

## CITY OF PORTLAND SUSTAINABLE PROCUREMENT POLICY

Updated September 2020 via Continuous Maintenance Process

### 1. Purpose

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In accordance with the City of Portland Sustainable City Principles [1994, 2015] the City of Portland [the City] recognizes that:

1. the products and services the City purchases have inherent social, human health, environmental, and economic impacts;
2. the human health, environmental, social, and economic impacts of products and services occur throughout their [life cycle](#) and throughout the associated supply chains;
3. the City can leverage its purchasing to reduce adverse impacts throughout product or service life cycles and influence positive change within markets and communities; and
4. by understanding and taking responsibility for the full, life cycle impacts and costs of goods and services associated with City purchases, the City reduces risk, practices fiscal responsibility, reduces adverse social and environmental impacts, and contributes to sustainable development in general.

As such, the City is committed to understanding and taking appropriate responsibility for the impacts of its purchasing by:

1. establishing this [Sustainable Procurement](#) Policy to guide purchasing decisions at the City;
2. integrating [sustainable procurement best practices](#) established by this Sustainable Procurement Policy and subsequent sustainable procurement resources into the City's procurement processes and decision making; and
3. maintaining a Sustainable Procurement Program adequate to support City purchasing decisions and to facilitate stakeholder collaboration, compliance, and continuous improvement.

### 2. Applicability

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This policy applies to all types of City-funded procurements and to all City divisions and employees. Specific employee roles, responsibilities, and expectations are further described within this policy.

### 3. Policy Statement

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All City employees shall utilize the City's [sustainable procurement guiding principles](#) and follow [sustainable procurement best practices](#) when planning and designing projects, developing project and operations budgets, developing asset management plans, writing product and service specifications or standards, selecting materials, making purchasing or supplier decisions, and developing and managing City contracts and price agreements as applicable to their [roles and responsibilities](#) and/or to a specific project. In doing so, City employees shall strive to be leaders in sustainable procurement and reduce adverse social, human health, and environmental impacts associated with City purchases while maintaining fiscal health, both in the short and long-term.

### 4. Sustainable Procurement Guiding Principles

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1. [Everything is Connected](#). All life depends on healthy natural systems. Humanity depends on vibrant and fair social systems. Our purchasing decisions impact these systems on all levels.
2. [Conserve](#). Reuse first. Buy only what we need second. Acknowledge real limits of natural resources.
3. [Think in 3D](#). Consider all 3 dimensions—environmental, social, economic—when evaluating options. Look for hidden costs to people and planet not included in price.

4. Take a Life Cycle Perspective. All purchases have impacts over the life of the product or service. Think about long-term costs to people, planet, and the City.
5. Provide Fair Opportunities. Ensure suppliers have a full and fair chance to compete. Promote transparency in decision making and actively mitigate bias.
6. Ensure Health and Safety. Take precautions. Avoid toxins that recirculate in air, water, soils and materials to harm people and animals.
7. Uphold Accountability. Reinforce responsibility and [ethical behavior](#) throughout our supply chain, upstream and downstream.
8. Support Innovation. Increase demand and build market capacity for sustainable solutions. Change the status quo for the better.
9. Full Integration. Utilize [3D](#) thinking in all planning, purchasing, and contract management practices. Respect interests of all stakeholders.
10. Lead the Way. Seek continuous improvement and collaborate with other agencies to make a positive difference. Together, many small actions add up to big change.

## 5. Sustainable Procurement Prioritization

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Based on sustainability-related spend analyses and City sustainability policy synergies, the City shall target sustainable procurement practices that:

1. Reduce greenhouse gases (GHGs);
2. Prevent or otherwise reduce exposures to [Substances of \(Very\) High Concern](#) (SVHCs, SHCs);
3. Foster and integrate [supplier diversity](#); and/or
4. Support safe and fair labor practices and [ethical behavior](#) throughout the supply chain.

The Sustainable Procurement Program shall develop guidance for City employees to help maximize fiscally responsible “high value, high impact” actions based on the above targeted impact areas and operational contexts.

This section may be updated in between policy revisions per the [continuous maintenance process](#).

## 6. Sustainable Procurement Best Practices

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The following sustainable procurement [baseline](#) and [emerging](#) best practices are procurement practices derived from historical City sustainability policies and/or reputable sustainable procurement research and guidance. These best practices may be updated in between policy revisions per the [continuous maintenance process](#). Implementation tools and specific guidance for these best practices shall be provided through the Sustainable Procurement Program.

### Baseline Best Practices

Baseline best practices represent sustainable procurement processes, decisions, methodologies, or actions that should be incorporated into City purchasing activities by default (“how we do business”).

#### *Greenhouse Gases (GHG) Emissions Reduction*

1. Invest in energy efficient products, services and technologies that result in simple paybacks of ten years or less.
2. Specify and buy recycled content products with as high post-consumer waste content as possible while meeting responsible performance specifications; including packaging and shipping materials. Key materials to target for recycled content include paper, plastics, metals, asphalt, and concrete.
3. Specify and buy paper products that meet the City’s [Environmentally Responsible Paper Standard](#).

4. Invest in highly fuel-efficient and [low carbon fueled](#) fleet vehicles and equipment, following an “electric first” strategy. Include installation of electric charging stations where appropriate. Bureaus are responsible for metering electricity fuel use for tracking purposes.
5. Specify and buy reusable, refillable, and readily recyclable products, including packaging and shipping materials. Invest in processes, technologies, products, or services that reduce waste.
6. Invest in on-site renewable energy technologies at applicable City-owned facilities as defined by the City’s Green Building Policy.
7. Purchase renewable energy for City electricity use.
8. Ensure architectural, engineering, and related design services deliverables incorporate City green building and green infrastructure policies and practices.
9. Invest in processes, technologies, products, or services that reduce consumption of natural resources or chemicals.
10. Avoid the use of aerosol cleaning products and canned air products.
11. Avoid the use of bottled water; support access to bottle-fill tap water stations.

