

DRAFT

MODEL Green Contracting Ordinance

This ordinance would amend local codes that govern public agency contracting. This ordinance requires the agency to develop a plan to encourage contractors operating in the jurisdiction to procure and to operate low-emission vehicles, and to obtain low-emission fleet status for their off-road equipment and heavy-duty on-road fleets.

Be it ordained by the People of the *(insert name of local agency)*:

(insert name of local agency) Codes *(need to insert the appropriate CODES such as ADMINISTRATIVE, GENERAL, BUILDING or PLANNING, TRAFFIC, ETC.)* are hereby amended by adding Chapter (___), to read as follows:

CHAPTER (___)

GREEN CONTRACTING PROGRAM

SEC. __.1. FINDINGS AND PURPOSE

The *(insert name of governing board of local agency)* finds that:

- (a) Air pollution is a major public health concern in California. The Sacramento Region is currently designated as non-attainment for the one-hour Federal ozone standard, as well as the more stringent State ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life.
- (b) Motor vehicle emissions (both on- and off-road) are the primary source of ozone precursors in the Sacramento Region. Motor vehicle emissions are also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new vehicles have become cleaner due to improved emission control technologies, the rapid growth in motor vehicle

population and in the number of miles Californians drive is eroding progress in improving regional air quality. In addition, conventional vehicles produce higher emissions as their emission control systems wear out over time.

(c) Public agencies can play an important role in improving air quality by encouraging contractors to operate low-emission vehicles and by encouraging contractors to actively promote ridesharing programs in the agency's jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by incorporating a mechanism in their contracting programs to encourage contractors to procure and to operate low-emission vehicles, and to obtain low-emission fleet status for their off-road equipment and heavy-duty on-road fleets.

a) The Sacramento Metropolitan Air Quality Management District, Mobile Source Division staff estimated the maximum potential emission reductions from full implementation of the Green Contracting Ordinance in the Sacramento Region to be 0.30 tons per day of nitrogen oxides emissions, 0.01 tons per day of reactive organic gas emissions, and 0.01 tons per day of particulate matter emissions (Emissions Analysis of LEF and Green Contracting Ordinances, April 2002).

(d) Grant funding and incentive programs may be available from federal, state, or local sources to cover the incremental cost of acquiring and utilizing low-emission vehicles and the cost to prepare their off-road equipment and heavy-duty on-road vehicles to qualify for low-emission fleet status.

(e) Under this Chapter, a Green Contracting Program is established by (*insert name of local agency*) to encourage contractors' to procure and to operate low-emission vehicles within its jurisdiction and to obtain low-emission fleet status for their off-road equipment and heavy-duty vehicle fleets.

SEC. __.2. DEFINITIONS

(a) "Active Vehicle or Off-Road Equipment " is any vehicle or piece of off-road equipment that is driven more than 500 miles or operates more than 50 hours in the 12 consecutive months prior to

the date of the annual report. An active vehicle or piece of off-road equipment must have the means to document its operating use (i.e. odometer or hourmeter).

(b) “Low-Emission Vehicle” is a vehicle that has been certified by the California Air Resources Board (CARB) to meet either the low emission vehicle-II (LEV II) standard, the ultra low-emission vehicle-II (ULEV II) standard, the super ultra low-emission vehicle (SULEV) standard, or is eligible for full or partial zero emission vehicle (ZEV) credit. Beginning in 2007, vehicles certified to the LEV II standard will not qualify as a low-emission vehicle. Low-emission vehicles include light- and medium-duty vehicles.

(c) “Fleet” means fifteen (15) or more active vehicles under common ownership or common operation that operate 75% of total hours or miles in the Sacramento Federal Non-attainment Area.

(d) “Heavy-Duty Vehicle” means any on-road motor vehicle with a manufacturer’s gross vehicle weight rating above 14,000 pounds.

(e) “Light-Duty Vehicle” means any car, van, or truck with a manufacturer’s gross vehicle weight rating of 6,000 pounds or less.

(f) “Low-Emission Fleet” means an off-road equipment fleet or an on-road heavy-duty vehicle fleet that meets the certified low-emission fleet average standards for nitrogen oxides (NOX) and particulate matter (2.5 microns and below) (PM2.5) set forth in Appendix A. An annual verification of the low-emission fleet status may be obtained from the local air quality management district.

(g) “Medium-Duty Vehicle” means any motor vehicle with a manufacturer’s gross vehicle weight rating of 6,001 – 14,000 pounds.

(h) “Off-road Equipment” means all self-propelled non-road equipment having an engine having a horsepower rating of 50 or greater.

(i) “Super Ultra Low-Emission Vehicle” (SULEV) means any vehicle that has been certified by the California Air Resources Board as a super ultra low-emission vehicle based upon the standards set forth in 13 California Code of Regulations § 1960.1 and 1961 for Super Ultra Low-Emission Vehicles.

