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.

**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
* 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)
* Executive Order [Executive Order 18-01](https://www.governor.wa.gov/sites/default/files/exe_order/18-01%20SEEP%20Executive%20Order%20%28tmp%29.pdf)

**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 purchasing 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.

# Policy

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

* 1. When purchasing products as specified by RCW 43.19A.020(1) and products as designated by the [Environmental Protection Agency’s (EPA) Comprehensive Procurement Guideline (CPG) Program](https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products), such products are required to meet the minimum recommended content levels, unless state law requires different content level(s).
     1. In accordance with RCW 43.19A.022, all state agencies shall purchase one hundred percent recycled content white cut sheet bond paper used in office printers and copiers.
  2. In any competitive procurement for products as specified by RCW 43.19A.020(1) and products as designated by the [Environmental Protection Agency’s (EPA) Comprehensive Procurement Guideline (CPG) Program](https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products), agencies shall apply a minimum of 10 percent 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, as designated by the EPA’s CPG. See Enterprise Services Procedure No. PRO-DES-255-00A.
  3. 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.
  4. Bidders must be required to provide a written statement with their bid about the percentage range of recycled content in the product, specified in five percent increments.

## 2. Direct Buy purchases must comply

1. Compliance to this policy is expected for direct buy (non-competitive) purchases when reasonably practicable.
   * 1. Products purchased under the Direct Buy process, must meet the minimum recommended content level percentages, as designated by the EPA’s CPG. See Enterprise Services Procedure No. PRO-DES-255-00A.
     2. The application and documentation of the purchasing preference in direct buy purchases shall be at the discretion of the covered agency.

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

1. Using a master contract or DES approved cooperative contract, as DES has already applied 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.

## 4. 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 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.

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

1. Agencies shall use Washington’s Electronic Business Solution (WEBS) to report environmental attributes 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.
3. The documentation of the purchasing of recycled content products, complying with this policy, for Direct Buy purchases shall be at the discretion of the agency.
4. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.255, WAC 200-300-085, and this Policy.
5. Agencies are expected to exercise sound professional judgment in implementing recycled content rules.
6. 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

# Appendices

There are no appendices associated with this policy

# 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.