



ENVIRONMENTALLY PREFERABLE PURCHASING BEST PRACTICES MANUAL



PUBLISHED 2014

MARYLAND GREEN PURCHASING COMMITTEE

CONTENTS

CONTENTS	1
INTRODUCTION TO ENVIRONMENTALLY PREFERABLE PURCHASING	2
WHAT IS EPP?	2
WHY IS ENVIRONMENTALLY PREFERABLE PURCHASING IMPORTANT?	2
BENEFITS TO HUMAN HEALTH, THE ENVIRONMENT & ECONOMY	3
LIFE CYCLE ASSESSMENT	3
BEST VALUE ASSESSMENT	4
PROCUREMENT IN MARYLAND	5
EXISTING LAWS, REGULATIONS AND GUIDELINES FOR EPP	6
eMARYLAND MARKETPLACE	6
STATEWIDE CONTRACTS	7
IMPLEMENTING EPP IN MARYLAND	8
GUIDELINES & SPECIFICATIONS	8
MEASURING PROGRESS	8
IDENTIFYING EPP WITH NIGP CODES	9
RESOURCES	10
DEVELOPING SPECIFICATIONS	10
THIRD PARTY CERTIFICATIONS	10
APPENDIX A – BEST VALUE EVALUATION FORM	12
APPENDIX B – EXAMPLE BPO	15



INTRODUCTION TO ENVIRONMENTALLY PREFERABLE PURCHASING

What is EPP?

This manual has been created to encourage the acquisition of products and services which have a reduced impact on human and environmental health in state operations. Its main objective is to clearly inform purchasers about how to identify and acquire Environmentally Preferable Purchasing (EPP) products and services.

Maryland's State Finance & Procurement Article [§14-410](#) defines environmentally preferable purchasing as the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. This includes considerations based on:

- raw materials
- manufacturing
- packaging and distribution
- use, operation and maintenance
- refuse and disposal

Article [§14-410](#) also provides clarity that EPP may not require the acquisition of goods or services that:

- do not perform adequately for the intended use
- exclude adequate competition
- are not available at a reasonable price in a reasonable period of time

Why is Environmentally Preferable Purchasing Important?



As our State's population increases, there is more demand for energy, water, and other resources, putting strain on our transportation infrastructure, land use and coastal communities and increasing pollution, air emissions, and waste. Sound and efficient resource management through EPP has the potential to yield long term cost savings while minimizing the environmental impact associated with manufacturing, use, and disposal of the products we purchase. This is part of the larger move toward sustainability which aspires to meet "current human needs without undermining the capacity of the environment to provide for those needs over the long term."

Benefits to Human Health, the Environment & Economy

EPP can provide a variety of financial, human health, environmental, and social benefits. Commonly cited environmental, human health and social benefits of EPP include:

- reduced air, water and soil pollution
- materials and energy efficiency and reduced consumption
- less waste in landfills
- reductions in exposure to hazardous and toxic substances
- providing a manufacturing demand for collected recycled material
- reducing greenhouse gas emissions
- increasing the use of renewable materials
- improved wildlife habitats
- decreased costs associated with waste management, disposal, and cleanup

Financial costs and benefits are easier to quantify. The purchasing price and frequency of purchase is weighed against operating costs, maintenance repair and replacement costs, occupational health costs, and liabilities.

Economic benefits that may not be factored into the initial purchase price, or “first cost”:

- Reusable, refillable, durable, and repairable products are usually more cost-effective over time than single-use or disposable products.
- Energy, water, or resource efficient products can result in avoided costs for these resources.
- Avoiding hazardous substances and preventing pollution can reduce health and disposal costs and regulatory liability.

In many instances, a specific value to the benefits cannot be calculated without extensive study or would be cost prohibitive. However, in the absence of scientific consensus that an action is not harmful, the [precautionary principle](#) states that the burden of proof that the action is *not* harmful falls on those taking the action. This applies even if there is no suspected risk of causing harm to the public or to the environment.

