



City of Milpitas

ENVIRONMENTAL PERFORMANCE REPORT

2015

City of Milpitas
Purchasing Division
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- B. “Policy Relating to Environmentally Preferable Procurement”
- C. Title I, Chapter 2 - Purchasing, Ordinance No. 23.12.

I. INTRODUCTION

The City of Milpitas is located near the southern tip of San Francisco Bay, forty-five miles south of San Francisco. With a population of approximately 72,606, Milpitas is a progressive community that is an integral part of the high tech Silicon Valley. Milpitas features quality schools, conveniently located neighborhood parks and shopping centers and a population rich in diversity

Incorporated in 1954, Milpitas is a general law city operating under the City Council/City Manager form of government, Milpitas is a creative, forward-thinking city providing quality police, fire, water, streets, parks, engineering, planning and recreation services. The City is financially secure with an annual budget in excess of \$137 million. The operating budget of \$114.6 million and the capital improvement budget of \$22.4 million include all City services and the Redevelopment Agency administered by the City.

The City provides the full range of services normally associated with a municipality, including fire, police, parks and recreation, planning, zoning and building, engineering, public works, utility service including water and sewer, and general administration. Solid waste collection is provided through a franchise arrangement with a local refuse collection service.

The City is committed to the conservation and protection of state and local resources and to the practice of reuse, reduce and recycling of multiple waste streams for the preservation and improvement of life for all of its citizens. To that effect, in 2005 it adopted Resolution No. 7139 “To Support Principles of Product Stewardship for Electronics Manufacturers and to Support Legislation Requiring Producer Responsibility for Cathode Ray Tubes” (Exhibit A) along with its “Policy Relating to Environmentally Preferable Procurement” (Exhibit B). Then in 2006 it incorporated many of those concepts into its Municipal Code under Title I, Chapter 2 - Purchasing, Ordinance No. 23.10. (Exhibit C).

II. SUPPORTING PROGRAM ELEMENTS

The Program consists of the following three documents:

- 1) Resolution No. 7139 “To Support Principles of Product Stewardship for Electronics Manufacturers and to Support Legislation Requiring Producer Responsibility for Cathode Ray Tubes” 2/05/2002
- 2) “Policy Relating to Environmentally Preferable Procurement”
- 3) Title I, Chapter 2 - Purchasing, Ordinance No. 23.12. 4/21/2009

III. PURCHASES

Usage of recycled and recycled content material is on both a “one time” project basis and on going through out the year in the case of certain commodities.

City of Milpitas
2015 Recycling Amounts - Est. Annual Quantity

City Projects

- 1) Project 4277 South Main Reconstruction Waste Materials
 - a) Soil: 700 cubic yards
 - b) Asphalt Grindings: 303 tons
 - c) Concrete: 50 tons

- 2) Project 4267 Sound Wall Renovation Waste Materials
 - a) Concrete: 6 tons
 - b) Steel: 1 ton

Public Works Volumes

Green Waste Recycling = 475.20 tons
Earth/Dirt/Soil = 341.52 tons
C&D = 29.10 tons
Road Material = 14.36 tons
Concrete = 83.16 tons

Office Waste Paper / cardboard

Total = 1,820 cubic yards annually

Milpitas City Hall, 455 E. Calaveras Blvd. = 4cyd 2x/wk
Sports Center, 1325 Calaveras = 4cyd 1x/wk
Senior Center, 40 N. Milpitas Blvd = 4cyd 1x/wk
Public Works, 1265 Milpitas Blvd. = 4cyd 2x/wk
Police Dept., Minnis Circle = 3cyd 1x/wk

Fire Stations:

777 S. Main St. = 3cyd 1x/wk
1263 Yosemite Dr. = 2cyd 1x/wk
45 Midwick Dr., = 2cyd 1x/wk
775 Barber Ln., = 1cyd 1x/wk

Citywide Facilities

Misc. Electronic Equipment = 7,682 lbs.
Batteries Lead Acid = 25 lbs.
Fluorescent Lamps
(straight tubes – all lengths) = 138 lbs.
HID Lamps (all types) = 175 lbs.
SB 20 NON CRT Devices = 353 lbs.
SB 20 CRT Devices = 1,280 lbs.
General Computer Class = 1,276 lbs.

