
- (f) **“Chlorofluorocarbon (CFC)”** means a fluorocarbon with chlorine; formerly used as a refrigerant and as a propellant in aerosol cans; the chlorine in CFCs causes depletion of atmospheric ozone.
- (g) **“City”** means the City of Los Angeles, and all awarding authorities thereof, including those departments of the City that exercise independent control over the expenditure of their funds and that adopt policies consistent with the provisions of this Article.
- (h) **“Co-compost product”** means an end product which meets all of the following requirements:
 - 1. It is derived from a blending of materials, of which at least 80% is household refuse and the remainder is sewage sludge or other comparable substitutes, including, but not limited to nontoxic dairy wastes, livestock and horse manure, or fish wastes.
 - 2. It is usable.
 - 3. It is source-separated from the municipal solid waste stream.
- (i) **“Compost”** refers to a process whereby organic wastes, including food wastes, paper, and yard wastes, decompose naturally, resulting in a product rich in minerals and ideal for gardening and farming as soil conditioners, mulch, resurfacing material, or landfill cover, and to such resulting product.
- (j) **“Compost product”** means an end product which meets all of the following requirements:
 - 1. It is derived from the biological decomposition of a blend of organic wastes, including, but not limited to, wood by-products, plant waste, yard refuse, or sewage sludge.
 - 2. It is usable.
 - 3. It is source-separated from the municipal solid waste stream.

- (k) **“Compostable”** refers to products that are comprised of cellulose-containing materials that can be broken down into compost when subjected to biological degradation. Examples include compostable tableware and flatware, brush, leaves, tree trimmings.
- (l) **“Contract”** means any agreement, franchise, lease, or concession, including agreements for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies, or the rendition of any service to the City of Los Angeles or to the public, which is let, awarded or entered into with, or on behalf of, the City of Los Angeles or any awarding authority thereof, and in accordance with all applicable legal requirements.
- (m) **“Durable”** means goods that can be used more than once and withstand long use, wear, and decay.
- (n) **“Energy efficient”** with regard to a product means a product in the upper 25 percent of efficiency for all similar products or products labeled “Energy Star” or designated as such by the United States Department of Energy’s Federal Energy Management Program (FEMP).
- (o) **“Environmental cost of entire product or service life cycle”** means both the direct and indirect cost of the environmental impacts caused by the product in its entire life cycle, including cost of effluent/waste treatment, cost of effluent/waste control, cost of waste disposal, cost of implementation of environmental management systems, costs of eco-taxes, costs of rehabilitation (in case of environmental accidents), cost savings of renewable energy utilization, and cost savings of recycling and re-use strategies.
- (p) **“Environmentally Preferable Products”** means products that have a lesser adverse impact on human health and the environment when compared with competing products serving the same purpose. This comparison may consider all phases of the product’s life cycle, including raw materials acquisition, toxicity levels, production, manufacturing, packaging, distribution, operation, maintenance and disposal, including potential for reuse or ability to be recycled. These products minimize the consumption of resources, energy and water; prevent the creation of solid waste, air pollution or water pollution; minimize the use of materials or processes which compromise the environment; and/or promote the use of non-toxic substances and avoid toxic materials or processes.
- (q) **“Fly ash”** means the component of coal that results from the combustion of coal, and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

- (r) **“Greenhouse gases”** refers to naturally occurring and human-made compounds which absorb some of the thermal radiation from the sun from being emitted back into the atmosphere, which heats the atmosphere and further warms the Earth’s surface, which is known as the greenhouse effect. These gases include water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, partially halogenated fluorocarbons, hydrofluorocarbons, and perfluorinated carbons. The gases contribute indirectly to the greenhouse effect because they influence the rate at which ozone and other greenhouse gases are created and destroyed in the atmosphere. Greenhouse gas emissions result from residential and commercial energy use, industrial processes, electricity generation, agriculture and forestry.
- (s) **“Heavy metal”** refers to metallic elements with high atomic weights, e.g. mercury, chromium, cadmium, arsenic, and lead, which can negatively affect people’s health at low concentrations and tend to accumulate in the food chain.
- (t) **“Less hazardous”** means an environmentally-friendlier safer, alternative to hazardous solvents or materials based on the following indicators: global warming potential, ozone-depletion potential, volatile organic content, flammability/reactivity and toxicity/carcinogenicity.
- (u) **“Life Cycle Assessment”** is an objective process to evaluate the environmental burdens associated with a product process or activity by identifying and quantifying energy and materials used and wastes released into the environment, to assess the impact of those energy and materials uses and releases on the environment, and to evaluate and implement opportunities to affect environmental improvements.
- (v) **“Life cycle cost”** means the total cost of ownership of a product, including initial capital, installation, energy, maintenance, operating, insurance, disposal, replacement, and potential liability costs.
- (w) **“Low toxicity”** refers to a decrease in the amount of toxic chemicals used in making a product. Example: water-based paint instead of lead paint, alcohol based thermometer instead of mercury-based thermometer.
- (x) **“Low volatile organic compound (VOC) content”** refers to products with a low amount of organic compounds. Example: paint, aerosol sprays, solvents.
- (y) **“Lubricating oil”** means engine lubricating oils, hydraulic fluids and gear oils, excluding marine and aviation oils.