#### *Harmful Chemicals Reduction*

1. Seek out and utilize processes, technologies, services and products that reduce exposure of Substances of (Very) High Concern ([SVHCs/SHCs](#)) to people and the environment. Follow the [Precautionary Principle](#) when evaluating the comparative toxicity of processes, products, or services.
2. Specify and utilize interior finishes (paints, flooring, furniture, etc.) that meet third-party leadership standards for less-toxic and low-emitting products.
3. Specify and utilize interior cleaning and maintenance products that meet third-party leadership standards for less-toxic and low-emitting products, including products used by contractors who clean and maintain City facilities. Specify and utilize least-toxic disinfectants and use disinfectants judiciously.
4. Specify and utilize electronics products that meet third-party leadership standards that include mandates for reducing/eliminating [SVHCs/SHCs](#). Specify and utilize electronic recyclers that meet third-party leadership standards for responsible electronics recycling.
5. Use effective and progressive integrated pest management strategies to minimize reliance on pesticides of concern and to ensure careful screening of products, their use, and potential impacts.
6. Do not use exterior materials containing zinc, copper, arsenic, or other materials that can contaminate stormwater and are toxic to aquatic life.
7. Utilize vegetable-based oil, food-grade oil or other environmentally comparable vehicle/equipment oil products, where available, and biodegradable hydraulic fluids.

#### *Supplier Diversity and Fair and Safe Supply Chains*

1. Seek out and utilize State certified [DMWESB](#) and [SDVB](#) contractors.
2. Purchase apparel products from manufacturers that comply with the City’s [Code of Conduct for Apparel Manufacturers](#) and disclose the apparel product’s point-of-assembly factory locations.
3. When acting in the City’s proprietary interests, expedite labor procurement standards in high-risk industries (such as janitorial, security, and industrial laundry services) to avoid labor disputes and resulting disruption to services provided by Portland-area workers. Require labor peace agreements for all contracts (as defined in Attachment 4) in these industries, upon adoption of this policy.

### *Sustainable Procurement Tools/Multi-Purpose*

1. Specify and select products and services independently certified to reputable third-party environmental and/or social product and/or service leadership standards, preferably multi-attribute standards that evaluate products or services along their entire life cycle.
2. Whenever possible, utilize [life cycle costing](#) methods to determine the full cost of a product, service or design.
3. Utilize strategic procurement methodologies to obtain the best value while advancing sustainable procurement. Applicable strategic procurement methodologies include, but are not limited to: spend consolidation (focusing solicitations only on sustainable procurement products/services); aggregation (leveraging collective purchasing power); standardization (reducing product variety); [servicizing](#); or negotiating for innovation (supplier engagement).

### **Emerging Best Practices**

Emerging best practices represent practices that are desirable for the City to engage in and develop, but due to nascent data, technologies, standards, or processes require pilot testing and/or a longer timeframe for widespread implementation.

### *GHG Emissions Reduction*

1. Request life cycle product environmental impact data through Environmental Product Declarations (EPDs). Use EPD data among like products to identify and select options with lower life cycle impacts. Key materials to target for product-specific EPDs include concrete and other GHG or water intensive products.
2. Develop and apply a [shadow price](#) of carbon, taking into account lifecycle emissions, to inform decision-making on capital projects and purchases of goods and services.
3. Specify and utilize [sustainably sourced wood](#) for City-owned building and landscape projects, beginning with a pilot project approach.
4. Specify low-carbon professional and technology services.
5. Specify fuel-efficient and low-carbon transportation, distribution and delivery services.
6. Foster [circular economy](#) models for products by supporting manufacturer take-back, leasing, and similar practices.

### *Harmful Chemicals Reduction*

1. Request product ingredient and hazard screening assessment disclosure from manufacturers. Use screenings to identify and select products and substances that do not contain or generate [SVHCs/SHCs](#), asthmagens, or respiratory irritants throughout their life cycle.
2. Ensure architectural, engineering, and related design services incorporate material screening and selection requirements that reduce the use of products/materials containing/generating [SVHCs/SHCs](#), asthmagens, or respiratory irritants throughout their lifecycle.
3. When utilizing plastic-containing products, seek plastics that involve the fewest [SVHCs/SHCs](#) during the manufacturing process and within the final product.

### *Supplier Diversity and Fair and Safe Supply Chains*

1. Request [conflict minerals](#) reporting from applicable electronics manufacturers detailing their due diligence activities to source conflict-free 3TG following the Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Utilize due diligence information to support the development and purchase of conflict-free products.

2. Evaluate and engage contractors on their company and supply chain sustainability practices and performance based on international conventions/declarations and industry best practices, including labor, governance and ethics. Seek continuous improvement.
3. Evaluate expanding the [responsible offeror](#) criteria to include requirements that demonstrate vendor integrity related to environmental, health and safety, labor, governance and ethical business practices.
4. Address labor best practices including: employee retention, evaluation of proposals based on guaranteed total compensation, just cause and progressive discipline, compliance with City Code 3.99 Fair Wage Policies, and disclosure regarding vendor compliance with occupational health and safety, wage and hour, and similar employment laws as identified by City Procurement Services.

## **7. Roles and Responsibilities**

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Policy outcomes depend upon collaborative action. City employees determine sustainable procurement success as they carry out their roles at the City. The following outlines expectations and how different roles contribute to sustainable procurement at the City.

### *All City Employees*

Within your scope of work:

- When analyzing the need for specific goods or services, consider what alternative options might exist to deliver the same outcome in a better way, utilizing the [sustainable procurement guiding principles](#) and related tools.
- Select goods and services following [sustainable procurement best practices](#) and resources.
- Reference and utilize Sustainable Procurement Program tools and resources.
- Contribute to sustainable procurement targeted data collection and reporting, as requested.
- Seek opportunities for sustainable procurement training.

### *Elected Officials and City Budget Director*

- Incorporate sustainability assessments into the budget review process to support and advance Sustainable City Principles, City Environmental Performance Objectives, Sustainable Procurement, and related core sustainability policies.