(j) “Ultra Low-Emission Vehicle” (ULEV) means any vehicle that has been certified by the California Air Resources Board as an ultra low-emission vehicle based upon the standards set forth in 13 California Code of Regulations § 1960.1 and 1961 for Ultra Low-Emission Vehicles.

(k) “Vehicle” means any on-road vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles or any off-road equipment that is self-propelled and having an engine with a horsepower rating of 50 or greater.

(l) “Zero Emission Vehicle” (ZEV) with “Full ZEV Credit” means any vehicle that has been certified by the California Air Resources Board as a zero emission vehicle under any and all possible operational modes and conditions pursuant to Title 13 California Code of Regulations §1962(e). Zero emission vehicles may be propelled by batteries or by fuel cells.

(m) “Zero Emission Vehicle” (ZEV) with “Partial ZEV Credit” means any vehicle that has been certified by the California Air Resources Board as being eligible to claim partial ZEV credit.

SEC. __.3. GREEN CONTRACTING PROGRAM

(a) Within 90 days of adoption of this Chapter, the *(insert name of local agency)* shall designate a Program Manager *(such as the agency’s manager responsible for procurement)* and shall develop and implement a Green Contracting Program. The Green Contracting Program must include a description of the plan to encourage contractors operating within the *(insert name of local agency)* to procure and to operate low-emission vehicles and to obtain low-emission fleet status for off-road equipment fleets and heavy-duty on-road vehicle fleets. The *(insert name of local agency)*’s Green Contracting Program must focus on fleet owners that have contracts for *(insert name of local agency)* business.

(b) The *(insert name of local agency)* must include contract bid language that would implement the following Green Contracting Program requirements. See (c) for the exception to this requirement.

- 1) A minimum of 10% of the total points awarded for contracts that will require the contractor to use heavy-duty off-road equipment will be granted as preference points to a

bidder that has obtained low-emission status for its off-road equipment fleet as set forth in Section __.2 of this Chapter.

- 2) A minimum of 10% of the total points awarded for contracts that will require the contractor to use heavy-duty on-road vehicles will be granted as preference points to a bidder that has obtained low-emission status for its heavy-duty on-road vehicle fleet as set forth in Section __.2 of this Chapter.
- 3) A minimum of 5% of the total points awarded for contracts that will require the contractor to use light- or medium-duty vehicles will be granted as preference points to a bidder that is operating a light- and/or medium-duty vehicle fleet that consists of 50% LEV II or cleaner vehicles until 2007 and 50% ULEV II or cleaner vehicles beginning in 2007.
- 4) A minimum of 5% of the total points awarded for the contract will be granted as preference points to a bidder (based in the Sacramento Federal Non-Attainment Area) that provides proof of all of the following ridesharing program components: membership in a transportation management association (TMA), designated employee transportation coordinator (ETC) on-site, and obtained a 20% employee alternative commute mode shift (results via a TMA survey).

(c) If a contract award is based exclusively on cost and low-bid, the *(insert agency name)* must include alternative methods to promote its Green Contracting Program. The following methods are acceptable alternatives:

- 1) The bid specification requires that the contractor use a low-emission fleet for the work.
- 2) A monetary bonus provided to the contractor for utilizing a low-emission fleet for the work.
- 3) Placing a condition in the contract awarded that would prohibit the contractor working on days designated as Spare the Air Days in the region unless the contractor's fleet is verified by the local air quality management district as a low-emission fleet.

(d) In the case of a contractor with a fleet smaller than the defined threshold in this Chapter submits a bid for a *(insert agency name)* contract and is competing against a fleet that falls under this Chapter, the *(insert agency name)* may avoid creating a disadvantage to the contractor with the smaller fleet by automatically providing 50% of the points for the bid as indicated in Section __.3 (b). The *(insert name of agency)* will also inform and encourage the contractor to obtain low-emission fleet status voluntarily.

SEC. __.4. ANNUAL PROGRESS REPORT

Not later than September 1 *(or insert alternate date)* of each fiscal year, the Program Manager shall submit to the *(insert name of governing body of local agency)* and the local air quality management district an annual progress report which includes the following:

- a) A description of progress in implementing the Green Contracting Program.
- b) A report of contracts awarded to businesses with off-road equipment and heavy-duty on-road vehicle low-emission fleets, with a minimum of 50% LEV II light- and medium-duty fleets until 2007 and 50% ULEV II light- and medium-duty fleets beginning in 2007, and with ridesharing programs, including numbers and detailed lists.
- c) Copies of the verification of low-emission fleet status.

