


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: April 5, 2022
To: Honorable Mayor and City Councilmembers
From: Ana Kwong, Administrative Services Director
Toni Bertolero, Engineering Consultant
Subject: Consideration of Approval of Revised Purchasing Policy
Recommendation: City Council Approve the Revised Purchasing Policy
Funding: Currently Budgeted: ___ Yes ___ No XX N/A

*This item is a continuation from March 15, 2022 Meeting

Account Code/Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item tonight is for City Council Consideration and Approval of the Revisions to the City’s Purchasing Policy.

BACKGROUND:

On October 19, 2021, Councilmember Hinton brought forward the City Purchasing Policy for discussion and direction to City staff to review the current processes and consider revisions and updating it to make the process more clear and consistent.

On November 16, 2021, Councilmember Hinton and the Administrative Services Director brought forth revisions to the City’s Purchasing Policy. Key highlights to the revised policy involved the type and method of procurement and process of selecting and vetting vendors, purchasing of good, services and work vital to the City. The revised Purchasing Policy reflected best practices and fostered maximum open and free competition for City purchases and contracts; promote economy and efficiency, ensure adherence to proper standards of conduct by City officers and employees, ensured compliance with applicable laws and regulations; and established and maintained professional, business-like ethical relationships with contractors; and treated prospective contractors, consultants, and vendors in an equal and equitable manner. At the meeting of November 16, public comment was received that the public works contract section of the policy needed to be updated to reflect current State bidding thresholds for informal and formal bids.

On March 1, 2022, a representative of the Zero Waste Committee, made a presentation to Council regarding proposed changes to the purchasing policy to include updated provisions in the Zero Waste Sonoma’s model Environmentally Preferable Purchasing Policy (EPPP) to update the City’s current EPPP provisions to incorporate Senate Bill 1383 requirements for procurement.

DISCUSSION:

The City’s current EPPP requires, when feasible, the City to purchase:

- Remanufactured and recycled products;
- Products that are durable, long lasting, reusable or refillable;
- Electronics from vendors with take back programs for safe recycling;

- Rechargeable batteries;
- Recycled content products;
- Refined lubricants and industrial oil for vehicles.

The Zero Waste Sonoma model EPPP has a more detailed language for procurement requirements that meets SB 1383 for the purchase of products that are long-lasting and reusable, requirements for vendors that produce paper products, procurement target for organic waste products, documentation and record-keeping requirements.

The revised purchasing policy incorporates the changes proposed at the November 16, 2021 meeting (see Attachment 2) including comments from the public, and the recommended model EPPP provisions from Zero Waste Sonoma as presented to Council at the meeting of March 1, 2022 (see Attachment 3). At the meeting, Council was unanimously supportive of the proposed EPPP changes.

GOALS:

This action supports the following City Council Goals and General Plan Actions:

- Operate City government in a fiscally responsible and responsive manner.
- Develop and Implement Sound Financial Management Policies and Procedures.
- Review the City Council Financial Policies to ensure they meet the needs of the City.
- Create easy to read documents that educate the public and community on City Finances.
- Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings.
- COS 8-2: Coordinate with Sonoma County and nearby cities to implement regional greenhouse gas (GHG) reduction plans.
- COS 9-14: Continue efforts to reduce solid waste generation throughout the life of the General Plan.
- COS 9-17: Integrate the values and practices of environmental sustainability in government operations.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received public comment. If staff receives additional public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT

There is no fiscal impact associated with the approval of this item.

RECOMMENDATION:

That the City Council approve the revised purchasing policy.

ATTACHMENTS:

- 1 City Purchasing Policy revised 3/15/22
- 2 Purchasing Policy with comments from 11/16/21 meeting
- 3 Environmentally Preferable Purchasing Policy from Zero Waste Committee

PURCHASING POLICY

Effective September 5, 2017

Revised: March 15, 2022

Council Policy # 89

I. OVERVIEW

This policy is written to document the policies and procedures that shall be followed when purchasing goods or services. All purchases of materials, supplies, equipment, vehicle and services required by the City shall be made in accordance with the following, and pursuant to applicable provisions of the Government Code. This policy will be reviewed with new members of the City Council and new Department Heads/Managers as soon as possible after they assume office/responsibility. This policy shall also be reviewed as part of the annual budgeting process.

II. ETHICS AND RESPONSIBILITY

The City Manager (or designee) serves as the Purchasing Agent, and is charged with the responsibility and authority for coordinating and controlling the City's purchasing function in accordance with Purchasing Policies.

The Purchasing Agent and all departments shall adhere to the Purchasing Policy when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by the City Manager. Purchasing dollar limits specified in the Purchasing Policy is "per order" unless otherwise indicated.

Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of purchases to avoid competitive bidding procedures or authorization limits is prohibited.

All personnel engaged in the purchasing function shall exercise good judgment in the use and stewardship of City resources, and all purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents, ignores or fails to comply with Purchasing Policies will be subject to disciplinary action, in accordance with City Personnel procedures.

Code Of Conduct – Employees are responsible for providing access to City procurement opportunities in a fair and impartial manner to all responsible suppliers, vendors, and contractors. In addition, all employees shall behave in a manner that avoids improprieties or the appearance of improprieties to maintain the public's confidence in the integrity of the City's purchasing system.

Conflict Of Interest - If a city officer or employee has a real or apparent conflict of interest, said individual may not participate in the selection, award, or administration of any contract, including those supported by a federal award or funding, that implicates that conflict of interest. If a city

officer or employee participates in making a contract where said individual has a real or apparent conflict of interest, such conflict may nullify or void a contract. As nullification or voiding of a contract is a serious matter with potentially significant consequences for the City, every officer or employee is responsible for recognizing and reporting a potential conflict of interest in timely manner.

A conflict of interest may arise when the city officer or employee has a direct financial interest in, or would receive a direct or material benefit arising from a contract. City officers and employees shall not be financially interested in any contract made by them in their official capacity, as such terms are defined in California Government Code Sections 1090 et seq. and 87100 et seq., and relevant case law. Prohibited interests include interests of immediate family members, domestic partners, and their respective employers or prospective employers.

City officers and employees shall report any potential or actual conflict of interest to their respective Department Head or to the City Attorney as soon as a conflict is suspected or discovered. If city officers or employees are uncertain about whether they have a conflict of interest regarding a particular contract, the individual shall consult the City Attorney's Office as soon as practicable.

It is important to note that consultants of a public entity are considered public officials under Government Code section 1090 and are subject to the requirements therein. City officers and employees should consult the City Attorney on potential conflict of interest issues with respect to the City's third-party consultants and contractors.

III. PURCHASING AGENT RESPONSIBILITIES

The City Manager or his/her designee shall act as the City's Purchasing Agent. The Purchasing Agent is responsible for procurement of materials, supplies, equipment, vehicles and services; administration of purchasing policies and procedures; and management of surplus City property. To perform these functions efficiently and assist departments, the Purchasing Agent shall:

- a. Coordinate and manage procurement of the City's materials, supplies, equipment, vehicles and services from the lowest responsive and responsible bidder when required by the Purchasing Policies.
- b. Ensure full and open competition on all purchases as required by the Purchasing Policies, and make purchase award recommendations to the appropriate authority.
- c. Identify, evaluate and utilize purchasing methods that best meet the needs of the City (cooperative purchases, standing purchase orders, contractual agreements, etc.)
- d. Recommend revisions to purchasing policies and procedures when necessary, and keep informed of current developments in the field of Public Purchasing.
- e. Act as the City's agent in the transfer and disposal of surplus equipment, vehicle and materials.

IV. DEPARTMENT RESPONSIBILITIES

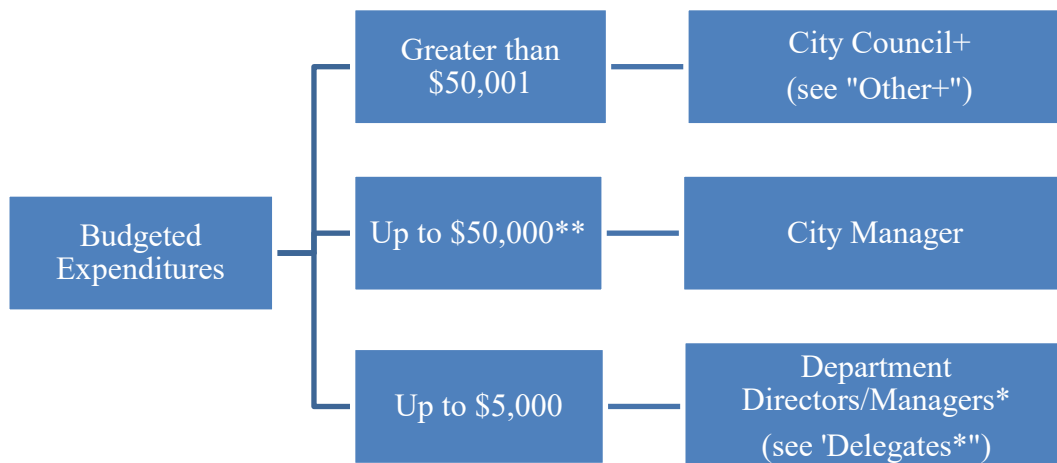
Each Department is responsible for facilitating prudent, efficient and cost-effective purchases. To meet these responsibilities, Departments shall:

- a. Ensure staff is trained on the terminology and requirements set forth in the Purchasing Policies.
- b. Minimize urgent and sole source purchases, and provide written findings and documentation when such purchases may be necessary.
- c. Refrain from “splitting” orders or projects for the purpose of avoiding procurement requirements or authorization limits.
- d. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with best purchasing practices.
- e. Maximize coordination of purchases into a lesser number of large transactions to take advantage of cost savings for bulk purchases of commonly used goods and services.

