

RESOLUTION NO. 93-9
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA CLARITA, CALIFORNIA,
FOR THE ADOPTION OF A POLICY REGARDING
THE PROCUREMENT OF RECYCLED PRODUCTS

WHEREAS, it is the policy of the City of Santa Clarita to conserve and protect natural resources for current and future citizens; and

WHEREAS, the City's participation in and promotion of recycling programs can significantly reduce the volume of material entering the waste stream thereby conserving natural resources and extending landfill life expectancy; and

WHEREAS, in order for recycling programs to be effective, markets for recycled post-consumer materials must be developed; and

WHEREAS, the implementation of a procurement policy for the City of Santa Clarita would contribute to the conservation and protection of natural resources and support city-wide recycling programs; and

WHEREAS, the City's commitment to the purchase of recycled materials will help expand the markets for recycled products and serve as a model for private industry and local businesses; and

WHEREAS, State and Federal agencies have implemented procurement guidelines requiring government agencies to buy products made with recycled materials.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Clarita, California, as follows:

SECTION 1. The City Council hereby adopts the following policy:

RECYCLED PRODUCTS PROCUREMENT RESOLUTION

I. Definitions of Recycled Content

- A. *Post-consumer recovered materials.* A finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Examples of post-consumer recovered materials include, but are not limited to; used newspaper, office paper, yard waste, plastic bottles, oil, asphalt, concrete and tires.
- B. *Pre-consumer recovered material.* Material or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. examples of pre-consumer recovered materials include, but are not limited to; obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting and other converting operations.

This category does not include mill or manufacturing trim, scrap or "broke," which is material generated at a manufacturing site and commonly reused within the manufacturing process. For example, pre-consumer paper waste sources are not considered "recycled." Components of a paper product include, but are not limited to; fibers recovered from waste water, trimmings of a paper machine rolls, sawdust, chips, wood slabs, other wood residue from a manufacturing process, and such materials sold between mills.

- C. *Total recovered material.* The total pre- and post-consumer recovered material contained in a product.

II. Recycled Content Preference

It is recommended that the City of Santa Clarita establish a policy, whenever practical, to purchase products which contain, in order of preference, the following:

1. The highest percentage of recycled content of "post-consumer recovered materials," available in the marketplace;and
2. The highest percentage of "pre-consumer recovered materials," available in the marketplace.

In those instances where it is deemed impractical to procure a recycled-content item, a specific explanation for the finding must be included in the purchasing record (see "Monitoring and Annual Report" section).

III. Price Preference

A 10% price preference may be given to recycled products, reusable products offered as alternatives to disposable products, and products designated to be recycled where they are offered as alternatives to non-recyclable products. The preference percentage shall be based on the lowest bid or price quoted by the supplier offering recycled products.

IV. Recyclability and Waste Reduction

In addition to the recovered material content of a product, important criteria in selecting products shall also be:

1. The ability of a product and its packaging to be reused , reconditioned for use, or recycled through existing recycling collection programs; and
2. The volume and toxicity of waste and by-products of a given product and its packaging generate in their manufacture, use, recycling and disposal. Products and packaging designed to minimize waste and toxic by-products in their manufacture, use, recycling and disposal shall be preferred.

V. Equipment Compatibility

Equipment purchased or rented by the City shall be compatible, whenever practical, with the use of recycled content products. If deemed impractical, a specific reason for such a finding must be included in the purchasing record.

VI. Purchase Requisition, Specification and Bid Solicitation

Product specification and requisitions for products shall conform to the following guidelines:

1. Product specifications and requisitions shall not indiscriminately require the use of products made from virgin materials, nor specifically exclude the use of recycled-content products;
2. Performance standards must be reasonable and related to function, and shall not be designed to exclude the purchase of recycled-content products;
3. To the extent such information is known, City staff shall identify to the Purchasing Division (in the Purchase Requisition) products available with recycled content and vendors from who such products are available.
4. Purchasing agents have the authority to specify a minimum "recycled-content" standard in bid solicitations to accomplish the purposes of this policy.

VII. Contractors and Grantees

All City contractors and grantees shall be required to conform to the minimum recycled-content procurement standards set forth by General Services, Public Works Department. This requirement shall be applied to contractors and grantees in procuring materials or products to perform contractual services for the City, to produce or provide a work product to the City or on the City's behalf, or to conduct work funded by a grant from the City. The list shall be reviewed as needed, but no less than annually, by the City Council (see "Monitoring and Annual Report" section).

Contractors and grantees shall be further required to report to the City the types, quantities

and total dollar amounts of recycled products which are purchased by the contractor or grantee in connection with City-funded work. The percentage of post-consumer and total recovered material content of such purchased products shall also be required to be included in the report.

