

9830

ORDINANCE NO.

1
2 AN ORDINANCE relating to procurement of
3 recycled and recyclable products by King
4 County departments and contractors;
5 amending requirements for purchasing
6 contracts; amending rules and regulations
7 for procurement of paper and paper
8 products; amending rules and regulations
9 for procurement of building insulation
10 products; amending Ordinance 9240, Section
11 5, and K.C.C. 10.16.050; amending Ordinance
12 9240, Section 6, and K.C.C. 10.16.060; and
13 amending Ordinance 9240, Section 7, and
14 K.C.C. 10.16.070.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. Ordinance 9240, Section 5, and K.C.C. 10.16.050
17 are hereby amended to read as follows: Requirements for
18 purchasing contracts.

19 A. Invitations to bid issued by the county after March 31,
20 1990, for the purchase of designated products shall contain no
21 terms, requirements or specifications prohibiting or
22 discouraging post-consumer or recovered material content,
23 unless a user department provides the director or his designee
24 with satisfactory evidence that, for technical reasons and for
25 a particular end use, a product containing such materials will
26 not meet reasonable performance standards.

27 B. In determining the lowest responsive and responsible bid
28 for the purchase of designated products pursuant to invitations
29 to bid used after ~~((March 31, 1990))~~ the effective date of the
30 ordinance, the director or his designee shall use the
31 procedures and evaluation criteria specified in this chapter.
32 ~~((If the lowest offered price for a recycled designated product~~
33 ~~is not more than the specified percentage higher than the~~
34 ~~lowest offered price for the same designated product that is~~
35 ~~not recycled, the offered price for the recycled designated~~
36 ~~product shall be considered the low bid if such bidder is~~
37 ~~otherwise responsive and responsible.))~~ If a bidder, in
38 response to any such invitation, offers to supply the County

1 with one or more recycled designated products, or recyclable
2 products pursuant to K.C.C. 10.16.120, the purchasing agency
3 shall reduce the actual bid amount for each such product by the
4 applicable percentage factor as specified in this chapter. The
5 reduced bid amount for each such product shall be used only for
6 purposes of determining the lowest responsive and responsible
7 bid pursuant to this chapter and K.C.C. 4.18. The actual
8 amount bid shall in all cases be the contracted amount.

9 However, nothing contained in this chapter shall preclude user
10 departments from requiring post-consumer or recovered material
11 content as a specification in invitations to bid for
12 ((designated)) any products.

13 C. Each contractor supplying the county with recycled
14 designated products pursuant to an invitation to bid process
15 initiated after March 31, 1990 shall provide certification
16 acceptable to the county from all product manufacturers that
17 the products being supplied meet or surpass county minimum
18 content standards and shall agree to reasonable verification
19 procedures specified by the director or the director's
20 designee.

21 ~~((D. Invitations to bid issued after March 31, 1990 for~~
22 ~~designated products, whether recycled or not, shall require all~~
23 ~~contractors to provide quarterly summaries of the quantities of~~
24 ~~designated products purchased by user departments, unless the~~
25 ~~director or the director's designee determines that this~~
26 ~~requirement would significantly reduce the number of bids~~
27 ~~received by the county.))~~

28 SECTION 2. Ordinance 9240, Section 6, and K.C.C. 10.16.060
29 are hereby amended to read as follows: Rules and regulations
30 for procurement of paper and paper products.

31 A. King County's recycled paper procurement goal for user
32 departments (expressed as a percentage of the total volume of
33 paper purchased) shall be:

- 34 1. Not less than ten percent by 1990;
- 35 2. Not less than thirty percent by 1992;

1 3. Not less than sixty percent by 1995.

2 Each department shall be responsible for making its best effort
3 to meet or surpass these goals.

4 B. The solid waste division manager and the director, or
5 their designees, shall jointly adopt minimum content standards
6 for recycled paper products by January 31, 1990. The minimum
7 content standards shall, at a minimum, be consistent with
8 standards promulgated by the United States Environmental
9 Protection Agency and found in 40 CFR Part 250.21, unless the
10 solid waste division manager and the director, or their
11 designees, determine that a different standard would
12 significantly increase recycled product availability or
13 competition or would increase recycled content without
14 adversely affecting availability.

15 C. The director or his designee shall use a percentage
16 factor of fifteen percent in the process of determining the
17 lowest responsive and responsible bidder for paper and paper
18 products, except for paper to be used for county letterhead.

19 D. All imprinted letter paper and business cards used by
20 county departments shall be recycled paper.

21 E. Departments shall publicize the county's use of recycled
22 paper by printing the words "Printed on Recycled Paper" and a
23 recycling logo as specified by the solid waste division on all
24 letterhead paper and on the title page of all reports printed
25 on recycled paper.