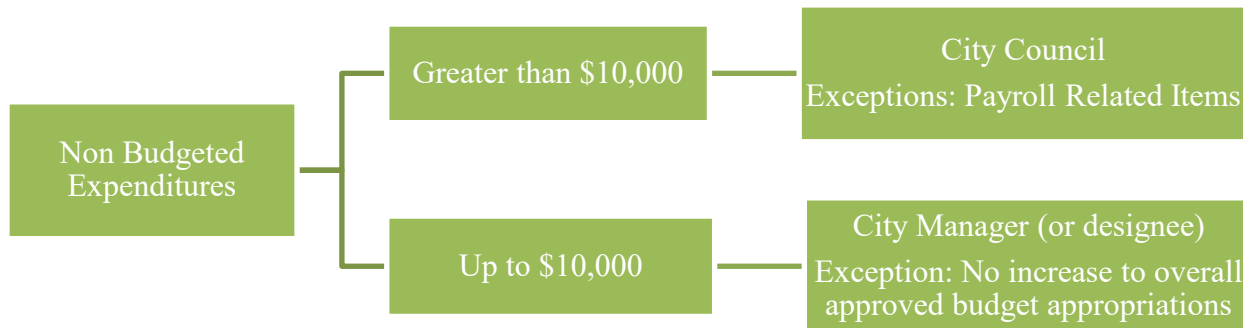
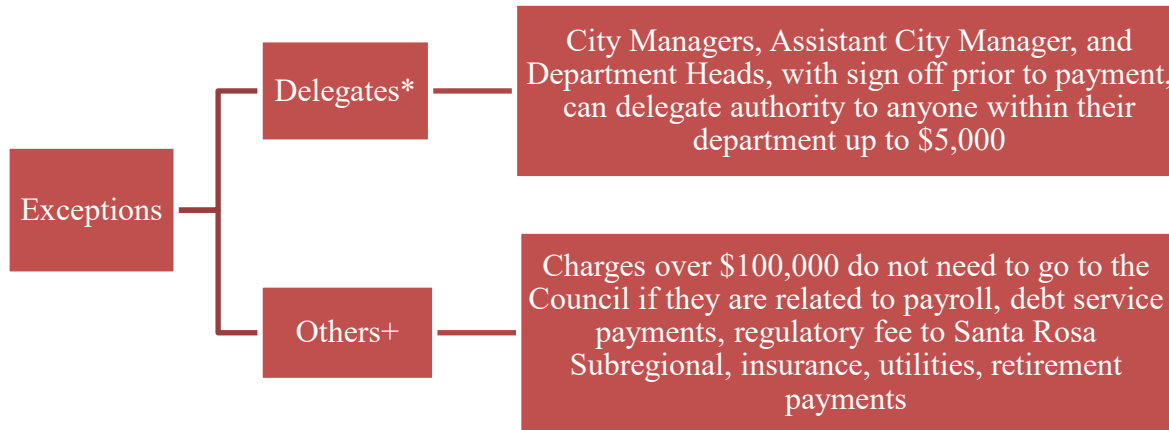
V. PURCHASING AUTHORITY

The City Council adopts an annual budget, which includes detail of all capital items, professional fees for services and all other expenditures. Items referred to hereafter as "budgeted" refer to expenditures that have been appropriated in the adopted budget or approved for expenditure by the Council after the budget is adopted for the current fiscal year.

Authority to approve expenditures shall be determined as shown in the diagrams below. Expenditures shall not be broken down or divided into sub-groups for purposes of avoiding the guidelines.

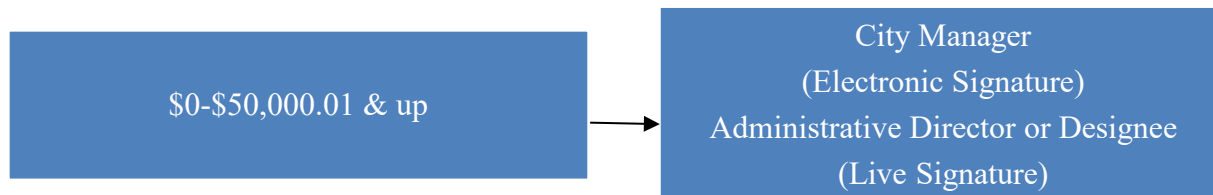


** Subject to competitive process herein.



CONTRACT or CHECK SIGNING AUTHORITY

The City Manager and Administrative Services may designate their signature authority in their absence.



In the course of conducting City business, the City is required to make a variety of different types of purchases. The type of purchase dictates the policies and procedures for procuring and formalizing the purchase. Before employees make a purchase, they should identify the type of purchase and the proper method for completing that purchase. This category of purchases includes the purchase of tangible durable and non-durable goods by the City. Examples of these types of purchases include fuel, tools, office supplies, chemicals, machinery, food, and furniture. These types of purchases are distinct from the purchase of nontangible services.

Competitive Process – This policy is designed to promote full and open competition among potential vendors. Through full and open competition, the City is able to realize better pricing and more favorable terms. In interpreting this policy, staff should rely on interpretations that favor greater and more robust competition among vendors.

Best Overall Value – This policy is designed to ensure that the City is getting the best value for its money when making purchases. When not required by law to select the lowest bidder, the principle permits the City to consider factors other than just price in determining what constitutes the best overall value to the City.

Fairness And Transparency – This policy is designed to promote fairness and transparency in the City’s purchasing system. Complying with this policy fosters equal opportunities for vendors wishing to do business with the City and ensures that public expenditures are made in an open and consistent manner.

Compliance With Law And Best Practices – This policy is informed by and incorporates applicable laws, regulations, and best practices applicable to public procurements. Compliance with this policy ensures that purchases are conducted in accordance with the City’s legal and ethical obligations and responsibilities.

Conduct With Vendors All employee interactions with vendors shall be conducted in a fair, open, and transparent manner. Employees shall:

- i. Refrain from showing favoritism to vendors or being unduly influenced by external factors outside the criteria outlined in this policy.
- ii. Select all vendors on the basis of meeting appropriate and fair criteria in accordance with the requirements of this policy.

No Gratuities - No City employee shall solicit, demand, accept, or agree to accept, and shall avoid the appearance of accepting, a gift of goods or services, payment, loan, advance, deposit of money, or employment offer presented, promised in return for, or in anticipation of favorable consideration in a City procurement.

VI. METHODS OF PROCUREMENT

The type of purchase and the amount of a purchase dictates the method of procurement. Smaller and less complex purchases involve less stringent competitive requirements. Conversely, more valuable and more complex purchases require stricter, more formalized competitive processes.

Informal Procurement

Micro purchases need not be awarded competitively, but the price must be determined to be fair and reasonable and should be distributed equitably among qualified suppliers. Micro Purchases do not require advertising or solicitation of quotes/bids. However, seeking multiple quotes/bids, even when not required, is a best practice and helps to ensure that the City receives better pricing for its purchases. Micro purchasing is defined as for purchases valued under \$5,000.

Informal Solicitation

Informal solicitation involves seeking three (3) written quotes from potential vendors. These written quotes may be informally documented, such as through emails between City employees and potential vendors. Informal solicitation may be used for purchases of goods, non-public works construction projects, and consultant/professional services valued at \$50,000 or less.

Formal Competitive Proposals (RFP)

In a formal competitive proposal process, the City must: (i) prepare a request for proposal document identifying the project requirements, vendor qualifications, and evaluation factors; (ii) send the RFP to an adequate number of qualified sources as determined by the relevant department head or the City Manager; (iii) post the RFP on the City's website at least ten (10) days prior to the deadline for receipt of proposals; and (iv) establish and implement procedures for evaluation of proposals. Formal competitive proposals shall be used for purchases valued at more than \$50,000.

Cooperative Procurement

Cooperative purchasing allows the City to buy goods or services based on a competitively bid contract prepared by another public agency, when that other agency and the vendor(s) agreed in advance to a cooperative process. Use of purchasing cooperatives is encouraged as a way to obtain goods and services by aggregating volume, securing value pricing, and reducing administrative overhead. Measured use of purchasing cooperatives can significantly reduce the time and resources needed to competitively purchase goods and services.

Sole Source Procurement

Regardless of the estimated cost of a purchase, the City is not required to engage in a competitive procurement process, either formal or informal when a competitive procurement is infeasible for the reasons articulated in this section. In all cases, the City must verify and document that a particular procurement meets the criteria for a sole source identified below, and the use of sole source must be approved by the City Manager. Sole source procurement is authorized if one of the following conditions are met:

- a. Unique or Innovative Concept - The vendor demonstrates a unique or innovative concept or capability not available from another source. "Unique or Innovative Concept" means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the City only from one source and has not in the past been available to the City from another source;
- b. Patents or Restricted Data Rights – Patent or data rights restrictions preclude competition;
- c. Substantial Duplication Costs – In the case of a subsequent contract for the continued development or production of highly specialized equipment or products and/or major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition;
- d. Unacceptable Delay – In the case of a subsequent contract for the continued development or production of highly specialized equipment or products and/or major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the City's needs.

Emergency Procurement

Emergency procurements are those purchases necessary to avoid or mitigate a clear and imminent threat or danger where delay could result in loss of life or danger to health, welfare, or property or threaten the continued operation of the City or the provision of essential City services. (See Section XI Urgent and Emergency Purchases for more details)

Exempt Procurement

This Section outlines types of procurements that are exempt from the standard competitive requirements outlined in this policy and also includes special considerations related to those exempt procurements. Despite the fact that a procurement may be exempt, the City may still conduct negotiations as to price, delivery and terms in connection with the award of a contract that does not require a competitive process. Nothing in this section shall preclude the solicitation of competitive bids or proposals when possible. The following is a list of procurements that are exempt from the competitive requirements outlined in this Policy.

1. Emergency procurements as defined above;
2. Specified materials or equipment that can be obtained from only one source and there is no adequate substitute in accordance with the criteria outlined in sole source section above;
3. Legal or professional services that are highly specialized;
4. Procurements funded by grants, donations or gifts when any special conditions require the purchase of particular materials and/or services;
5. Purchase of surplus property owned by another public entity, or payment to other public entities or utilities;
6. Membership dues, conventions, training, travel arrangements, or advertisements in magazines, newspapers, or other media;
7. Works of art, entertainment or performance; and
8. Where competitive bids or proposals have been solicited and no bid or proposal has been received. In such situations the City Manager may proceed to have the goods procured or services performed without further competitive bidding.

VII. LOCAL VENDOR PREFERENCE:

Whenever possible, the City wishes to support, promote the use of local businesses, suppliers and services providers to help create a sustainable economy, preserve local businesses, and make a commitment to circulate tax dollars within city limits.

