

Purchasing Preference for Products and Product Packaging That Do Not Contain Polychlorinated Biphenyls (PCBs)

Applies to: Any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in RCW 28B.10.016, [RCW 28B.10.016](#) and correctional and other types of institutions.

Authorizing sources:

- State Law [RCW 39.26.280](#)
- State Law [RCW 39.26.290](#)
- State Law [RCW 39.26.160\(3\)\(d\)](#)
- State Law [RCW 39.26.010\(1\) Definitions](#)
- Executive Order [Executive Order 04-01](#)
- Executive Order [Executive Order 18-01](#)

Effective date: 1/1/19

Last update: N/A

Sunset review date: 1/1/24

Approved by:  Chris Liu, Director

Reason for Policy

This policy establishes the purchasing preference authorized in RCW 39.26.280 for agencies purchasing products and product packaging that do not contain polychlorinated biphenyls (PCBs). The intent is to incentivize the State's contract suppliers to provide products and product packaging that do not contain PCBs.

Policy

1. Preference for products and product packaging that do not contain PCBs.
 - a. In any competitive procurement for goods pursuant to RCW 39.26, agencies shall apply a minimum of 5 percent preference to each bid submitted that includes a certification meeting the requirements of this policy. The preference shall be applied to applicable product(s)

and/or packaging, as determined by using the [PCBs Risk Calculator](#), consultation with the Department of Ecology, or other means. The preference shall only be applied to bids for which the certification submitted meets the following requirements:

- i. Is signed by an authorized official of the bidder under penalty of perjury;
 - ii. States that the specified products or product packaging for which the preference is sought, as tested, do not contain PCBs within the limits of the test; and
 - iii. Includes the test results for the specified products or product packaging confirming that the same do not contain PCBs within the limits of the test. Such test results shall have been performed within the previous 365 days prior to bid submittal, and the test shall have been performed by an independent third party laboratory using [Environmental Protection Agency \(EPA\) Analytical Method 1668c](#).
 - b. Preference language must be clearly stated and included in agency procurement requests and solicitations for products and product packaging issued after the effective date of this policy.
2. [Preference for products and product packaging with lower levels of PCBs.](#)
As is consistent with legislative direction set forth in [RCW 39.26.160\(3\)](#), agencies are encouraged to design procurements to minimize adverse impacts to human health and the environment by providing preferences to products and product packaging that contain relatively lower levels of PCBs. Examples of how to apply such best value preferences are provided in the [PCBs Desk Aid](#).
3. [Agencies will be required to complete PCBs procurement and purchasing training.](#)
 - a. Within 6 months of the effective date of this policy, personnel who are responsible for competitive procurements shall complete the mandatory training provided by DES: WA-State PCBs & Procurement available in the Learning Management System (LMS).
 - b. 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, employees assigned new responsibilities/duties, and employees in new positions, who are responsible for competitive procurements.
4. [Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.280 and this Policy.](#)

Procedures

Procedure: [PCBs Risk Calculator](#)

Procedure: PCBs Preference in Procurement - [PCBs Desk Aid](#)

History

Adopted

December 12, 2018

Amended

There are no amendments to this policy.

There are no prior versions of this policy.