



Legislation Text

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Int. No. 2271

By Council Member Kallos

A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing paragraph 30 of subdivision a of section 6-301 of such code concerning the definition of power supply, by repealing and replacing subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines

Be it enacted by the Council as follows:Section 1. Subdivision a of section 6-301 of the administrative code of the city of New York is amended by adding a new paragraph (20-a) to read as follows:

(20-a) “EPEAT” means the electronic product environmental assessment tool, as defined in paragraph (18) of this subdivision.

§ 2. Paragraph 30 of subdivision a of section 6-301 of the administrative code of the city of New York is REPEALED.

§ 3. Paragraph (2) of subdivision a of section 6-302 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(2) purchased or leased by any contractor pursuant to any contract with any agency where the director has designated such contract as one subject to this chapter in accordance with the provisions of this section and section 6-303, in whole or in part; or

§ 4. Paragraph (8) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(8) where the contracting agency finds that the inclusion of a specification otherwise required by sections 6-306 or 6-310 of this chapter would not be consistent with such agency’s ability to obtain the highest

quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider life-cycle cost-effectiveness and shall submit to the director, before awarding a contract on which consideration of life-cycle cost-effectiveness is based, a report on the details of the methodology and conclusion of the analysis upon which such agency has relied to make such finding; and

§ 5. Paragraph (9) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(9) where the contracting agency finds that the inclusion of a specification otherwise required by subchapters 5 [or], 6 or 8 of this chapter would not be consistent with such agency's ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider the health and safety benefits of such specification and shall submit to the director, before awarding a contract on which consideration of health and safety benefits is based, a report on the details of the health and safety considerations of such agency.

§ 6. Subdivision a of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. [develop, establish, as appropriate, by promulgation of] promulgate rules and other guidance for the purpose of establishing and [implement] implementing environmental purchasing standards, in addition to those set forth in this chapter, the purpose of which shall be to: conserve energy and water; eliminate reliance on virgin materials and increase the use of recycled and reused materials, as well as recyclable and reusable materials; [reduce] eliminate reliance on hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals; [decrease] achieve net-zero greenhouse gas emissions; improve indoor and outdoor air quality; promote end-of-life management; [and reduce] eliminate waste; and account for and reduce the negative effects for the environment, and generate positive effects for the environment, of city

purchases of goods and services;

§ 7. Subdivision e of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

e. monitor agency compliance with the city's environmental purchasing standards and publish on the city's website all annual reports submitted pursuant to paragraph (2) of subdivision a of section 6-305; and

§ 8. Paragraph (1) of subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(1) the total value of [goods] contracts entered into by any agency that:

(i) comply with one or more city environmental purchasing standards[;], and for each such contract, the standards applied;

(ii) are not subject to city environmental purchasing standards;

(iii) are subject to an exemption or waiver pursuant to section 6-303, disaggregated by the specific exemption or waiver; and

(iv) do not comply with one or more city environmental purchasing standards.

§ 9. Paragraph (5) of subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(5) [any material] all changes to the city's environmental purchasing standards since the last publication of such report, including any new, updated or revised rules established or determinations made by the director, a detailed summary of any ongoing review pursuant to subdivision b of this section and, if no updates or revisions have been made to the city's environmental purchasing standards pursuant to such subdivision during the two years preceding such report, a detailed explanation for the determination that such updates or revisions were not necessary, including an assessment of any updates or revisions considered and rejected;

§ 10. Paragraph (2) of subdivision a of section 6-305 of the administrative code of the city of New York,

as added by local law number 118 for the year 2005, is amended to read as follows:

(2) submit an annual report [as required by the director] detailing such compliance, which report shall include all reports required for exemptions claimed in the prior year pursuant to paragraphs (8) or (9) of subdivision a of section 6-303.