VIII. ENVIRONMENTALLY PREFERABLE PURCHASING (EPP) POLICY

1. STATEMENT OF POLICY

The Environmentally Preferable Purchasing Policy will commit the City to:

- 1.1. Protect and conserve natural resources, water, and energy
- 1.2. Minimize the contribution to climate change, pollution, and solid waste disposal;
- 1.3. Institute practices that reduce waste by increasing product efficiency and effectiveness;
- 1.4. Purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety;
- 1.5. Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, use unbleached or

chlorine free manufacturing processes, are lead-free and mercury-free, and use wood from sustainably harvested forests; and

- 1.6. Comply with State requirements as contained in the SB 1383 procurement regulations to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials.*

2. PURPOSE

The purpose of the policy is to incorporate considerations that include the following:

- 2.1. Conserve natural resources;
- 2.2. Minimize environmental impacts such as pollution and use of water and energy;
- 2.3. Eliminate or reduce toxics that create hazards to workers and our community;
- 2.4. Support a strong recycling market and circular economy;
- 2.5. Incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement;
- 2.6. Reduce materials that are landfilled;
- 2.7. Increase the use and availability of environmentally preferable products that protect the environment;
- 2.8. Identify environmentally preferable products and distribution systems;
- 2.9. Reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems or services;
- 2.10. Align with the Zero Waste Sonoma's goal of Zero Waste by 2030 as adopted in the Zero Waste Resolution; and
- 2.11. Create a model for successfully purchasing environmentally preferable products that encourages the use of agricultural fibers, chlorine-free manufacturing processes, wood from sustainably harvested forests, and other environmentally friendly practices, and that encourages other purchasers in our community to adopt similar goals.

3. DEFINITIONS

- 3.1. “Annual Recovered Organic Waste Product Procurement Target” means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Jurisdiction is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times

the Jurisdiction’s residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each Jurisdiction of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle’s website and providing written notice directly to the Jurisdiction

- 3.2. “American Society for Testing and Materials” means ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.
- 3.3. “Bay Area Green Business Program” is a partnership of governments and businesses that certifies the environmental performance of government agencies and businesses.
- 3.4. “Bio-Based Products” means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials
- 3.5. “Biodegradable Products Institute” (BPI) is a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or 06868, based on testing in an approved laboratory.
- 3.6. “Buyer” means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions
- 3.7. “The Carpet and Rug Institute” (CRI) is the national trade association representing the carpet and rug industry. CRI has developed and administered the “Green Label” indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners. The “Green Label Plus” testing program incorporates additional requirements to meet California’s Collaborative for High Performance Schools low-emitting materials criteria
- 3.8. “Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
- 3.9. Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State’s composting operations regulatory requirements.
- 3.10. "Compostable plastic" means a polymer that is made from plants such as corn or

soybeans, and breaks down during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues

- 3.11. "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract or serves in a subcontracting capacity with an entity having a contract for the provision of goods or services.
- 3.12. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to Jurisdiction pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- 3.13. "Ecologo" is a third-party, multi-attribute eco-labeling program founded by the Canadian government in 1988 and part of UL Environment since 2010. The Program compares products / services with others in the same category, develops rigorous and scientifically relevant criteria, and awards the Ecologo to those that are environmentally preferable throughout their entire lifecycle.
- 3.14. "Electronic Product Environmental Assessment Tool" (EPEAT) is a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select personal computers, displays, imaging equipment and televisions based on their environmental attributes.
- 3.15. "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the Jurisdiction's Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).
- 3.16. "Energy Star" means the U.S. EPA's energy efficiency product labeling program.
- 3.17. "Energy-Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.
- 3.18. "Environmentally Preferable Purchasing" means EPP is the procurement of goods and services that have a reduced impact on human health and the environment compared to competing products serving the same purpose. It is an essential part of our search for high quality products and services at competitive prices.
- 3.19. "Federal Energy Management Program" is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.
- 3.20. "Forest Stewardship Council" is a global organization that certifies responsible,

on-the- ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

- 3.21. "Green Seal" is an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA's criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.
- 3.22. "Integrated Pest Management" is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.
- 3.23. "Jurisdiction" means a city, county, a combined city and county, or a regional agency with the responsibility for meeting Integrated Waste Management Act requirements. Jurisdictions may utilize a Joint Powers Authority (JPA) to comply with the requirements of SB 1383, however, the jurisdiction shall remain ultimately responsible for compliance. For this EPP Policy, Jurisdiction is the City of Sebastopol.
- 3.24. "LEED Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED) Rating System, approved by the U.S. Green Building Council, and designed for rating new and existing commercial, institutional, and residential buildings.
- 3.25. "NSF/ANSI" means NSF International follows the American National Standards Institute (ANSI) standards development process. Standards are developed by joint committees (balanced stakeholder groups of public health, industry and user representatives).
- 3.26. "Organic Pest Management" prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Farmers (CCOF).
- 3.27. "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.

- 3.28. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling;
- 3.29. "Post-consumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.
- 3.30. "Pre-consumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Pre-consumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.
- 3.31. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications;
- 3.32. "Postconsumer Content" means any product which has served its intended use by a business or a consumer, which has been disposed and subsequently separated from solid waste for use as a constituent in a new product.
- 3.33. "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the Jurisdiction or others. The Jurisdiction's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Jurisdiction or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Jurisdiction's behest.
- 3.34. "Post-manufacture Content" means, waste that is created by a manufacturing process, and that is subsequently only used as a constituent in another manufacturing process.
- 3.35. "Recovered Material" means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and post-consumer material but does not include excess resources of the manufacturing process.
- 3.36. "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity

Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

- 3.37. "Recordkeeping Designee" means the public employee appointed by the Jurisdiction Manager or their designee to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Jurisdiction and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13. In Sonoma County, Zero Waste Sonoma will be considered the Recordkeeping Designee.
- 3.38. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).
- 3.39. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.
- 3.40. "Recycled Content Standard" means the minimum level of recovered material and/or post-consumer material necessary for products to qualify as "recycled products."
- 3.41. "Recycling" means using waste as material to manufacture a new product. Recycling involves altering the physical form of an object or material and making a new object from the altered material.
- 3.42. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste.
- 3.43. "Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical or chemical form of the object or material.
- 3.44. "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
- 3.45. "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
- 3.46. "Russian River Friendly Landscaping" means working with the natural ecosystems of the Russian River region to foster soil health, to reduce runoff and pollution, prevent and reuse plant waste, and conserve water and other natural resources. The Russian River- Friendly Landscape Guidelines are a revision of the

Bay-Friendly Landscape Guidelines by the Russian River Watershed Association (RRWA), originally published by StopWaste.Org.

- 3.47. "Source Reduction" Section 40196 of the California Public Resources Code defines source reduction as any action which causes a net reduction in the generation of solid waste. "Source Reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials.
- 3.48. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- 3.49. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- 3.50. "State" means the State of California.
- 3.51. "Water-Saving Products" are those that are in the upper 25% of water conservation for all similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.
- 3.52. "WaterSense" means a partnership program by the U.S. Environmental Protection Agency. Independent, third-party licensed certifying bodies certify that products meet EPA criteria for water efficiency and performance by following testing and certification protocols specific to each product category. Products that are certified to meet EPA specifications are allowed to bear the WaterSense label.

4. STRATEGIES FOR IMPLEMENTATION

- 4.1. Source Reduction
 - 4.1.1. Institute practices that reduce waste, encourage reuse, and result in the purchase of fewer products.
 - 4.1.2. Purchase remanufactured products such as toner cartridges, tires, furniture, equipment and automotive parts.

- 4.1.3. Consider short-term and long-term costs in comparing product alternatives. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance and replacement parts, disposal costs and expected lifetime compared to other alternatives.
- 4.1.4. Purchase products that are durable, long lasting, reusable or refillable and avoid purchasing one-time use or disposable products.
- 4.1.5. Request vendors eliminate packaging or use the minimum amount necessary for product protection. Vendors shall be encouraged to take back packaging for reuse. A vendor's willingness to take back packaging will be used as part of the consideration in the procurement process.
- 4.1.6. Specify a preference for packaging that is reusable, recyclable, or compostable, when suitable uses and programs exist.
- 4.1.7. Encourage vendors to take back and reuse pallets and other shipping materials.
- 4.1.8. Encourage suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, to take back equipment for reuse or environmentally sound recycling when discarding or replacing such equipment, whenever possible. Suppliers will be required to state their take-back, reuse or recycling programs during the procurement process.
- 4.1.9. Consider provisions in contracts with suppliers of non-electronic equipment that require suppliers to take back equipment for reuse or environmentally sound recycling when discarding or displacing such equipment, whenever possible.
- 4.1.10. Suppliers will be required to state their take back, reuse or recycling programs during the procurement process.
- 4.1.11. Promote electronic distribution of documents rather than printing or copying.
- 4.1.12. When producing paper documents, print and copy all documents on both sides to reduce the use and purchase of paper. Printers and copiers shall be set to default to duplex.
- 4.1.13. Ensure all imaging equipment is installed with energy and resource-efficient settings set as default.
- 4.1.14. Reduce the number and type of equipment needed to perform office functions to save energy and reduce purchasing and maintenance costs. Eliminate desktop printers, redundant network printers and reduce the number of fax machines leased or owned. Consider lease or purchase of

multi-function devices.

4.2. Recycled Content Products (SB 1383 Model Language for City Compliance)

4.2.1. Requirements for City Departments

- 4.2.1.1. Option 1: Comparable or more favorable pricing: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items.
- 4.2.1.2. Option 2: Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items.
- 4.2.1.3. Option 3: No price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper (rather than non-recycled items) that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.
- 4.2.1.4. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined.
- 4.2.1.5. Provide records to Zero Waste Sonoma of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled- content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including

products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

4.3. Requirements for Vendors

4.3.1. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to Jurisdiction shall:

4.3.1.1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.

4.3.1.2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

4.3.1.3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4.3.1.4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined

4.3.1.5. Provide records to Zero Waste Sonoma of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

4.3.2. All vendors providing printing services to the Jurisdiction via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber.

4.4. Recovered Organic Waste Product Procurement (SB 1383 Model Language for Jurisdiction Compliance)

4.4.1. Procurement Target

4.4.1.1. Jurisdiction will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target.

4.4.1.2. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following SB 1383 eligible Compost, SB 1383 eligible Mulch, Renewable Gas (in the form of transportation fuel, electricity, or heat), and Electricity Procured from Biomass Conversion.

