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## SECTION I. MINIMUM REQUIREMENTS

### A. PROHIBITED PRODUCTS

1. Pursuant to Environment Article, [§§9–1901–1907](#), the Contractor is prohibited from selling or offering any package or packaging components (e.g. inks, dyes, pigments, adhesives, or any other additives) with lead, cadmium, mercury or hexavalent chromium at concentration levels exceeding 100 parts per million by weight or 0.01%.
2. Pursuant to Environment Article, [§§6–1201–1204](#), certain products containing more than one-tenth of 1% of pentaBDE, pentabrominated diphenyl ether), octaBDE (octabrominated diphenyl), or decaBDE (decabrominated diphenyl ether) by mass are prohibited.
3. Pursuant to COMAR [21.11.07.07](#), all procurement agencies shall give a preference to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements.

### B. PLUMBING & WATER FIXTURES, PRODUCT REQUIREMENTS

1. Water Efficiency
  - a. The Contractor must provide products that are certified by WaterSense for the following categories:
    - (1) Bathroom Faucets
    - (2) Irrigation Controllers
    - (3) Pre-Rinse Spray Valves
    - (4) Showerheads
    - (5) Spray Sprinkler Bodies
    - (6) Toilets (Residential and Commercial)
    - (7) Urinals

The WaterSense Product Finder can be accessed at: <https://lookforwatersense.epa.gov/products/>.

The WaterSense program also maintains a list of WaterSense-certified irrigation professionals. This list can be accessed at <https://www.epa.gov/watersense/irrigation-pro>.
2. Energy Efficiency
  - a. The following appliance products must comply with the Appliance Energy Efficiency Standards in the [State Appliance Standards Database \(SASD\)](#) and be Maryland compliant:
    - (1) Faucets
    - (2) Showerheads
    - (3) Spray Sprinkler Bodies
    - (4) Toilets
    - (5) Urinals
3. Drinking Fountains

- a. All drinking water fountains must have the ability to fill water bottles with either a faucet or other feature that provides at least 10 inches of clearance to allow filling and refilling of cups, sports bottles, pitchers, carafes, etc.
  - b. All drinking water fountains must have a self-closing supply valve or other mechanism that prevents water from running if left unattended.
  - c. Outdoor Drinking Water Fountains shall have:
    - (1) A vandal resistant spigot or other vandal resistant features; and
    - (2) Frostproof assembly where exposed to the elements or allow for seasonal shutdown and drainage.
  - d. Indoor Drinking Water Fountains:
    - (1) If refrigeration is provided at the fountain, the most energy-efficient methods of chilling available and/or Energy Star rated methods must be chosen to the extent available.
    - (2) Filters used in water fountain systems must be
      - i recyclable.;
      - ii changed as recommended by the manufacturer in order to be effective.;
      - iii installed in or near the individual fountains and the point-of-use, unless otherwise specified.
4. End of Life Requirements
- a. Contractors must notify the State of any available take-back service for reuse, refurbishment, and/or recycling for purchased and previously purchased equipment, including information on how to utilize the service. This information shall be made available to the purchasing State agency at time of purchase through written or online documentation

**END OF SECTION I.**

## SECTION II. RECOMMENDATIONS

### A. PLUMBING & WATER FIXTURES, GENERAL RECOMMENDATIONS

1. Contractors are encouraged to provide appliances which are remanufactured or incorporate recycled materials in their manufacture, to the extent practicable.

### B. PLUMBING & WATER FIXTURES, PACKAGING RECOMMENDATIONS

1. Where the Contractor uses packaging in addition to manufacturer packaging, the Contractor is encouraged to select packaging that minimizes or eliminates the use of disposable containers and/or incorporates recycled content. The Contractor shall avoid the use of polystyrene foam packaging (e.g., peanuts) and other difficult-to-recycle packaging materials. Where appropriate, Contractor packaging using reusable crates or reusable pallets is preferred over boxed packaging.
2. For corrugated cardboard packaging (also known as containerboard packaging), the Contractor is encouraged to use versions that contain a minimum of 25% by weight of post-consumer materials, which is the minimum post-consumer content level for packaging specified by the U.S. Environmental Protection Agency Comprehensive Procurement Guidelines.

### C. PLUMBING & WATER FIXTURES, SHIPPING RECOMMENDATIONS

1. To promote fuel efficiency and reduce greenhouse gases and air pollution, the Contractor is encouraged to use a SmartWay Transport/Carrier Partner for the shipment or transport of products.

A list of SmartWay Transport partners can be found here: <https://www.epa.gov/smartway/smartway-partner-list>.