- (z) **“Mill broke”** means any paper waste generated in a paper mill prior to completion of the paper making process. It is usually returned directly to the pulping process. Mill broke is excluded from the definition of “Recycled material”.
- (aa) **“Performance standards”** means a statement of the desired operation or function of a material, supply, or equipment.
- (bb) **“Persistent, bioaccumulative toxic (PBT) chemical”** refers to a toxic chemical that is stable and builds up in the environment for a long period of time, particularly in food chains, is not readily destroyed, and builds up or accumulates in body tissue. Relatively small releases of PBT chemicals can pose human and environmental health threats. PBTs include but are not limited to Dioxin and dioxin-like compounds, lead compounds, mercury compounds, polycyclic aromatic compounds, Aldrin, Benzo (g, h, i) perylene, Chlordane, Heptachlor, Hexachlorobenzene, Isodrin, Lead, Mercury, Methoxychlor, Octachlorostyrene, Pendimethalin, Pentachlorobenzene, Polychlorinated biphenyls (PCBs), Tetrabromobisphenol A, Toxaphene, and Trifluran.
- (cc) **“Post-consumer material”** means any household or commercial product which has served its original, intended use, and has been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition. Post-consumer material is part of the broader category, “Recycled material”.
- (dd) **“Practicable”** means sufficient in performance and available within a reasonable period of time at a reasonable cost.
- (ee) **“Product”** means goods, supplies or equipment.
- (ff) **“Rapidly renewable materials”** means materials made from plants that are typically harvested within a ten-year cycle.
- (gg) **“Recyclable”** refers to material that still has useful physical or chemical properties after serving its original purpose and can, therefore, be reused, reconditioned or remanufactured into additional products.
- (hh) **“Recycled content”** means that portion of a material by mass that originates in either pre- or post-consumer waste streams. It includes products and packages that contain reused, reconditioned or remanufactured materials as well as recycled raw material.
- (ii) **“Recycled material”** means a material that can be utilized in place of a raw or virgin material in manufacturing a product of materials derived from post-consumer recycled content, secondary waste, or reusable products,

all of which can be used in the manufacture of new products. New products that contain recycled material are considered "recycled-content products".

- (jj) **"Recycled paper"** means all paper and wood pulp products containing post-consumer material and secondary waste materials with not less than 50 percent of its total weight consisting of secondary and post consumer recycled material and not less than ten percent of its total weight consisting post consumer recycled material.
- (kk) **"Refurbished"** refers to the process of restoring a product by cleaning, repairing, recovering, and reusing the item for its original intended use.
- (ll) **"Re-refined oil"** means oil from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.
- (mm) **"Resource-efficient"** means a product that conserves water or energy.
- (nn) **"Retreaded tire"** means any tire that utilizes an existing casing for the purpose of vulcanizing new tread to such casing which meets all performance and quality standards specified in the Federal Motor Vehicle Safety Standards determined by the United States Department of Transportation.
- (oo) **"Reusable"** means able to use repeatedly in the same form (e.g.: glass bottles, cloth diapers).
- (pp) **"Secondary waste"** means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value, and includes post-consumer content, but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls (mill broke), wood slabs, chips, sawdust or other wood residue from a manufacturing process. Secondary waste is part of the broader category, "Recycled material".
- (qq) **"Specification"** means a clear and accurate description of the technical requirements for products and services, which specifies the minimum requirements for quality and construction of such products or services.
- (rr) **"Ultimate disposal"** refers to the final process in the management of wastes.
- (ss) **"Uncertified hardwoods"** means any hardwoods from deciduous trees that are not certified by the Forest Stewardship Council.

