

Executive Summary

In accordance with the Procurement Practices Act of 2010 (PPRA), the Office of Contracting and Procurement (OCP) is required to submit to Council a report detailing green spend across the District, progress implementing sustainable purchasing policy, recommended changes and next steps for its Environmentally Preferred Program and Services (EPPS) sustainability program.

OCP planned a sustainability program refresh. The refresh was to bring EPPS awareness, training and high visibility of the green purchasing program to OCP employees and its vendors in hopes of improving green spend, thus improving the District's carbon footprint. OCP's EPPS refresh was off to a great start when the pandemic halted and has continued to stall its progress through FY2021 as the public emergency continued.

In the first half of FY2021, despite the District's teleworking posture, OCP took every opportunity to continue to push sustainability forward. OCP:

- 1) researched other successful state and local governments sustainability programs.
- 2) met with federal government professionals and other subject matter experts.
- 3) reviewed over 5,000 Acquisition Planning submissions making suggestions wherever purchasing sustainably was possible.
- 4) added *Green Corner* to OCP's Monthly newsletter to educate staff and to keep the spotlight on the importance of purchasing sustainably.

The Green Food Purchasing bill amendment was signed during the third quarter of 2021, now known as, the Green Food Purchasing Act of 2021. OCP began working diligently towards meeting the requirements of the Act. In doing so, all the planned updates, processes and training must be in place in order to meet the January 1, 2023, deadline and all of the sustainable purchasing requirements. (Attachment 1)

FY 2021 Green Spend

The District's total spend for FY2021 was \$4.2 billion. The data reflects that of the total spend \$14 million (0.34% of the total spend) is EPPS. (Attachment 2)

Additionally, OCP's Surplus Property for FY 2021 reported \$6,808,682.66 in sales.

Next Steps

Completing the requirements of the Green Food Purchasing Act of 2021 by January 1, 2023, deadline.

AN ACT

D.C. ACT 24-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 7, 2021

To amend the District Department of the Environment Establishment Act of 2005 to require the Department of Energy and Environment to adopt a methodology to estimate greenhouse gas emissions that occur through the life cycle of certain foods and beverages, establish a baseline assessment of greenhouse gas emissions associated with the District's food and beverage purchases, and establish best practices for reducing greenhouse gas emissions related to such procurements, to require the District to reduce overall greenhouse gas emissions associated with food procurement according to a reduction schedule, and to require the Department of Energy and Environment to prepare a report on how to reduce greenhouse gas emissions associated with District procurement; and to amend the Procurement Practices Reform Act of 2010 to require that certain District procurements include a statement from the Department of Energy and Environment indicating that they include Environmentally Preferable Products or Services to the extent practicable.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Green Food Purchasing Amendment Act of 2021".

Sec. 2. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) New sections 109b and 109c are added to read as follows:

"Sec. 109b. Greenhouse gas emissions in food and beverage procurement.

"(a)(1) To track the greenhouse gas emissions associated with food and beverage purchases made by the District government, DOEE shall, on or before January 1, 2023, in consultation with the Office of Contracting and Procurement, adopt a methodology, taking into account the costs and feasibility of implementing the methodology, for the District to estimate, to the extent practicable, the greenhouse gas emissions that occur through the life cycle of food and beverages purchased by covered agencies, including by third-party vendors that provide food and beverages on behalf of the covered agencies.

"(2) The methodology adopted pursuant to paragraph (1) of this subsection shall enable DOEE to reliably track changes in food and beverage-related greenhouse gas emissions

over time and demonstrate reductions in greenhouse gas emissions associated with food and beverage purchases.

“(b) On or before January 1, 2023, DOEE shall establish:

“(1) A baseline assessment of the overall annual greenhouse gas associated with the food and beverages purchased by covered agencies; and

“(2) Best practices for covered agencies to reduce the greenhouse gas emissions associated with food and beverages with the goal of reducing overall greenhouse gas emissions in accordance with the reduction schedule provided in subsection (d) of this section, without restricting growth in services or reducing the number of meals served.

“(c)(1) Covered agencies shall incorporate the best practices established under subsection (b)(2) of this section into their food and beverage procurement to achieve the goal of reducing the greenhouse gas emissions associated with food and beverages purchased by the covered agency, while also ensuring that food and beverage options are culturally appropriate, responsive to input from the individuals for whom the foods and beverages are purchased, and have nutritional value that is comparable or superior to any foods and beverages that they replace.