Fleet Maintenance

Motor Oil = 1,530 gallons
Antifreeze = 80 gallons
Car Batteries = 68
Tires = 268

Cartridge & Toner Bottle Recycling

Laser Cartridges = 176

Ink Jet Cartridges = 25

Toner Bottles = 57

RES

RESOLUTION OF THE CITY OF MILPITAS
TO SUPPORT PRINCIPLES OF PRODUCT STEWARDSHIP FOR
ELECTRONICS MANUFACTURERS AND TO SUPPORT LEGISLATION
REQUIRING PRODUCER RESPONSIBILITY FOR CATHODE RAY TUBES

WHEREAS, the California Department of Toxic Substances Control has recently affirmed that products containing cathode ray tubes (CRT), such as those found in televisions and computer monitors, are hazardous materials; and

WHEREAS, CRTs are prohibited from disposal at municipal landfills, and electronic products contain lead, cadmium, mercury, hexavalent chromium, polyvinyl chloride, brominated flame retardant and other materials that can pose hazards to human health and the environment when handled improperly; and

WHEREAS, responsible management of electronic discards is an increasing problem, with more than 6,000 computers becoming obsolete in California every day, and 3.2 million tons of electronic waste ending up in United States landfills in 1997; and

WHEREAS, Only 14% of personal computers that became obsolete in 1998 were recycled or refurbished; and

WHEREAS, in the interest of long-term economic health, resource sustainability, environmental protection, public health and safety, and limiting government's future liability, it is desirable to support efforts that extend manufacturer responsibility for goods and products to include their final disposition; and

WHEREAS, extended producer responsibility principles will shift the defaulted burden of disposal responsibility from government, ratepayers and taxpayers back to the manufacturers, distributors and consumers of such products, where it properly belongs, in part by internalizing lifecycle costs in the price of such products; and

WHEREAS, the *Principles of Product Stewardship* have been developed by the Product Stewardship Institute to support state and local agencies in promoting product stewardship and developing voluntary agreements with industry and environmental groups to reduce the health and environmental impacts from consumer products.

NOW, THEREFORE, BE IT RESOLVED that the City of Milpitas hereby declares its support for the Principles of Product Stewardship, as outlined below and supports governmental and non-governmental organizations in the effort to develop voluntary agreements with industry and environmental groups to reduce the health and environmental impacts from electronic product discards; and be it

FURTHER RESOLVED, that to achieve this result, product stewardship efforts will encourage manufacturers to take increasing responsibility to reduce the entire life-cycle impacts of a product and its packaging in product design and in the end-of-life management of the products they produce, and be it

FURTHER RESOLVED, the responsibility for reducing product impacts should be shared among industry, government and consumers, with the degree of responsibility determined by the ability and opportunity of an entity to minimize those impacts, and be it

FURTHER RESOLVED; all product lifecycle costs should be internalized in the total product cost, including costs for end-of-life management. The environmental costs of product manufacture, use, and disposal should be minimized for local and state governments, and ultimately shifted to the manufacturers and consumers of products; and be it

FURTHER RESOLVED, policies that promote and implement product stewardship principles should create incentives for the manufacturer to design and produce "cleaner" products, which result in less waste and use less energy to operate. These policies should also create incentives for, and facilitate the recovery of, products at the end of their lives; and be it

FURTHER RESOLVED, flexible management strategies to determine how to most effectively address health and environmental impacts should be available to responsible parties; and be it

FURTHER RESOLVED, industry should provide leadership in realizing these principles. Government will provide leadership in promoting the practices of product stewardship through procurement, technical assistance, program evaluation, education, market development, agency coordination, and by addressing regulatory barriers and, where necessary, providing regulatory incentives and disincentives. Industry and government shall provide information needed to make responsible environmental purchasing, reuse, recycling, and disposal decisions; and be it

FURTHER RESOLVED, the City of Milpitas will urge its State Assembly Members and Senators to introduce and support legislation requiring computer and electronics producers to operate or fund comprehensive extended producer responsibility programs.