VIII. Promotion

All City purchased and printed recycled paper products shall be labeled with the standard phrase: "Printed on Recycled Paper." All City departments or agencies shall be required to use recycled products for their business cards, masthead stationery, envelopes, business forms and pertinent documents. All said documents shall be printed, with the standard phrase: "Printed on Recycled Paper" thereby promoting the use of post-consumer content. If sufficient documentation and certification is available, reasonable efforts shall be undertaken to specifically indicate the percentage of recycled post-consumer content. In this case, the phrase "Printed on 40% Post-Consumer Recycled Paper" shall appear on all products produced by and for the City.

All City requested documents, produced by grantees and contractors shall be produced on post-consumer recycled paper. All contractors and grantees will submit all requested documents to the City on recycled paper. This shall include, but not be limited to drafts, reports, training manuals, bids, responses to inquiries and permit applications.

IX. Certification

All product providers shall be required to maintain appropriate documentation verifying either the minimum or the exact percentage of post-consumer recovered material and total recovered material contained in products purchased by the City. If no recovered material has been used, then a product provider would certify zero recycled content.

Any claims of waste minimization in the manufacture or use of any product shall also be certified.

X. Implementation

It is recommended that the City Manager develop administrative procedures to achieve the purposes of this resolution and implement the provisions of this policy, including procedures for waiving a requirement of this policy in any necessary circumstance.

XI. Monitoring

General Services shall prepare and deliver to the City Council an annual status report on implementation of this policy and formalize a recycled products list to aid in purchasing and monitoring goals. The report shall include documentation of the types, quantities, and dollar amounts of recycled products purchased in the previous year by the City, its contractors and its grantees. The report shall also identify and discuss the following:

1. Instances where this policy is waived or its requirements found impracticable; and
2. Barriers to the procurement of recycled-content products.

In addition to monitoring and evaluating this procurement policy, the effect of evaluating products for their recycled content, ensuring specifications are non-discriminatory, including the Council's policy in bid solicitations and contracts, and other additional requirements of the policy will affect the Purchasing Division's workload. This will be evaluated as the policy is implemented and recommendations as needed will be brought forward to the Council, to augment staff, if necessary and appropriate.

Fiscal Impact

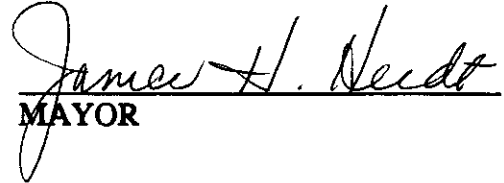
The adoption and implementation of this procurement ordinance may impact current budgets. Given the requirements of AB939 and the concern over additional landfill development, and rising disposal costs, these anticipated costs are necessary to conserve and protect natural resources and support the City of Santa Clarita's recycling and market development goals.

Conclusion

The future of recycling depends upon the creation of stable and sustaining markets for recycled secondary products. It is recommended, therefore, that the City of Santa Clarita enact a procurement policy which supports the development of stable markets for recyclables and supports the City's ongoing recycling ethic and commitment to progressive integrated waste management solutions.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and certify this record to be a full, true, correct copy of the action taken.

PASSED AND APPROVED this 26th day of January, 19 93.


MAYOR

ATTEST:

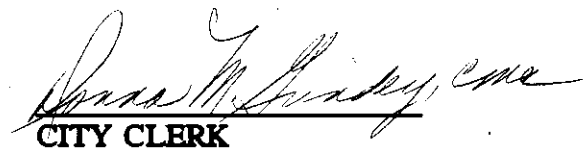

CITY CLERK

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Santa Clarita at a regular meeting thereof, held on the 26th day of January, 19 93, by the following vote of the Council:

AYES: COUNCILMEMBERS: Boyer, Darcy, Klajic, Pederson, Heidt

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


CITY CLERK

RECYCLED PRODUCT PROCUREMENT RESOLUTION

Purpose of Resolution

The enactment of a procurement resolution is intended to broaden the use of recycled content products currently purchased on behalf of the City.

This resolution will have the effect of underscoring the importance of such efforts on all City departments which submit purchase requisitions.

It will promote "buying recycled" goals to the public at large and to private business associated with the City.

It will put the City "on record" in support of progressive procurement and market development goals.

It will increase the recycled content of products purchased and used by the City of Santa Clarita, its contractors and grantees.

It will formalize any current practices by authorizing the Purchasing Agent to specify a minimum level of recycled content in a given bid solicitation.

It will provide guidance and leadership by the City to government staff in evaluating the purchase of products for the City use.

