



LAW DEPARTMENT

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June 14, 2022

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan 48226

Re: Amendment To Chapter 17 of the 2019 Detroit Municipal Code, *Finance and Taxation*; Article V, *Purchases and Supplies*; Division 1, *Goods and Services*; Subdivision B, *Purchasing of City Goods and Services*; by amending Section 18-5-4, *Policy encouraging purchase of environmentally preferable goods and services; preference for bidders offering environmentally-preferable goods and services; criteria*

Honorable City Council:

The Law Department has prepared an ordinance proposed by Councilman Scott R. Benson, which addresses the policy encouraging the purchase of environmentally preferable goods and services. This local law will be amending Chapter 17 of the 2019 Detroit City Code, *Finance and Taxation*, Article V, *Purchases and Supplies*, Division 1, *Goods and Services*, Subdivision B, *Purchasing of City Goods and Services*, by amending Section 17-5-14, *Policy encouraging purchase of environmentally preferable goods and services; preference for bidders offering environmentally-preferable goods and services; criteria*, to establish that environmentally-preferable goods be given preference to goods that are not-environmentally-preferable, if their price is within 12 % of the not environmentally-preferable items.

A copy of the ordinance which has been approved as to form is attached for your review and consideration.

Respectfully submitted,

/s/ Vie Serifovski

Vie Serifovski

Assistant Corporation Counsel
Municipal Section

Enclosure

cc: Gail Fulton, Mayor's Liaison

S U M M A R Y

This ordinance amends Chapter 17 of the 2019 Detroit City Code, *Finance and Taxation*, Article V, *Purchases and Supplies*, Division 1, *Goods and Services*, Subdivision B, *Purchasing of City Goods and Services*, by amending Section 17-5-14, *Policy encouraging purchase of environmentally preferable goods and services; preference for bidders offering environmentally-preferable goods and services; criteria*, to establish that environmentally-preferable goods be given preference to goods that are not-environmentally-preferable, if their price is within 12 % of the not environmentally-preferable items.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 17 of the 2019 Detroit City Code, *Finance and*
3 *Taxation*, Article V, *Purchases and Supplies*, Division 1, *Goods and Services*, Subdivision B,
4 *Purchasing of City Goods and Services*, by amending Section 17-5-14, *Policy encouraging*
5 *purchase of environmentally preferable goods and services; preference for bidders offering*
6 *environmentally-preferable goods and services; criteria*, to establish that environmentally-
7 preferable goods be given preference to goods that are not environmentally-preferable, if their
8 price is within 12 % of the not environmentally-preferable items.

9 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
10 **THAT:**

11 **Section 1.** Chapter 17 of the 1984 Detroit City Code, *Finance and Taxation*: be amended
12 by amending Article V, *Purchases and Supplies*: Division 1, *Goods and Services*, Subdivision B,
13 *Purchasing of City Goods and Services*, Section 17-5-14, to read as follows:

14 **CHAPTER 17. FINANCE AND TAXATION**

15 **ARTICLE V. PURCHASES AND SUPPLIES**

16 **DIVISION 1. GOODS AND SERVICES**

17 **Subdivision B. Purchasing of City Goods and Services**

18 **Sec. 17 -5- 14. Policy encouraging purchase of environmentally-preferable goods and**
19 **services; preference for bidders offering environmentally-preferable goods and services;**
20 **criteria.**

21 (a) In developing plans, drawings, work statements, specifications, or other product
22 descriptions, the city shall purchase environmentally-preferable products or services. This
23 includes, but is not limited to, products that are durable, recyclable, reusable, readily

1 biodegradable, energy efficient, made from recycled materials, and nontoxic. In addition, the city
2 shall employ: 1) Environmental Protection Agency's Final Guidance on Environmentally
3 Preferable Purchasing; and 2) United States Federal Trade Commission's Environmental
4 Marketing Guidelines, as a means of articulating substantiation of "green standards" to ensure that
5 products and services are compatible with the intent of this division, and to encourage purchasing
6 behavior that minimizes negative impact upon the environment and the efficient use of natural,
7 scarce resources.