“(2) On or before February 1, 2025, and each February 1 thereafter, each covered contracting agency shall report to DOEE on the progress in reducing greenhouse gas emissions associated with food and beverages procured by covered agencies during the preceding fiscal year in a format to be determined by DOEE and consistent with the methodology adopted pursuant to subsection (a)(1) of this section.

“(d) Without restricting growth in services or reducing the number of meals served, the District shall reduce its overall greenhouse gas emissions associated with food and beverages purchased by covered agencies according to the following reduction schedule as measured in relation to the baseline assessment established pursuant to subsection (b)(1) of this section:

“(1) By Fiscal Year 2025, a 10% reduction;

“(2) By Fiscal Year 2027, an 18% reduction; and

“(3) By Fiscal Year 2030, a 25% reduction.

“(e) Beginning July 1, 2025, and each July 1 thereafter, DOEE shall publish an annual report on its website that includes:

“(1) An update on the overall progress of the District in reducing greenhouse gas emissions associated with food and beverages procured by the District; and

“(2) Policy recommendations to further reduce greenhouse gas emissions from food and beverages, to more quickly achieve the reduction goals established by this section, or to revise the reduction schedule provided in subsection (d) of this section.

“(f) Subsections (a) through (e) of this section shall not apply to food and beverage procurements with a value of less than \$10,000.

“(g)(1) In addition to the best practices established pursuant to subsection (b)(2) of this section, DOEE shall establish and promote recommendations for private entities on how to voluntarily reduce greenhouse gas emissions associated with their food and beverage procurement.

“(2) DOEE may provide incentives to encourage private entities to pursue such reductions.

“(h) DOEE may expand the requirements of this section to take into account air pollution emissions.

“(i) For the purposes of this section, the term:

“(1) “Covered agency” means a District agency that provides meals to residents, either directly or through a third-party vendor.

“(2) “Covered contracting agency” means OCP or any covered agency exercising independent procurement authority for the purchase of food or beverages for meals.

“Sec. 109c. Report on greenhouse gas emissions in District procurement.

“By January 1, 2023, the Department of Energy and Environment shall publish a report on its website with recommendations for how to reduce greenhouse gas emissions associated with goods and services procured by the District, including:

“(1) A comprehensive list of what goods and services can be tracked and reduced using life cycle analysis data; and

“(2) Best practices for reducing greenhouse gas emissions associated with procurement of such goods and services.”.

(b) Section 110 (D.C. Official Code § 8-151.10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Within 180 days of February 15, 2006” and inserting the phrase “Except as provided in subsections (c) and (d) of this section” in its place.

(2) A new subsection (d) is added to read as follows:

“(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement sections 109b and 109c.”.

Sec. 3. Section 1101 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.01), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “the District” and inserting the phrase “the District shall perform an analysis to determine the availability and competitiveness of EPPS, and” in its place.

(b) Subsections (b) and (c) are amended to read as follows:

“(b)(1) An environmental certification shall be issued pursuant to subsection (a) of this section if:

“(A) The statement of work includes a statement from DOEE confirming that the procurement includes EPPS to the maximum extent practicable; or

“(B) The statement of work includes a statement from DOEE waiving the requirement that the procurement includes EPPS.

“(2) DOEE may waive the requirement that the procurement includes EPPS if it is not practicable due to cost, availability, or other grounds.

“(3) DOEE may exempt categories of procurements from the requirements of this section through publication on its website.

“(c)(1) District government procurement staff shall ensure that EPPS requirements, including the environmental certification required by subsection (a) of this section, are accounted for in the contract package.

“(2) District government procurement staff and agency program staff shall ensure that the contractor is fulfilling the EPPS requirements of the contract.

“(3) EPPS requirements and implementation guidelines shall be incorporated into OCP trainings and training materials for procurement personnel, including the procurement training institute established pursuant to section 206.”

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

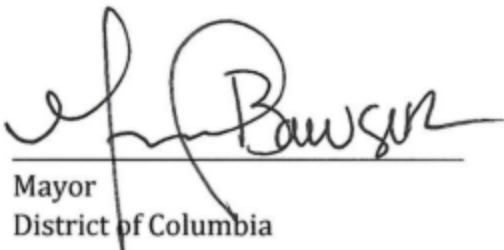
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
June 7, 2021



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B24-0018**

ITEM ON CONSENT CALENDAR

ACTION

First Reading

VOTE DATE

May 4, 2021

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote AB – Absent NV - Present, Not Voting Rec - Recused																	

CERTIFICATION RECORD

Secretary to the Council

Date

Docket No. **B24-0018**

ITEM ON CONSENT CALENDAR

ACTION

Final Reading, CC

VOTE DATE

May 18, 2021

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote AB – Absent NV - Present, Not Voting Rec - Recused																	

