

COUNTY OF ERIE
LOCAL LAW INTRO NO. 4- 2007
LOCAL LAW NO. 5- 2007

A **LOCAL LAW** entitled The Energy Efficient Products Act which mandates that Erie County only purchase electrical products that are Energy Star rated.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Findings and Purpose

(A) FINDINGS—The Erie County Legislature finds that:

1. The cost of energy is skyrocketing and will likely continue to increase, as such, Erie County's energy bills will continue to increase.
2. Energy use by municipalities contributes substantially to the problems of pollution and global climate change.
3. Energy costs can be reduced by purchasing energy efficient air conditioning, lights and electrical appliances.

(B) PURPOSE—This law is enacted to more efficiently spend public funds and protect the health and welfare of Erie County residents.

SECTION 2. Definitions

DEFINITIONS. In this section,

1. "Erie County" means every County office, board, commission, committee, bureau, department or public institution of higher education.
2. "Energy Star products" means products that are certified by the United States Department of Energy or the United States Environmental Protection Agency as Energy Star or that are certified under the Federal Energy Management Program.

SECTION 3. Procurement Standards

1. Erie County shall purchase Energy Star products when such products are available.

The County may include non-Energy Star rated equipment as an alternate in the bid documents to enable lifecycle costing analysis to be performed as part of the analysis of responsive bids. The County shall be required to award a contract that includes the procurement of Energy Star rated equipment unless the agency can demonstrate, in writing, that the interests of the County would be better served by procuring non-Energy Star rated equipment.

2. Prior to initiating a request for procurement of any product, an agency shall review the specifications for such product to determine whether an Energy Star product is available. If an Energy Star product is available, the agency is required to include in its bid specifications the requirement that the product be an Energy Star product unless the agency can demonstrate, in writing, to the satisfaction of the agency head, that a product with an Energy Star rating meets at least 1 of the following criteria:

- (a) The product is not available competitively,
- (b) The product is not available within a reasonable time frame, or
- (c) The product does not meet appropriate performance standards.

SECTION 4. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 5. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

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