### *Chief Procurement Officer*

- Maintain a Sustainable Procurement Program with dedicated staff and resources.
- Ensure Sustainable Procurement Program viability through adequate staffing, funding, and resource allocation to fulfill the Sustainable Procurement Policy, program expectations, and continuous improvement.
- Seek opportunities for sustainable procurement to align with and complement other City programs and initiatives.
- Seek opportunities to foster and support inter-bureau collaboration that facilitates sustainable procurement practices.
- Advocate for and integrate [sustainable procurement guiding principles](#), [best practices](#) and policy mandates in City procurement processes and initiatives.
- Include sustainable procurement and related sustainability policies in employee trainings; support employee continuing education related to sustainability.
- Integrate sustainability into Procurement teams' objectives and job descriptions.

- Support the sustainable procurement community of practice through professional associations and networking.

#### *Sustainable Procurement Program Staff*

- Provide sustainable procurement subject matter expertise to City employees.
- Conduct sustainable procurement related research and maintain knowledge of current best practices.
- Develop and maintain sustainable procurement processes, tools and resources for City employees and applicable external stakeholders.
- Collaborate with internal stakeholders to ensure key price agreements and contracts incorporate [sustainable procurement best practices](#) and City sustainability policy mandates.
- Develop and maintain sustainable procurement communications with internal and external stakeholders.
- Provide sustainable procurement education and training for City employees and applicable external stakeholders.
- Facilitate strategic sustainable procurement pilot tests and implementation initiatives.
- Facilitate sustainable procurement collaboration among City bureaus.
- Participate in Citywide sustainability committees and/or initiatives aligned with the Sustainable Procurement Program.
- Report on Sustainable Procurement Program activities and performance.
- Oversee sustainable procurement contractor compliance, as applicable and within Program capabilities.
- Develop and maintain Sustainable Procurement Program administrative resources.
- Contribute to the regional, national, and international sustainable procurement community of practice.

#### *Bureau Directors*

- Support utilization of the [sustainable procurement guiding principles](#) during project planning, contract/purchase decisions, and standards/specifications development.
- Include [sustainable procurement best practices](#) and policy mandates in project, program, and operations expectations.
- Integrate sustainability into bureau teams' objectives and job descriptions.
- Ensure project, program, and operations budgets enable City [sustainable procurement best practices](#) and policy mandates.
- Support and encourage employee initiatives related to sustainability and innovation.
- Support sustainable procurement targeted data collection and reporting.
- Support inter-bureau collaboration and coordination that facilitates sustainable procurement and related process efficiencies.
- Include sustainable procurement and related sustainability policies in employee trainings; support employee continuing education related to sustainability.
- Support staff time contributing to sustainable procurement initiatives and pilot projects.

#### *Procurement Services and Bureau Procurement Staff*

- Review solicitations and procurements for [sustainable procurement best practices](#).
- Initiate conversations and work with Bureau staff to incorporate [sustainable procurement best practices](#) and related City sustainability mandates into solicitations, contracts, and price agreements.

- Collaborate with Sustainable Procurement Program staff, including coordinating education of bureau contacts and contractors on sustainable procurement practices and assisting with data collection, compliance and monitoring.
- Reference and utilize Sustainable Procurement Program tools and resources.
- Seek opportunities for sustainable procurement training.
- Support the sustainable procurement community of practice through professional associations and networking.

*City Planners, Policy, Program and Operations Managers*

Within your scope of work:

- Utilize the [sustainable procurement guiding principles](#) and [best practices](#) during planning, policy, standards, and process development.
- Seek opportunities for, and implement, inter-bureau collaboration that advances City sustainability and sustainable procurement principles.
- As opportunities arise, update and realign policies, processes, or practices to advance City sustainability and sustainable procurement principles.
- Plan and advocate for budgets that support City [sustainable procurement best practices](#) and policy mandates.
- Include sustainable procurement and related sustainability policies in employee trainings; support employee continuing education related to sustainability.
- Support/Facilitate contractor sustainability education and practices.
- Support staff time contributing to sustainable procurement initiatives and pilot projects.

*City Project Managers and Design Professionals (e.g. Architects, Engineers, Landscape Architects)*

Within your scope of work:

- Utilize the [sustainable procurement guiding principles](#) and [best practices](#) during project planning and development and when revising standard drawings, details and specifications.
- When analyzing the need for specific goods or services, consider what alternative options might exist to deliver the same outcome in a better way, utilizing the [sustainable procurement guiding principles](#) and related tools.
- Incorporate [sustainable procurement best practices](#) and [prioritization](#) strategies into project design, contractor selection, and material/product specifications and selection.
- Reference and utilize Sustainable Procurement Program tools and resources.
- Plan and advocate for project budgets that support City [sustainable procurement best practices](#) and related sustainability mandates.
- Engage project contractors, consultants, suppliers, volunteers, or other City staff on [sustainable procurement guiding principles](#) and [best practices](#).
- Contribute to sustainable procurement targeted data collection and reporting, as requested.
- Seek opportunities for sustainable procurement and profession-specific sustainability training.

## **9. Policy Compliance**

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City employees are responsible for complying with this policy, utilizing applicable Sustainable Procurement Program tools and resources, and providing targeted sustainable procurement data as requested.

As outlined in the [Sustainable Procurement Metrics and Reporting](#) section, the Sustainable Procurement Program shall track [Key Performance Indicator](#) (KPI) data at the bureau level to the extent possible to facilitate feedback to bureaus on sustainable procurement performance. The Sustainable Procurement

Program shall also develop other feedback loops for bureaus to convey effectiveness of sustainable procurement specifications, processes, and program resources.

The Sustainable Procurement Program shall seek opportunities to incentivize compliance with this policy through recognition, process improvements, or other strategic methods.

## **10. Sustainable Procurement Metrics and Reporting**

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The following metrics and reporting requirements shall encourage continuous improvement and may be updated in between policy revisions per the [continuous maintenance process](#).

For each of the [targeted impact areas](#), the Sustainable Procurement Program shall develop at least one [Key Performance Indicator](#) (KPI). As sustainable procurement data capabilities and sustainable procurement resources advance, the Sustainable Procurement Program shall develop additional KPIs. To the extent possible, the Sustainable Procurement Program shall develop and track KPI data at the bureau level to facilitate feedback to bureaus on sustainable procurement performance.

