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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. Wood-based outdoor furniture produced for playgrounds or picnic tables shall not derive from treated wood containing chromated copper arsenate (CCA).
4. Pursuant to Environment Article, [§§6-16A-03](#), a person is prohibited from installing, supplying, selling, soliciting, or offering for sale playground surfacing materials that contain a certain concentration of lead or a component product, material, or substance to which PFAS chemicals were previously intentionally added for certain purposes.

B. PLAYGROUND EQUIPMENT, MINIMUM REQUIREMENTS

1. The material used for constructing playground equipment must have the following recycled content requirements:
 - a. Non-Wood Based Products.
 - (1) Thermoplastic - the plastic portion of the product must be composed of 100% recycled content and at least 90% post-consumer plastic.
 - (2) Thermoset Plastic - the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.
 - (3) Plastic Composite (using thermoplastic) - the plastic portion of the product must be composed of 100% recycled content and at least 50% postconsumer content.
 - (4) Plastic Composite (using thermoset plastic) - the plastic portion of the product must be composed of at least 50% post-industrial or post-consumer recycled content.

C. PICNIC TABLES AND PARK BENCHES, MINIMUM REQUIREMENTS

Picnic tables and park benches must meet the following requirements:

1. Plastic-Based
 - a. 100% recovered plastic, including 90-100% postconsumer content.
2. Plastic Composites
 - a. 100% recovered plastic composites, including 50-100% postconsumer content.
3. Aluminum-Based
 - a. 25% recovered material, including 25% postconsumer content.
4. Steel-Based
 - a. Steel from a Basic Oxygen Furnace (BOF) process must contain 25-30% total recovered materials, of which 16 percent is postconsumer steel.
 - b. Steel from the Electric Arc Furnace (EAF) process must contain a total of 100% recovered steel, of which 67% is postconsumer.

END OF SECTION I.

SECTION II. RECOMMENDATIONS

A. WOOD BASED PRODUCTS, PRODUCT RECOMMENDATIONS

1. The State recommends wood-based materials used for outdoor furniture and equipment be:
 - a. FSC (Forest Stewardship Council) certified; or
 - b. Originally sourced from forestlands participating in a system or program which certifies sustainable forest management.

B. OUTDOOR FURNITURE, 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. OUTDOOR FURNITURE, SHIPPING RECOMMENDATIONS

1. The State of Maryland encourages the use of fuel-efficient or alternative fuel vehicles (or other sustainable methods) for shipping and delivery when possible.
2. 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. BID/PROPOSAL 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, or
 - (3) the [Ecomedes](#) website.
 - b. Bidders/offerors who suggest products that are not certified but meet the recycled content requirement shall provide a list of such products with their bids/offers. That list must include each product's percentage of recycled content.
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, STATUES, 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 on Hazardous Substances in Playground Surfacing Materials** (Environment Article, [§§6-16A-03](#))
“(a) On or after October 1, 2024, a person may not install, supply, sell, solicit, or offer for sale in the State playground surfacing materials that contain:
(1) More than 90 parts per million of lead; or
(2) A component product, material, or substance to which PFAS chemicals were previously intentionally added in the formation of that component where the continued presence of the PFAS chemicals was desired in the component to provide a specific characteristic.
(b) A manufacturer that manufactures, sells, offers for sale, or distributes for use in the State playground surfacing materials shall establish a certificate of compliance to attest that the playground surfacing materials are in compliance with the requirements of this subtitle...”
3. **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...”
4. **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.

A person may not manufacture, lease, sell or distribute for sale or lease in the State electrical or electronic equipment that contain more than one-tenth of 1% of decaBDE (decabrominated diphenyl ether) by mass.

5. **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.”

END OF SECTION V.