Background

A successful City-wide recycling program relies on the establishment of stable and sustaining markets for recyclables. Currently, the nation is experiencing unstable markets and declining commodity prices for various recyclables. In order to insure available materials, it is necessary to buy products made from recycled materials thereby creating a demand for these materials, which we are attempting to keep out of our landfills. The City of Santa Clarita can facilitate demand for recycled products by purchasing products made from recycled materials. By fostering markets for recycled materials, the City serves a leadership role in promoting similar procurement practices within all City departments, private businesses and the general public.

The Local Government Commission completed a report in June 1990 specifying the growing number of cities across the country that have implemented, or are currently implementing similar recycled procurement guidelines. Procurement policies enacted statewide include price preferences for recycled post-consumer materials; revisions of bid specifications which previously required only virgin materials; modification of purchase requisitions requiring the consideration of recycled content products, the compliance of all contractors and grantees working on behalf of the City to implement these City enacted procurement policies, promotion programs, procedures for obtaining and verifying estimates and certifications of content of recovered materials, and annual review and monitoring.

Additionally, the California Integrated Waste Management Act of 1989 mandates that State agencies purchase products manufactured from recycled materials. The State is also asking

for cities to join in this statewide effort. It is not enough to merely establish or participate in recycling program development, it has become necessary to commit to the purchase of recycled materials as well. If the end products of the collected and recycled materials are not purchased, then recycling and waste reduction efforts cease to be effective in the long term.

The recommended procurement resolution concerns itself with the source of materials used to manufacture products that the City purchases and uses. The object is to ensure that no product manufactured with recycled content of "secondary" material is discriminated against or excluded for reasons other than function. Furthermore, it is important to mandate that such products made from "recycled-content" and "secondary content" materials have a preferential purchasing status over those goods that are strictly made from virgin(raw) materials. This is especially relevant when "recycled-content" products can satisfactorily meet the necessary standards of performance.

The Local Government Council in Sacramento has asked that every city establish a government procurement policy to purchase recycled and reusable products. According to the Local Government Commission, 1989 government purchases amounted to \$916 billion, or about 20 percent of the gross national product. It is estimated that about 13 percent of that figure represents purchase made by State and local governments. This is a clear indicator that local government procurement resolutions for recycled products can make a significant impact on market development goals.

The Federal government and the State of California both have laws favoring the use of recycled products. The Environmental Protection Administration is implementing Section 5002 of the Resource Conservation and Recovery Act, which requires agencies using Federal funds to favor recycled products. The National Recycling Coalition also urges public and private agencies to establish programs favoring purchasing of recycled products.

The Local Government Commission is also recommending that governments develop practical new procurement specifications and through their use, demonstrate that recycled products are of high quality. When a city uses recycled paper, for example, the phrase "printed on recycled paper" should appear on all products, i.e.: all stationery, business cards, etc. This leads to good public relations and establishes the City of Santa Clarita as a leader in the arena of market development. In doing so, the City also sets an excellent example for the private sector to follow.

In order to accomplish these goals, it is recommended that the City provide specific guidance to City staff, contractors and grantees regarding the importance of "buying recycled." It should be articulated that this is a necessary adjunct to all recycling programs and will close the recycling "loop" and stimulate market economies, thereby reducing the costs of "recycled-content" materials.

The U.S. Environmental Protection Agency's (EPA) recycled product procurement guidelines, issued pursuant to the Resource Conservation and Recovery Act, do not specifically apply to the City (the City does not fall under the EPA's definition of a "procuring agency"), except in instances where materials are purchased by the City with earmarked federal funds nor would they be required to conform to EPA "recycled-content" guidelines. (See attachment for EPA's requirements.) It will reduce waste in the manufacture and use of products and packaging purchased by the City. It will provide guidance and leadership to the City's staff in evaluating the purchase of products for City use.

The procurement recommendation, and particularly the provisions for affirmative "recycled-content" product identification, procurement, certification, promotion and annual monitoring (a report will be sent to Council) do conform with EPA guidelines.

Please note that the policy endorses the State of California's definition of recycled paper products, rather than the Environmental Protection Agency's. The State definition is more strict than the EPA's when it comes to permitting miscellaneous material to count as "recycled" content, and also requires post-consumer content for different grades of paper for which the EPA does not require any post-consumer content for a paper to qualify as "recycled."

This policy will also further contribute to the City's compliance with a State requirement (AB939) that cities undertake and report market development activities. Additionally, AB4, also enacted in 1989, contains four basic requirements:

1. The City must require bidders to specify both the total recovered and post-consumer content of paper products (even if zero).
2. Specification should not discriminate against recycled content.
3. City printing contracts must meet the recycled content provisions of AB939.
4. The City must "buy recycled" if a paper product costs no more than comparable non-recycled paper product.

Given the implementation of this policy, the City will meet these requirements.