ORDINANCE NO. 3066

AN ORDINANCE of the City of Kent, Washington, establishing procedures and programs to encourage and increase the procurement of recycled products and recyclable products by City of Kent departments and contractors.

WHEREAS, the City of Kent finds it desirable to adopt a procurement policy promoting the use of recycled products and recyclable products by City departments and contractors, thereby stimulating the demand for these products and helping to develop markets for materials that have been diverted from the solid waste stream; and

WHEREAS, this policy is further intended to meet requirements of the King County Solid Waste Division Waste Reduction and Recycling Grant Program and to be consistent with the King County Comprehensive Solid Waste Management Plan, and Washington State RCW 43.19A encouraging the use of recycled products; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose. This policy shall be known as the "City of Kent Recycled Product Procurement Policy." Its purpose is to promote the development of markets for recycled products and recyclable products by establishing preferential purchase programs applicable to City departments and contractors, thereby diverting materials from the solid waste stream.
Section 2. Definitions. The following terms shall have the assigned definitions for all purposes under this policy:

A. "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of cellulose containing waste materials.

B. "Designated recycled product" means a product designated in this policy, or designated by the Purchasing Agent of the City's Finance Department, pursuant to this policy, that meets or surpasses the City's minimum recycled content standards.

C. "Lead Department" means the Finance Department of the City of Kent.

D. "Minimum recycled content standards" means those standards established by the Lead Department in accordance with RCW 43.19A that specify the minimum level of recycled material and/or post-consumer recycled material necessary for designated products to qualify as recycled products.

E. "Recycled material' means waste material and by-products that have been recovered or diverted from waste and that can be utilized in place of raw or virgin material in manufacturing a product and consist of materials derived from post-consumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.

F. "Post-consumer recycled material" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.
G. "Practicable" means sufficient in performance as determined solely by the appropriate City Department.

H. "Price preference" means an extra percentage that the City is willing to pay for a recycled product.

I. "Recycled product" means a product which, after its intended end use, can demonstrably be diverted from the City's solid waste stream for use as raw material in the manufacture of another product.

Section 3. Designated Recycled Products.

A. Paper and paper products;

B. Compost products;

C. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire rubber, or fly ash;

D. Re-crushed cement concrete aggregate and asphalt;

E. Lubricating oil and hydraulic oil with refined oil content;

F. Antifreeze;

G. Outdoor-wood product substitutes made from recycled plastic;

H. Remanufactured tires and products made from recycled tire rubber;
I. Building insulation products;

J. Paint;

K. Remanufactured laser printer toner cartridges;

L. Other products as designated by the Lead Department.

Section 4. Policies.

A. All City departments shall use recycled products and recyclable products whenever practicable.

B. The Lead Department shall be responsible for coordinating the implementation of this policy.

C. In those instances, where the Lead Department first determines that it is consistent with the purpose and policies of this ordinance to encourage the sale and use of a recycled or recyclable product, the Lead Department may establish a price preference for any designated recycled product when the performance of that product is sufficient and a price preference will significantly increase procurement of that product. This price preference shall at no time be greater than 10 percent.

D. The City shall require its contractors and consultants to use recycled products and recyclable products in fulfilling contractual obligations whenever practicable.

E. The City shall promote the use of recycled products and recyclable products by publicizing the procurement program.
Section 5. Paper and Paper Products.

A. In those instances where recycled paper is not specifically required by this policy (e.g. City letterhead paper) or by user departments (e.g. specific bid requirements), the City may offer a 10% (ten percent) price preference for recycled paper purchased for use by city departments.

B. The City's recycled paper procurement goal, expressed as a percentage of the total value of paper purchased, shall be: not less than forty percent by 1993; not less than fifty percent by 1994, and not less than sixty percent by 1995.

C. All imprinted letterhead paper, envelopes and business cards purchased by City departments shall be recycled paper and shall bear an imprint identifying recycled content of the paper.

D. City departments shall ensure that all contracts for printing require the use of recycled paper and shall include the chasing-arrow symbol identifying the recycled content of the paper whenever practicable.

E. City departments shall ensure that the title page of each internal report printed or copied on recycled paper bears an imprint identifying the recycled content of the paper.

F. Requests for bids and proposals issued by the City shall encourage contractors and consultants to:

1. Use recycled paper for proposals and for any printed or photocopied material created pursuant to a contract with the City whenever practicable.
2. Use both sides of paper sheets for reports submitted to the City whenever practicable.

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

Section 6. Responsibilities of the Lead Department. The Lead Department shall:

A. Designate recycled products that shall be purchased by departments wherever practicable. These designated recycled products shall include, but not be limited to, the products listed in Section 3 of this policy.

B. Adopt minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition.

C. Inform departments of their responsibilities under this policy, communicate to departments the list of designated recycled products, provide departments with information about recycled product procurement opportunities, and from time to time, assemble a report on the status of implementation to the City Council.

Section 7. Responsibilities of City Departments. Each City department shall:

A. Coordinate with the Lead Department to purchase recycled products and recyclable products whenever practicable;
B. Evaluate each designated recycled product to determine the extent to which the product may be practicably used by the department and its contractors;

C. Report annually to the Lead Department on the progress of policy implementation by the department, including the results of product evaluations conducted by the department, types of recycled products purchased by the department and its contractors, the status of departmental efforts to maximize recycled product procurement, and the total purchases of recycled products and non-recycled products made by the department and its contractors;

D. Ensure that contracts issued by the department require recycled material content wherever practicable and that contractors provide certification of this content and report of amounts used.

Section 8. Exemptions.

A. Nothing contained in this policy shall preclude user departments from requiring recycled material content as a bid specification.

B. Nothing in this policy shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

C. When any emergency requires the immediate procurement of any item that would typically be subject to the requirements of this chapter, the Lead Department shall have the authority to exempt that procurement purchase only after a
written finding of the existence of such an emergency has been certified by the Department Head of the Lead Department.

D. These procurement requirements may be waived by the Lead Department upon filing a written finding that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or that the materials, supplies or equipment are subject to special market conditions. The Lead Department's finding must also recite why this situation exists.

**Section 9. Severability.** The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**Section 10. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

**Section 11. Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

[Signature]

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 1st day of September, 1992
APPROVED the 2nd day of September, 1992
PUBLISHED the 6th day of September, 1992

I hereby certify that this is a true copy of Ordinance No. 3066, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK