



## City Council Report

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**File ID:** 2022-00600

March 22, 2022

**Consent Item 20**

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**Title: Ordinance adding 3.56.075 to the Sacramento City Code, Relating to the Procurement of Organic Mulch and Paper [In Lieu of Pass for Publication Ordinance to be Published in its Entirety]**

**Location:** Citywide.

**Recommendation:** Adopt an Ordinance adding 3.56.075 to the Sacramento City Code, Relating to the Procurement of Organic Mulch and Paper, to be published in its entirety within ten days of adoption in lieu of pass for publication per City Charter section 32(d).

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**Presenter:** None.

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance
- 3-Sustainable Procurement Policy (SPP)

## Description/Analysis

**Issue Detail:** Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016), signed into law in 2016 by Governor Edmund Brown, Jr., was enacted to reduce the environmental impacts caused by the release of methane emissions from organic materials decomposing in landfills, as well as to increase statewide edible food recovery efforts beginning January 1, 2022. It established the annual recovered organic waste product procurement targets for each jurisdiction (city, county, or city and county) in California that will be in effect from January 1, 2022, through December 31, 2026. The Annual Procurement Target for the City of Sacramento is 41,254 tons of organic waste.

The proposed ordinance will require purchases of recovered organic mulch and paper to comply with the City's policies regarding the preferred purchase of sustainable products.

**Policy Considerations:** The City has had a Sustainable Procurement Policy (SPP) since 2010 but has not previously incorporated it into the City Code. Incorporation of the requirements of SB 1383 into the SPP and approval of the proposed ordinance will codify the requirements for procurement of environmentally friendly products.

**Economic Impacts:** None.

## Environmental Considerations:

**California Environmental Quality Act:** This action is not a "project" subject to CEQA because it involves administrative matters and will not result in new physical development, direct changes to the physical environment, and any reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines § 15378(b)(5).)

**Sustainability:** The amendments are anticipated to increase the City's diversion rate and will lower methane emissions associated with the disposal of organic waste in landfills. It will increase the procurement of recycled post-consumer waste products by the City.

**Commission/Committee Action:** This item was reviewed and approved by the Law and Legislation committee on March 15, 2022, Report No. 2022-00560.

**Rationale for Recommendation:** SB 1383 required jurisdictions to adopt mechanisms to obtain compliance and enforce the requirements of state law related to the procurement of environmentally friendly products. Adopting the ordinance is necessary for the City to comply with SB 1383 and to ensure that the City supplier's meet the usage and reporting requirements of SB 1383 and the SPP.

**Financial Considerations:** Potential increased costs to comply with the five percent preference for sustainable products. Council Resolution No. 2000-551 authorizes the use of incremental bid evaluation preferences up to a total not to exceed five percent of the total bid amount when evaluating the cost of products or services that represent the efforts to recycle and re-use sustainable and environmentally preferred products described in this policy. However, such bid preferences shall not exceed a total value of \$50,000 on any single bid procurement bid preference and should be agreed upon in coordination with the Procurement Division.

Every department within the City will be affected by the implementation of SB 1383 and will have a role to play to ensure that the City meets the target goal. Staff in every department will need to understand how SB 1383 impacts their work, and implementation may require adding staff or contracting with other entities, such as environmental health inspectors or consultants.

**Local Business Enterprise (LBE):** Applicable.

**Background:** Landfills are the third largest source of methane gas in California. Organics like food scraps, yard trimmings, paper, and cardboard make up half of what Californian residents dispose of in landfills. Reducing Short-Lived Climate Super Pollutants like organic waste will have the fastest impact on the climate crisis. As California collects and recycles organic materials, local governments like the City of Sacramento will be required to use the products made from this recycled organic material, such as renewable energy, compost, paper products, and mulch.