4.4.2. Requirements for City Departments

4.4.2.1. Compost and SB 1383 Eligible Mulch procurement. Divisions and departments responsible for landscaping maintenance, renovation, or construction shall:

4.4.2.1.1. Use Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in Section 2.8 and 2.R of this Policy, for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

4.4.2.1.2. When the City uses Compost and SB 1383 Eligible Mulch and the applications are subject to the City's Water Efficient Landscaping

4.4.2.1.3. Ordinance (WELO), pursuant to Sebastopol Municipal Code Section 15.36.010, the City will comply with one of the following, whichever is more stringent, (i) the City's WELO, Code Section

15.36.010, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWEL), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section."

- 4.4.2.1.4. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
- 4.4.2.1.5. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
- 4.4.2.1.6. Procure mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
- 4.4.2.1.7. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications. The mulch must also be produced at a permitted composting facility, transfer station, or landfill. The procured mulch cannot be from a chipping and grinding operation, as specified in 12 CCR Section 18993.1 (f)(4).
- 4.4.2.1.8. Keep records, including invoices or proof of Recovered Organic Waste Product procurement

(either through purchase or acquisition), and submit records to Zero Waste Sonoma, upon completion of project. Records shall include general procurement records, including:

- 4.4.2.1.9. General description of how and where the product was used and applied, if applicable;
 - 4.4.2.1.10. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - 4.4.2.1.11. Type of product;
 - 4.4.2.1.12. Quantity of each product; and,
 - 4.4.2.1.13. Invoice or other record demonstrating purchase or procurement.
- 4.4.2.2. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to Zero Waste Sonoma in accordance with the requirements specified in Section 3.2.A.3.
- 4.4.2.3. For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the City or Direct Service Provider meets the land application standards specified, as it may be amended from time to time, as currently reflected in Municipal Code Section
- 4.4.2.4. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.
- 4.4.2.5. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement, Jurisdiction shall:
- 4.4.2.5.1. Procure Renewable Gas made from recovered

Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the Jurisdiction and to help meet the Annual Recovered Organic Waste Product Procurement Target.

4.4.2.5.2. Keep records in the same manner for the amount of Renewable Gas procured and used by the Jurisdiction, including the general procurement record information specified in Section 3.2.A.3.a, and submit records to Zero Waste Sonoma on a quarterly schedule. The quarterly schedule shall be as follows: Renewable Gas records are to be provided to Zero Waste Sonoma by April 15 for January 1 through March 31, July 15 for April 1 through June 30, October 15 for July 1 through September 30, and January 15 for October 1 through December 31. Jurisdiction shall additionally obtain the documentation and submit records specified.

4.4.3. Requirements for Direct Service Providers

4.4.3.1. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

4.4.3.1.1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2.8 and 2.R of this Policy, for all landscaping renovations, construction, or maintenance performed for the Jurisdiction, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3). If Direct Service Provider is subject to the City's WELO

4.4.3.1.2. pursuant to Jurisdiction Code Section 15.36.010 and Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELo, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section."

- 4.4.3.1.3. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
- 4.4.3.1.4. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
- 4.4.3.1.5. Procure organic mulch materials made from recycled or post- consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
- 4.4.3.1.6. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified.
- 4.4.3.1.7. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, upon completion of projects. Information to be provided shall include general description of how and where the product was used and if applicable, applied; source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured, type of product, quantity of each product; and invoice or other record demonstrating purchase or procurement.

4.4.3.2. Direct Service Provider of Organic Waste collection services

shall:

4.4.3.2.1. Provide a specified quantity of Compost or SB 1383 Eligible Mulch to Jurisdiction and its customers via periodic "giveaways" as specified in a franchise agreement or other agreement.

4.4.3.2.2. Keep and provide records to the City including the following dates provided, source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste Products were procured, type of product, quantity provided; and invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

4.5. Energy Efficient and Water Saving Products

4.5.1. Purchase energy-efficient equipment with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

4.5.2. Replace inefficient interior lighting with energy-efficient equipment. Replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment. Minimize exterior lighting where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

4.5.3. Purchase U.S. EPA Energy Star certified products when available. When Energy Star labels are not available, choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

4.5.4. Purchase U.S. EPA WaterSense labeled water-saving products when available and practicable. This includes, but is not limited to, high-performance fixtures like toilets, low-flow faucets and aerators, and upgraded irrigation systems.

4.6. Green Building Products and Practices

4.6.1. The City will comply with the adopted Green Building Code guidelines and green points system for the construction of all permanent municipal building and renovation projects which exceed 2,000 square feet in area.

4.6.2. In accordance with California Public Contract Code, Sec. 10409, purchase re-refined lubricating and industrial oil for use in its vehicles

and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment. This section does not preclude the purchase of virgin-oil products for exclusive use in vehicles whose warranties expressly prohibit the use of products containing recycled oil.

4.6.3. When specifying asphalt, concrete, aggregate base or portland cement concrete for construction projects, use recycled, reusable or reground materials.

4.6.4. Specify and purchase recycled content traffic control products, including signs, cones, parking stops, delineators, channelizers and barricades.

4.7. Landscaping Products and Practices

4.7.1. Employ Russian River Friendly Landscaping or sustainable landscape management techniques for all landscape renovations, construction and maintenance, including workers and contractors providing landscaping services, including, but not limited to, integrated pest management, grasscycling, drip irrigation, computerized central irrigation linked with the local weather station, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food scrap programs.

4.7.2. Choose a Russian River-Friendly Qualified Landscape Professional for landscape design and maintenance services. Training and qualifications shall include landscaping locally, landscaping for less to the landfill, nurturing the soil, conserving water, conserving energy, protecting water and air quality, and creating wildlife habitat.

4.7.3. Select plants to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

4.7.4. Hardscapes and landscape structures constructed of recycled content materials are encouraged. Limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

4.8. Household Hazardous Waste and Pollution Prevention Products and Practices

4.8.1. Manage pest problems through prevention and physical, mechanical and biological controls when contractors maintain buildings and landscapes. Either adopt and implement an Organic Pest Management (OPM) policy and practices or adopt and implement an Integrated Pest Management (IPM) policy and practices using the least toxic pest control as a last

resort. Anticoagulant rodenticides shall never be used.

- 4.8.2. Use products with the lowest amount of volatile organic compounds (VOCs), highest recycled or reused content, low or no formaldehyde and no halogenated organic flame retardants when purchasing building maintenance materials such as paint, carpeting, adhesives, furniture and casework.
- 4.8.3. Purchase or require janitorial contractors to supply industrial and institutional cleaning products that meet Green Seal, EPA Safer Choice, or UL/Ecologo certification standards for environmental preferability and performance.
- 4.8.4. Purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute Green Label/Seal of Approval Program for soil removal, dust containment and carpet fiber retention for indoor air quality protection and performance cleaning standards. Other janitorial cleaning equipment should be capable of capturing fine particulates, removing sufficient moisture so as to dry within 24 hours, operate with a sound level less than 70dBA, and use high- efficiency, low-emissions engines.
- 4.8.5. Purchase paper, paper products, and janitorial paper products that are unbleached or are processed without chlorine or chlorine derivatives.
- 4.8.6. Prohibit the purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, furniture and flooring.
- 4.8.7. Prohibit the purchase of food service ware containing per- and polyfluoroalkyl substances (PFAS).
- 4.8.8. Purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, preference should be given to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs. In addition, whenever lead- or mercury-containing products require disposal, products will be disposed in the most environmentally safe manner possible. All fluorescent lamps and batteries will be recycled.
- 4.8.9. Purchase or specify personal computers, displays, imaging equipment and televisions that meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as "required" as contained in the IEEE 1680 family of Environmental Assessment Standards.
- 4.8.10. Purchase or specify office furniture that meets the California Bureau of Household Goods and Services (BHGS) standard Technical Bulletin 117-2013 for testing upholstered furniture flammability without the use of

flame retardant chemicals.

- 4.8.11. Purchase or specify commercial carpeting that meets NSF/ANSI 140 Standard for Sustainable Carpet Assessment and require old carpet that is removed be recycled.
- 4.8.12. Purchase or specify non-carpet floor coverings that meet NSF/ANSI 332 Standard for Resilient Flooring including vinyl, linoleum and rubber flooring. In conjunction with California State agency requirements, at least 50 percent of the quantity of paint used for architectural projects should contain reused or recycled paint with a recycled content consisting of at least 50 percent post-consumer paint. Reused paint can be acquired from the Sonoma HHW Facility by either visiting the reuse lockers or by pre-arranging remixed paint in 5-gallon containers in off-white, tan, light grey, or light green.
- 4.8.13. When replacing vehicles, consider less-polluting alternatives to diesel such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available.

4.9. Fiber-only Products

- 4.9.1. Use paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues.
- 4.9.2. Priority should be given to reusable food service ware, however, if single-use food service ware is purchased, it is to be fiber only and BPI certified
- 4.9.3. Ask vendors to provide proof of compliance with ASTM standards for compostable, biodegradable and degradable plastic products upon request. One acceptable proof of compliance for compostable plastic products will be certification by the Biodegradable Products Institute (BPI).

4.10. Forest Conservation Products

- 4.10.1. To the greatest extent practicable, do not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.
- 4.10.2. Encourage the purchase or use of previously used or salvaged wood and wood products whenever practicable

5. RECORDKEEPING RESPONSIBILITIES

- 5.1. The department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for organizing records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper. The Recordkeeping Designee shall communicate frequently with Zero Waste Sonoma to transfer all the required documentation for reporting to CalRecycle.
- 5.2. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
 - 5.2.1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of Jurisdiction's documentation.
 - 5.2.2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the Jurisdiction to develop evidence of Jurisdiction meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the Jurisdiction's documentation.
 - 5.2.3. Collect, collate, and maintain documentation submitted by the Jurisdiction, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee.
 - 5.2.4. Compile an annual report on the Jurisdiction's direct procurement, and vendor/other procurement on behalf of the Jurisdiction, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the Jurisdiction's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements). The procurement report shall also be shared with Council, JPA or other regulating body annually as evidence of implementing this

Policy.

6. RESPONSIBILITIES

- 6.1. The health and safety of workers and citizens is of utmost importance and takes precedence over all other practices. Nevertheless, the duty to act in a fiscally responsible as well as a timely manner is recognized.
- 6.2. Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, risk the health or safety of workers and citizens, or are not available at a reasonable price in a reasonable period of time
- 6.3. Nothing contained in this policy shall be construed as requiring the jurisdiction, department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.
- 6.4. The jurisdiction has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and for the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio- based.