To facilitate continuous improvement and process efficiencies, the City shall invest in sustainable procurement spend and impact data, life cycle costing, cost-benefit, and/or supplier evaluation tracking and reporting tools as best practices in sustainable procurement metrics and data capabilities develop. The Sustainable Procurement Program shall report annually on the prioritized impact area KPIs and seek to increase reporting frequency and data access as applicable tools become available. Annual reports/KPI data shall be posted on the Sustainable Procurement Program website.

## **11. Policy Update and Continuous Maintenance Process**

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### **Policy Update Process**

The Chief Procurement Officer and Sustainable Procurement Program staff shall periodically bring together stakeholders to review and update this policy.

### **Continuous Maintenance Process**

Sections of this policy subject to continuous maintenance may be revised in between policy update cycles in order to incorporate new applicable initiatives, best practices, tools, capabilities and processes, and remove outdated references. Updates made to this policy through continuous maintenance will be posted on the Sustainable Procurement Program website and reference the month and year the update was made. The continuous maintenance process shall be initiated by the Sustainable Procurement Program Manager. Proposed updates shall be reviewed by applicable stakeholders for input and refinement. Proposed updates shall be approved by an internal multi-bureau stakeholder group, such as the Procurement Services Bureau Liaison Group or equivalent. Continuous maintenance updates shall occur no more frequently than once a year.

## **12. Definitions**

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The following definitions establish the meaning of key terms contained in this policy document and may be updated in between policy revisions per the [continuous maintenance process](#).

**3D:** three dimensions. In the context of this policy and the [Sustainable Procurement Guiding Principles](#), 3D refers to the three dimensions of sustainability: environmental, social, and economic.

**Certified DMWESB:** Disadvantaged, Minority, Women, or Emerging Small Business as certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID).



Certified SDVB: Service Disabled Veteran Business as certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID).

Circular Economy: Economy that is restorative and regenerative by design, and which aims to keep products, components and materials at their highest utility and value at all times, distinguishing between technical and biological cycles.<sup>1</sup>

Conflict Minerals: Natural resources extracted in a conflict zone and sold to finance the fighting. Conflict minerals include the metals tantalum, tin, tungsten and gold (3TG), which are the derivatives of the minerals cassiterite, columbite-tantalite and wolframite, respectively.

Ethical Behavior: Behavior that involves demonstrating respect for key moral principles including honesty, fairness, equity, diversity, and human rights.

Greenhouse Gases (GHGs): The atmospheric gases responsible for causing global warming and climate change. The major GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O). Less prevalent, but very powerful, greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).

Indicator: Measurable representation of the condition or status of operations, management or conditions.<sup>1</sup>

Key Performance Indicator (KPI): demonstrates how effectively an organization is achieving success according to objectives; helps evaluate various functions and processes important to achieving goals.

Life Cycle: Consecutive and interlinked stages of a goods or services system, from “cradle to grave”, e.g. from resource generation and raw material acquisition through production, use, and final disposal.

Life Cycle Costing (LCC): Method for calculating the costs of goods or services throughout their [life cycle](#).<sup>1</sup> It includes total cost of ownership (TCO) and positive or negative externalities which can be monetized, both to the City and to society.

Low Carbon Fuel: Transportation fuels with a lower carbon intensity (grams CO<sub>2</sub>-equivalent per megajoule of fuel) as compared to conventional petroleum fuels such as gasoline and diesel. The most common low-carbon fuels are alternative fuels such as biodiesel, ethanol, and renewable diesel that can be used directly or blended with conventional petroleum fuels. Electricity, natural gas, and propane can also be considered low carbon fuels.

Precautionary Principle: A decision-making paradigm that promotes taking precautionary measures when an activity raises threats of serious or irreversible harm, even if some of the cause-and-effect relationships are not fully established.

Responsible Offeror, Bidder, Proposer: A person who has submitted an offer, bid or proposal and who meets the standards set forth in City Code sections 5.33.500 or 5.34.500, as applicable, and who has not been debarred, disqualified, or who has not failed to prequalify when prequalification is required by the solicitation document.

Servicizing: Business practice where value is provided through a combination of product and service and where customer needs are satisfied by selling the function of the product rather than product itself and/or by increasing the service component of the offer. Pay-per-copy equipment leasing and car sharing services are common servicing examples.

Shadow Price: A price on carbon emissions used for analysis and evaluation of alternatives.

Substances of (Very) High Concern (SVHC, SHC): Substances that may have serious and often irreversible effects on human health and the environment. SVHC/SHCs are typically defined as those that have one or more of the following attributes:

- Persistent, Bioaccumulative and Toxic (PBT),
- very Persistent and very Bioaccumulative (vPvB),
- very Persistent and Toxic (vPT),
- very Bioaccumulative and Toxic (vBT), or
- known or likely to be:
  - carcinogenic,
  - mutagenic,
  - reproductive or developmental toxicant,
  - neurotoxicant or
  - endocrine disrupting.

Supplier Diversity: a proactive business program which encourages the use of minority-owned, women owned, veteran owned, LGBTQ-owned, service disabled veteran owned, historically underutilized business, and Small Business Administration (SBA)-defined small business concerns as suppliers.

Sustainability: State of the global system, including environmental, social and economic aspects, in which the needs of the present are met without compromising the ability of future generation to meet their own needs. The environmental, social, and economic aspects interact, are interdependent and are often referred to as the three dimensions of sustainability.<sup>1</sup>

Sustainability Aspect: Aspect of a product or service or activity occurring within its [life cycle](#) that is responsible for positive or negative sustainability impacts. For example, air pollution from burning fossil fuels can occur throughout a product or service life cycle and negatively impact the health of workers and community residents (e.g. workers at production sites, residents near freight corridors or production sites, etc.).