SB 1383 requires the City to procure a quantity of recovered organic waste products annually that meets or exceeds its procurement target. CalRecycle calculated the tonnage that the City shall procure, which was determined by multiplying a factor of 0.08 tons by the City's population. Acceptable recovered organic waste products that the City can procure to meet the target include compost, mulch, renewable gas, and electricity from biomass conversion. The products must meet the standards as written in Sec. 18993.1, pages 93-94 of SB 1383. The City can comply by directly procuring recovered organic waste products OR requiring through a written contract/agreement that direct service providers procure recovered organic waste products and provide documentation to the City for recordkeeping and reporting. More information can be found in the Recovered Organic Waste Product Procurement section of SB 1383 (Sec. 18993.1, page 92) and Implementation Record Recordkeeping Requirements section (Sec. 18993.2, page 95).

Per the Public Contract Code (PCC) 12205(b)(1), the supplier of paper products to the City must certify the minimum, if not the exact percentage, of postconsumer material in the product. Postconsumer material comes from products that were bought by consumers, used, and then recycled. For example, a newspaper that has been purchased, recycled, and used to make another product would be considered postconsumer material.

**ATTACHMENT 2 – ORDINANCE**

**ORDINANCE NO. \_\_\_\_**

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE ADDING SECTION 3.56.075 TO THE SACRAMENTO CITY CODE,  
RELATING TO THE PROCUREMENT OF ORGANIC MULCH AND PAPER**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

Section 3.56.075 is hereby added to the Sacramento City Code to read as follows:

**3.56.075 Procurement requirements for recovered organic mulch and paper.**

- A. To meet its goals for the reduction of short-lived climate pollutants, the city shall comply with article 12 of title 14 of the California Code of Regulations when purchasing organic mulch, such as leaves, bark, or straw, for use or distribution by the city or its contractors.
- B. The city shall comply with article 12 of title 14 of the California Code of Regulations when purchasing paper.
- C. The city shall comply with the city’s policy regarding the preferred purchase of sustainable products when purchasing organic mulch and paper.

# ATTACHMENT 3



## Sustainable Procurement Policy (SPP)

<b>FULL POLICY/GUIDELINE CONTENTS</b>	<b>Policy Number:</b> AP-4003
Policy/Guideline Statement	<b>Document Type:</b> Policy
Reason for Policy/Guideline	<b>Version:</b> 2.0
Procedures Forms/Instructions	<b>Effective:</b> April 2022
Contacts	<b>Last Updated:</b> February 2022
<b>ADDITIONAL DETAILS</b>	<b>Responsible Department/Division:</b>
Definitions	Finance / Procurement
AppendicesFAQ	
Related Information	
History	

### Policy Statement:

This policy sets forth City policy regarding the preferred purchase of sustainable products for City facilities and operations.

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## Purpose:

It is the policy of the City of Sacramento, applicable to all departments and divisions, to set a standard of sustainable and environmentally preferable procurement and demonstrate the City's commitment to environmental, economic, and social stewardship. The purpose of this policy is to provide City employees with clear and consistent instructions on how to consider and make purchases of SPP supplies and services when appropriate, consistent with the Council-adopted Sustainability Master Plan and Sustainability Plan.

## Procedures that apply:

- AP-57 – Sustainable Operations for City Departments
  - AP-4001 - Procurement of Supplies
  - AP-4002 - Public Projects
  - AP-4101 – Non-Professional Services
  - AP-4102 – Professional Services
  - AP-4004 – Sustainable Operations for City Departments
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## Forms/Instructions that apply:

- None

## Responsible Department:

Finance / Procurement Division

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## Definitions:

**Bid / Price Preference** - Awards projects or purchase to qualified bidders provided their bids are within a prescribed percentage of the low bid.

**Biomass** - Renewable organic material that comes from plants and animals.

**Buyer** – Either (1) a position or employee in the Procurement Division authorized by the City Manager or Director of Finance to administer the procurement of supplies on behalf of one or more City Departments, or (2) a position or employee outside of the Procurement Division authorized by the Department Director to administer the procurement of supplies on behalf of the Department. A Buyer is not authorized to execute supply contracts on behalf of the City unless such signature authority has been delegated by the City Manager in accordance with applicable provisions of the City Code, or (3) anyone authorized to purchase or contract for purchases on behalf of the City, any department, or its subdivisions.

**CalRecycle** - The California Department of Resources Recycling and Recovery is a branch of the California Environmental Protection Agency that oversees the state's waste management,

recycling, and waste reduction programs. CalRecycle was established in 2010 to replace the California Integrated Waste Management Board.

**Dioxins** – chemical compounds classified as persistent, bio-accumulative, and toxic by the U.S. Environmental Protection Agency (EPA).

**Electronic or E-Waste** – Waste that consists of electronic products nearing the end of useful life.

**End User** – The final consumer of products. Post-consumer waste is collected from the end user.

**Energy-Efficient Product(s)** - Products that meet the EPA Energy Star qualifications or U.S. Department of Energy's (DOE) Federal Energy Management Program (FEMP) and vehicles that meet EPA's Smart Way qualifications.

**Environmentally Preferable Purchasing** - product or services with a reduced effect on human health or the environment when compared with products or services that serve the same purpose, or products and services that have been proven to have positive impacts on the environment.

**Environmentally Responsible** - Products or product usage procedures which are acknowledged to have minimal impact on the environment. Such products or procedures should reduce environmental impact through their composition and/or recyclability or by reduction in quantity and toxicity of waste products, energy use or water consumption. This also includes the purchase of products or services that provide environmental benefits, such as by sequestering carbon or reducing urban heat or stormwater runoff.

**Fiscally Responsible Price**– The cost factor or purchase price for recycled products, or for more environmentally responsible items, should be consistent with a suggested variance of 5% above the acquisition cost for similar or less environmentally responsible items.

**Furans**- chemical compounds classified as persistent, bioaccumulate and toxic by the EPA.

**Green Sheltered Market Bid**- A solicitation whereby only SPP products or services are acceptable.

**Hazardous Waste** – Waste that poses substantial or potential threats to public health or the environment and consists of four key traits: ignitability, reactivity, corrosivity, and toxicity

**Life-Cycle Cost** – The comprehensive accounting of the total cost of a product including procurement, initial cost, energy and operational cost, maintenance, longevity of service and disposal.

**LS-20** – The City's current landscape maintenance agreement that includes terms and conditions used to manage landscape contractors and services.

**Non-Toxic Product(s)** – Any item which is not considered hazardous waste and that does not otherwise pose a threat to short or long-term human health during its use.

**Organic (product)** - Produced or involving production without the use of chemical fertilizers, pesticides, or other artificial agents.

**Paper Products** - Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

**Post-Consumer Waste (PCW)** – Discarded items and materials used by consumers, often collected from homes and businesses, rather than waste generated during a

manufacturing process.

**Practicable** – sufficient in performance and available at a reasonable price capable of being done, effected, or put into practice, with the available means; feasible.

**Pre-consumer Waste** – Discarded items or materials generated during a manufacturing process but not yet used by consumers, such as damaged or obsolete products, overruns, and trimmings.

**Printing and Writing Papers** - Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

**Product Analysis** –A tool in evaluating purchases to incorporate sustainable practices including: reduction of greenhouse gases, minimal and recycled content packaging, buying local, reduced energy and fuel consumption and reduction of toxic substances released into the environment.

**Recyclability** – The Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

**Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper** - Products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

**Recycled Product(s)** – Products made with an identifiable percentage (1% - 100%) of post-consumer material content or of discarded virgin materials salvaged from the industrial waste stream. High content recycled products contain a minimum of 50% of post-consumer material.

**Resin Identification Code (RIC)** – A number-based coding system placed on plastics to identify the polymer for purposes of recycling:

- #1 - polyethylene terephthalate (PET)
- #2 – high density polyethylene (HDPE)
- #3 – polyvinyl chloride (PVC)
- #4 – low density polyethylene
- #5 – polypropylene (PP)
- #6 – polystyrene (PS)
- #7 – other (mixed plastic)

**SB 1383** - Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

**SB 1383 Regulations or SB 1383 Regulatory** – The Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.



**Sustainable Product** - A product that achieves performance objectives while respecting the City's values and balancing environmental stewardship, social equity, fiscal responsibility, and community enhancement.

**Sustainable Purchasing** - Purchasing materials, products, and labor in a manner that reflects fiscal responsibility, social equity, environmental stewardship, and community enhancement.

**Toxic substance** – A chemical or mixture that may present an unreasonable risk or injury to human health or the environment.

**Volatile Organic Compound (VOC)** – organic compound that typically vaporizes at room temperature and participates in atmospheric photochemical reactions.

**Waste Diversion** – The act of preventing waste from being disposed into landfills and incinerators.

**Waste Reduction** – The act of avoiding, eliminating, and reducing the amount of solid waste at the source of generation, at the point of usage and at the time of its discard.

**Waste Stream** – The total flow of solid waste from homes, businesses, institutions, and manufacturing plants that is recycled, burned, or disposed of in landfills, often broken into different waste stream types.

**WELO** - Water Efficient Landscape Ordinance

Appendices or:

- None
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Reference Information:

- City of Sacramento Sustainability Master Plan
- City Code Chapter 3.56, 3.60, 3.64, and 3.80
- AP-4001 - Procurement of Supplies
- AP-4002 - Public Projects
- AP-4101 – Non-Professional Services
- AP-4102 – Professional Services
- API #4004 – Sustainable Operations for City Departments (replaced AP #57)
- Council Resolution No. 2000-551 – Authorized Use of Bid Evaluation Preference
- Council Resolution No. 2004-751 – Energy Efficiency and Sustainable Design Practices
- Council Resolution No. 2007-771 – Approving a Comprehensive Fleet Sustainability Policy
- City's landscape agreement (currently LS-20, April 2020)
- California Public Contract Code (PCC), Division 2 General Provisions, Part 3 Contracting by Local Agencies:
  - Article 4 "Recycled Materials, Goods, and Supplies" [\[12200 - 12217\]](#)
  - Chapter 3.5 "Recycled Product Procurement Mandates Pertaining to Local Governments" [\[22150 - 22154\]](#)
  - PART 3. CONTRACTING BY LOCAL AGENCIES [\[20100 - 22178\]](#)

- California Code of Regulations (CCR), Chapter 12 of Title 14, Division 7 and amended portions of regulations of Title 14 CCR and Title 27 CCR.
  - SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016)
  - 16 Code of Federal Regulations (CFR) Section 260.12
  - Audit of the City's Green Efforts, Report # 2020/21-04, December 2020
  - 2021 Climate Implementation Work Plan
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## Document History:

**Amended: February 2022**  
**Supersedes: February 2010**  
**Effective: April 2022**

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## Keywords:

- Climate
  - Green
  - Sustainable
  - Environmental
  - SPP (Sustainable Purchasing Policy)
  - EPP (Environmentally Preferred Products)
  - Recycled
  - Post-Consumer
  - Surplus
  - Waste
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## Background:

In October 2007, the Mayor and City Council adopted the Fleet Sustainability and Fuel Conservation Policy (Council Resolution No. 2007-771) that outlines the policies to be followed by departments when purchasing for and operating the fleet. The overall goal of the policy is to reduce carbon emissions, thus improving the quality of air in the City of Sacramento.

In December 2007, the Mayor and City Council adopted the City's Sustainability Master Plan which sets out broad goals and targets for increasing the sustainability of the Sacramento economy and environment. In February 2008, the Mayor and City Council initiated an annual Sustainability Implementation Plan. The Plan includes numerous action items. Past accomplishments include the development and implementation of sustainable operations policies and Business Environmental Resource Center (BERC) certification of City facilities.

The purpose of the sustainable operations policies, BERC certification, and other initiatives is to improve the City's environmental impact. This includes reducing greenhouse gas emissions and other pollution associated with municipal operations by decreasing energy use and procuring low-carbon, non-toxic materials .

In January 2009, the City Manager approved the policy on Sustainable Operations for City Departments (API #57), which sets forth sustainable operations objectives for all City facilities and operations.

In 2010 the City's Landscaping Maintenance Services Provisions and Specification (LS-10) was revised to include Integrated Pest Management (IPM), Water Conservation and Sustainable Purchasing concepts.

The policy was revised in October 2011 (Version 1.2) in response to the City's Sustainability Implementation Plan adopted in February 2011.