7. IMPLEMENTATION

- 7.1. The City Manager shall implement this policy in coordination with other appropriate personnel.
- 7.2. Require successful vendors to certify in writing that the environmental attributes claimed in competitive proposals are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.
- 7.3. Upon request, buyers making the selection from competitive procurement process shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy.
- 7.4. Include businesses certified by the Bay Area Green Business Program in purchasing requests for products and services.
- 7.5. Encourage vendors, contractors and grantees to comply with applicable sections of this policy for products and services provided.

8. PROGRAM EVALUATION

- 8.1. The City Manager shall periodically evaluate the success of this policy's implementation

9. EXCEPTIONS

Every effort will be made to adhere to the Environmentally Preferable Purchasing Policy to the extent possible, recognizing that certain procurement decisions such as for cleaning products, janitorial equipment, and electronics may be outside of the City's authority.

IX. PUBLIC PROJECTS

Accounting procedures were established by the California Uniform Public Construction Cost Accounting Commission, and are detailed in the Commission's Accounting Policies and Procedures Manual. Public Contract Code (PCC) §22000-22050 describe both the informal and formal bidding procedures, project dollar thresholds, bidding and noticing requirements, rejection of bids, the definition and procedure for emergency Public Projects, and other mandates related to California Uniform Public Construction Cost Accounting Act (CUPCCAA).

Rather than the City's Purchasing Policy, Public Projects are subject to definitions, terms and conditions specified in the CUPCCAA, PCC Section 2200, et seq., as may be amended from time to time. When PCC requirements contradict City requirements, the PCC will apply. PCC § 22002(c), as may be amended, defines a "Public Project" as:

(c) "Public project" means any of the following:

- 1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- 2) Painting or repainting of any publicly owned, leased, or operated facility.
- 3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power-plants, and electrical transmission lines of 230,000 volts and higher.

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

- 1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- 2) Minor repainting.
- 3) Resurfacing of streets and highways at less than one inch.
- 4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power-plants, and electrical transmission lines of 230,000 volts and higher.

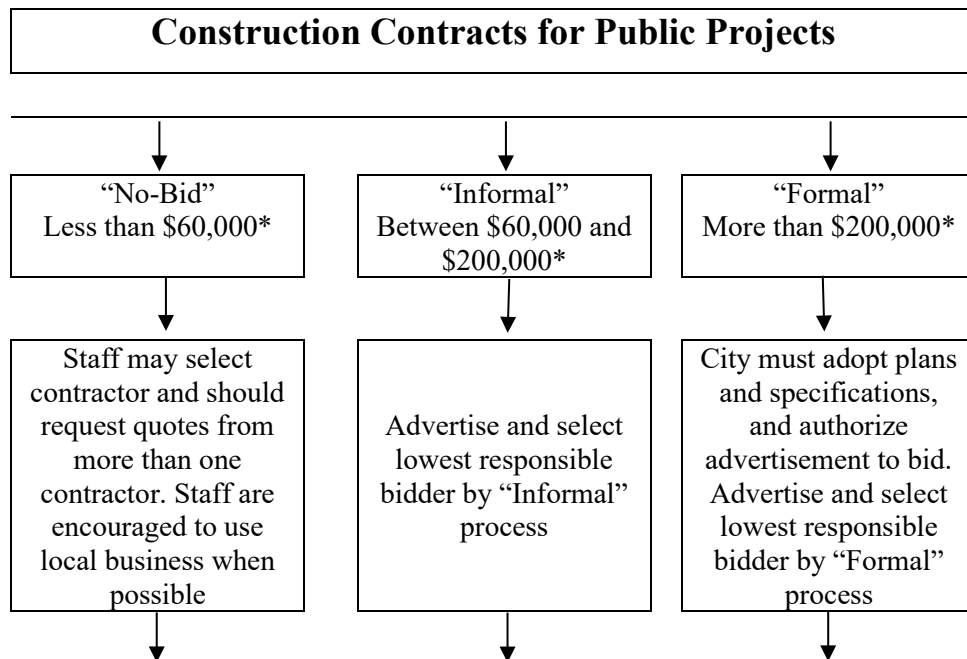
(e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

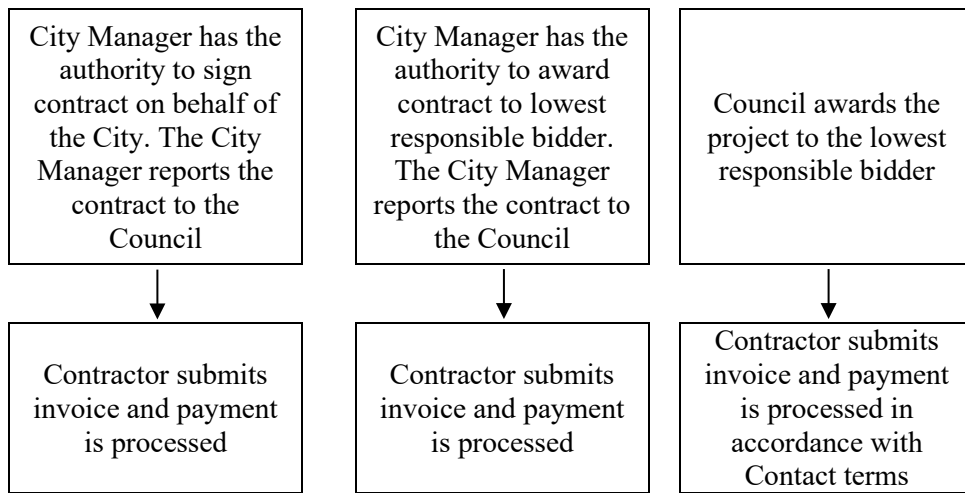
(f) Every November of each year, Department of Public Works will send out a written notice to all constructions trade journals designated for the City under PCC §22036(c), inviting all licensed contractors to register on the City’s Bidders List for Notification of Informal Bids for the following calendar year. A qualified bidders’ list can be obtained at the Public Works Department.

(g) City Council adopted Resolution No. 5763 electing that the City be subject to the CUPPCAA.

(g) Projects valued at less than \$200,000, or as may be revised from time to time by the State of California, may be let by informal bidding, in accordance with the informal bidding procedures of the Uniform Public Construction Cost Accounting Act. Projects valued at less than \$60,000, or as may be revised from time to time by the State of California, may be performed by City forces or be let by informal quotes and negotiated price.

The following diagram illustrates the steps to follow for construction contracts:





* Dollar limits as may be revised, from time to time by the State of California, shall apply.

EXCEPTIONS TO COMPETITIVE BIDDING

Competitive bidding may be waived in the case of an emergency as defined above or when:

- ▶ The items or services to be furnished are in such short supply that there is no competition.
- ▶ Where the specifications or other restrictions limit the number of prospective suppliers.
- ▶ Where the skill or knowledge of a particular individual is sought.
- ▶ “Piggy-backing” or consolidating its procurement with that of another agency or entity constituted for governmental purposes; provided that the commodities or contractual services to be procured have been subjected to competitive bidding by said other agency or entity and documentation of such competitive bidding exists.

CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS

A substantial change to a Purchase Order or Contract (i.e., pricing, terms and conditions, specifications and/or scope of work) shall be documented as a Change Order, Task Order, or Contract Amendment.

- a. Department Heads or their designees may sign Change Orders, Task Orders, and Contract Amendments for purchases and contracts up to \$5,000.
- b. When the initial purchase or contract exceeds \$5,000, the signature authority for that purchase shall be the City Manager or his/her designee.
- c. Change Orders, Task Orders, and Contract Amendments generally should not exceed 10% of the original contract amount, unless authorized by the City Manager or his/her designee. A new scope of work and/or a new contract may be required when the change

exceeds 10% of the original amount. The signature authority for this purchase shall be the City Manager or his/her designee

- d. A Change Order, Task Order or Contract Amendment is not required when taxes, shipping and/or handling cause a purchase to exceed the authorized (Purchase Order) amount; the signatory limit may also be exceeded in that circumstance.

This section replaces and rescinds Council Policy #27 (Change Orders), Administrative Policy # 2 (Work Order Procedures), #3 (Small Purchase Order Procedures) and #17 (Processing Invoices)

X. URGENT AND EMERGENCY PURCHASES

Sound judgment shall be used in keeping urgent and emergency purchases to an absolute minimum. Specific procedures for managing these purchases shall apply, as determined by the Purchasing Agent.

- a. **Urgent Purchases** – Immediate purchases of material, supplies, equipment, vehicle and services may be made when an urgent circumstance (as defined in the Purchasing Policies) exists, and procurement should not be delayed by use of normal competitive and financial procedures. Urgent purchases of up to \$5,000 shall be authorized by the Department Head or designee; the City Manager may authorize urgent purchases up to \$50,000. Urgent purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal procedures.
- b. **Emergency Purchases** – In an emergency (as defined in the Purchasing Policy), the City Manager or designee may authorize the immediate purchase of material, supplies, equipment, and services, including those in excess of his/her City Council-approved signature threshold. Such purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal procedures. City Council shall be notified, at its next regular meeting, of any emergency purchases in excess of \$50,000.
 - a. Poor and/or lack of planning does not constitute justification for an urgent and emergency condition. An urgent and/or emergency condition is defined as “a situation that creates a threat to public health, welfare, safety, or public property such as floods, epidemics, riots, fire, unexpected equipment failures, or such other reasons as may be determined by the City Manager or his/her designee.” An urgent and emergency purchase may be made when the existence of an urgent and/or emergency condition creates an immediate and serious need for goods or services that cannot be met through normal procurement methods.
- c. In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council, including opening a line or lines of credit to accommodate necessary purchases.

- d. Emergency purchases related to Public Projects are authorized under jurisdiction of the Public Contract Code/UCCAP, and are subject to definitions, regulations and processes that vary from City policy. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans and specifications, only when in accordance with the UCAAP definition and requirements. Staff responsible for Public Projects shall be held accountable for compliance with these requirements.
- e. Should any urgent or emergency purchase cause any budget line item to exceed the approved budget, the Department shall request City Manager approval to exceed and amend the budget, subject to subsequent City Council approval of an additional budget appropriation or budget amendment to cover the purchase. This section runs concurrent with the Amended City Council Policy #69 (Financial Policies).