Sustainable Procurement: Procurement that has the greatest positive environmental, social and economic impacts possible over the entire life cycle. Sustainable procurement involves the [sustainability aspects](#) related to the goods, services, and suppliers along the supply chains. Sustainable procurement contributes to the achievement of organizational [sustainability](#) objectives and to overall sustainable development.<sup>1</sup>

Sustainably Sourced Wood: Wood that is Forest Stewardship Council (FSC) certified, recycled, salvage, or from an ecological restoration forestry project. Ecological restoration forestry refers to management activities that contribute to the recovery of ecosystems that have been degraded, damaged, or destroyed. Some examples of ecological restoration in forests are:

- Harvesting small patches of trees to create compositional and spatial heterogeneity in uniform, single species plantations that developed after harvest of old-growth forests.
- Thinning forests that have become overgrown because of fire suppression.

### **13. Related Sustainability Policies and Resolutions**

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- Resolution 37121: 2015 Sustainable City Government Principles and 2030 Environmental Performance Objectives
- Resolution 37135: 2015 Climate Action Plan
- Resolution 37122: 2015 Green Building Policy

### **14. Attachments**

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1. Code of Conduct for Apparel Manufacturers
2. Environmentally Responsible Paper Standard
3. Clean Air Construction Standard
4. Labor Peace

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## Attachment 1: Code of Conduct for Apparel Manufacturers

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The following Code of Conduct for Apparel Manufacturers may be updated in between policy revisions per the [continuous maintenance process](#).

This Code of Conduct specifies minimum standards and is based on the principle that contractors, subcontractors, and suppliers within the supply chain of the prime contractor, including cut and sew manufacturers, comply with all applicable laws and regulations in their business activities. Labor practices are based upon the core conventions of the International Labor Organization (ILO), the United Nations' Universal Declaration of Human Rights and the United Nations conventions on the rights of the child and the elimination of all forms of discrimination against women.

### 1. Labor Standards

#### a. Freedom of Association and Right to Collective Bargaining

Contractors and their subcontractors will recognize and respect that workers, without distinction, have the right to join and form trade unions of their own choosing and to bargain collectively, and will remain strictly neutral on the matter of workers' choice to unionize or not unionize. Workers shall not be subjected to harassment, intimidation, or retaliation as a result of his or her efforts to freely associate or bargain collectively. Contractors and their subcontractors shall not interfere with, manipulate, or control organizations in which workers participate or are represented. Contractors and their subcontractors will negotiate in good faith with any union or other representative worker body duly constituted by the workers. Where the right of freedom of association and collective bargaining is restricted under law, the supplier will not hinder the development of parallel means for independent, free association and bargaining.

#### b. Freely Chosen Employment

Employment must be on a voluntary basis, respecting the rights of employees to decide to work or not. Contractors and their subcontractors will not use forced, illegal, or prison labor, including indentured labor or any other form of compulsory labor. Contractors and their subcontractors will not require workers to lodge deposits or their identity papers as a condition employment, or financially penalize workers for resigning.

#### c. Child Labor Avoidance

Contractors and their subcontractors will not employ any person that is under the age of 15, under the age interfering with compulsory schooling, or under the minimum age established by law.

Contractors and their subcontractors acknowledge that according to the UN Convention on the Rights of the Child, a person is a child until age of 18. Contractors and their subcontractors will ensure young workers in the age group 15-17 are employed according to the protective restrictions prescribed by the law of the jurisdiction of the manufacturing facility.

#### d. Humane Treatment & Disciplinary Practices

Employees shall be treated with respect. Corporal punishment and other forms of coercion, abuse or harassment, whether psychological, verbal, sexual or physical, is prohibited.

#### e. Non-Discrimination

No worker shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of race,

nationality, age, religion, disability, gender, pregnancy, maternity leave status, sexual orientation, union affiliation, marital status, political opinion, or social or ethnic origin. No contractor or subcontractor shall require or compel any worker to use contraceptives or take pregnancy tests.

**f. Regular Hours of Work**

Workers shall not be required to work a regular work week of more than the lesser of 48 hours per week or the limits on regular hours allowed by the law of the country of manufacture and will be provided with at least one day off during every seven-day period, unless the point of assembly facility in which the labor is performed is party to a collective bargaining agreement that permits mandatory overtime, and any mandatory overtime hours are worked in conformance with a collective bargaining agreement.

**g. Overtime**

Workers shall be compensated for overtime hours, such as a premium rate, when legally required in the country of manufacture or point of assembly or, in those locations where such laws do not exist, at a rate of at least one-and-one-half their regular hourly compensation.

**h. Wages and Benefits for Regular Hours of Work**

The point of assembly facilities shall pay wages that meet the higher standard of (a) the legal minimum wage; (b) the prevailing wage in the industry in the country of production; or (c) a living wage as defined as follows. For the purposes of this section, a "living wage" is the piece-rate or hourly equivalent of what a full-time worker needs to earn in annual income that exceeds the poverty threshold for a family of three. In the United States, the living wage is based on the poverty threshold set by the U.S. Department of Health and Human Services for a family of three plus an additional 20 percent to provide for expenses that include healthcare, childcare, education, travel, and retirement savings. For other countries of production, the U.S. living wage may be adjusted to reflect a different cost of living by using an index for purchasing power parity, which is calculated by the World Bank.

Workers must be paid directly and provided with clear, written accounting of hours worked, deductions and regular and overtime wages. Deductions from wages not provided for by the laws of the countries where goods are made, shall not be permitted without the express permission of the employee. Point of assembly facilities shall also maintain verifiable wages and hour records for each employee that contain the following: (a) name and job classification; (b) a general description of the work the worker performed each day and the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits); (c) the daily and weekly number of hours worked; (d) deductions made; and (e) actual wages paid.

**i. Just Cause Termination**

Point of assembly facilities shall not engage in any reprisal, coercion, intimidation or take any other adverse action against workers for filing complaints, giving evidence, or otherwise cooperating with monitoring, enforcement, remediation or other activity by the City of Portland or any other entity authorized by the City of Portland to monitor or enforce obligations under this Code.

Point of assembly facilities shall not terminate workers without just cause. Contractors shall provide for a mediation or grievance process to resolve workplace disputes. For production in the United States such disputes are limited to those not regulated by the National Labor Relations Board.