In 2020 an internal Audit of the City's Green Efforts prompted revisions to this policy. The intention of the policy revision is to better-align requirements with City business practices and improve monitoring and reporting of sustainability data.

In 2021, the State of California implemented SB 1383 and California's Short-Lived Climate Pollutant Reduction Strategy which took effect January 1, 2022.

These policies and other green initiatives form the basis of this policy.

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## **2.1 Sustainable Purchasing Policy Objectives**

2.1.1 The SPP objectives will include acquisitions that:

- Conserve natural resources
- Reduce the use of water and energy
- Minimize environmental impacts such as greenhouse gas emissions, other air pollutant emissions, and water pollution
- Eliminate or reduce toxics that create hazards to our workers and our community
- Support strong recycling efforts and utilize products where a high likelihood of recycling exists (e.g. steel and paper products)
- Reduce materials that are placed in landfills
- Increase the use and availability of environmentally preferable products
- Encourage vendors to reduce environmental impacts in their production and distribution systems
- All buyers shall consider short-term and long-term cost in comparing product alternatives when feasible. This includes evaluation of total cost expected during the time a product is owned, extended warranties, operation, supplies, maintenance, disposal cost and expected lifetime compared to other alternatives.

2.1.2 The City's SPP Officer, the Procurement Division, Sustainability personnel, Buyers, Contract Administrators, Solicitation Administrators, and all others delegated with procurement authority will be responsible for meeting the objectives of this program. They will endeavor to procure products and services in a manner that integrates fiscal responsibility, social equity, environmental stewardship, and community enhancement

## **2.2 Data Collection and Performance Reporting**

- 2.2.1 Buyer shall require suppliers to provide data for performance tracking and evaluation of the City's Sustainable Purchasing Policy and SB 1383 requirements
- 2.2.2 Supplier shall be able to provide written documentation that shows which products meet SPP and SB 1383 criteria.
- 2.2.3 Bidder may be deemed non-responsive if unable to provide the information requested in 2.2.2.
- 2.2.4 Buyer shall work with the Bidder to defend any bid protests based upon the SPP bid preference.
- 2.2.5 Buyer shall compile records for producing an annual summary of the City's SSP and SB 1383 requirements and forward these reports to the City's SSP Administrator. This will include downloading and providing all invoices for purchases of SPP or SB 1383 goods or services.
- 2.2.6 Each City department shall cooperate in gathering the information for purposes of tracking, reporting, and evaluating the SPP and SB 1383.

## **2.3 Defining Sustainable Products**

- 2.3.1 In general, SPP products and services are those that would reduce the adverse effect on human health and the environment when compared with competing products and services.
- 2.3.2 SPP products meet or exceed the State's minimum content requirements as stated in PCC 12209 to qualify for bid preference and to be considered environmentally friendly:
  - (a) **Recycled paper products** shall consist of at least 30 percent, by fiber weight, postconsumer fiber.
  - (b) **Recycled printing and writing paper** shall consist of at least 30 percent, by fiber weight, postconsumer fiber.
  - (c) **Recycled compost and mulch** shall contain at least 80 percent of the products shall consist of materials, including, but not limited to, the materials listed in subdivision (c) of PCC Section 12207, that would otherwise be normally disposed of in landfills.
  - (d) **Recycled glass**, the total weight shall consist of at least 10% postconsumer material.
  - (e) **Refined lubricating oil** shall have a base oil content consisting of at least 70 percent post consumer recycled oil.
  - (f) (1) **Recycled plastic products**, the total weight shall consist of at least 10 percent postconsumer material.
  - (f) (2) **Recycled printer or duplication cartridges** shall comply with the either the requirements set forth in subdivision (e) of PCC section 12156 or the general requirements for recycled plastic products set forth in paragraph (f) (1).
  - (g) **Recycled paint** shall have a recycled content consisting of at least 50 percent postconsumer content. Pre-consumer or secondary paint does not qualify as "recycled paint" pursuant to this subdivision. If paint containing 50 percent postconsumer content is unavailable or is restricted by a local air quality management district, a City department may substitute paint with at least 10 percent postconsumer content.