- (tt) **“Upgradeable”** with regard to this Article means the ability to improve or replace products for increased usefulness.
- (uu) **“Virgin material”** means a mined or harvested raw material to be used in manufacturing.
- (vv) **“Water-efficient”** refers to types of products whose production has become increasingly water use efficient as demonstrated by data collected over a period of time, including those meeting EPA’s “WaterSense” standards.

Sec. 10.32.2. Policy and Practices.

It is the policy of the City of Los Angeles to:

- (a) Specify and purchase environmentally preferable products and services where criteria have been established by governmental or other widely recognized and respected third-party authorities (e.g., Energy Star, Green Seal, EPA Recycled Materials Advisory Notice (RMAN) Purchasing Guidelines, Federal Electronic Product Environment Assessment Tool (EPEAT) program guidelines for electronics, State Agency Buy Recycled Campaign (SABRC)). The following environmental attributes should be considered in making a determination of whether a product is environmentally preferable:
 - 1. Whether the product minimizes the usage of virgin materials for its production;
 - 2. The percentage of recycled-content materials it contains;
 - 3. Is the product re-usable;
 - 4. Ease of recycling the product;
 - 5. The amount of packaging material for the product;
 - 6. Whether the product is bio-based (e.g. corn or soy-based) as opposed to petrochemical or synthetically based;
 - 7. Whether the product is biodegradable;
 - 8. Whether the product is made of carcinogen-free materials;
 - 9. Whether the product is Chlorofluorocarbon (CFC)-free;
 - 10. Whether the product is compostable;

11. Whether the product is durable, rather than single-use or disposable;
12. Whether the product is energy efficient;
13. Whether the product is less hazardous than similar products;
14. Whether the product contains low amounts of volatile organic compounds (low VOC content);
15. Whether the product has low toxicity levels;
16. Whether the product is mercury-free or free from other heavy metals;
17. Whether the product is free of persistent bio-accumulative toxics (PBT-free);
18. Whether the product is made of rapidly renewable materials;
19. Whether the product is refurbished;
20. Whether the product is water-efficient;
21. Whether the product is upgradeable;
22. Whether the product reduces greenhouse gas emissions;
23. Whether the ultimate disposal of the product at the end of its life cycle is safer compared to similar products;
24. Whether the product is recyclable and therefore can be kept out of the landfill.

(b) Incorporate environmental factors into the City's product specifications, including but not limited to:

1. Minimization of virgin material use in product or service life cycle;
2. Maximization of recycled products used in product or service life cycle;
3. Environmental cost of entire product or service life cycle;
4. Reuse of existing products or materials in product or service life cycle;

5. Recyclability of product;
 6. Minimization of packaging;
 7. Reduction of energy and/or water consumption;
 8. Toxicity reduction or elimination;
 9. Elimination of uncertified hardwoods in product or service life cycle;
 10. Durability and maintenance requirements;
 11. Ultimate disposal of the product; and
 12. Use of re-refined oil.
- (c) Raise staff awareness of environmental issues affecting City product lifecycles through outreach, and by providing relevant information and training.
- (d) Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices.
- (e) Encourage providers of services to consider environmental impacts of service delivery by using environmentally preferable products and delivery methods whenever possible.

Sec. 10.32.3. Construction of Article.

- (a) Nothing in this Article shall be construed so as to require a City Department, Board, Commission or contractor to: (1) procure products that do not perform adequately for their intended use; (2) exclude adequate competition; and (3) procure products that are not available at a reasonable price in a reasonable period of time.
- (b) Procedures and Guidelines may be established by the City Council as necessary to ensure the continuation of a strong Environmentally Preferable Procurement Program.

Sec. 10.32.4. Applicable Products.

- (a) This Article specifically applies, but is not limited to, the purchase of the following products:
1. Paper products, including but not limited to fine grades of paper, corrugated boxes, newsprint, tissue, and toweling;

2. Compost and co-compost products;
3. Glass;
4. Lubricating oil;
5. Plastic;
6. Solvents and paint, including water-based paint;
7. Tires/re-treaded;
8. Building insulation;
9. Concrete and cement containing fly ash;
10. Automobile parts;
11. Rubber;
12. Asphalt;
13. Batteries;
14. Aggregate rock;
15. Remanufactured, recyclable or recycled toner cartridges;
16. Antifreeze/coolant;
17. Processed and crushed miscellaneous base materials; and
18. Movable/portable walls.

