

EXECUTIVE ORDER NO. 33

APRIL 29, 2003

PURCHASE AND USE OF MOTOR OIL

WHEREAS, environmental protection and energy conservation are promoted by the appropriate use of re-refined and synthetic motor oil in lieu of virgin motor oil; and

WHEREAS, the Department of Citywide Administrative Services has let or intends to let requirements contracts to supply re-refined, synthetic and virgin motor oil, and City agencies will, accordingly, be able to purchase pursuant to such contracts any one or more of such types of motor oil; and

WHEREAS, section 104-a of the General Municipal Law authorizes a price preference for recycled products;

NOW, THEREFORE, by the powers vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. For purposes of this Order, the following terms shall have the following meanings:

(a) "Re-refined motor oil" shall mean motor oil that is licensed by the American Petroleum Institute and (i) contains a base stock consisting of at least seventy percent oil from which physical and chemical contaminants acquired through use have been removed or (ii) contains a base stock of at least fifty percent oil from which physical and chemical contaminants acquired through use have been removed if motor oil that contains a base stock of at least seventy percent such oil is not available in sufficient quantities.

(b) "Synthetic motor oil" shall mean motor oil that is licensed by the American Petroleum Institute and contains a base stock derived in the aggregate from no more than thirty percent of Group I, Group II and Group III base stock categories, as designated by the American Petroleum Institute, provided that the use of such motor oil permits extended drain intervals.

§ 2. When the price of re-refined or synthetic motor oil is equal to or less than that of virgin motor oil, City agencies shall purchase and use re-refined or synthetic motor oil in lieu of virgin motor oil.

§3. When the price of re-refined motor oil exceeds the price of other categories of motor oil, but not by more than three percent, City agencies shall purchase and use re-refined motor oil.

§4. When entering into contracts for vehicle maintenance requiring the use of motor oil, City agencies shall, to the extent practicable, ensure that contractors use re-refined or synthetic motor oil, provided that this section shall not be construed to impede any agency's ability to obtain the highest quality service at the lowest possible price through a competitive procurement.

§5. Agencies shall not be required to purchase re-refined or synthetic motor oil, or to enter into a contract for vehicle maintenance, pursuant to sections 2, 3 and 4 of this Order:

(a) where federal or state funding restrictions preclude implementation of the requirements of this Order;

(b) where agencies make emergency procurements pursuant to section 315 of the Charter;

(c) where motor oil is purchased or used for vehicles operated by the police department or the fire department, or for vehicles used by any other agency that are specially equipped for emergency response purposes;

(d) where re-refined or synthetic motor oil does not meet applicable industry standards for quality for the purposes for which the motor oil is to be used, or where an agency has determined in writing and informed the Office of Contracts that the quality of re-refined or synthetic motor oil is not equivalent to or better than that of virgin motor oil. The reasons for such determination shall also be specified in writing; or

(e) where motor oil other than re-refined or synthetic motor oil is purchased because re-refined or synthetic motor oil is not available for purchase in sufficient quantities under existing requirements contracts to meet the needs of the purchasing or contracting agency, provided that any available supplies of re-refined or synthetic motor

oil under such existing contracts shall be purchased and used pursuant to the requirements of this Order.

§6. This Order shall take effect 60 days after it is signed, and shall apply to purchases and contracts executed by agencies after its effective date.

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Michael R. Bloomberg  
Mayor