(h) **Recycled antifreeze fluid** shall have a recycled content of at least 70 percent postconsumer materials.

(i) **Retreaded tires** must use an existing casing that has undergone an approved or accepted recapping or retreading process, in accordance with Chapter 7 (commencing with Section 42400) of Part 3 of Division 30 of the Public Resources Code.

(j) **Tire-derived products**, the total content shall consist of at least 50 percent recycled used tires.

(k) **Recycled metal products**, the total weight shall consist of at least 10 percent postconsumer material.

(l) **Reused or refurbished products**, there is no minimum content requirement.

2.3.3 SPP products meet or exceed the City's minimum content requirements and are eligible for bid preference if they are certified by an independent 3<sup>rd</sup> party to have one or more of the following attributes:

(a) Biobased.

(b) Biodegradable.

(c) Carcinogen-free.

(d) Chlorofluorocarbon (CFC) free.

(e) Energy, resource, or water efficient.

(f) Formaldehyde free.

(g) Heavy-metal free (i.e., no lead, mercury, cadmium, etc).

(h) Low volatile organic compound (VOC) content.

(i) Made from renewable materials.

(j) Compostable.

(k) Low toxicity.

(l) Rechargeable (i.e., batteries, etc.).

(m) Reduced packaging.

(n) Reduced greenhouse gas emissions.

2.3.4 Recognized 3rd party certifications (not all inclusive):

(a) ASTM International, janitorial services, et al.

(b) Carpet and Rug Institute (CRI), floor care products and techniques.

(c) Chlorine Free Products Association (CFPA), chlorine usage in a product.

(d) Cradle-to-Cradle, product certification for safe sourcing.

(e) Energy Star, energy-efficient products.

(f) EPA Recycled Content, paper and plastic products.

(g) EPA Safer Choice, institutional cleaning products.

- (h) Forest Stewardship Council, paper products.
- (i) Green Seal, institutional cleaning products.
- (j) Green Shield Certified, pest control.
- (k) IMO Certified, textiles and paper.
- (l) IPM Star, pest control.
- (m) ISSA CIMS-GB, janitorial services.
- (n) LEED, buildings.
- (o) NSF/ANSI, floor coverings and fabrics.
- (p) Processed Chlorine Free, chlorine usage in a product.
- (q) Sustainable Forestry Initiative (SFI), paper products.
- (r) UL EcoLogo, institutional cleaning products.
- (s) UL Energy Efficient, energy-efficient products.
- (t) UL GreenGuard, chemical emissions from low-emitting indoor products

## **2.4 Procurement / Department / Contractor Responsibilities**

- 2.4.1 Bid Preference for SPP products and service were authorized by the City Council on September 19, 2000, Resolution No. 2000-551.
- 2.4.2 SPP bid evaluation preference in incremental amounts not to exceed five percent (5%) for recycled products or environmentally friendly products as detailed in Section 2.3 shall be used.
- 2.4.3 SPP bid evaluation preference shall not exceed a total value of \$50,000 on any single procurement bid preference.
- 2.4.4 SPP Bid preference shall be stated in the bid instructions for purchases of goods or services that have a recycled option.
- 2.4.5 **If fitness and quality are equal**, each City department shall purchase recycled products, as defined in PCC Section 12200, instead of nonrecycled products whenever recycled products are available at the same or a lesser total cost than nonrecycled items {PCC 22150 (a)}.
- 2.4.6 **If fitness and quality are equal**, each City department shall purchase recycled products, as defined in Section 12200, instead of nonrecycled products if the cost of the recycled product does not exceed the cost of the recycled product plus the amount determined by the bid preference.
- 2.4.7 In bids in which the City department has reserved the right to make multiple awards, the recycled product preference cost shall be applied, to the extent possible, to maximize the dollar participation of firms offering recycled products in the contract award {PCC 22151}.
- 2.4.8 All City departments shall require all suppliers to certify in writing the minimum, if not exact, percentage of postconsumer materials in the products, materials, goods, or supplies offered or sold {PCC 22152 (a)}.