PASSED AND ADOPTED this 5th day of February, 2002, by the following vote:

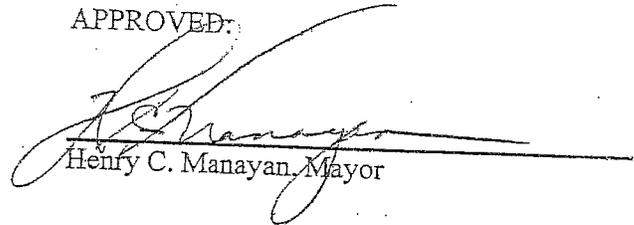
- AYES: (5) Mayor Manayan and Councilmembers Livengood, Dixon, Esteves and Lawson
- NOES: (0) None
- ABSENT: (0) None
- ABSTAIN: (0) None

ATTEST:



Gail Blalock, City Clerk

APPROVED:


Henry C. Manayan, Mayor

APPROVED AS TO FORM:

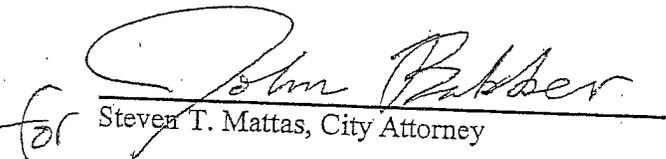

for Steven T. Mattas, City Attorney

EXHIBIT - B
CITY OF MILPITAS
POLICY RELATING TO
ENVIRONMENTALLY PREFERABLE PROCUREMENT

BACKGROUND

The City of Milpitas is committed to conservation of resources and protection of the environment through effective planning and participation in programs to reduce, reuse, recycle, and dispose of discarded materials. By incorporating environmental considerations in public purchasing, the City of Milpitas can serve this commitment by reducing its burden on the local and global environment, removing unnecessary hazards from its operations, protecting public health, reducing costs and liabilities, and potentially improving the environmental quality of the region. This policy is an effective way to direct the City's effort in procuring environmentally preferable products and services.

PURPOSE

The primary purpose of this policy is to minimize negative environmental impacts of the City's activities by ensuring the procurement of services and products that:

- reduce toxicity;
- conserve natural resources, materials, and energy;
- maximize recyclability and recycled content.

A collateral purpose is to support markets for recycled goods and other environmentally preferable products and services.

DEFINITIONS

The following terms shall have the assigned definitions for all purposes under this policy:

- A. **City of Milpitas** means the City elected officials, staff, and agencies.
- B. **Environmentally Preferable Products (EPP) and Services** means products and services that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
- C. **Life Cycle Cost** means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.
- D. **Practicable** means sufficient in performance and available at a reasonable price.
- E. **Recyclable Product** means a product which, after its intended end use, can demonstrably be diverted from the City's solid waste stream for use as a raw material in the manufacture of another product.

- F. **Recycled Material** means material and byproducts that have been recovered or diverted from solid waste, and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
- G. **Virgin Material** means any material occurring in its natural form. Virgin material is used in the form of raw material in the manufacture of new products.

POLICY

The City commits to:

1. Use its best efforts to procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities (e.g. Energy Star, EPA Eco Purchasing Guidelines).
2. Integrate environmental factors into buying decisions where external authorities have not established criteria. Examples:
 - Replacing disposables with reusables or recyclables;
 - Supporting eco-labeling practices by buying products bearing such labels in preference to others, where they are available and provide value;
 - Taking into account life cycle costs and benefits;
 - Evaluating, as appropriate, the environmental performance of vendors in providing products and services.
3. Raise staff awareness on environmental issues affecting procurement by providing relevant information and training.
4. Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices.
5. Encourage providers of services to consider environmental impacts of service delivery.
6. Comply with all environmental legislative and regulatory requirements in the procurement of products and services.

Nothing in this policy shall be construed as requiring a department, agency, or contractor to procure products that do not perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

Procedures and Guidelines may be established, as necessary, to ensure the continuation of a strong Environmental Procurement Program.

