Enterprise Services Policy No. POL-DES-255-00

Recycled Content Purchasing Preference

**Applies to**: Any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in [RCW 28B.10.016](http://apps.leg.wa.gov/RCW/default.aspx?cite=28B.10.016), correctional and other types of institutions ([RCW 39.26.010(1)](https://apps.leg.wa.gov/rcw/default.aspx?Cite=39.26.010)) ([RCW 39.26.100](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.100)) ([RCW 39.26.102](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.102)).

**Authorizing sources**:

* State Law [RCW 39.26.255](https://app.leg.wa.gov/RCW/default.aspx?cite=39.26.255)
* State Law [RCW 43.19A.020](https://app.leg.wa.gov/RCW/default.aspx?cite=43.19A.020)
* State Law [RCW 43.19A.022](https://app.leg.wa.gov/RCW/default.aspx?cite=43.19A.022)
* State Law [RCW 39.26.010(1) Definitions](http://apps.leg.wa.gov/rcw/default.aspx?Cite=39.26.010)
* State Rule [WAC 200-300-085](https://app.leg.wa.gov/wac/default.aspx?cite=200-300-085)

**Effective date**: TBD

**Last update**: N/A

**Sunset review date:** 5 years from effective date

**Approved by**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Chris Liu, Director

# Reason for Policy

# This policy implements the purchasing preference authorized in RCW 39.26.255 and WAC 200-300-085 for competitive purchases of products containing recycled material; and designates specifications for the purchase of products containing recycled material. The intent is to advance recycling through the purchase and use of new products containing or manufactured with recycled materials. Scope of Policy

The following products are subject to this policy (reference RCW 43.19A.020(1:

(a) Organic recovered materials;

(b) Latex paint products;

(c) Products for lower value uses containing recycled plastics;

(d) Retread and remanufactured tires;

(e) Lubricating oils;

(f) Automotive batteries;

(g) Building products and materials;

(h) Panelboard; and

(i) Compost products

# Policy

## 1. Preference must be given to the purchase of products that contain recycled materials.

* 1. In establishing environmental requirements and preferences for products that contain recycled materials, agencies shall reference the Environmental Protection Agency’s Comprehensive Procurement Guidelines (EPA CPG) standard, as it existed on July 1, 2001, as the minimum standards for the state of Washington.
	2. When purchasing products, identified in the Scope of this Policy, as , such products are required to meet the minimum recommended content levels or product specifications, as designated by the EPA CPG standard (as it existed on July 1, 2001.
	3. In any competitive procurement for products, identified in the Scope of this Policy, agencies shall apply a minimum of 5% preference to each product bid. The preference shall only be applied when the recovered materials percentage bid exceeds one of the recommended content level percentages or the minimum product specification, as designated by the EPA’s CPG standard (as it existed on July 1, 2001). See Enterprise Services Procedure No. PRO-DES-255-00A.
	4. Preference language must be clearly stated and included in agency procurement requests and solicitations for applicable products issued after the effective date of this policy.
	5. Bidders must be required to provide a written statement with their bid about the percentage range of recycled content in the product, specified in 5% increments.
		1.

2. Direct Buy Purchases

Prior to purchasing products under the direct buy policy, agencies shall give consideration to products, subject to this policy, that contain the recommended content levels or product specifications, as designated by the EPA CPG standard (as it existed on July 1, 2001).

## 3. Agencies are not required to apply a preference when:

1. Using a master contract or DES approved cooperative contract, as DES is responsible for applying the preference. Agencies are encouraged to purchase the product(s) available on a master contract with the highest amount of recycled content, which meet the agency performance requirements.
2. Where the agency determines that applying this preference will not encourage the use of more recycled material for documented reasons specified in WAC 200-300-085 including inadequate competition, economics, environmental constraints, lack of quality or availability, the procurement may be exempted from this preference.
3. State law requires different content level(s), such as:
	* 1. In accordance with RCW 43.19A.022, all state agencies shall purchase 100% recycled content white cut sheet bond paper used in office printers and copiers.

## 3. Agencies will be required to complete environmental purchasing training.

1. Within 6 months of the effective date of this policy, personnel who are responsible for small purchases, competitive procurements, and contract management activities shall complete the mandatory training (link) provided by DES available in the Learning Management System (LMS).
2. Employees assigned these responsibilities after the initial 6-month implementation period of this policy shall complete the required training within 90 days of assignment. Specifically, this applies to all new employees, employee’s assigned new responsibilities/duties, and employees in new positions, who are responsible for competitive procurements.

## 4. Agencies will document compliance with this Policy.

1. Agencies shall use Washington’s Electronic Business Solution (WEBS) to report preferences for products containing recycled content that were included in solicitations posted on WEBS; and which of those attributes were included in the resulting awards.
2. Where an agency determines that it will not apply a recycled material preference, the reasons for this determination will be documented in the procurement file and in WEBS.
3. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.255, WAC 200-300-085, and this Policy.
4. Agencies are expected to exercise sound professional judgment in implementing recycled content rules.
5. The agency’s record of compliance with this policy may be factored into an agency’s procurement risk assessment.

# Procedures

**Procedure:** Enterprise Services Procedure #PRO-DES-255-00A

**Procedure:** [Environmental Procurement Decision Tree](https://360.articulate.com/review/content/f341f906-44d0-45c8-a4e2-2bc8b5106b3e/review) - provides guidance on which environmental requirements you need to apply to your specific procurement.

**Procedure:** Environmental Preferable Purchasing Desk Aid [link]

# Appendices

[Sample Contract Language](https://des.wa.gov/sites/default/files/public/documents/About/Procurement_reform/Policies/Draft/2019OctWkshp/Sample_Recycled_Products_Language.docx)

# Forms/Instructions

There are no forms associated with this policy

# Frequently Asked Questions

**FAQ:** Recycled Content Purchasing Preference Frequently Asked Questions

History

Adopted

[DATE]

Amended

There are no amendments to this policy.

There are no prior versions of this policy.