XI. DISPOSAL OF SURPLUS PROPERTY

The City Manager or designee is authorized to exchange, trade-in, sell and dispose of surplus property having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval. This section replaces and rescinds Council Policy #3 (Disposal of Surplus City Property to Qualified Charitable Organizations)

XII. PROPERTY WITH NO SALVAGE VALUE

Surplus property with no salvage value, as determined by the Department and recommended by the Administrative Services Director to the City Manager or designee, shall be disposed of in a manner that salvages recyclable components, if practical.

XIII. UNCLAIMED, SEIZED OR ABANDONED PROPERTY

The Department is hereby authorized to make recommendation to the City Manager to sell or dispose of all goods in the possession or custody of the Police Department which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

XIV. DONATIONS OF SURPLUS PROPERTY

Upon approval in advance in writing by the Administrative Services Director with the City Manager approval, surplus property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

XV. REPORTING

The Department shall provide regular reports to the City Manager indicating surplus property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain

records for public inspection relative to the disposal of surplus property for a period of time in compliance with State law and the City's records retention schedule. Annual reports shall be provided to City Council accordingly.

XVI. CAPITAL EQUIPMENT

Purchase of equipment or furniture at a unit cost of \$10,000 or greater with a useful life greater than 5 years shall be capitalized. At the time of receipt, an asset number shall be issued and affixed to the asset.

XVII. INFORMATION TECHNOLOGY-RELATED PURCHASES

To keep costs under control and assure implemented technologies work together harmoniously and meet staff needs, the City shall work with our I.T consultant to standardize and control all purchases of equipment, including but not limited to desktops, laptops, and other electronic devices.

- a. With limited exceptions, the department shall include in its annual budget funding to support technology purchases. While the Information Technology consultant may provide support for specific departmental technology needs, those needs shall be funded through department budgets.
- b. The list of those authorized by the City Manager to request technology purchases shall be maintained by the Administrative Services (Finance) Department.

XVIII. CREDIT CARDS

The City Manager or designee may acquire credit cards in the name of the City for use by designated City Department Heads. The City shall maintain a written log of credit cards. Department Heads assigned credit cards will sign an acknowledgement form (Exhibit A) agreeing to the limitations of the card use as described below.

- ▶ May be used to charge necessary supplies and equipment, authorized travel, food and lodging for the person in possession of the credit card and any other City employee.
- ▶ May be used for the purchase of gas, oil, supplies, and repairs for City vehicles.
- ▶ May be used to purchase conference/seminar registration, airline, hotel, meals, car rental costs for the City Council, City Manager, or other City employee.
- ▶ May be acquired for vendors (i.e. Office Depot, Sebastopol Hardware, etc.)
- ▶ May not be used for personal benefit or personal use.
- ▶ May not be issued to members of the City Council. They will be reimbursed according to the City's established Reimbursement Policy.

- ▶ Must be returned to the City upon termination or resignation prior to receiving their last paycheck.

Misuse of the credit card privilege can result in disciplinary action, including termination.

Receipts for all credit card expenditures must be promptly turned into the Administrative Services (Finance) Department along with appropriate documentation stating the purpose of the expenditure.

Credit card limits are as follows:

City Manager	\$10,000
Assistant City Manager/City Clerk	\$10,000
Administrative Services Director	\$10,000
Planning Director	\$5,000
Building Official	\$5,000
Engineering Manager	\$5,000
Police Chief	\$5,000
Fire Chief	\$5,000
Public Works Superintendent	\$5,000

This section replaces and rescinds Council Policy #71 (Credit Card Use Policy)

XIX. PURCHASE ORDERS

A signed purchase order will be made for all expenditures in excess of \$5,000 and a copy will be given to the Administrative Services (Finance) Department. Purchase orders should be approved (signed by the City Manager or his/her designee) prior to making the actual purchase or commitment of funds. It is the responsibility of each department directors/managers to verify that the funding amount of the requested purchase is available before authorizing the purchase order.

XX. PETTY CASH FUND

A Petty Cash fund of \$200 will be established for each City department. Expenditures up to \$20 may be made for postage, freight, permit fees, licenses and similar charges, and employee expenses. In each instance a written receipt for payment is required. The Administrative Services Director or designee will be responsible for the Petty Cash Fund.

XXI. PREVAILING WAGES

State Law requires that contractors pay their workers "prevailing wages" when a project is a "public work". The meaning of "public works" is defined in the California Labor Code Section 1720-1743. Therefore, the City will affirmatively state in all "public works" contracts over \$1,000 that contractors are required to pay their workers "prevailing wages".

XXII. GRANT COMPLIANCE

Grant-required language will be incorporated in bid documents, professional services agreements, equipment supply contracts and construction contracts as needed. City contracts will provide language required to be in all subcontracts and disclosure of an audit requirement.

EXHIBIT A

CITY OF SEBASTOPOL CREDIT CARD HOLDER AGREEMENT

Employee: _____ Department: _____
(Cardholder)

The Cardholder has been issued a City credit card and hereby agrees to comply with all terms and conditions set forth in the City’s Purchasing policy, including but not limited to:

- 1. Official Use Only. Charging personal expenses on City cards is a misuse of public funds even if the intent is to reimburse the City at a later time and may result in disciplinary action, including termination, at the City Manager’s discretion.
2. Timely, Accurate and Supported Payments. Credit card payments will be processed on a timely basis, and adequate supporting documentation (such as vendor order forms, receipts, invoices and credit card receipts) will be retained for all charges and submitted to the Administrative Services (Finance) Department.
3. Disputed Charges. It is the responsibility of the cardholder to immediately notify the vendor and issuing bank of any disputed charges.
4. Lost or Stolen Cards. The issuing bank and the Administrative Services (Finance) Department will be notified immediately of a lost or stolen card. Failure to do so could make the Cardholder responsible for any fraudulent use of the card.
5. Surrender Upon Request or Separation. The credit card will be immediately surrendered upon separation from the City or upon request of the City Manager or designee. Use of the credit card for any purpose after its surrender is prohibited. The bottom section of this form will be signed upon return of the credit card.
6. Credit Card Limit. The credit limit of this card is \$_____.

Cardholder Signature Date

RETURN OF CREDIT CARD UPON SEPARATION FROM CITY EMPLOYMENT

I HEREBY SURRENDER the credit card issued to me by the City of Sebastopol to the Administrative Services Director. I declare that all outstanding charges on the credit card are for official City business and will be paid through established procedures.

Cardholder Signature Date Administrative Services Director
Date

PURCHASING POLICY

Effective September 5, 2017

Revised: December 7, 2021

Council Policy # 89

I. OVERVIEW

This policy is written to document the policies and procedures that shall be followed when purchasing goods or services. All purchases of materials, supplies, equipment, vehicle and services required by the City shall be made in accordance with the following, and pursuant to applicable provisions of the Government Code. This policy will be reviewed with new members of the City Council and new Department Heads/Managers as soon as possible after they assume office/responsibility. This policy shall also be reviewed as part of the annual budgeting process.

II. ETHICS AND RESPONSIBILITY

The City Manager (or designee) serves as the Purchasing Agent, and is charged with the responsibility and authority for coordinating and controlling the City's purchasing function in accordance with Purchasing Policies.

The Purchasing Agent and all departments shall adhere to the Purchasing Policy when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by the City Manager. Purchasing dollar limits specified in the Purchasing Policy is "per order" unless otherwise indicated.

Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of purchases to avoid competitive bidding procedures or authorization limits is prohibited.

All personnel engaged in the purchasing function shall exercise good judgment in the use and stewardship of City resources, and all purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents, ignores or fails to comply with Purchasing Policies will be subject to disciplinary action, in accordance with City Personnel procedures.

Code Of Conduct – Employees are responsible for providing access to City procurement opportunities in a fair and impartial manner to all responsible suppliers, vendors, and contractors. In addition, all employees shall behave in a manner that avoids improprieties or the appearance of improprieties to maintain the public's confidence in the integrity of the City's purchasing system.

Conflict Of Interest - If a city officer or employee has a real or apparent conflict of interest, said individual may not participate in the selection, award, or administration of any contract, including those supported by a federal award or funding, that implicates that conflict of interest. If a city

officer or employee participates in making a contract where said individual has a real or apparent conflict of interest, such conflict may nullify or void a contract. As nullification or voiding of a contract is a serious matter with potentially significant consequences for the City, every officer or employee is responsible for recognizing and reporting a potential conflict of interest in timely manner.

A conflict of interest may arise when the city officer or employee has a direct financial interest in, or would receive a direct or material benefit arising from a contract. City officers and employees shall not be financially interested in any contract made by them in their official capacity, as such terms are defined in California Government Code Sections 1090 et seq. and 87100 et seq., and relevant case law. Prohibited interests include interests of immediate family members, domestic partners, and their respective employers or prospective employers.

City officers and employees shall report any potential or actual conflict of interest to their respective Department Head or to the City Attorney as soon as a conflict is suspected or discovered. If city officers or employees are uncertain about whether they have a conflict of interest regarding a particular contract, the individual shall consult the City Attorney's Office as soon as practicable.

It is important to note that consultants of a public entity are considered public officials under Government Code section 1090 and are subject to the requirements therein. City officers and employees should consult the City Attorney on potential conflict of interest issues with respect to the City's third-party consultants and contractors.

III. PURCHASING AGENT RESPONSIBILITIES

The City Manager or his/her designee shall act as the City's Purchasing Agent. The Purchasing Agent is responsible for procurement of materials, supplies, equipment, vehicles and services; administration of purchasing policies and procedures; and management of surplus City property. To perform these functions efficiently and assist departments, the Purchasing Agent shall:

- a. Coordinate and manage procurement of the City's materials, supplies, equipment, vehicles and services from the lowest responsive and responsible bidder when required by the Purchasing Policies.
- b. Ensure full and open competition on all purchases as required by the Purchasing Policies, and make purchase award recommendations to the appropriate authority.
- c. Identify, evaluate and utilize purchasing methods that best meet the needs of the City (cooperative purchases, standing purchase orders, contractual agreements, etc.)
- d. Recommend revisions to purchasing policies and procedures when necessary, and keep informed of current developments in the field of Public Purchasing.
- e. Act as the City's agent in the transfer and disposal of surplus equipment, vehicle and materials.

