Enterprise Services Policy No. POL-DES-265-00

Electronic Products Purchasing Preference

**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](http://apps.leg.wa.gov/RCW/default.aspx?cite=28B.10.016), correctional and other types of institutions.

**Authorizing sources**:

* State Law [RCW 39.26.265(1)](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.265)
* State Law [RCW 39.26.010(1) Definitions](http://apps.leg.wa.gov/rcw/default.aspx?Cite=39.26.010)
* State Law [RCW 70.95N.020(6)](https://app.leg.wa.gov/RCW/default.aspx?cite=70.95N.020)
* Executive Order [Executive Order 04-01](https://www.digitalarchives.wa.gov/GovernorLocke/eo/eo_04-01.htm)
* Executive Order [Executive Order 18-01](https://www.governor.wa.gov/sites/default/files/exe_order/18-01%20SEEP%20Executive%20Order%20%28tmp%29.pdf)

**Effective date**: TBD

**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 39.26.265(1) for agencies purchasing electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

# Scope of Policy

The following product categories are applicable to this policy, as provided by the [EPEAT Registry](https://epeat.sourcemap.com/):

1. PC and Displays
2. Servers
3. Mobile Phones
4. Imaging Equipment
5. Televisions
6. Other future electronic product types as EPEAT adds to the registry

# Policy

## 1. Preference must be given to the purchase of electronic products meeting environmental performance standards relating to the reduction or elimination of hazardous materials.

* 1. In establishing requirements for electronic products, agencies shall reference [Electronic Product Environmental Assessment Tool (EPEAT)](https://epeat.sourcemap.com/) and Energy Star registration standards, and the [Restriction of Hazardous Substances (RoHS) standards](https://www.rohsguide.com/) established in Directive 2002/95/EC, originated in the European Union.
  2. When purchasing electronic products, agencies should adopt requirements that those products, to the greatest extent possible, do not contain persistent, toxic chemicals. Examples of persistent, toxic chemicals include, but are not limited to, mercury, dioxin, and polychlorinated biphenyls (PCBs).
     1. Agencies may not purchase electronic products containing persistent, toxic chemicals unless there is no feasible alternative.
     2. In circumstances where a product that does not contain persistent, toxic chemicals is not available [and not rated by EPEAT], preference shall be given to the purchase of products that contain the least amount of persistent, toxic chemicals.
  3. When purchasing electronic products, identified in the Scope of this Policy, such products are required to have achieved [Electronic Product Environmental Assessment Tool](https://epeat.sourcemap.com/) (EPEAT) Bronze registration to meet minimum environmental performance standards.
  4. When purchasing electronic products, identified in the Scope of this Policy, that have achieved [EPEAT Silver registration](https://epeat.sourcemap.com/), agencies shall apply a minimum of 5 percent preference to each product bid registered by EPEAT.
  5. When purchasing electronic products, identified in the Scope of this Policy, that have achieved [EPEAT Gold registration](https://epeat.sourcemap.com/), agencies shall apply a minimum of 10 percent preference to each product bid registered by EPEAT
  6. If no EPEAT registered electronic product exists that meet the specific performance needs of a purchaser, agencies are to give preference to those products that are RoHS compliant and Energy Star rated (if Energy Star applies to the product). RoHS compliant electronic products must carry the RoHS label or indicate compliance in product literature.
  7. If no EPEAT registered electronic product exists nor compliance with RoHS certification that meet the specific performance needs of a purchaser, agencies are to give preference to those products containing the least hazardous materials. Agencies may also use other environmental product certifications that reflect a reduction or elimination of hazardous materials.
  8. Preference language must be clearly stated and included in agency procurement requests and solicitations for applicable electronic products issued after the effective date of this policy.

## 2. Direct Buy purchases must comply

1. Compliance to this policy is expected for direct buy (non-competitive) purchases when reasonably practicable.
   * 1. Products purchased under the Direct Buy process, are required to have achieved EPEAT Bronze registration; unless there are no products that have achieved the EPEAT Bronze registration.
     2. The application and documentation of the purchasing preference in direct buy purchases shall be at the discretion of the covered agency.

## 3. Agencies are not required to apply a preference when:

1. Electronic products (covered under this policy) are purchased from a master contract or DES approved cooperative contract, as DES has already applied the preference.
2. When the only qualified electronic product, as specified in Section 1 of this policy, is not reasonably priced as compared to other products capable of satisfying the need.

## 4. Agencies will be required to complete environmental purchasing training.

1. 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 provided by DES available in the Learning Management System (LMS).
2. 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.

## 5. Agencies will document and report compliance with this Policy.

a. Agencies shall use Washington’s Electronic Business Solution (WEBS) to report environmental attributes that were included in solicitations posted on WEBS; and which of those attributes were included in the resulting awards.

b. The documentation of the purchasing of electronic products, complying with this policy, for Direct Buy purchases shall be at the discretion of the agency.

c. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.265 and this Policy with the procurement file.

d. The agency’s record of compliance with this policy may be factored into an agency’s procurement risk assessment.

# Procedures

**Procedure:** [**EPEAT Benefits Calculator**](https://greenelectronicscouncil.org/epeat/purchasers/) – Allows purchaser to measure and report the envirommental benefits gained from purchasing electronic products registered with EPEAT.

# Appendices

[Sample Contract Language](Drafts/Sample%20Electronic%20Products%20%20Language.docx)

# Forms/Instructions

There are no forms associated with this policy

# Frequently Asked Questions

**FAQ:** Electronic Products Purchasing Preference Frequently Asked Questions

History

Adopted

[DATE]

Amended

There are no amendments to this policy.

There are no prior versions of this policy.