**END OF SECTION II.**

### SECTION III. SUBMITTAL REQUIREMENTS

#### A. TECHNICAL SUBMISSION

Bidders/Offerors shall provide the following documents with their response:

1. Proof of applicable required certifications listed in Section I.
  - a. This may include:
    - (1) link to the certifier's website,
    - (2) the [UL SPOT](#) website,
    - (3) the [Ecomedes](#) website, or
    - (4) the [SASD](#) website.
2. Description of applicable sustainable practices related to the products or services provided.

#### B. REFERENCES

A bidder or offeror shall include the sustainable practices it employed during the contract period for each listed reference.

**END OF SECTION III.**

## SECTION IV. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

### A. ENVIRONMENTALLY PREFERABLE PURCHASING

The State of Maryland is committed to purchasing environmentally preferable products and services (EPPs). 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."

Accordingly, Bidders/Offerors are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

### B. MARYLAND'S GREEN PURCHASING REPORTING REQUIREMENTS

The Contractor shall submit quarterly sales data to the State over the life of this contract. This information must include details about the recycled content, third-party sustainability certifications, and other environmental attributes of products and services provided under the contract.

To facilitate consistent reporting, the Contractor must use a standardized Vendor Green Sales Report template for the quarterly reporting, which the state will provide.

By submitting a response to this solicitation, the Bidder/Offeror acknowledges a commitment to submitting the quarterly Vendor Green Sales Report to the State. Any vendor who fails to submit the quarterly report may be out of compliance and, therefore, may receive a cure notice from the Procurement Officer.

### C. ENVIRONMENTAL CLAIMS

All environmental benefit claims made by the Contractor concerning products or services offered on this contract must be consistent with the [Federal Trade Commission's Guides for the Use of Environmental Marketing Claims](#).

**END OF SECTION IV.**

## SECTION V. LEGISLATION, STATUTES, AND REGULATIONS

### A. FOR PROCUREMENT OFFICERS AND AGENCIES

1. **Environmentally Preferable Purchasing** (COMAR [21.11.07.09](#))

“All procurement agencies shall purchase environmentally preferable products and services unless purchasing environmentally preferable products and services would limit or supersede any requirements under any provision of law or result in the purchase of products and services that:

- (1) Do not perform adequately for the intended use;
- (2) Exclude adequate competition; or
- (3) Are not available at a reasonable price in a reasonable period of time.”

2. **Mercury and Products that Contain Mercury** (COMAR [21.11.07.07](#))

“All procurement agencies shall give a preference under this regulation to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements.”

### B. FOR CONTRACTORS, BIDDERS, AND OFFERORS

1. **Verifying Environmental Claims** (State Finance and Procurement Article [§14-410\(g\)](#))

“A bidder or offeror for a procurement contract shall certify in writing that any claims of environmental attributes made relating to a product or service are consistent with the Federal Trade Commission's Guidelines for the Use of Environmental Marketing Terms.”

2. **Limitations and Prohibitions on Heavy Metals in Packaging** (Environment Article [§9-1902\(a\)-\(d\)](#))

“(a) Except as provided in § 9-1903 and § 9-1904 of this subtitle, on or after July 1, 1993, a manufacturer or distributor may not sell or offer for sale or for promotional purposes any package or packaging component or any product in a package or packaging component to which any of the following was intentionally added during manufacture or distribution:

- 1) Lead;
- 2) Cadmium;
- 3) Mercury; or
- 4) Hexavalent chromium...”

3. **Limitations on Hazardous Substances** (Environment Article, [§§6-1202-1202.1](#))

A person may not manufacture, process, sell, or distribute in the State a new product or flame-retardant part of a new product that contains more than one-tenth of 1% of pentaBDE (pentabrominated diphenyl ether) or octaBDE (octabrominated diphenyl) by mass.

4. **Shipping/Transport Requirements and Recommendations** Idling Law (Transportation Article [§22-402\(c\)\(3\)](#))

“A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

- i. When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- ii. When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;
- iii. To bring the vehicle to the manufacturer's recommended operating temperature; or
- iv. When it is necessary to accomplish the intended use of the vehicle.”

5. **MEA – Energy & Water Efficiency Standards** (State Government Article, [§9-2006\(d\)\(3\)\(ii\)](#))  
“Beginning January 1, 2025, a new product specified in subsection (b)(1)(iii) through (xiii) of this section may not be installed for profit in the State unless the efficiency of the new product meets or exceeds the efficiency standards specified in the regulations adopted under paragraph (1) of this subsection.”

**END OF SECTION V.**