SEC. __.5. SEVERABILITY

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter. The *(insert name of governing board of local agency)* declares that it would have passed each section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Chapter irrespective of the fact that any portion of this Chapter could be declared unconstitutional, invalid or ineffective.

SEC. __.6. EFFECTIVE DATE

The provisions of this Chapter shall be effective upon adoption by the *(insert name of governing board of local agency)* and certified by the *(insert City Clerk or other appropriate official)*.

APPROVED AS TO FORM:

(Insert Agency Name) Attorney

By: _____
Name

Appendix A

NOTE: Additional strategies will be considered in the future to provide alternative mechanisms for non-fleet vehicles and non-certified fleet vehicles to participate in emission reduction projects that may play a role in assisting fleets falling under this ordinance to participate in the low-emission fleet program.

The certified low emission fleet tables follow this page.

**Certified Low-Emission Fleet Program
Fleet Emission Reduction Table**

1983 - 2005 NOx Emission Requirements
3/24/2003

Heavy Heavy-Duty Diesel Vehicle (over 33,000 lbs GVWR) Emission Table

Model Year	Number in Fleet	Annual Mileage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			NOx (g/mi)	NOx (g/mi)	NOx (g/yr)	NOx (g/yr)
A	B	C	D	E	F	G
1983			25.65	20.52		
1984			19.05	15.24		
1985			19.05	15.24		
1986			19.05	15.24		
1987			15.85	12.68		
1988			15.85	12.68		
1989			15.85	12.68		
1990			15.85	12.68		
1991			13.99	11.19		
1992			13.99	11.19		
1993			13.99	11.19		
1994			16.72	13.38		
1995			16.72	13.38		
1996			16.72	13.38		
1997			16.72	13.38		
1998			20.18	16.14		
1999			11.71	11.71		
2000			11.71	11.71		
2001			11.71	11.71		
2002			11.71	11.71		
2003			5.85	7.00		
2004			5.85	7.00		
2005			5.85	7.00		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of vehicles for each model year in Column B (enter 1983 for all pre-1984 vehicles).
2. Enter the total annual miles for each model year in Column C.
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
5. If the "Fleet Totals" value in Column F is less than or equal to the value in Column G, your fleet qualifies as a "Certified Low Emission Fleet".
6. If the "Fleet Totals" value in Column F is higher than the value in Column G, contact the Air District to discuss options to lower your fleet emissions.

Certified Low-Emission Fleet Program

Fleet Emission Reduction Table

1983 - 2005 PM 2.5 Emission Requirements

3/24/2003

Heavy Heavy-Duty Diesel Vehicle (over 33,000 lbs GVWR) Emission Table

Model Year	Number in Fleet	Annual Mileage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			PM 2.5 (g/mi)	PM 2.5 (g/mi)	PM 2.5 (g/yr)	PM 2.5 (g/yr)
A	B	C	D	E	F	G
1983			1.35	1.08		
1984			0.86	0.69		
1985			0.86	0.69		
1986			0.86	0.69		
1987			0.62	0.49		
1988			0.62	0.49		
1989			0.62	0.49		
1990			0.62	0.49		
1991			0.32	0.25		
1992			0.32	0.25		
1993			0.32	0.25		
1994			0.26	0.21		
1995			0.26	0.21		
1996			0.26	0.21		
1997			0.26	0.21		
1998			0.21	0.17		
1999			0.17	0.17		
2000			0.17	0.17		
2001			0.17	0.17		
2002			0.17	0.17		
2003			0.21	0.21		
2004			0.21	0.21		
2005			0.21	0.21		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of vehicles for each model year in Column B (enter 1983 for all pre-1984 vehicles).
2. Enter the total annual miles for each model year in Column C.
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
5. If the "Fleet Totals" value in Column F is less than or equal to the value in Column G, your fleet qualifies as a "Certified Low Emission Fleet".
6. If the "Fleet Totals" value in Column F is higher than the value in Column G, contact the Air District to discuss options to lower your fleet emissions.