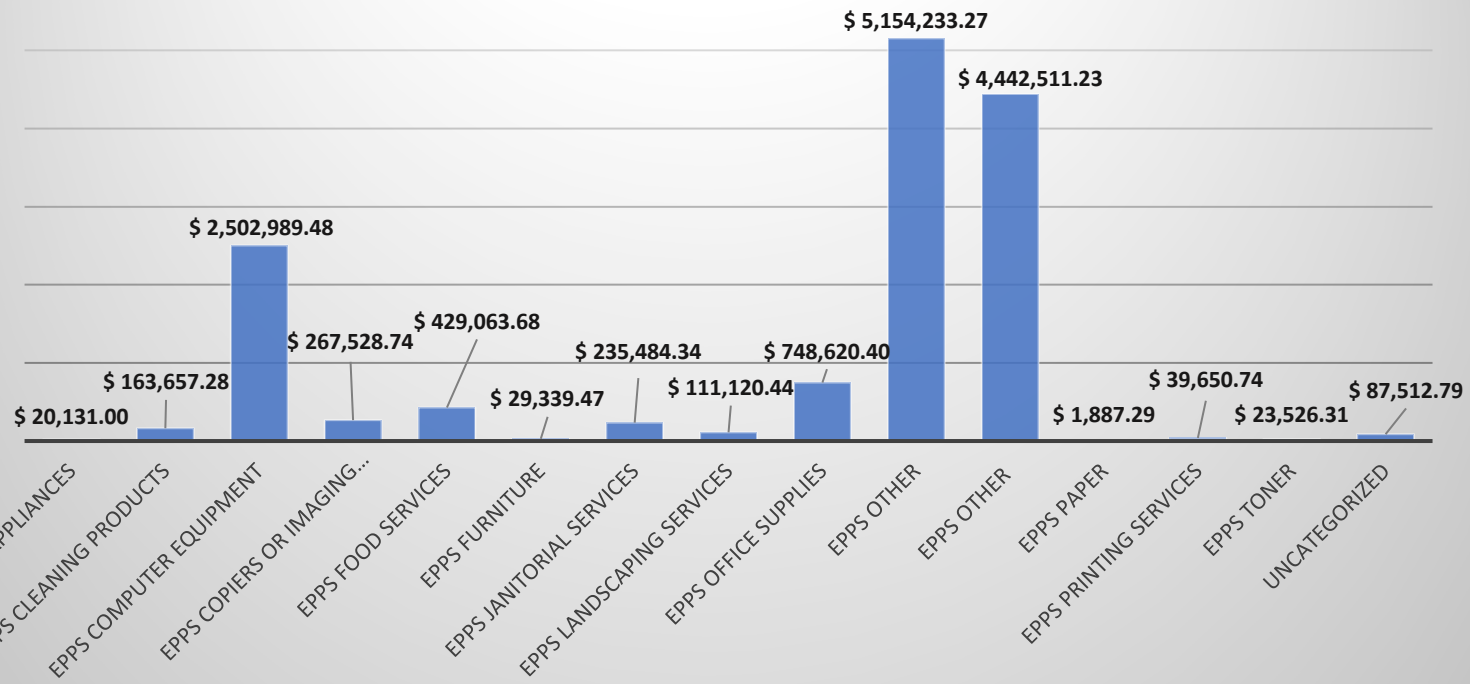
CERTIFICATION RECORD

Secretary to the Council

Date

Sum of 14,169,743.67

OCP'S FY2021 EPPS SPEND



EPPS

Column1	Column2	Column3
EPPS Categories	PO Amount	No.of PO ID
Non- EPPS	4,167,473,196.95	40,113.00
EPPS	14,169,743.67	1,140.00
EPPS Appliances	20,131.00	8.00
EPPS Cleaning Products	163,657.28	21.00
EPPS Computer Equipment	2,502,989.48	184.00
EPPS Copiers or Imaging Devices	267,528.74	20.00
EPPS Food Services	429,063.68	23.00
EPPS Furniture	29,339.47	11.00
EPPS Janitorial Services	235,484.34	87.00
EPPS Landscaping Services	111,120.44	1.00
EPPS Office Supplies	748,620.40	575.00
EPPS Other	4,442,511.23	146.00
EPPS Paper	1,887.29	3.00
EPPS Printing Services	39,650.74	15.00
EPPS Toner	23,526.31	45.00
EPPS Other	5,154,233.27	1.00
Uncategorized	87,512.79	3.00
Grand Total	4,181,730,453.41	41,256.00