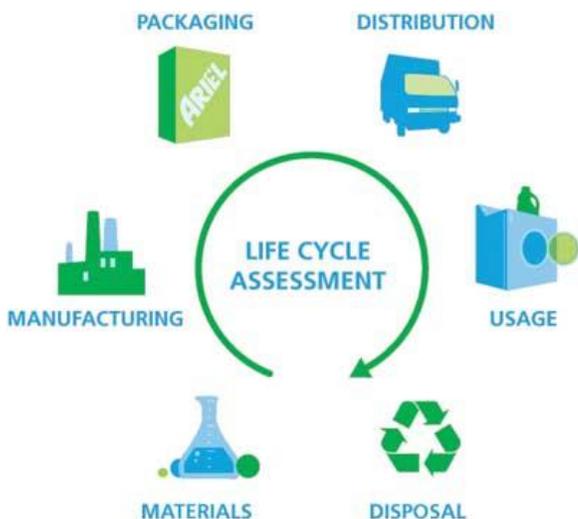
Life Cycle Assessment

EPP considers a product over its entire life, from raw material extraction to transport, use, and end-of-life management or disposal. Analyzing these impacts is referred to as a life cycle analysis and acknowledges direct and indirect environmental, health, and financial costs. Consequently, a product that has a lower initial purchase price than a similar, but more environmentally preferable, product may cost more over the long term.

The United States Environmental Protection Agency has developed an [Introduction to Life Cycle Assessment](#) as well as case studies.



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Due to the complexity and cost of Life Cycle Analysis, most emphasis is placed on a product's "total cost" which includes the initial purchase price or "first cost", operations and maintenance costs, and disposal costs. Evaluating products based on the total cost can lead to purchasing those products that are the "best value".

As an example, the US Department of Energy provides a [total cost of ownership calculator for fleet vehicles](#). The table below shows the ten year cost of ownership for a fleet vehicle based on the 2014 [DGS vehicle contracts](#):

	Gasoline	Gasoline Hybrid Electric Vehicle	Electric Vehicle	E85 Flexfuel
Light-Duty Passenger Car Fleet				
Depreciation	\$11,674	\$16,260	\$25,432	\$16,677
Fuel	\$20,107	\$14,362	\$4,681	\$25,527
Maintenance and Repair	\$22,738	\$21,998	\$20,036	\$22,738
Insurance	\$10,593	\$10,593	\$10,593	\$10,593
License and Registration	\$1,147	\$1,147	\$1,147	\$1,147
Total Cost of Ownership	\$66,260	\$64,361	\$61,889	\$76,683

Best Value Assessment

Like life cycle cost, best value assessment looks at other parameters outside of the initial purchase price of a product. However, best value assessment is more of a qualitative, rather than a quantitative, assessment. Determining the best value of a product requires identifying specific attributes that apply to a product and assigning a weighted point value to each of those attributes. Such attributes could include:

- Price
- Hazardous Ingredients and Exposure
- Energy and Water Efficiency
- Recycled Content
- Waste Prevention
- Air Quality
- Volatile Organic Compounds (VOC) and Emissions
- Materials Management (End-of-life)
- Material Availability and Renew-ability
- Global Warming Potential
- Manufacturer Responsibility

Now the point system can be applied to all potential suppliers and the supplier with the maximum number of points is determined to be providing the best value.

Appendix A contains a sample best value assessment form for reference.



PROCUREMENT IN MARYLAND

PROCUREMENT CONTROL UNITS

Four procurement control units, subject to the authority of the Board of Public Works, exercise control over State procurement.

State Treasurer's Office (STO)

- Financial Services including Banking and Investment
- Insurance and Insurance-Related Services

Department of Budget and Management (DBM)

- Services
- Motor Vehicle Leases

Department of General Services (DGS)

- Commodities and Supplies (including fuel and energy)
- Capital Construction and Construction-Related Services
- Architectural and Engineering Services
- Real Property Leases

Department of Information Technology (DoIT)

- Information Processing Equipment and Associated Services
- Telecommunications Equipment, Systems, or Services (including computer equipment)
- Information technology contracts and contract options valued at \$200,000 or less
- Sole source contracts valued at \$100,000 or less
- Single bid contracts and contract modifications valued at \$50,000 or less
- Software license renewals

PRIMARY PROCUREMENT UNITS

An additional three primary procurement units, subject to the authority of the Board of Public Works, have jurisdiction over State procurement as follows:

Department of Transportation and Maryland Transportation Authority

- Transportation-related architect and engineering services, construction and construction services
- Rolling stock and other property peculiar to a transit system
- Supplies and services for aeronautics-related activities