IV. DEPARTMENT RESPONSIBILITIES

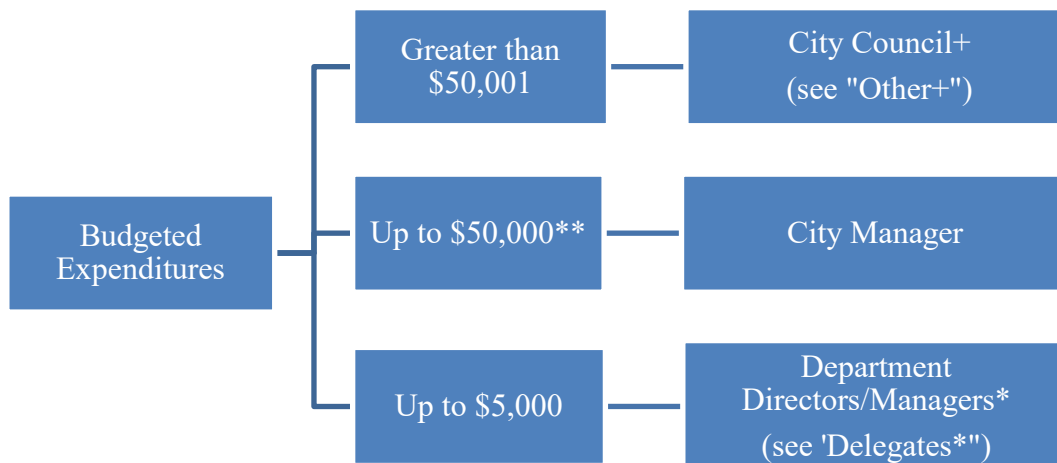
Each Department is responsible for facilitating prudent, efficient and cost-effective purchases. To meet these responsibilities, Departments shall:

- a. Ensure staff is trained on the terminology and requirements set forth in the Purchasing Policies.
- b. Minimize urgent and sole source purchases, and provide written findings and documentation when such purchases may be necessary.
- c. Refrain from “splitting” orders or projects for the purpose of avoiding procurement requirements or authorization limits.
- d. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with best purchasing practices.
- e. Maximize coordination of purchases into a lesser number of large transactions to take advantage of cost savings for bulk purchases of commonly used goods and services.

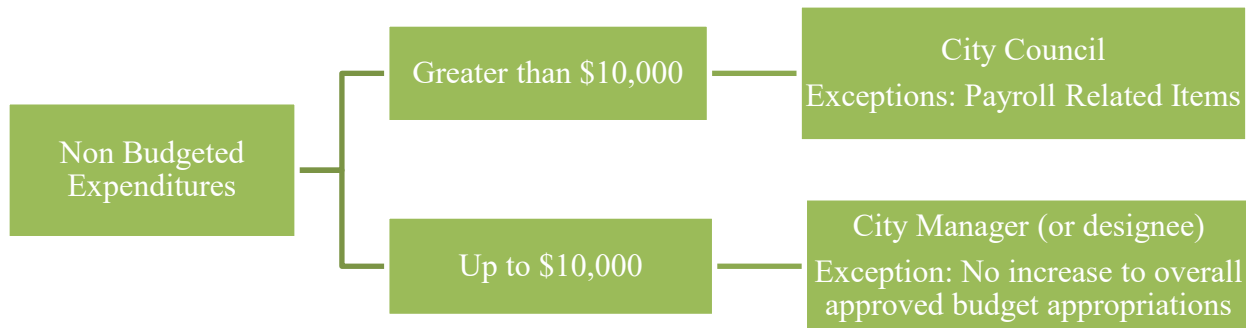
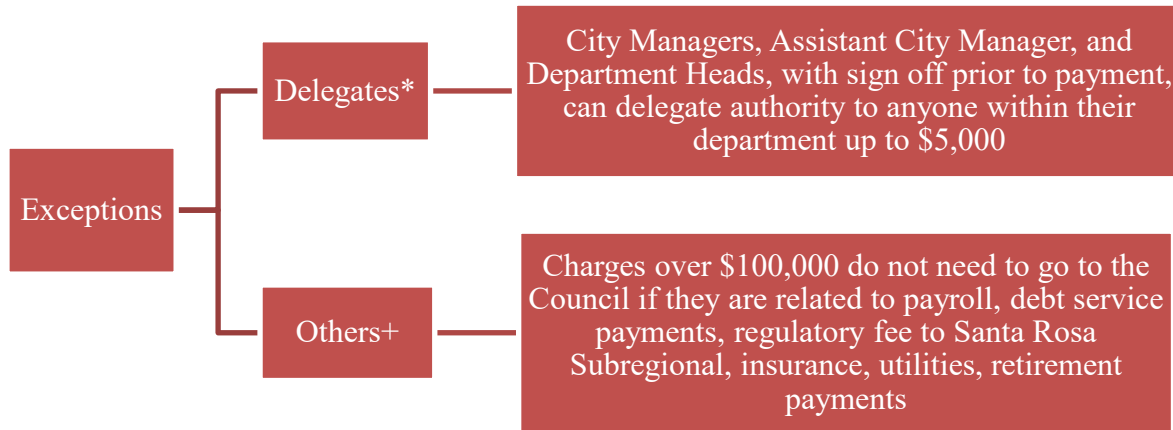
V. PURCHASING AUTHORITY

The City Council adopts an annual budget, which includes detail of all capital items, professional fees for services and all other expenditures. Items referred to hereafter as "budgeted" refer to expenditures that have been appropriated in the adopted budget or approved for expenditure by the Council after the budget is adopted for the current fiscal year.

Authority to approve expenditures shall be determined as shown in the diagrams below. Expenditures shall not be broken down or divided into sub-groups for purposes of avoiding the guidelines.

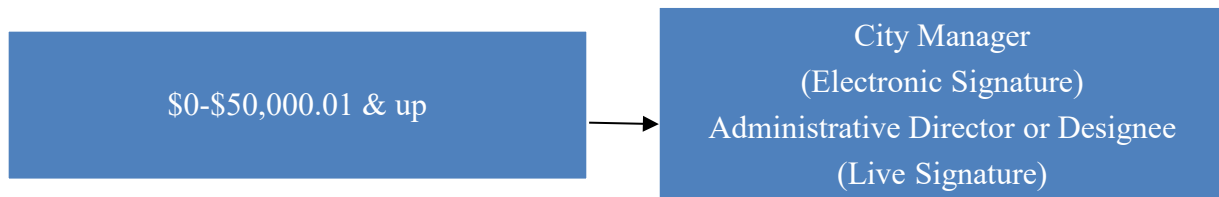


** Subject to competitive process herein.



CONTRACT or CHECK SIGNING AUTHORITY

The City Manager and Administrative Services may designate their signature authority in their absence.



In the course of conducting City business, the City is required to make a variety of different types of purchases. The type of purchase dictates the policies and procedures for procuring and formalizing the purchase. Before employees make a purchase, they should identify the type of purchase and the proper method for completing that purchase. This category of purchases includes the purchase of tangible durable and non-durable goods by the City. Examples of these types of purchases include fuel, tools, office supplies, chemicals, machinery, food, and furniture. These types of purchases are distinct from the purchase of nontangible services.

Competitive Process – This policy is designed to promote full and open competition among potential vendors. Through full and open competition, the City is able to realize better pricing and more favorable terms. In interpreting this policy, staff should rely on interpretations that favor greater and more robust competition among vendors.

Best Overall Value – This policy is designed to ensure that the City is getting the best value for its money when making purchases. When not required by law to select the lowest bidder, the principle permits the City to consider factors other than just price in determining what constitutes the best overall value to the City.

Fairness And Transparency – This policy is designed to promote fairness and transparency in the City’s purchasing system. Complying with this policy fosters equal opportunities for vendors wishing to do business with the City and ensures that public expenditures are made in an open and consistent manner.

Compliance With Law And Best Practices – This policy is informed by and incorporates applicable laws, regulations, and best practices applicable to public procurements. Compliance with this policy ensures that purchases are conducted in accordance with the City’s legal and ethical obligations and responsibilities.

Conduct With Vendors All employee interactions with vendors shall be conducted in a fair, open, and transparent manner. Employees shall:

- i. Refrain from showing favoritism to vendors or being unduly influenced by external factors outside the criteria outlined in this policy.
- ii. Select all vendors on the basis of meeting appropriate and fair criteria in accordance with the requirements of this policy.

No Gratuities - No City employee shall solicit, demand, accept, or agree to accept, and shall avoid the appearance of accepting, a gift of goods or services, payment, loan, advance, deposit of money, or employment offer presented, promised in return for, or in anticipation of favorable consideration in a City procurement.

SERVICES DEFINITION

~~This category of purchases includes the hiring of individuals, firms, or entities to perform services for the benefit of the City. There are two categories of services: general services and consultant/professional services.~~

- ~~1. General Services — General services are non-professionalized services that are often purchased to maintain or service the City’s equipment or facilities. Examples of these types of services include office equipment maintenance, cleaning services, disposal services, and food delivery services.~~
- ~~2. Consultant/Professional Services — Consultant/Professional services are specialized services where the City hires an individual or firm to perform professional or technical tasks. Examples of these types of services include engineering and design services, audit services, architectural services, IT support services and legislative affairs services.~~

VI. METHODS OF PROCUREMENTS

The type of purchase and the amount of a purchase dictates the method of procurement. Smaller and less complex purchases involve less stringent competitive requirements. Conversely, more valuable and more complex purchases require stricter, more formalized competitive processes.

Informal Procurement

Micro purchases need not be awarded competitively, but the price must be determined to be fair and reasonable and should be distributed equitably among qualified suppliers. Micro Purchases do not require advertising or solicitation of quotes/bids. However, seeking multiple quotes/bids, even when not required, is a best practice and helps to ensure that the City receives better pricing for its purchases. Micro purchasing is defined as for purchases of goods/general services valued under \$5,000.

Informal Solicitation

Informal solicitation involves seeking three (3) written quotes from potential vendors. These written quotes may be informally documented, such as through emails between City employees and potential vendors. Informal solicitation may be used for purchases of goods, general services, non-public works construction projects, and consultant/professional services valued at \$50,000 or less.

Formal Competitive Proposals (RFP)

In a formal competitive proposal process, the City must: (i) prepare a request for proposal document identifying the project requirements, vendor qualifications, and evaluation factors; (ii) send the RFP to an adequate number of qualified sources as determined by the relevant department head or the City Manager; (iii) post the RFP on the City's website at least ten (10) days prior to the deadline for receipt of proposals; and (iv) establish and implement procedures for evaluation of proposals. Formal competitive proposals shall be used for purchases of consultant/professional services valued at more than \$50,000.