§ 11. Subdivision e of section 6-306 of the administrative code of the city of New York is REPEALED and a new subdivision e is added to read as follows:

e. Beginning on the effective date of this subdivision, unless prior to such date the director determines that products that would comply with this subdivision are not available in sufficient quantities and upon reasonable terms, an agency may only purchase or lease a desktop computer, desktop-derived server, laptop, electronic notebook, computer tablet, or other such similar computer product if such product meets applicable EPEAT standards, unless no EPEAT standard for such product exists. The director shall investigate the feasibility of purchasing such products prior to the effective date of this subdivision. In the event that this subdivision does not apply after such effective date as a result of a determination of the director, the director shall reconsider such determination annually and, where applicable as a result of any such reconsideration, the requirement in this subdivision shall take effect as soon as practicable thereafter.

§ 12. Subdivision f of section 6-306 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. No lamp purchased or leased by any agency shall be an incandescent lamp, including but not limited to a halogen lamp [if a more energy efficient lamp is available that provides sufficient lumens and is of an appropriate size for the intended application].

§ 13. Subdivisions a and b of section 6-307 of the administrative code of the city of New York, as added by local law number 119 for the year 2005, is amended to read as follows:

a. Notwithstanding section 6-302 of this chapter, this section shall apply to [any] every computer,

printer, facsimile machine [or], photocopy machine and all other office equipment owned or leased by any agency that contains power management software that may be calibrated to achieve energy savings.

b. The power management software options of [any] every computer, printer, facsimile machine, [or] photocopy machine and other piece of office equipment that contains such software shall be calibrated to achieve the highest energy savings practicable.

§ 14. Section 6-311 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-311 Reuse or recycling of electronic devices. By January 1, 2008, unless otherwise directed by a subsequent local law, the city shall develop a plan for the reuse or recycling of any covered electronic device purchased or leased by any agency. The city shall post such plan and any updates thereto on the website of the office of contract services.

§ 15. Subdivision b of section 6-312 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

b. No new covered electronic device purchased or leased by any agency shall contain any hazardous substance in any amount exceeding that proscribed by the director through rulemaking. In developing such rules, the director shall consider European Union directive 2002/95/EC [and], any subsequent material directive issued by the European Parliament and the Council of the European Union, and any other relevant standard issued by another governing body.

§ 16. The section heading of section 6-315 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-315 [Miscellaneous] Other Hazardous Materials.

§ 17. Section 6-316 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-316 Green cleaning products. a. Beginning June 1, 2009, the city shall purchase and use green

cleaning products to the maximum extent [and in the manner that such use is] practicable as determined [to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted] by the director. Such green cleaning products shall meet the health and environmental criteria for the relevant product category as established by the director [under the pilot program or any such criteria as updated or revised by the director].

b. [No later than June 1, 2009, the] The director shall publish on the department's website a list of green cleaning products that may be purchased by the city to comply with this section. [At least once annually,] The director shall review such list [shall be reviewed and revised, if necessary] and make appropriate revisions no later than June 1 of each year.

§ 18. Subdivision a of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

a. The director [of citywide environmental purchasing], after consultation with the mayor's office of long term planning and sustainability, shall establish packaging reduction guidelines for contracts entered into by city agencies for the purchase of goods. The director shall review such guidelines and make appropriate revisions no later than June 1 of each year.

§ 19. Subdivision c of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

c. The director [of citywide environmental purchasing] shall make such guidelines available to all city agencies and publish such guidelines on the city's website.

§ 20. Subdivision e of section 6-317 of the administrative code of the city of New York is REPEALED.

§ 21. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8

FURNITURE

§ 6-318 Furniture. a. The city shall purchase and use environmentally preferable furniture in its facilities.

b. The director shall promulgate rules with specifications for furniture to meet the requirements of this section. When drafting those rules, the director shall consider the standards and ecolabels recommended by the United States environmental protection agency and any more stringent applicable standard promulgated by a government agency or other organization concerned with the development of environmental standards.

c. The director shall review the rules required by this section at least annually and shall revise them as needed.

d. Rules for the purchase of environmentally preferable furniture shall be in addition to any other provisions of this chapter that apply to the purchase of furniture.

§ 22. This local law takes effect 180 days after it becomes law. The director of citywide environmental purchasing, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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