Maryland Port Commission

- Supplies and services for Port-related activities
- Construction and construction-related services for a Port facility
- Port-related architect and engineering services
- Leases of real property for Port-related activities unless lease payments are from the General Fund

Department of Public Safety and Correctional Services

- Construction and construction-related services for State correctional facilities



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- Supplies, materials, and equipment to support construction and construction-related services for State correctional facilities

SMALL PROCUREMENT

Minimum procurement requirements are in place for agencies to award contracts \$25,000 or less (or \$50,000 or less for DGS construction contracts). Authorized State personnel may use the State of Maryland purchasing card to pay for purchases of \$5,000 or less; when using the purchasing card, procurement agencies are governed by the small procurement regulations. The State receives a rebate from the bank that provides the cards.

Existing Laws, Regulations and Guidelines for EPP

Statutes, regulations, and the Maryland Green Purchasing guidelines direct the State of Maryland to practice and promote EPP. This demonstrates the state's commitment to leading by example to protect public health and the environment and support markets for environmentally preferable products and services. Listed below are existing statutes and regulations governing EPP related requirements.

STATUTE	REGULATION	SUBJECT
§14-402	21.11.07.03	Purchasing of recycled content paper products
§14-403	21.11.07.04	Quiet and low noise office supplies
§14-405	21.13.01.14	Reporting requirements for environmentally preferable purchasing
§14-406	21.11.07.07	Price preference for mercury free products
§14-407	21.11.07.08	Preference for locally grown foods (5%)
§14-408	01.01.1993.20	Biodiesel and alternative fuel vehicles
§14-409	21.11.07.10	Compost of organic waste
§14-410	21.11.07.09	Maryland Green Purchasing Committee
§14-414	21.11.07.13	Procurement of electronic products

State of Maryland Statutes can be found on [The General Assembly of Maryland website](#). Regulations can be found on the [Secretary of State website](#).

eMaryland Marketplace



The State of Maryland uses an online procurement system, [eMaryland Marketplace](#), which provides an efficient means to improve access to State procurement information, enables online solicitations to potential bidders and provides equal access to solicitation information, as well as electronic bid submission and bid results, and includes catalog punch-outs.



Statewide Contracts

Maryland county, municipal and other non-State of Maryland governments, government agencies or not-for-profit organizations within the State of Maryland may purchase goods and services covered by statewide contracts when the terms and conditions so stipulate.

Appendix B provides an example Blanket Purchase Order and indicates the purchaser eligibility language found in the BPO.



IMPLEMENTING EPP IN MARYLAND

The Maryland Green Purchasing Committee is an interagency committee created by the Green Maryland Act of 2010 and tasked with providing the State with education and training promoting environmentally preferable purchasing. The Committee develops and implements statewide green purchasing policies, guidelines, programs, best practices, and regulations which will provide benefits to the health and well-being of Maryland citizens and environment.

Guidelines & Specifications

The Maryland Green Purchasing Committee is continuously developing specifications for environmentally preferable products and services, which typically identify physical and performance features of the product or service that have environmental or human health benefits – or which have reduced negative impacts on human health or the environment. These specifications are meant to be a tool for Procurement Officers when developing solicitations.

The Maryland Department of General Services is using the Committee’s specifications when soliciting statewide commodity contracts. These contracts and associated specifications are available on the DGS website at:

- [Environmentally preferable specifications](#)
- [Statewide Contracts](#)

For information on using a particular statewide contract, contact the DGS procurement official named in the contract. Appendix B provides an example Blanket Purchase Order and indicates appropriate DGS contact information in the BPO.

Measuring Progress

State Finance and Procurement Articles §14–405 of the Annotated Code of Maryland, effective October 1, 2014, states:

“On or before September 1 of each year, each State unit shall report to the Department of General Services on the unit’s procurement of environmentally preferable products and services as a percentage of the unit’s gross purchases during the preceding fiscal year, including the types and quantities of products and services procured.”

The Green Purchasing Committee provides additional [reporting information](#) and requirements online.

Tracking purchases will allow the Maryland Green Purchasing Committee to identify where environmentally preferable purchasing is being successfully implemented and where additional guidance or resources are required.