8 (b) In determining whether a bidder or proposer offers services that are
9 environmentally-preferable, the city shall determine whether the bidder or proposer utilizes
10 environmentally-preferable products.

11 (c) In order to further this policy, the city shall purchase products and services based
12 on long-term environmental and operating costs, and find ways to include environmental and
13 social costs in short-term prices, as follows:

14 (1) Where the price of environmentally-preferable goods is lower than the price of
15 goods that are not environmentally-preferable, the environmentally-prefer- able
16 goods shall be given preference;

17 (2) Where the price of environmentally-preferable goods is equal to the price of goods
18 that are not environmentally-preferable, the environmentally-preferable goods shall
19 be given preference; and

20 (3) Where the price of environmentally-preferable goods is higher than the price of
21 goods that are not environmentally-preferable, the goods that are not
22 ~~environmentally-preferable shall be given preference~~ environmentally-preferable

1 shall be given preference if their price is within 12% of the not environmentally-
2 preferable items.

3 (d) In determining whether a bidder or proposer offers goods that are environmentally-
4 preferable, the city shall determine whether the bidder or proposer meets each of the following
5 criteria:

- 6 (1) The environmentally-preferable product is available;
- 7 (2) The environmentally-preferable product meets applicable standards;
- 8 (3) The environmentally-preferable product can be substituted for a comparable
9 product that is not environmentally- preferable;
- 10 (4) The product is clearly identified as "recycled" and not as "recyclable" or other such
11 derived but non-equivalent term; and
- 12 (5) Where required in the Solicitation Document, offerors certify in their submitted
13 offers the minimum, if not exact, percentage of post-consumer waste and total
14 recovered materials content in the products offered.


15 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
16 safety, and welfare of the people of the City of Detroit.

17 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
18 repealed.

19 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
20 Members serving, it shall be given immediate effect and become effective upon publication in
21 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed

- 1 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
- 2 on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with
- 3 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Conrad L. Mallet, Jr.
Corporation Counsel

September 26, 2022

NOTICE OF PUBLIC HEARING ON PROPOSED ORDINANCE TO AMEND
CHAPTER 17 of the 2019 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, Division 1, Goods and Services, Subdivision B, Purchasing of City Goods and Services, etc.

SUMMARY

Proposed ordinance To amend Chapter 17 of the 2019 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, Division 1, Goods and Services, Subdivision B, Purchasing of City Goods and Services, by amending Section 17-5-14, Policy encouraging purchase of environmentally preferable goods and services; preference for bidders offering environmentally-preferable goods and services; criteria, to establish that environmentally-preferable goods be given preference to goods that are not-environmentally-preferable, if their price is within 12 % of the not environmentally-preferable items.

Pursuant to the Michigan Open Meetings Act as amended, which authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of MCL 15.263a(2), and in consideration of the ongoing and continuing pandemic, the Detroit City Council will be meeting **in person** in the **City Council Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center** on **Wednesday, October 5, 2022, at 1:00 p.m.** for a Public Hearing in its **Budget, Finance and Audit Standing Committee** and will provide opportunity for virtual attendance.

The Public Hearing may be viewed in the following manner:

1. Watch via television
 - Comcast: Channel 10
 - ATT: From Channel 99, click Detroit, then Channel 10
2. Watch online by using <https://detroitmi.gov/government/city-council> and clicking on Channel 10.
3. To attend by phone only, call one of these numbers:
+1-929-436-2866, +1-312-626-6799, +1-669-900-6833, +1-253-215-8782, +1-301-715 8592, or +1-346-248-7799 Enter Meeting ID: 858 4690 3626
4. To attend online: <https://Detroitmi.gov/Online-CC-Meeting>

Public Comment:

To participate at the time of Public Comment, please raise your hand within the zoom application.

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
 - b. Apple computers = [OPTION] + [Y]

To be consistent with how Public Comment has been handled for in-person meetings:

- You will be called on in the order in which your hand is raised
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office CityClerkHelpDesk@detroitmi.gov via e-mail, for the record.

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including American Sign Language, language translation and reasonable ADA accommodations. Please contact Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.

JANICE M. WINFREY
City Clerk

JMW/lj