

Regulates the integration of environmental considerations into the text of all public bids and contracts in the State of Paraná, to be followed by the administration departments; autarchies, including the ones in special regime; public foundations; non personalized special funds; mixed economy societies; public companies and other private firms; directly and indirectly controlled by the State of Paraná, which render public services.

THE GOVERNOR OF THE STATE OF PARANÁ, in the use of his functions and according with article 87, subparagraph V, of the State Constitution, and considering:

- I - the common competence of the Union, the States, the Federal District and the Municipalities in protecting the environment, a norm established in article 23, incises VI and VII of the Federal Constitution;
- II - the competitor competence between the Union, the State and the Federal District in legislating on matters which affect the environment;
- III - that defending the environment is a principle of the economic order, norm established in the article 174, § 3º, of the Federal Constitution;
- IV - the terms of article 225 of the Federal Constitution, which states that everyone has the right to an ecologically balanced environment, an asset of common use by the people, and essential to a healthy quality of life, being an obligation of the Public Powers and of the community to defend it and keep it for the present and the future generations, towards sustainable development.
- V - what is written in article 225, § 1º, specially subparagraphs II to IV, V to VII of the Federal Constitution, which gives the Public Powers the duty to enforce the effectiveness of the right to the environment; to preserve the diversity and the integrity of the

- country's genetic heritage; to control the entities dedicated to research and to the manipulation of genetic material; to demand, as provided in the Law, an environmental impact study previous to the implementation of any work or activity potentially responsible for significant degradation of the environment; to control the production, the trading, and the use of techniques, methods and substances which might bring risk to life, to the quality of life and to the environment, as well as to protect the fauna and the flora;
- VI - the principles of the Rio Declaration. In special, principle 3: "development must be promoted in such a way as to guarantee the necessities of the present and future generations"; principle 4: "environmental protection must be considered an integral of the developmental process"; principle 8: "The States must reduce and eliminate unsustainable patterns of use and production"; and principle 11: "the countries must promote the adoption of environmental laws";
 - VII - the disposition of article 13 of the Environment National Policy Law (Federal law N. 6.938/81), meaning that the Executive Power must incentivate activities towards the environment, with the objective of increasing, in the Country, researches that propitiate the rationalized use of anti-pollution equipments and other initiatives in the rationalized use of environmental resources; and
 - VIII - the necessary optimization of environmental protection in contractions in the Public Power area.

DECREES:

Art. 1. In bids and contracts under direct and indirect state Public Administration, as a selection criterion for bidders and interested contractors, it will be taken under consideration the products and services environmentally and socially sustainable, as compared to other products and services with the same purpose.

First Paragraph. The comparison meant in this article will consider the inputs origin, the forms of production, handling, packing, distribution, destination, recycled products usage, maintenance and service execution.

Art. 2. The state public administration will define the object of the convocatório instrument and under administrative contract through environmentally and socially sustainable variants, unless it impedes competitiveness.

First Paragraph. The variants refer to the alternative description of the intended object, which must include, besides the minimum requirements, elements which show its socio-environmental sustainability.

Art. 3. When buying, buying, whenever possible, the state public administration will consider the required criteria of environmental quality and socio-environmental sustainability of the proposal.

Art. 4. The State Public Administration might determine, aiming to promote greater environmental socio-sustainability, a higher level of performance for products and services than what is required by legislation, if it does not limit the access to administrative contract nor leads to discrimination amongst potential bidders.

§ 1., when technically specifying the products to be acquired in the convocation instrument, might demand the use of specific materials which will contribute for the sustainable usage of objects.

§ 2. The State Public Administration may demand a special production process to which specifies the performance characteristics, visible and invisible, of the product or service, unless it leads to discrimination and limits the competitiveness.

Art. 5. When judging the economically advantageous proposal, the State Public Administration will weigh the financial considerations and the socio-environmental sustainability; these difference must be explicit in the convocation instrument.

Art. 6. Costs inherent to the immediate and continuous use of the product or to the service execution which might fall upon the State Public administration must be considered in the evaluation of the most economically advantageous proposal.

Art. 7. In case of a tie between bidders, the State Public Administration will use, as untying criteria, besides those provided by law, the offer of assets and

services produced according to the criteria for environmental quality and socio-environmental sustainability, in a form to be defined by the Secretaria de Estado do Meio Ambiente e Recursos Hídricos – SEMA (Environment and Hydric Resources State Department).

Art. 8. To execute the contract, the contractor must attend to the following specific environmental conditions:

- I - recovery or reuse, by the supplier, of packing material used for the products;
- II - whenever possible, hand in the goods in reusable recipients;
- III - collection, recycling or reuse, by the supplier, of the residues created in the production process or after use or consume of a product;
- IV - transportation and handling of chemical products (such as cleaning products) in a concentrated state, dilution being done at their utilization place;
- V - use of biodegraded products

Art. 9. It is forbidden the acquisition, by the departments and entities of the direct or indirect State Public Administration, of products or equipments which contain or make use of substances that destroy the ozone layer - SDO - listed in resolution of the Conselho Nacional do Meio Ambiente – CONAMA (Environment National Council).

First Paragraph. Excluded in this article the products and equipments considered of essential us, such as medications and medical and hospital equipments, and services of maintenance of refrigerating equipments and systems.

Art. 10. The departments of the direct and indirect State Public Administration must acquire, respected the specific technical for installation, lamps of high productivity, with the lowest amount of mercury available in the market, based on technical evaluations by official institutes or laboratories of renown technical competence in accordance to legislation.

Art. 11. The electrical installations will use only cables of high electrical efficiency as well as low amount of lead and PVC, already available in the market,

aiming to reduce the use of potential environment contaminants.

Art. 12. The acquisition of non-chlorine paper will correspond to 30% of the total amount of A4 paper (210mm x 297 mm) used in the bidding processes.

First Paragraph. The non-chlorine paper will be preferably used in all correspondence and documents destined to the State Public Administration external contacts.

Art. 13. It is forbidden the acquisition, by the State Public Administration, of food and ingredients which contain or are produced from genetically modified organisms, or from animals fed with rations containing transgenic ingredient.

Art. 14. The State Public Administration will implement, promote, and articulate actions with the objective of reducing and using water rationally and efficiently.

Art. 15. This Decree will be effective upon the day of its publication.

Curitiba, of of 2006, 185th day of Independence and 118th of the Republic.

ROBERTO REQUIÃO,
State Governor

CAÍTO QUINTANA,
Casa Civil Head

SÉRGIO BOTTO DE LACERDA,
State General Attorney-at-Law