2.4.9 The certification requirement 2.4.8 may be waived if the percentage of postconsumer material in the products, materials, goods, or supplies can be verified in a written advertisement, including, but not limited to, a product label, a catalog, or a manufacturer or supplier Internet website {PCC 22154}.

2.4.10 **PRINTING SERVICE CONTRACTS (both Citywide and Department specific):** shall provide documentation that the paper used shall meet the recycled content requirements of Section 12209 {PCC 22153}: "Recycled paper products shall consist of at least 30 percent, by fiber weight, postconsumer fiber."

(a) The requirements of Section 2.4.1 through 2.4.10 shall be stated on all printing service bids / contacts.

(b) On any quotes for a printing project, the buyer will request recycled content paper as the primary paper to be used.

(c) The Contractor will quote recycled content paper for the purchase. Contractor may take exception to the recycled content requirement for either of the two reasons listed in Paragraph 2.4.5 or 2.4.6. The exception must be noted on the written quote.

(d) The recycled logo shall be printed on all City business cards.

(e) The recycled logo shall be printed on all City printing projects that are printed on qualified recycled paper.

2.4.11 **OFFICE SUPPLY CONTRACTS:** shall provide that the paper products used shall meet the recycled content requirements of Section 12209 {PCC 22150 - 22153}.

(a) The requirements of Section 2.4.1 through 2.4.9 and 2.4.11 shall be stated on all office supply bids and contracts.

(b) On any quotes for office supply paper products, the buyer shall ask for a recycled content paper as the primary paper to be used.

(c) The Contractor will quote recycled content paper for the purchase. Contractor may take exception to the recycled content requirement for either of the two reasons listed in Paragraph 2.4.5 or 2.4.6. The exception must be noted on the written quote.

2.4.12 **JANITORIAL SUPPLY CONTRACTS:** shall provide that the paper and chemical products used shall meet the recycled content requirements of Section 12209 {PCC 22150 - 22153}.

(a) The requirements of Section 2.4.1 through 2.4.9 and 2.4.12 shall be stated on all office supply bids and contracts.

(b) On any quotes for janitorial supply paper products and chemicals, the buyer shall ask for a recycled content paper or chemicals as the primary goods to be used.

(c) The Contractor will quote recycled content paper for the purchase. Contractor may take exception to the recycled content requirement for either of the two reasons listed in Paragraph 2.4.5 or 2.4.6. The exception must be noted on the written quote.

2.4.13 **JANITORIAL SERVICE CONTRACTS:** shall provide that the consumable products and chemicals used shall meet the recycled content requirements of Section 12209 {PCC 22150 - 22153}.

(a) The requirements of Section 2.4.1 through 2.4.9 and 2.4.13 shall be stated on all office supply bids and contracts.

(b) The contractor shall be responsible for meeting all State reporting requirements.

(c) The Contractor will quote recycled content paper for the purchase. Contractor may take exception to the recycled content requirement for either of the two reasons listed in Paragraph 2.4.5 or 2.4.6. The exception must be noted on the written quote.

2.4.14 **COPIERS AND PRINTERS:** ink or toner cartridges shall comply with the requirements of subdivision (e) of PCC Section 12156. Section 2.4.14 will be included in all quotes, bids, and contracts for acquisition of these items.

## **2.5 Surplus Disposition**

2.5.1 Surplus products, materials, goods, or supplies may be offered for use to other City departments.

2.5.2 Surplus products, materials, goods, or supplies, if unable to be further used by the City, shall be let out to bid at public auction by members of the public, or may be donated by action of the City Council, per City Code 3.60.

## **2.6 Priorities**

2.6.1 The health and safety of workers and citizens takes precedence over the requirements stated in this policy.

2.6.2 Nothing contained in this policy shall be construed as requiring a buyer or contractor to procure products or services that do not perform adequately for their intended use, exclude adequate competition, or procure products or services that are not available at a reasonable price, or available within a reasonable timeframe.

2.6.3 Nothing contained in this policy shall be construed as requiring a buyer or contractor to take any action that conflicts with city code, or state and federal requirements when applicable.

## **2.7 Effective Date of this Policy**

2.7.1 This policy will go into effect on April 1, 2022.