## **2. Health and Safety**

### **a. Management of Health and Safety**

Workers will be provided with a safe and healthy work environment. Conditions in all work and residential facilities shall be safe, clean, and consistent with all applicable laws and regulations regarding health and safety. The contractors and their subcontractors shall provide written health and safety guidelines for employees in terms of equipment, training, management, and work practices in the local language(s) of the employees.

## **3. Cut and Run**

Contractors and subcontractors, including point of assembly facilities, shall not shut down or reduce orders to a point of assembly facility in order to deny workers any right or standard protected by this code, or to otherwise avoid complying with this code, including their right to freely associate.

## Attachment 2: Environmentally Responsible Paper Standard

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The following paper requirements may be updated in between policy revisions per the [continuous maintenance process](#).

### Paper Selection Guiding Principles

1. **Minimize paper use.** In addition to reducing paper consumption, choose paper stock and design layouts that minimize paper waste.
2. **Recycled content paper fiber, especially post-consumer waste (PCW), is best.**
3. **Agricultural residue sources for paper fiber are also good, and can complement tree fiber recycled content.** Agricultural residues do not include purpose crops grown for fiber. They include agricultural residues that would likely otherwise be burned, such as wheat straw, rice straw, seed flax straw, corn stalks, sorghum stalks, cotton stalks, cotton linters, sugar cane bagasse, and rye seek grass straw.
4. **Ideally, any virgin tree fiber should be Forest Stewardship Council (FSC) certified.**
5. **Ideally, paper should be bleached using Processed Chlorine Free (PCF) and Totally Chlorine Free Bleaching Processes (TCF).**

Paper products utilized by the City shall meet Paper Profile 1 unless compliant paper is not available for the specific application; in such cases, the paper product shall meet Paper Profile 2. The term “paper product” refers to all consumer paper products, including but not limited to: copy, printing, and writing papers, newsprint, commercial sanitary tissue products, paperboard and packaging products, and other specialty consumer paper goods.

### Paper Profile 1: Superior

Paper meets the following:

1. PCF or TCF bleaching process; AND
2. Fiber made up of the following:
  - a. 100% PCW; or
  - b. 100% Agricultural residue; or
  - c. 100% PCW and agricultural residue mix; or
  - d. 50%-99% PCW and/or agricultural residue plus 1%-50% FSC certified virgin tree fiber.

### Paper Profile 2: Acceptable until Superior is Available

1. PCF or TCF or Enhanced Elemental Chlorine Free (EECF) or Elemental Chlorine Free (ECF) bleaching process (in order of preference); AND
2. Fiber made up of the following:
  - a. 30% PCW minimum; or
  - b. 1-30% agricultural residue plus 70%-99% FSC certified fiber.

To stimulate continuous improvement towards Superior papers, give preference within the “Acceptable” category to papers that:

- Meet the “Superior” fiber mix, but haven’t achieved PCF or TCF bleaching processes yet; or
- Utilize FSC certified virgin tree fiber for the non-PCW fiber.

### **Attachment 3: Clean Air Construction Standard**, updated September 2020

Update approved by: *Clean Air Construction Collaborative (Regional Committee), 9/3/2020*  
*City of Portland Clean Air Construction Bureau Workgroup, 9/22/2020*

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The following requirements may be updated in between policy revisions per the [continuous maintenance process](#).

#### **Applicability & Effective Date**

Effective January 1, 2020, the following requirements apply to construction projects that the City solicits and contracts for that are over \$1,000,000 and when the funding for the project does not prohibit the City's ability to do so.

#### **Standard Review**

The Clean Air Construction Standard shall be reviewed for effectiveness and updates no later than four years after the initial effective date. Results shall be published on the applicable agency's website and any proposed updates to the Standard vetted through a public stakeholder process.

#### **Idle Reduction Requirements**

Beginning January 1, 2020 contractors working on City construction projects shall take the following steps to reduce unnecessary diesel equipment idling:

- All nonroad diesel equipment must shut down after five (5) minutes of inactivity, and
- All nonroad diesel equipment shall have decals/prompts visible to the operator to remind them to shut down the equipment after five (5) minutes of inactivity, and
- Contractors will ensure all diesel equipment operators are aware of the policy, and
- Contractors will post "Five Minute Limit" signs in high foot traffic areas of the job site, visible to workers.

Exemptions to the above idle reduction requirements are allowed in circumstances where:

- the safety of contractors and their employees may be compromised if diesel equipment is turned off; for example, where employees are working in a trench; or
- the equipment meets the most stringent EPA emissions standards or has been retrofit with a DPF; or
- frequent shutdowns may be detrimental to the exhaust control system, reducing the effectiveness of that system by lowering the exhaust temperature; or
- equipment requires testing, servicing, inspection, or repairs.

#### **Diesel Engine Requirements and Phase-In Schedule**

Effective January 1, 2022 and in accordance with the phase-in schedule outlined below all diesel-powered nonroad construction equipment greater than 25 horsepower and all on-road diesel dump trucks and concrete mixers used on City construction projects must meet the following requirements. When pursuing diesel emission control device retrofits, equipment and vehicle owners shall install the emission control device that maximizes diesel particulate matter reductions for that specific piece of equipment or vehicle in accordance with the Compliance Options Protocols.



Effective Date of Diesel Engine Requirement	Nonroad Diesel (over 25hp)				On-Road Diesel (concrete mixers and dump trucks)			
	Engine Requirements	Retrofit Options			Engine Requirements	Retrofit Options		
		DPF	DOC (only if DPF or equivalent can't be installed)			DPF	DOC (only if DPF or equivalent can't be installed)	
	All Firms	Non-DMWESB/SDVB Firms	DMWESB/SDVB Firms		All Firms	Non-DMWESB/SDVB Firms	DMWESB/SDVB Firms	
January 1, 2020	No Idling							
January 1, 2021								
January 1, 2022	No Tier 0 engines allowed unless retrofit	Y	Y	Y				
January 1, 2023	No Tier 0 or 1 engines allowed unless retrofit	Y	Y	Y				
January 1, 2024	No Tier 0, 1, 2, or 3 engines allowed unless retrofit	Y	N (pre-2024 installs allowed)	N (pre-2024 installs allowed)	No pre-2007 engines allowed unless retrofit	Y	N	N (pre-2024 installs allowed)
January 1, 2025			N					

Contractors may apply for exemptions to the above diesel engine requirements on a per project basis in circumstances where:

- The equipment/vehicle is required for an emergency (including for underground equipment operators).
- After following the Compliance Options Protocol, the required emission control device would obscure operator lines of sight or otherwise impact worker safety or the equipment is not able to be retrofit with a verified emission control device; and no compliant rental equipment is available within 100 miles of the job site.
- After following the Compliance Options Protocol, the contractor can demonstrate that due to the uniqueness of the equipment/vehicle or similar special circumstances, it is not reasonable to comply with the diesel engine requirement for a specific piece of equipment/vehicle.