Certified Low-Emission Fleet Program

Fleet Emission Reduction Table

1983 - 2005 NOx Emission Requirements

3/24/2003

Medium Heavy-Duty Diesel Vehicle 14,001 - 33,000 lbs GVWR) Emission Table

Model Year	Number in Fleet	Annual Mileage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			NOx (g/mi)	NOx (g/mi)	NOx (g/yr)	NOx (g/yr)
A	B	C	D	E	F	G
1983			17.47	13.97		
1984			16.91	13.53		
1985			16.91	13.53		
1986			16.91	13.53		
1987			14.86	11.89		
1988			14.86	11.89		
1989			14.86	11.89		
1990			14.86	11.89		
1991			11.48	9.22		
1992			11.48	9.22		
1993			11.48	9.22		
1994			10.12	9.22		
1995			10.12	9.22		
1996			10.12	9.22		
1997			10.12	9.22		
1998			9.22	9.22		
1999			9.22	9.22		
2000			9.22	9.22		
2001			9.22	9.22		
2002			9.22	9.22		
2003			4.80	6.00		
2004			4.80	6.00		
2005			4.80	6.00		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of vehicles for each model year in Column B (enter 1983 for all pre-1984 vehicles).
2. Enter the total annual miles for each model year in Column C.
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
5. If the "Fleet Totals" value in Column F is less than or equal to the value in Column G, your fleet qualifies as a "Certified Low Emission Fleet".
6. If the "Fleet Totals" value in Column F is higher than the value in Column G, contact the Air District to discuss options to lower your fleet emissions.

Certified Low-Emission Fleet Program

Fleet Emission Reduction Table

1983 - 2005 PM 2.5 Emission Requirements

3/24/2003

Medium Heavy-Duty Diesel Vehicle 14,001 - 33,000 lbs GVWR) Emission Table

Model Year	Number in Fleet	Annual Mileage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			PM 2.5 (g/mi)	PM 2.5 (g/mi)	PM 2.5 (g/yr)	PM 2.5 (g/yr)
A	B	C	D	E	F	G
1983			0.78	0.63		
1984			0.73	0.58		
1985			0.73	0.58		
1986			0.73	0.58		
1987			0.53	0.43		
1988			0.53	0.43		
1989			0.53	0.43		
1990			0.53	0.43		
1991			0.28	0.24		
1992			0.28	0.24		
1993			0.28	0.24		
1994			0.23	0.20		
1995			0.23	0.20		
1996			0.23	0.20		
1997			0.23	0.20		
1998			0.20	0.20		
1999			0.20	0.20		
2000			0.20	0.20		
2001			0.20	0.20		
2002			0.20	0.20		
2003			0.24	0.24		
2004			0.24	0.24		
2005			0.24	0.24		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of vehicles for each model year in Column B (enter 1983 for all pre-1984 vehicles).
2. Enter the total annual miles for each model year in Column C.
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
5. If the "Fleet Totals" value in Column F is less than or equal to the value in Column G, your fleet qualifies as a "Certified Low Emission Fleet".
6. If the "Fleet Totals" value in Column F is higher than the value in Column G, contact the Air District to discuss options to lower your fleet emissions.

Certified Low-Emission Fleet Program

Fleet Emission Reduction Table

1970 - 2005 NOx Emission Requirements

3/24/2003

Off-Road Equipment Emission Table

Model Year	Number in Fleet	Annual Usage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			NOx (g/bhp-hr)	NOx (g/bhp-hr)	NOx (g/yr)	NOx (g/yr)
A	B	C	D	E	F	G
Pre-1970			14.00	11.20		
1970-1971			13.00	10.40		
1972-1979			12.00	9.60		
1980-1987			11.00	8.80		
1988-1995			8.17	6.54		
1996-2002			6.25	6.25		
2003- 2005			5.00	6.25		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of equipment for each model year in Column B.
2. Enter the annual usage for each model year in Column C (equals sum of annual hours of operation, load factor, and horsepower rating).
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
5. If the "Fleet Totals" value in Column F is less than or equal to the value in Column G, your fleet qualifies as a "Certified Low Emission Fleet".
6. If the "Fleet Totals" value in Column F is higher than the value in Column G, contact the Air District to discuss options to lower your fleet emissions.

Certified Low-Emission Fleet Program

Fleet Emission Reduction Table

1970 - 2005 PM 2.5 Emission Requirements

3/24/2003

Off-Road Equipment Emission Table

Model Year	Number in Fleet	Annual Usage	In-use Data	Reduced Level	In-use Total	Fleet Target Total
			PM 2.5 (g/bhp-hr)	PM 2.5 (g/bhp-hr)	PM 2.5 (g/yr)	PM 2.5 (g/yr)
<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
Pre- 1970			0.71	0.57		
1970-1971			0.61	0.49		
1972-1979			0.51	0.41		
1980-1987			0.51	0.41		
1988-1995			0.35	0.28		
1996-2002			0.14	0.15		
2003- 2005			0.10	0.15		
Fleet Totals						

Instructions for Low-Emission Fleet Certification

1. Enter the number of equipment for each model year in Column B.
2. Enter the annual usage for each model year in Column C (equals sum of annual hours of operation, load factor, and horsepower rating).
3. Multiply Column B and Column C. Multiply this number by the value in Column D. Write this number in Column F. Repeat this procedure for Columns E, writing the values in Columns G.
4. Add all the values in Column F, and write the total in the "Fleet Totals" box at the bottom. Repeat this procedure for Columns G.
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