



Legislation Text

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Proposed Int. No. 156-A

By The Speaker (Council Member Miller) and Council Members Addabbo, Brewer, Comrie, DeBlasio, Diaz, Gennaro, Gerson, Koppell, Martinez, Monserrate, Nelson, Perkins, Quinn, Reyna, Sanders, Seabrook, Vallone and Liu; also Council Members Jackson, Gioia and Moskowitz

A Local Law to amend the administrative code of the City of New York, in relation to the procurement of energy efficient products.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. Recognizing the need for energy efficiency, the United States Environmental Protection Agency (EPA) and the United States Department of Energy (DOE) decided in 1992 to promote the purchase of energy efficient products through an innovative labeling program. The ENERGY STAR labeling program tags products that meet energy efficient criteria, and as a result, reduce overall energy use, lessening the amount of fossil fuel being burned by power plants, and the amount of greenhouse gases and other pollutants emitted into the atmosphere.

Through the ENERGY STAR program, manufacturers and retailers sign voluntary agreements allowing them to place ENERGY STAR labels on products that meet or exceed energy-efficiency guidelines set by the EPA and the DOE. Manufacturers and retailers may also use the label in product packaging, promotions and advertising for qualified products. Most ENERGY STAR labeled products have the same or better performance, features, reliability, and price as conventional models.

ENERGY STAR labeled office equipment saves energy by automatically entering a low-power mode when not in use. The energy-efficient models have all of the performance features of standard office equipment, but help to eliminate energy waste through special power management features. ENERGY STAR labeled office products use about half as much electricity as conventional office equipment, thereby

significantly reducing energy costs.

The Council finds that the potential benefits associated with the procurement and use of Energy Star products are enormous and easily achievable. On June 10, 2001, the Governor issued an executive order requiring that “State agencies and other affected entities shall select Energy Star energy-efficient products when acquiring new energy-using products or replacing existing equipment.” Executive Order No. 111, Section III, June 10, 2001. Given the cost savings alone, it makes fiscal sense for the City to do the same.

The Council finds that the City of New York should join New York State and lead other municipalities and New Yorkers by example in promoting the use of energy efficient products. Accordingly, the City in its role of market participant should, whenever possible, exercise its purchasing power to ensure that ENERGY STAR and other energy efficient products are acquired.

§2. Chapter one of title 6 of the administrative code of the city of New York is hereby amended by adding a new section 6-127, to read as follows:

§6-127. Procurement of energy-using products. a. For purposes of this section only, the following terms shall have the following meaning:

(1) “Agency” means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(2) “ENERGY STAR label” means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency for compliance with its ENERGY STAR program.

b. In any solicitation by an agency for the purchase or lease of energy-using products, the agency shall include a specification that such products be ENERGY STAR labeled, provided that there are at least six manufacturers that produce such products with the ENERGY STAR label, and further provided that there are at least six responsible vendors offering such ENERGY STAR labeled products. Nothing herein shall preclude an

agency from including a specification in a solicitation for energy-using products requiring that such products be ENERGY STAR labeled if there are either fewer than six manufacturers that produce such products with the ENERGY STAR label or fewer than six responsible vendors offering such ENERGY STAR labeled products.

c. In any solicitation by an agency for the purchase or lease of energy-using products which are not available in a form that meets the specifications and criteria in subdivision b of this section, the agency shall include a specification that such products be in the upper twenty-five percent of energy efficiency as designated by the United States federal energy management program, provided that there are at least six manufacturers that produce such products in accordance with such specification, and further provided that there are at least six responsible vendors offering such products. Nothing herein shall preclude an agency from including a specification in a solicitation for energy-using products requiring that such products be in the upper twenty-five percent of energy efficiency as designated by the United States federal energy management program if there are either fewer than six manufacturers that produce such products in accordance with such specification or fewer than six responsible vendors offering such products.

d. In any solicitation by an agency for the purchase or lease of energy-using products which are not available in a form that meets the specifications and criteria of subdivisions b or c of this section, the agency shall include a specification that the product be energy efficient and the agency shall seek to obtain the highest energy efficiency rating for the best price.

e. This section shall not apply to procurements where federal or state funding precludes the city from imposing the requirements of this section.

f. The mayor shall designate an agency to develop and implement a plan for fulfilling the requirements of this section.

g. On or before September 1, 2003 and annually thereafter, the agency that the mayor designates pursuant to subdivision f of this section shall submit a report to the city council and the comptroller detailing the city's progress in meeting the goals and requirements of this local law.

§ 3. This local law shall take effect immediately.