26 F. To reduce the volume of paper purchased, departments
27 shall use both sides of paper sheets whenever practicable.

28 G. Requests for proposal or qualifications issued by the
29 county after (~~March 31, 1990~~) the effective date of the
30 ordinance shall require all proposed contractors or consultants
31 submitting proposals to agree to the following as a
32 precondition to contract award:

33 1. All reports submitted to the county by a contractor
34 in fulfillment of contract obligations, excluding invoices and
35 routine correspondence, shall use recycled paper when it is

1 available at a reasonable price. For purposes of this
2 paragraph, the price of recycled paper shall be considered
3 "reasonable" if its cost is no more than 15% higher than the
4 lowest price offered for non-recycled paper.

5 2. Reports submitted to the county by contractors shall
6 use both sides of paper sheets whenever practicable.

7 3. (~~Contractors shall maintain records of purchases of~~
8 ~~paper and paper products which are used for reports submitted~~
9 ~~to the county in fulfillment of contract obligations. Records~~
10 ~~shall include product description, supplier, amount purchased,~~
11 ~~unit prices, and justifications for any use of non-recycled~~
12 ~~paper.)) Contractors who submit over ten reams of printed or
13 copied materials to the county in any given month shall keep
14 records of paper purchased for the county's purposes and shall
15 justify to the county any use of non-recycled paper.~~

16 Contractors shall submit such records to the county according
17 to procedures to be established jointly by the solid waste
18 division and the purchasing agency by (~~March 31, 1990~~) the
19 effective date of the ordinance. Contractors shall be
20 responsible for maintaining and submitting these records for
21 all of (~~its~~) their subcontractors.

22 SECTION 3. Ordinance 9240, Section 7, and K.C.C. 10.16.070
23 are hereby amended to read as follows: Rules and regulations
24 for procurement of building insulation products.

25 A. The solid waste division manager and the director, or
26 their designees, shall jointly adopt minimum content standards
27 for recycled building insulation products by January 31, 1990.
28 The minimum content standards shall, at a minimum, be
29 consistent with standards promulgated by the United States
30 Environmental Protection Agency, and found in 40 CFR Part
31 248.21, unless the solid waste division manager and the
32 director or their designees determine that a different standard
33 would significantly increase recycled product availability or
34 competition.

1 B. All designing architects shall include as a design
2 consideration in all bid and construction documents they
3 prepare the county's policy preferring the use of building
4 insulation products containing recovered materials.

5 C. Designing architects shall select the type of building
6 insulation to be procured and shall whenever practicable
7 procure the type with the highest post-consumer material
8 content.

9 D. Designing architects shall provide to the county a
10 written statement explaining the architect's selection of
11 building insulation types not on the county's minimum content
12 standards list.

13 E. (~~Designing architects shall determine whether the~~
14 ~~selected types of building insulation are practicably available~~
15 ~~in~~) The purchasing agency shall provide departments with
16 listings of vendors of building insulation products that meet
17 the county's minimum content standards. ((If not, the
18 architect shall advise the county in writing as to the
19 recovered materials content that is practicably available.))

20 F. If the selected type of insulation is available in
21 products that meet minimum content standards, these standards
22 shall be included in bid solicitations for construction work.
23 (~~If the selected type of insulation is not available in~~
24 ~~products that meet minimum standards, the bid documents shall~~
25 ~~specify a minimum content level equal to what is practicably~~
26 ~~available, as determined by the designing architect.))~~

27 G. Prospective suppliers of insulation products for use in
28 county funded projects shall provide the county with estimates
29 of the percentage of recovered material of each building
30 insulation product to be supplied.

31 H. (~~Contractors, including~~) If minimum content standards
32 for insulation have been included in bid specifications,
33 suppliers ((7)) shall certify, prior to delivery or
34 installation, that the building insulation products provided
35 meet or exceed ((the county's minimum content standard or the

1 ~~minimum content standard specified by the designing architect)~~
2 these standards.

3 I. Departments administering contracts in which building
4 insulation is procured shall maintain records on the amount of
5 each type of insulation purchased; the percentage of recovered
6 materials in each; and reasons for not procuring insulation
7 meeting minimum content standards.

8 INTRODUCED AND READ for the first time this 13th day
9 of August, 1990.

10 PASSED this 25th day of February, 1991.

11 KING COUNTY COUNCIL
12 KING COUNTY, WASHINGTON

13 Lois North
14 Chair

15 ATTEST:

16 Donald A. Peterson
17 Clerk of the Council

18 APPROVED this 8th day of March, 1991.

19 Jim Hill
20 King County Executive