

Purchasing Preference for Products That Do Not Contain Hydrofluorocarbons (HFCs)

Applies to: Any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in RCW 28B.10.016, [RCW 28B.10.016](#) and correctional and other types of institutions ([RCW 39.26.010\(1\)](#)) ([RCW 39.26.100](#)) ([RCW 39.26.102](#)).

Authorizing sources:

- [Engrossed Second Substitute House Bill 1112](#) (2019 Legislative Session)
- State Law [RCW 39.26.310](#)
- State Law [RCW 39.26.160\(3\)\(d\)](#)
- Executive Order [Executive Order 04-01](#)
- Executive Order [Executive Order 20-01](#)

Release date: August 1, 2020

Effective date: February 1, 2021

Last update: N/A

Sunset review date: 5 years from effective date

Approved by:  Chris Liu, Director

Reason for Policy

This policy establishes the purchasing preference authorized in RCW 39.26.310 for competitive purchases of products that do not contain hydrofluorocarbons (HFCs) or contain HFCs with a comparatively low global warming potential. The intent is to reduce greenhouse gas emissions by incentivizing the State's contract suppliers to provide products that do not contain HFCs.

Scope of Policy

The following product categories are subject to this policy (reference [Environmental Protection Agency's \(EPA\) Significant New Alternatives Policy \(SNAP\)](#)):

- a. Refrigeration and Air Conditioning, to include chillers, cold storage warehouses, commercial ice machines, household refrigerators and freezers, ice skating rinks, industrial process air conditioning, industrial process refrigeration, motor vehicle air conditioning, non-mechanical heat transfer systems, residential and light commercial air conditioning and heat pumps, residential dehumidifiers, refrigerated transport, retail food refrigerations, vending machines, very low temperature refrigeration, water coolers.
- b. Foam Blowing Agents, to include:

- i. Rigid Polyurethane for appliances, foam spray (roofing and walls), marine flotation foam, sandwich panels (insulation for walls and metal doors), slabstock (insulation for panels and pipes), laminated boardstock (insulation for roofing and walls);
 - ii. Flexible Polyurethane (foam furniture, bedding, chair cushions, and shoe soles);
 - iii. Integral Skin Polyurethane (car steering wheels, dashboards, and shoe soles);
 - iv. Polystyrene: Extruded Sheet (for packaging and buoyancy or flotation) and Extruded Boardstock & Billet (insulation for roofing, walls, flooring, and pipes);
 - v. Polyolefin (foam sheets and tubes);
 - vi. Polyisocyanurate Laminated Boardstock (insulation for roofing and walls);
 - vii. Phenolic Insulation Board & Bunstock (insulation for roofing and walls);
- c. Cleaning Solvents used to remove oil, grease, solder flux, and other contaminants, to include metals, electronics, and precision cleaning;
 - d. Fire Suppression and Explosion Protection
 - e. Aerosols, to include both propellants and solvents;
 - f. Sterilants (substances used to kill microorganisms on medical equipment and devices);
 - g. Adhesives, Coatings, and Inks

Policy

1. Preference for products that do not contain HFCs or contain HFCs with a comparatively low global warming potential.
 - a. In any competitive procurement for products, identified in the Scope of this Policy, agencies shall apply a minimum of 5% preference to each product bid. The preference shall be applied to applicable product(s), when a bidder bids a product with an “Acceptable” Substitute Listing Status, as identified by the [EPA SNAP Program](#).
 - b. Preference language must be clearly stated and included in agency procurement requests and solicitations for applicable products issued after the effective date of this policy.
 - c. Bidders may be required to provide written documentation to validate the use of acceptable substitute(s) for ozone-depleting substances.
2. Agencies are not required to apply a preference when:
 - a. Using a master contract or DES approved cooperative contract, as DES is responsible for applying the preference.
 - b. A non-competitive procurement process is used.
3. Agencies will be required to complete environmental purchasing training.
 - a. Within 6 months of the effective date of this policy, personnel who are responsible for small purchases, competitive procurements, and contract management activities shall complete the

mandatory training available in the Learning Management System (LMS) and titled WA-State Environmental Procurement Preference.

- b. Employees assigned these responsibilities after the initial 6-month implementation period of this policy shall complete the required training within 90 days of assignment. Specifically, this applies to all new employees, employee's assigned new responsibilities/duties, and employees in new positions, who are responsible for competitive procurements.

4. [Direct Buy Purchases](#)

Prior to purchasing products under the direct buy policy, agencies shall give consideration to products, subject to this policy, that do not contain HFCs or contain HFCs with comparatively low global warming potential.

5. [Agencies will document compliance with this Policy.](#)

- a. Agencies shall use Washington's Electronic Business Solution (WEBS) to report HFC preferences that were included in solicitations posted on WEBS; and which of those attributes were included in the resulting awards.
- b. Where an agency determines that it will not apply a preference for products that do not contain HFCs or contain HFCs with a comparatively low global warming potential, the reasons for this determination will be documented in the procurement file and in WEBS.
- c. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.310 and this Policy.
- d. Agencies are expected to exercise sound professional judgment in implementing HFC policy.
- e. The agency's record of compliance with this policy may be factored into an agency's procurement risk assessment.

Procedures

Procedure: [Environmental Procurement Preference Calculator](#) - provides guidance on which environmental requirements you need to apply to your specific procurement.

Procedure: [Environmental Preferable Purchasing Desk Aid](#)

Appendices

[Sample Contract Language](#)

Forms/Instructions

[Bidder Certification Environmental Preference Form](#)

History

Adopted

August 1, 2020

Amended

There are no amendments to this policy.

There are no prior versions of this policy