Sec. 10.32.5. Specifications to Allow for Environmentally Preferable Products.

(a) Specification Review

1. All City departments, agencies, and offices that have responsibility for drafting or reviewing specifications for products procured by the City shall review those specifications and ascertain whether Environmentally Preferable Products are excluded from the specifications. All specifications with such exclusions shall be rewritten without the exclusion, unless performance standards cannot be satisfied without such exclusion.

2. Any statement in a specification that requires the product to be manufactured from virgin materials shall be eliminated, unless performance standards cannot be satisfied without such exclusion.
3. Any specification shall be revised if the performance standards arbitrarily exclude products containing Recycled, Recyclable and Environmentally Preferable Products that meet performance requirements.
4. Specifications shall allow the Recycled Material content in the products to be post-consumer content wherever practicable or allow that the Recycled Material utilized, if any, contain the highest percentage of Post-Consumer Content that is practicable.
5. Specifications that are unnecessarily stringent for a particular end use and that bear no relation to function or performance shall be revised in order to allow for a higher utilization of Recycled Materials containing Post-Consumer Content or other Environmentally Preferable Products.
6. When a product containing Post-Consumer Recycled Content or other Environmentally Preferable Product is produced in types and grades previously not available, specifications shall be revised to allow the use of such type or grade of product, where practicable.
7. Whenever performance standards allow, all specifications shall encourage bidders to submit bids on Environmentally Preferable Products.
8. Specifications shall allow the substitution of products made from virgin materials with Environmentally Preferable Products or products made from Recycled Materials, and, to the extent feasible, shall focus on performance standards.
9. Whenever practicable, specifications shall require a specific minimum amount or percentage of Recycled Content for the requested products. Such amount or percentage shall be based on criteria established by governmental or other widely recognized and respected third-party authorities (e.g., Energy Star, Green Seal, EPA Recycled Materials Advisory Notice (RMAN) Purchasing Guidelines, Federal Electronic Product Environment Assessment Tool (EPEAT) program guidelines for electronics, State Agency Buy Recycled Campaign (SABRC)).

(b) Powers and Duties of the Purchasing Agent.

1. The Purchasing Agent shall review the procurement specifications used by the requesting departments, agencies and offices in order to insure that they allow the procurement of Recycled Products or Environmentally Preferable Products.
2. The Purchasing Agent is hereby authorized to withhold his or her endorsement of approval of those specifications subject to this Article that do not comply with the provisions hereof.
3. The Purchasing Agent shall revise specifications to eliminate purchases of paper products deemed potential contaminants to the City's recycling programs.
4. Nothing in this section shall be construed to require that an awarding authority not consider guarantees as to efficiency, operating cost, useful life, availability, time of delivery, and other appropriate life cycle cost assessment factors in determining the lowest and best responsible bidder. This section shall not be construed to relieve the contractor or vendor of providing a product that satisfactorily meets all specifications and performance standards. Nothing contained herein shall be deemed or construed to preclude an awarding authority from rejecting all bids as permitted by City Charter Section 371.

Sec. 10.32.6. Certification by Contractors and Vendors.

Contractors or vendors shall certify in writing to the awarding authority the minimum, if not the exact, percentage of Recycled Material, both Post-Consumer Recycled Content and Secondary Waste as defined in Section 10.32.1 and other environmental attributes listed in Section 10.32.2 (a) in products to be provided in the performance of the contract. The contractor or vendor shall provide such certification even in instances in which the product contains no Recycled Material or other environmental attributes. Failure to provide such certification shall result in the product being deemed to contain no Recycled Material or Environmentally Preferable attributes.

Sec. 10.32.7. Incorrect Supporting Information.

- (a) The Purchasing Agent is hereby authorized to establish procedures and guidelines for verifying that contractors supply environmentally preferred products according to the specifications in the contract.
- (b) A firm which has obtained a contract by reason of having furnished incorrect supporting information and which by reason of such information

has been awarded a contract to which it would not otherwise be entitled shall:

1. Pay to the City any difference between the amount paid to the firm pursuant to the contract and the calculated cost to the City if the contract had been properly awarded;
 2. At the option of the City be subject to having all or part of the contract terminated; and
 3. Be ineligible to transact any business with the City for a period of not less than three months and not more than 36 months as determined by the awarding authority.
- (c) Prior to the imposition of any sanction under this section, the contractor or vendor shall be entitled to an administrative hearing by the awarding authority and to ten days prior notice of the time and place thereof. The Notice of Hearing shall state the reason for the hearing.
- (d) The City shall retain all rights and remedies available under the contract.

Sec. 10.32.8. Promotion Program.

- (a) The following shall be done by each awarding authority to promote the purchase of Environmentally Preferable Products:
1. Place a statement describing the City's policy in procurement invitations; and
 2. Describe the City's policy in all bid documents.
- (b) In addition, the Purchasing Agent shall inform industry trade associations and industry journals of the City's policy, and respond to specific requests about products, materials and goods purchased by the City from persons interested in manufacturing such Environmentally Preferable Products.

Sec. 10.32.9. Contractors.

When not otherwise provided for in contract specification, persons contracting with the City for the provision of services, shall be permitted and encouraged by the terms and conditions of their contract with the City to utilize, to the maximum extent feasible and consistent with performance standards, materials, supplies, and equipment containing Recycled Materials or other Environmentally Preferable Products. This requirement shall not apply to contracts which are funded in whole or in part by a grant or with grant or loan funds. This requirement shall apply to those contractors providing materials, supplies, and finished products to the City but not to those using materials incidental to their contractual obligations.

Sec. 10.32.10. Rules and Regulations.

- (a) The Purchasing Agent may propose, subject to the approval of the City Council, rules and regulations not in conflict with this Article to assist the awarding authorities of the City to carry out the purposes of this Article. Those Departments which exercise independent control over their expenditure of funds and elect to adopt policies consistent with this Article may promulgate their own rules and regulations or adopt those proposed by the Purchasing Agent and approved by the City Council.
- (b) Such rules may include, but are not limited to, the following:
 - 1. The form and content of the statement to be obtained from prospective bidders; and
 - 2. Identification of products and materials to be added or deleted from the application of this Article as set forth in Section 10.32.2.

The Purchasing Agent shall prepare and adopt a standard form to meet the requirements of Section 10.32.5. without further Council approval.

Sec. 10.32.11. Annual Review.

- (a) No later than September 1, of each year, each awarding authority shall prepare a review and monitoring report of its Environmentally Preferable Products Program during the preceding fiscal year, including the following:
 - 1. An estimate of the quantity and dollar amount of Environmentally Preferable Products and products containing Recycled Material purchased, indicating both Post Consumer Recycled Content and Secondary Waste;
 - 2. Experience with the performance of the procured Environmentally Preferable Products and products containing Recycled Materials;
 - 3. Documentation of specification revisions made during the report period;
 - 4. Any enforcement actions taken under Section 10.32.7. of this Article;
 - 5. The feasibility of utilizing Environmentally Preferable Products and products containing Recycled Materials, with a minimum content requirement in the specification of products;

6. Opportunity to reduce waste generated by City departments by modifying specifications; and
 7. Recommendations for the exclusion or addition of specific products to which the program is applicable.
- (b) No later than November 1, of each year, the City Administrative Officer shall submit to the City Council a summary and analysis of the awarding authorities' reports with recommendations as appropriate.

Sec. 3. This ordinance shall be operative three months after its effective date.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUN 12 2009.

JUNE LAGMAY, City Clerk

By  Deputy

Approved JUN 23 2009

 Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
WILLIAM H. KYSELLA, JR.
Deputy City Attorney

Date June 11, 2009

File No. 03-1365-S1 09-0729

DECLARATION OF POSTING ORDINANCE

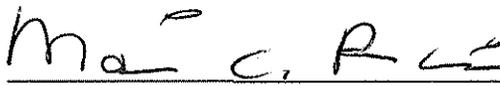
I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 180751 – Amending in its entirety Article 6 of Chapter 1 of Division 1 of the Los Angeles Administrative Code - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **June 12, 2009**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **June 25, 2009** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **June 25, 2009** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **25th** day of **June 2009** at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: August 4, 2009

Council File No. 09-0729