### Compliance and Verification

Contractors (prime and sub-contractors, and applicable suppliers) will demonstrate compliance with the Clean Air Construction Standard on an annual basis by providing to the City, or approved program operator, all requested diesel equipment/vehicle information needed to verify compliance, including confirmation that retrofit devices are maintained on the equipment in proper operating condition. Upon determining compliance with the requirements, the City, or approved program operator, will issue an equipment/vehicle decal for each compliant piece of equipment/vehicle. This decal must be displayed on the compliant equipment/vehicle at all times in a location readily visible to City staff. In addition, random on-site inspections by City staff (or approved program operator) will be conducted on a project by project basis.

### Compliance Options Protocols

The Compliance Options Protocols guide equipment owners through which compliance option applies to their equipment following a "Best Available Technology" approach. In other words, the compliance option for a specific piece of equipment must be the option that reduces the diesel particulate matter the most within the capabilities of that piece of equipment. Compliance with the CAC Diesel Engine Requirements will be determined according to the following protocols.

#### NONROAD Compliance Options Protocol

Protocol Step	Question(s)	Answer	Action
1	Is the nonroad equipment over 25hp?	YES	Go to Step 2
		NO	Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site.
2	Is the equipment required for an emergency? (including for underground equipment operators)	YES	Request Exemption
		NO	Go to Step 3
3	Is the equipment powered by electricity or alternative (non-diesel) fuel?	YES	Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site.
	Does the diesel equipment utilize only a Tier 4 engine(s)?	NO	Go to Step 4
4	Can the equipment be repowered or retrofit with a CARB or EPA verified DPF or equivalent? <sup>1</sup>	YES	Repower or retrofit equipment and obtain compliance verification.
		NO	If it is currently 2023 or earlier, go to Step 5 If it is currently 2024 or later, go to Step 6.
5 (pre-2024)		YES	Retrofit equipment with an emission control device that maximizes diesel

	Can the equipment be retrofit with an emissions control device other than DPF?		particulate matter emission reduction. Obtain compliance verification.
		NO	Go to Step 6
6	Is compliant rental equipment available within 100 miles of the job site?	YES	Rent equipment and obtain compliance verification.
		NO	Request Exemption.
<sup>1</sup> Equivalent is defined as achieving the same level (within 10%) of diesel particulate matter (PM) emissions reduction as a DPF.			

### ON-ROAD Compliance Options Protocol

Protocol Step	Question(s)	Answer	Action
1	Is the on-road vehicle a concrete mixer or dump truck?	YES	Go to Step 2
		NO	Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site.
2	Is the vehicle required for an emergency? (including for underground equipment operators)	YES	Request Exemption
		NO	Go to Step 3
3	Is the vehicle powered by electricity or alternative (non-diesel) fuel?	YES	Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site.
	Is the diesel concrete mixer or dump truck 2007 or newer?	NO	Go to Step 4
4	Can the vehicle be repowered or retrofit with a CARB or EPA verified DPF or equivalent? <sup>1</sup>	YES	Repower or retrofit equipment and obtain compliance verification.
		NO	If it is currently 2023 or earlier <u>and</u> the vehicle owner is a DMWESB/SDVB firm, go to Step 5. If it is currently 2024 or later, go to Step 6.
5 (pre-2024)	Can the equipment/vehicle be retrofit with a CARB or EPA verified emissions control device other than DPF?	YES	Retrofit equipment with a CARB or EPA verified emission control device that maximizes diesel particulate matter emission reduction. Obtain compliance verification.
		NO	Go to Step 6
6	Is compliant rental equipment available within 100 miles of the job site?	YES	Rent equipment and obtain compliance verification.
		NO	Request Exemption.

<sup>1</sup>Equivalent is defined as achieving the same level (within 10%) of diesel particulate matter (PM) emissions reduction as a DPF.

**Terms/Definitions**

CARB: California Air Resources Board, a state regulatory agency charged with regulating the air quality in California.

Diesel Particulate Matter – the solid or liquid particles found in the air released through the exhaust from diesel vehicles/equipment. Exposure to diesel particulate matter increases the risk of heart attack, stroke, cardiovascular disease, exacerbates asthma, and can lead to low-weight and pre-term births. Diesel particulate matter is also a known as a human carcinogen as determined by the International Agency for Research on Cancer.

DMWESB: Disadvantaged, Minority, Women, or Emerging Small Business as certified by the State of Oregon Certification Office for Business Inclusion and Diversity.

DOC: Diesel oxidation catalyst. A device designed to reduce harmful diesel emissions such as carbon monoxide, hydrocarbons and certain diesel particulate emissions.

DPF: Diesel particulate filter. A device designed to trap all diesel particulate matter above a certain size.

Emission Control Device: technology added to equipment to reduce harmful emissions. These may include catalytic converters and particulate filters, among other technologies.

EPA: U.S. Environmental Protection Agency, a federal regulatory agency charged with regulating the environment.