Identifying EPP with NIGP Codes



The [National Institute of Governmental Purchasing \(NIGP\)](#) provides a code based system to identify products and services by category and product description. These codes are used by the State of Maryland in Bulk Purchase Orders to uniformly identify and track procurement. Codes have been created in this system to identify products and services that are environmentally certified. The NIGP category codes and descriptions for EPP products are found below. Appendix B provides an example Blanket Purchase Order and indicates the NIGP code found in the BPO.

Category	Description
203	COMPUTER ACCESSORIES AND SUPPLIES, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
205	COMPUTER HARDWARE AND PERIPHERALS FOR MICROCOMPUTERS, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
251	DATA PROCESSING CARDS AND PAPER, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
306	ENGINEERING AND ARCHITECTURAL EQUIPMENT, SURVEYING EQUIPMENT, DRAWING INSTRUMENTS, AND SUPPLIES, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
436	GERMICIDES, CLEANERS, AND RELATED SANITATION PRODUCTS FOR HEALTH CARE PERSONNEL, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
486	JANITORIAL SUPPLIES, GENERAL LINE, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
616	OFFICE SUPPLIES, GENERAL, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
631	PAINT, PROTECTIVE COATINGS, VARNISH, WALLPAPER, AND RELATED PRODUCTS, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
641	PAPER AND PLASTIC PRODUCTS, DISPOSABLE, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY
646	PAPER, FOR OFFICE AND PRINT SHOP USE, ENVIRONMENTALLY CERTIFIED BY AN AGENCY ACCEPTED CERTIFICATION ENTITY



RESOURCES

The Maryland Green Purchasing Committee provides resources on the [committee's website](#). These resources include guidelines, approved specification and background information s, relevant legislations, information on EPP reporting requirements for state agencies, a calendar of events as well as additional resources.

Developing Specifications

In developing specifications, physical and performance characteristics of products and services should be identified and described, including environmentally preferable attributes. Examples include:

- Made with bio-based ingredients
- Made with renewable and/or recyclable materials
- Mercury free
- Made with post-consumer recycled content
- Delivered with efficient, minimal use of packaging materials

When developing performance requirements, it is important to be specific about expectations. The requirements must be obtainable, measurable, and verifiable. Using general language like "Low VOC," "energy efficient" or "recycled" is not a measurable or verifiable requirement. A specific limit of VOCs, level of energy performance, or amount of recycled content must be required.

Third Party Certifications

Be careful of false or misleading uses of environmental terms in product advertising and labeling (sometimes referred to as green washing). Environmental marketing claims are regulated by the [Federal Trade Commission's Guides to the Use of Environmental Marketing Claims \(Green Guides\)](#). Third party certification programs, often called "[ecolabels](#)," help to differentiate products or services as environmentally preferable.

The best method for specifying performance requirements is to refer to existing environmentally preferable certifications and specify product compliance with these standards. Examples of existing environmentally preferable standards include:

- [Energy Star](#)
- [WaterSense](#)
- [Green Seal](#)
- [Design for the Environment \(DfE\)](#)
- [Cradle to Cradle Certification](#)
- [Forest Stewardship Council \(FSC\)](#)



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- [EPEAT](#)
- [Ecologo](#)
- [BIFMA Level Certification](#)
- [GreenGuard](#)
- [Master Painter's Institute \(MPI\) GPS-2 Labeled or Extreme Green \(X-Green\) Certified](#)
- [eStewards](#)
- [R2 / RIOS certified electronics recycling](#)
- [Federal Energy Management Program \(FEMP\)](#)
- [Biodegradable Products Institute \(BPI\)](#)
- [NEMA Premium](#)



Most third party certifications evaluate multiple environmental impacts over the life of a product such as resource extraction, production, distribution, use, and eventual disposal or recycling. The evaluation considers energy, resource use, and emissions to air, water, and land, as well as other environmental and health impacts. The evaluation also ensures that the environmental criteria selected will not lead to the transfer of impacts from one stage of the life cycle to another or from one medium (air, water, land) to another without a net gain in environmental benefit.

APPENDIX A – BEST VALUE EVALUATION FORM

This is a sample evaluation of a theoretical Request for Proposal (RFP) for janitorial services. Standard practice for evaluating proposals is to take the evaluation criteria directly from the RFP and for the evaluator to note weaknesses and/or strengths. A technical ranking is attached to each received proposal in order of preference. The technical ranking is combined with the financial ranking to produce the overall ranking.

