

# Recycled Content Purchasing Preference Procedure

**Applies To:** Agencies when conducting a competitive solicitation for products containing recycled material, in accordance with DES Policy #POL-DES-255-00.

**Release date:** August 1, 2020

**Effective date:** February 1, 2021

**Last Update:** N/A

**Sunset Review Date:** 5 years from effective date

Approved By:  Chris Liu, Director

## RECYCLED CONTENT PURCHASING PREFERENCE PROCEDURE: APPLYING THE PREFERENCE

Action By

Action

Agency

1. If a product that is subject to the policy is to be procured, use the current [Environmental Protection Agency's Comprehensive Procurement Guidelines \(EPA CPG\)](#) for the minimum recommended content levels or product specification for the commodity in need.
2. Review the [Environmental Procurement Decision Tree](#) that will provide guidance on any other environmental requirements you need to apply to your specific procurement; and to provide the tools needed for the solicitation.
3. Use the current EPA CPG Recommended Recovered Content Levels "Post-Consumer" and "Total Recovered" percentage/percentage ranges or minimum product specifications as a basis for establishing minimum specifications and preference eligibility.
  - a. If EPA CPG does not recommend any content ranges, use the EPA CPG minimum product specifications as the basis for establishing minimum specifications and preference eligibility.
  - b. Only those products that **exceed** the EPA CPG minimum recovered content levels or product specifications, and are at least functionally equal to all other specifications and use requirements, will be eligible for the preference.
  - c. If no percentage or percentage ranges are listed, the minimum acceptable recovered content range must be at least 15%. Apply all other recommendations included in the CPG as appropriate.
4. Add sample contract language to the solicitation. The solicitation must alert bidders of the available preference and the minimum recycled content levels or product specifications that must be exceeded to receive the preference. Sample language is

provided as a link to the policy and available in the Environmental Procurement Decision Tree tool.

5. Obtain documentation from the bidder. Product literature or written correspondence from the product producer must be provided with the bid to validate price preference eligibility.
6. Apply the preference at time of bid evaluation. When scoring the bid price of qualifying bidders, the preference percentage (as specified in the solicitation) **price reduction** is to be applied to those bidder’s items that qualify for the recycled content preference for price evaluation purposes only. This preference is to be separate from and applied after any other preferences allowed by statute.
  - a. In the event of a tie, the bidder with the larger post-consumer recovered content will break the tie and determine the award.

## EXAMPLE BID EVALUATION CALCULATION FOR RECYCLED PRODUCTS SOLICITATION

Product:	Latex Paint - White	Latex Paint - Brown	Oil-Based Paint	Floor Tiles - Plastic	Floor Tiles – Office Use	
EPA CPG Recommends (PC/TR):	20% Post-Consumer and 20% Total Recovered Material Content	50-99% Post-Consumer and 50-99% Total Recovered Materials Content <b>2</b>	N/A	90-100% Total Recovered Materials <b>2</b>	N/A	
<b>Bidder A:</b>	\$31,500.00	\$10,000.00	\$13,200.00	\$22,200.00	\$2,875.00	<b>Total Evaluated Price <sub>1</sub></b>
PC/TR Bid	20/20%	75/75%	N/A	95%	N/A	
Price Preference <b>3</b>	N/A	10%	N/A	10%	N/A	
Evaluated Price	\$31,500.00	\$9,000.00	\$13,200.00	\$19,980.00	\$2,875.00	\$76,555.00
<b>Bidder B:</b>	\$32,100.00	\$9,100.00	\$13,000.00	\$21,800.00	\$3,000.00	
PC/TR Bid	20/25%	50/50%	N/A	100%	N/A	
Price Preference <b>3</b>	10%	N/A	N/A	10%	N/A	
Evaluated Price	\$28,890.00	\$9,100.00	\$13,000.00	\$19,620.00	\$3,000.00	\$73,610.00
<b>Bidder C:</b>	\$30,000.00	\$8,900.00	\$15,700.00	\$20,400.00	\$2,500.00	
PC/TR Bid	25/25%	None Bid <b>4</b>	N/A	100%	N/A	
Price Preference <b>3</b>	10%	N/A	N/A	10%	N/A	
Evaluated Price	\$27,000.00	\$0	\$15,700.00	\$18,360.00	\$2,500.00	\$0 <b>4</b>

**Footnotes:**

**1 - Calculation of price preference: Bid Price multiplied by .90 equals the Evaluated Price**

**2 - If the EPA CPG recommends a range for either of the post-consumer or total recovered content levels, agencies shall use the lower of the range as the minimum.**

**3 - The preference is only applied if the product bid exceeds the minimum of either post-consumer or total recovered content levels.**

**4 – The minimum specification was not met, so depending on how the bid was written the bid is rejected for this line item only or their entire bid is rejected as non-responsive. In the example, the bid was written as an all or nothing award, which disqualifies Bidder C as non-responsive to meeting the minimum specification for Brown Latex Paint. Therefore, Bidder B will receive the award.**