RESPONSIBILITY

All City departments, offices, and agencies shall identify and purchase the most environmentally responsible products and services that are available for the intended purpose and that meet the performance requirements. Factors that should be considered when determining the environmentally preferable good or service include, but are not limited to:

- Minimization of virgin material use in product or service life cycle
- Maximization of recycled products used in product or service life cycle
- Environmental cost of entire product or service life cycle
- Reuse of existing products or materials in product or service life cycle
- Recyclability of product
- Minimization of packaging
- Reduction of energy/water consumption
- Toxicity reduction or elimination
- Elimination of uncertified hardwoods in product or service life cycle
- Durability and maintenance requirements
- Ultimate disposal of the product

Purchasing Division Responsibilities:

1. Develop and maintain information about environmentally preferable products and recycled products containing the maximum practicable amount of recycled materials to be purchased by departments, agencies, consultants, and contractors whenever possible.
2. Inform departments, agencies, and contractors of their responsibilities under this policy and provide implementation assistance.
3. Institute product testing and trial service to evaluate environmentally responsible alternatives.
4. Require the use of recycled materials and recycled products by incorporating them in bid specifications where practicable.
5. Disseminate information on recycled and environmentally preferable product procurement requirements, specifications, and performance to assist vendors with procurement opportunities with the City.
6. Evaluate the procurement of selected materials based on considerations of recycling, energy and water conservation, life cycle costing, and other environmental considerations.
7. Help establish and promote needed environmental procurement legislation.

Engineering Division Responsibilities (and/or other support department):

1. Support Purchasing in its implementation of this policy by providing training, information when requested, and assistance in the evaluation of the EPP status of a product or service.
2. Support departments and agencies in evaluation and analysis of products and services for EPP criteria.

Department and Agency Responsibilities:

4.

1. Evaluate products and services to determine the extent to which the specifications could include an environmentally preferable option.
2. Ensure that contracts issued by departments and agencies include environmentally preferable products and recycled products wherever practicable.
3. Expand the awareness and use of environmentally preferable products.

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Chapter 2 - PURCHASING

Sections:

- Section 1 - Purpose and Application: Definitions
- Section 2 - Division of Purchasing
- Section 3 - Procurement Authority - Methods and Procedures
- Section 4 - Purchase Orders
- Section 5 - Receipt of Goods
- Section 6 - Inspections
- Section 7 - Storing of Materials
- Section 8 - Disposal of City Property
- Section 9 - Claims
- Section 10 - Ethics in Public Purchasing
- Section 11 - Severability
- Section 12 - Exclusions from Chapter

I-2-3.15 Recycled Product Procurement

3.15-1 The City of Milpitas is committed to the conservation and protection of state and local resources; therefore bidders able to supply recycled products and products containing recycled and environmentally preferable materials that meet performance requirements are encouraged to offer them in bids and proposals. The Purchasing Agent shall purchase recycled products whenever they are available at the same total cost and the fitness and quality are equal to or better than that of nonrecycled products.

(a) The City shall require all businesses doing business with the City to certify in writing the minimum, if not exact, percentage of postconsumer materials in the products or supplies offered or sold to the City. All contract provisions impeding the consideration of recycled products shall be deleted in favor of performance standards.

(b) With respect to printer or duplication cartridges, a certification from the vendor is required to specify that the cartridges are remanufactured and are in compliance with the requirements of Section 12156 (e) of the Public Contract Code.

(c) The City shall require contractors and consultants to use environmentally preferable products, and use products manufactured with the maximum practicable amount of post-consumer material, whenever cost effective and to the extent practicable.

(d) The City shall ensure that they and their contractors use recycled paper in printed material that bears an imprint identifying the recycled content of the paper, whenever practicable.

(e) The City shall ensure that they and their contractors use both sides of paper sheets whenever practicable.

(f) To the extent possible, the recycled product preference cost shall apply to the bids where the City has made multiple awards, so as to maximize the dollar participation of firms offering recycled products.

(g) All printing contracts made by the City shall specify that the paper used shall meet the recycled content requirement of thirty percent (30%) postconsumer fiber as specified in Section 12209 of the Public Contract Code.

(h) The City may specify recycled content at levels higher than the minimum content standards.

3.15-2 The Purchasing Agent Shall:

(a) Maintain a list of designated recycled products that contain the maximum practicable amount of recovered material and are consistent with State and Federal guidelines and shall coordinate with all departments to purchase environmentally preferable products whenever practicable.

(b) Grant the supplier of recycled products a preference of ten percent (10%) based on the bid or price quoted by supplier of recycled products when determining the lowest responsive and responsible bidder.

(c) Inform Departments of processes and procedures that are environmentally preferable in order to facilitate their evaluation and use by the Departments whenever practicable.

(d) Monitor contracting procedures to ensure that they do not discriminate against recycled products without justification, and that they maximize the specification of designated recycled products whenever practicable. (Ord. 23.10 (part), 1/3/06)