Technical Proposal Evaluation Criteria

The criteria to be used to evaluate each Technical Proposal are listed below in descending order of importance. Sub-criteria within each criterion are listed in descending order of importance and will have weight according to the order that they are listed. Unless stated otherwise, the Technical Proposal will have greater weight than the Financial Proposal.

1 Offeror's Technical Response to RFP Requirements and Work Plan.

The State prefers an Offeror's response to work requirements in the RFP that illustrates a comprehensive understanding of current service, work requirements and mastery of the subject matter, including an explanation of how the work will be done, the feasibility of achieving the goals outlined in this RFP, and a detailed approach to increasing recycling as outlined in this RFP with measurable outcomes, as described below. Proposals which include limited responses to work requirements such as "concur" or "will comply" will receive a lower ranking than those Proposals that demonstrate an understanding of the work requirements and include plans to meet or exceed them.

- 1.2 Proposed use of environmentally preferable products
- 1.3 Plan for reducing chemical use and exposure, protecting air quality and reducing waste
- 1.4 Proposed training and quality control
- 1.1 Proposed use of high efficiency equipment

2 Experience and Qualifications of Proposed Staff

3 Offeror Qualifications and Capabilities, including proposed Subcontractor



Proposal Evaluation Table

		Proposal #1	Proposal #3	Proposal #3	Proposal #4	Proposal #5
Evaluation Item 1: Offeror's Technical Response to RFP Requirements and Work Plan (score based on evaluation items 1.1 - 1.4)	STRENGTHS	Comprehensive work plan with contingency measures	Detailed work plan.			Adequate work plan and resources.
	WEAKNESSES			Claimed only to comply with specifications.	Work plan lacking details	Adequate work plan and resources.
Evaluation Item 1.1: Proposed use of environmentally preferable products.	STRENGTHS	Meets Maryland Green Purchasing Committee approved specifications	Meets Maryland Green Purchasing Committee approved specifications	Meets Maryland Green Purchasing Committee approved specifications	Meets Maryland Green Purchasing Committee approved specifications	Meets Maryland Green Purchasing Committee approved specifications
	WEAKNESSES					
Evaluation Item 1.2: Plan for reducing chemical use and exposure, protecting air quality and reducing waste.	STRENGTHS	Detailed chemical conservation steps outlined in work plan.	Adequate chemical conservation steps outlined in work plan.			Detailed chemical conservation steps outlined in work plan.
	WEAKNESSES			Minimal chemical conservation steps outlined in work plan.	Minimal chemical conservation steps outlined in work plan.	
Evaluation Item 1.3: Proposed training and quality control.	STRENGTHS	8 hours of required training detailed for both staff and management.	Use of industry standard quality control measures.	Optional 8 hours of training available to staff.		4 hours required staff training.
	WEAKNESSES		No additional training provided.		No additional training provided.	
Evaluation Item 1.4: Proposed use of high efficiency equipment.	STRENGTHS		Experience and ownership of high efficiency equipment.	Experience with use of high efficiency equipment.		Experience and ownership of high efficiency equipment.
	WEAKNESSES	Use of high efficiency equipment by rent / lease only.			Use of high efficiency equipment by rent / lease only.	
Evaluation Item 2: Experience & Qualifications of Proposed Staff. Offer's Qualifications & Capabilities, including proposed Subcontractors.	STRENGTHS	Successful management of five portfolios of comparable scope and magnitude.		Successful management of one other comparable portfolio		Successful management of one other comparable portfolio
	WEAKNESSES				No past experience on comparable portfolios	
Evaluation Item 3: Offeror Qualifications and Capabilities, including proposed Subcontractors	STRENGTHS	No proposed use of subcontractors.	No proposed use of subcontractors.	No proposed use of subcontractors.		
	WEAKNESSES				Proposed use of subcontractors lacking experience.	Proposed use of unknown subcontractors.
TECHNICAL RANKING SCORE:		1	2	3	5	4

Final Ranking Table			
Offeror	Technical Ranking	Pricing (Financial Ranking)	Overall Ranking
Proposal #1	1	\$100,000.00 (1)	1
Proposal #2	2	\$110,000.00 (3)	2
Proposal #3	3	\$115,000.00 (4)	3
Proposal #4	5	\$105,000.00 (2)	4
Proposal #5	4	\$120,000.00 (5)	5