EPA Nonroad Emission Ratings/Tiers

Nonroad Diesel Emission Ratings (EPA)								
ENGINE MODEL YEAR	HORSEPOWER RANGE							
	25-49	50-74	75-99	100-174	175-299	300-599	600-750	750+
1995	T0	T0	T0	T0	T0	T0	T0	T0
1996	T0	T0	T0	T0	T1	T1	T1	T0
1997	T0	T0	T0	T1	T1	T1	T1	T0
1998	T0	T1	T1	T1	T1	T1	T1	T0
1999	T1	T1	T1	T1	T1	T1	T1	T0
2000	T1	T1	T1	T1	T1	T1	T1	T1
2001	T1	T1	T1	T1	T1	T2	T1	T1
2002	T1	T1	T1	T1	T1	T2	T2	T1
2003	T1	T1	T1	T2	T2	T2	T2	T1
2004	T2	T2	T2	T2	T2	T2	T2	T1
2005	T2	T2	T2	T2	T2	T2	T2	T1
2006	T2	T2	T2	T2	T3	T3	T3	T2

#### Attachment 4: Labor Peace

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The City has proprietary interests in avoiding picketing, work stoppages, boycotting, strikes, and other economic interference with the performance of contracted janitorial, security, and industrial laundry services because these services are essential to keep the City's other functions operational. Therefore, for ~~For~~ janitorial, security, and industrial laundry service contracts, a contractor shall, as a condition of being awarded a contract, provide written documentation of "~~labor peace~~ Labor Peace" with a labor organization that represents employees providing similar services in the states of Oregon or Washington and that represents or seeks to represent any group of the contractor's or subcontractor's employees who are or will be involved in providing such services to carry out a contract with the City.

"Labor ~~peace~~ Peace" shall be defined as a written provision in an agreement or contract whereby a labor organization (as defined by 29 U.S.C. §152(5)), for itself and its members, agrees to refrain from engaging in any picketing, work stoppages, boycotting, strikes, or any other economic interference with the contractor's or subcontractor's performance of services. The ~~labor peace~~ Labor Peace provision must be signed or certified by an authorized representative of the labor organization not more than one year prior to the contractor providing such documentation and must be effective for the duration of the service contract. This ~~labor peace~~ Labor Peace requirement expires at the termination of the contract between the City and the contractor. This Labor Peace requirement applies only to the performance of services to carry out the contract with the City.

Nothing in this section requires a contractor or subcontractor to recognize a particular labor organization or to enter into a collective bargaining agreement establishing the substantive terms and conditions of employment. Nor is this section intended to enact or express any generally applicable policy regarding labor/management relations, or to regulate those relations in any way, or to provide a preference for any outcome in the determination of employee preference regarding union representation.

Any failure to comply with this requirement and any service disruption as a result of a labor dispute will subject a contractor to liquidated damages and possible termination of the service contract.

If a contractor does not meet the Labor Peace requirements set out in this policy, the City receives responses to a Request for Proposals and none of the responses provide written documentation of "labor peace", the City's may proceed with an award only if the selected proposer contractor can certify that it meet one of the following three exceptions:

1. **No labor organization response:** The contractor: 1) ~~Does~~ does not have an exclusive bargaining representative representing its employees who may be performing work on the service contract; 2) ~~Gave~~ gave written notice to any and all labor organization/s that represent employees providing similar services in the states of Oregon or Washington or that represent any group of the contractor's or subcontractor's employees who are or will be involved in providing such services of its desire to jointly develop "~~labor peace,~~" Labor Peace, and; the applicable labor organization/s failed to respond within three (3) weeks or the applicable labor organization/s represented that they are not seeking to become the exclusive representative of the contractor's employees; and 3) ~~Certifies~~ certifies that it has no reason to believe a labor dispute will occur for the term of the contract.
2. **Labor organization rejects Labor Peace:** The contractor follows the notification procedures set out in Exception 1 and labor organization(s) respond that they do not wish to negotiate Labor Peace. The

contractor must provide the City with written evidence of the response. The contractor must demonstrate that it has a written plan for continuation of services in the event of economic interference by a labor organizations.

3. **Good faith effort to obtain Labor Peace:** The contractor demonstrates that it followed the notification procedures in Exception 1 and made good faith efforts to obtain Labor Peace with a labor organization but ultimately could not reach an agreement. A contractor's good faith efforts to obtain Labor Peace with a labor organization must include an offer by the contractor to submit its dispute with the labor organization about the terms of Labor Peace to immediate mediation before a neutral mediator and its participation in that mediation and, if the mediation is unsuccessful, an offer by the contractor to submit the dispute about the terms of Labor Peace to prompt resolution thorough binding interest arbitration before a neutral dispute resolution organization, and its participation in that arbitration. The contractor must demonstrate that it has a written plan for continuation of services in the event of economic interference by a labor organization.

Should the selected contractor meet one of these exceptions, the City may issue the award to the selected contractor and waive the Labor Peace requirement of this policy for up to the duration of the contract. The Mayor's Office or elected delegee shall be responsible for determining whether a selected contractor meets an exception to this policy.

A party asserting the existence of any written notice required by this section, including a labor organization's assertion that it did respond to the employer's notice, must produce physical evidence that the notice was in fact received by the other party.

2007	T2	T2	T2	T3	T3	T3	T3	T2
2008	T4a	T4a	T3	T3	T3	T3	T3	T2
2009	T4a	T4a	T3	T3	T3	T3	T3	T2
2010	T4a	T4a	T3	T3	T3	T3	T3	T2
2011	T4a	T4a	T3	T3	T4a	T4a	T4a	T4a
2012	T4a	T4a	T4a	T4a	T4a	T4a	T4a	T4a
2013	T4b	T4b	T4a	T4a	T4a	T4a	T4a	T4a
2014	T4b	T4b	T4a	T4a	T4b	T4b	T4b	T4a
2015	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b
2016	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b
2017	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b
2018	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b
2019	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b
2020	T4b	T4b	T4b	T4b	T4b	T4b	T4b	T4b

Nonroad: Construction equipment and vehicles that fall under the EPA non-road engine equipment category, which includes all diesel equipment not intended for highway use. For the purpose of this policy, these vehicles/equipment include only diesel construction vehicles/equipment with engines larger than 25 horsepower, which includes tractors, excavators, dozers, scrapers and other construction vehicles/equipment.

SDVB: Service Disabled Veteran Business as certified by the State of Oregon Certification Office for Business Inclusion and Diversity.