



Legislation Text

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Preconsidered Int. No. 377

By The Speaker (Council Member Miller) and Council Members Brewer, Clarke, Comrie, Fidler, Gennaro, Jackson, Katz, Koppell, Liu, Nelson, Quinn, Sears, Serrano, Vann, Weprin, Moskowitz and Gerson; also Council Member Yassky

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. Section 6-127 of the administrative code of the city of New York, as added by local law number 37 for the year 2002, is amended 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]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 of [subdivisions] subdivision 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]d. This section shall not apply to procurements:

- (1) where federal or state funding precludes the city from imposing the requirements of this section;
- (2) that are emergency procurements pursuant to section three hundred fifteen of the charter; or
- (3) where the contracting agency finds that the inclusion of a specification otherwise required by this section 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 such finding by the contracting agency shall, to the extent practicable, be based upon analysis of life-cycle cost-effectiveness.

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

[g]f. On or before [September 1, 2003 and annually thereafter] May 1, 2004, the agency or office that the mayor designates pursuant to subdivision [f] e 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. Such report shall not be required to detail or summarize small purchases pursuant to section three hundred fourteen of the charter.

§ 2. This local law shall take effect 45 days after its enactment into law.

L.S. # 2091
RJN
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