APPENDIX B – EXAMPLE BPO

BLANKET PURCHASE ORDER STATE OF MARYLAND

***** STATE OF MARYLAND *****
BPO NO: 001B3400405 **PRINT DATE:** 05/05/14 **PAGE:** 01

SHIP TO: AS SPECIFIED ON INDIVIDUAL ORDERS	
VENDOR ID: 1520591664 BLIND INDUSTRIES & SERVICES OF MARYLAND 3345 WASHINGTON BLVD BALTIMORE, MD 21227 (410) 737-2618	REFER QUESTIONS TO: CHRISTINE VASILIAU (410) 767-4281 CHRISTINE.VASILIAU@MARYLAND.GOV
ITB:	EXPR DATE: 02/28/18 DISCOUNT TERMS: . NET 30 DAY POST DATE: 02/11/13 CONTRACT AMOUNT: .00

← Blanket Purchase Order Number

← Vendor contact information

← Procurement officer contact information

← Expiration and posting dates

TERMS:

ARTICLES HEREIN ARE EXEMPT FROM MARYLAND SALES AND USE TAXES BY EXEMPTION CERTIFICATE NUMBER 3000256-3 AND FROM FEDERAL EXCISE TAXES BY EXEMPTION NUMBER 52-73-0358K. IT IS THE VENDOR'S RESPONSIBILITY TO ADVISE COMMON CARRIERS THAT AGENCIES OF THE STATE OF MARYLAND ARE EXEMPT FROM TRANSPORTATION TAX.

STATEWIDE CONTRACT
 ALL GOODS AND SERVICES AVAILABLE FROM
 BLIND INDUSTRIES

← Vendor contact information

BISM CONTACT: GREGG KALIFUT, (410-737-2600); FAX (410) 737-2667
 GKALIFUT@BISM.ORG

~~CONTRACT PERIOD: FEBRUARY 28, 2013 THRU FEBRUARY 28, 2018~~

← Purchasing eligibility information

PURSUANT TO ARTICLE 41, SECTION 18-201 OF THE ANNOTATED CODE OF MARYLAND, EXCEPT AS PROVIDED IN (B) THE FOLLOWING ENTITIES MAY PURCHASE MATERIALS, SUPPLIES, AND EQUIPMENT UNDER THIS CONTRACT:

- (1) A COUNTY OR BALTIMORE CITY;
- (2) A MUNICIPAL CORPORATION;
- (3) A GOVERNMENTAL AGENCY IN THE STATE;
- (4) A PUBLIC OR QUASI-PUBLIC AGENCY THAT:
 - (I) RECEIVES STATE MONEY; AND
 - (II) IS EXEMPT FROM TAXATION UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE;
- (5) A PRIVATE ELEMENTARY OR SECONDARY SCHOOL THAT:
 - (I) EITHER HAS BEEN ISSUED A CERTIFICATE OR APPROVAL FROM THE STATE BOARD OF EDUCATION OR IS ACCREDITED BY THE ASSOCIATION OF INDEPENDENT SCHOOLS; AND
 - (II) IS EXEMPT FROM TAXATION UNDER SECTION 501 (C) (3) OF THE INTERNAL REVENUE CODE:
OR
- (6) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION UNDER SECTION 17-106 OF THE EDUCATION ARTICLE.

A PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR A NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT PURCHASE RELIGIOUS MATERIALS UNDER THIS CONTRACT

THE RIGHT TO PURCHASE UNDER THIS SECTION SHALL BE IN ADDITION TO, BUT NOT IN SUBSTITUTION FOR, THE APPLICABLE PURCHASING POWER GRANTED TO ANY OF THE LISTED ENTITIES PURSUANT TO ANY STATUTORY OR CHARTER PROVISION.

LINE #	STATE ITEM ID	U/M	UNIT COST
0025	48654		
FLOOR POLISHES AND WAXES, FLOOR SEALER, AND DUST MOP TREATING COMPOUND, ENVIRON			
0026	48655		
FLOOR STRIPPER AND CLEANERS, <u>ENVIRONMENTALLY CERTIFIED PRODUCTS</u>			
0027	48675		
RECEPTACLE LINERS: VINYL AND STEEL (SEE 665-24 FOR PLASTIC TYPE). INCLUDING RTO			

← NIGP code found under “State Item ID” heading. Product description indicating an environmental certification.