Cooperative Procurement

Cooperative purchasing allows the City to buy goods or services based on a competitively bid contract prepared by another public agency, when that other agency and the vendor(s) agreed in advance to a cooperative process. Use of purchasing cooperatives is encouraged as a way to obtain goods and services by aggregating volume, securing value pricing, and reducing administrative overhead. Measured use of purchasing cooperatives can significantly reduce the time and resources needed to competitively purchase goods and services.

Sole Source Procurement

Regardless of the estimated cost of a purchase, the City is not required to engage in a competitive procurement process, either formal or informal when a competitive procurement is infeasible for the reasons articulated in this section. In all cases, the City must verify and document that a particular procurement meets the criteria for a sole source identified below, and the use of sole source must be approved by the City Manager. Sole source procurement is authorized if one of the following conditions are met:

- a. Unique or Innovative Concept - The vendor demonstrates a unique or innovative concept or capability not available from another source. "Unique or Innovative Concept" means a new, novel, or changed concept, approach, or method that is the product of original

thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the City only from one source and has not in the past been available to the City from another source;

- b. Patents or Restricted Data Rights – Patent or data rights restrictions preclude competition;
- c. Substantial Duplication Costs – In the case of a subsequent contract for the continued development or production of highly specialized equipment or products and/or major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition;
- d. Unacceptable Delay – In the case of a subsequent contract for the continued development or production of highly specialized equipment or products and/or major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the City’s needs.

Emergency Procurement

Emergency procurements are those purchases necessary to avoid or mitigate a clear and imminent threat or danger where delay could result in loss of life or danger to health, welfare, or property or threaten the continued operation of the City or the provision of essential City services. (See Section XI Urgent and Emergency Purchases for more details)

Exempt Procurement

This Section outlines types of procurements that are exempt from the standard competitive requirements outlined in this policy and also includes special considerations related to those exempt procurements. Despite the fact that a procurement may be exempt, the City may still conduct negotiations as to price, delivery and terms in connection with the award of a contract that does not require a competitive process. Nothing in this section shall preclude the solicitation of competitive bids or proposals when possible. The following is a list of procurements that are exempt from the competitive requirements outlined in this Policy.

- 1. Emergency procurements as defined above;
- 2. Specified materials or equipment that can be obtained from only one source and there is no adequate substitute in accordance with the criteria outlined in sole source section above;
- 3. Legal or professional services that are highly specialized;
- 4. Procurements funded by grants, donations or gifts when any special conditions require the purchase of particular materials and/or services;
- 5. Purchase of surplus property owned by another public entity, or payment to other public entities or utilities;
- 6. Membership dues, conventions, training, travel arrangements, or advertisements in magazines, newspapers, or other media;
- 7. Works of art, entertainment or performance; and
- 8. Where competitive bids or proposals have been solicited and no bid or proposal has been received. In such situations the City Manager may proceed to have the goods procured or services performed without further competitive bidding.

VII. LOCAL VENDOR PREFERENCE:

Whenever possible, the City wishes to support, promote the use of local businesses, suppliers and services providers to help create a sustainable economy, preserve local businesses, and make a commitment to circulate tax dollars within city limits.

Environmentally Preferable Purchasing (EPP) Policy.

Purpose:

- Conserve natural resources, such as water, fuels, fiber, and minerals.
- Encourage waste stream diversions and reduced land filling of waste.
- Minimize environmental impacts, such as pollution and habitat destruction.
- Eliminate or reduce toxics that create hazards to workers, our community, and the environment.
- Support strong recycling markets, reduce City operating costs where possible, and reduce materials that are landfilled.
- Identify and increase the use of environmentally preferable products.
- Consider life cycle cost analysis when making purchasing decisions

Policy:

- Select environmentally preferable products and services that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, use unbleached or chlorine-free manufacturing processes, are lead-free and mercury-free, and reduce greenhouse gas emissions, when feasible.
- Promote product efficiency and effectiveness.
- Purchase products and services that minimize environmental impacts, toxics, pollution, waste, and hazards to worker and community safety to the greatest extent practicable.
- Encourage and support standardization and consider life cycle costs when making purchases for the City, such as vehicles, computers, etc.
- Encourages diversion to the waste stream through beneficial reuse.

Procedure:

- The health and safety of workers and citizens is of utmost importance and takes precedence over all other policies.
- Nothing contained in this policy shall be construed as requiring a department, purchaser, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.
- Nothing contained in this policy shall be construed as requiring the City, department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.

Specifications:

I. Source Reduction

- a. The City shall purchase remanufactured and recycled products.
- b. The City shall require equipment purchased to be compatible with City source reduction targets, when practicable.
- c. The City shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of total costs expected during the time a product is owned, including but not limited to, acquisition, extended

warranties, operation, supplies, maintenance, disposal costs, and expected lifetime compared to other alternatives.

- d. Products that are durable, long lasting, reusable, or refillable are preferred whenever feasible.
- e. Suppliers of electronic equipment, including but not limited to, cell phones, computers, monitors, printers, and copiers shall be encouraged to take back equipment for reuse or environmentally safe recycling when the City has completed its use of that equipment or discards or replaces it, whenever possible. The City shall encourage the purchase of rechargeable batteries whenever possible.

II. Recycled Content Products

- a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines, whenever practical. The EPA has developed the Comprehensive Procurement Guidelines (CPG) for the designation of products.
- b. Copiers and printers bought or leased shall be designed for use with recycled content products.
- c. The City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.
- d. When specifying asphalt, concrete, aggregate base, or Portland cement concrete for road and other construction projects, the City shall use recycled, reusable, or reground materials, when practicable.
- e. The City shall encourage the use of fly ash and other recyclable material content in any concrete foundation projects.
- f. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades, whenever practical.
- g. All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is comprised of recycled content.
- h. Allow, as a general rule, the procurement of a product with a recycled or recyclable content over a virgin product if the price is within 2.5% of the virgin product, when products are equivalent (See 2.1 EPA Guidelines).
- i. The City shall make previously used and/or left over office supplies available for
- j. office reuse, located in each City office building. Examples of these supplies are binders, folders, organizers, etc.

III. Energy Savings:

- a. Where applicable, energy-efficient equipment shall be purchased with the most up-to-date, economically feasible, and proven energy efficiency functions. This includes but is not limited to, high efficiency space heating systems and cooling systems.

- b. When practicable, the City shall replace inefficient lighting with energy-efficient equipment.
- c. All products purchased by the City and for which the U.S. EPA Energy Star certification is available shall meet the Energy Star certification and possess the Energy Star label, when practicable. When products with Energy Star labels are not available, choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

IV. Green Building – Construction and Renovations:

- a. The City will comply with the adopted Green Building Code guidelines and green points system for the construction of all permanent municipal building and renovation projects which exceed 2,000 sq. ft. in area.

V. Water Savings:

- a. The City shall purchase water-saving products, whenever practicable.

VI. Landscaping:

- a. All landscape renovations, construction, and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible, including but not limited to, integrated pest management, grass cycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food waste programs.
- b. Plants should be selected to minimize water waste and increase survivability by choosing species that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred. Invasive species shall be avoided.
- c. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, where practicable and where life cycle costs are considered. Permeable substitutes such as permeable asphalt or pavers are encouraged for walkways, patios, and driveways, when practical and considering the Americans with Disabilities Act (ADA), and other code or compliant issues.

VII. Toxics and Pollution:

- a. To the extent practicable, no cleaning or disinfecting products (i.e. for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.
- b. The use of chlorofluorocarbon (CFC) containing refrigerants, solvents, and other products shall be phased out, and new purchases shall not contain them.
- c. All surfactants and detergents shall be biodegradable, where practicable, and shall not contain phosphates.

- d. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical, and biological controls. The City has adopted Resolution No. 5108 and practices using the least toxic methods practicable.
- e. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or formaldehyde free when purchasing materials such as paint, carpeting, adhesives, furniture, and casework where practicable.
- f. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes but is not limited to purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever practicable, and prohibiting purchase of products that use polyvinyl chloride (PVC) such as but not limited to, office binders furniture, flooring, and medical supplies, whenever practicable.
- g. The City shall purchase products and equipment with no lead or mercury, whenever possible.
- h. When purchasing or replacing vehicles, the City shall consider fuel efficient and decreased emission alternatives, such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available, and as they meet the City's work needs.
- i. Vehicle fuels made from renewable energy sources, such as non-wood, plant-based contents (e.g. vegetable oils), are encouraged whenever practicable and
- j. where approved by State air pollution control bodies and the Original Equipment Manufacturer (OEM)

VIII. Forest Conservation:

- a. To the greatest extent practicable, the City shall not procure wood products such as lumber that originates from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to those of the Forest Stewardship Council (FSC) certification.

IX. Agricultural Bio – Based Product

- a. Paper, paper products, and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged, whenever practicable.

Implementation:

- The City Manager or their designee shall implement this policy in coordination with other appropriate City personnel.
- Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.

- Upon request, City employees making the selection from competitive bids shall be able to provide justification for product choices that do not meet the Environmentally Preferable Purchasing criteria in this policy.
- Purchasers are encouraged to include businesses certified by the Bay Area Green Business Program in requests for products and services.
- Vendors, contractors, and grantees shall be encouraged to comply with applicable sections of this policy for products and services provided to the City, where practicable.

X. PUBLIC PROJECTS

Accounting procedures were established by the California Uniform Public Construction Cost Accounting Commission, and are detailed in the Commission's Accounting Policies and Procedures Manual. Public Contract Code (PCC) §22000-22050 describe both the informal and formal bidding procedures, project dollar thresholds, bidding and noticing requirements, rejection of bids, the definition and procedure for emergency Public Projects, and other mandates related to California Uniform Public Construction Cost Accounting Act (CUPCCAA).

Rather than the City's Purchasing Policy, Public Projects are subject to definitions, terms and conditions specified in the CUPCCAA, PCC Section 2200, et seq., as may be amended from time to time. When PCC requirements contradict City requirements, the PCC will apply. PCC § 22002(c), as may be amended, defines a "Public Project" as:

(c) "Public project" means any of the following:

- 1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- 2) Painting or repainting of any publicly owned, leased, or operated facility.
- 3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power-plants, and electrical transmission lines of 230,000 volts and higher.

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

- 1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- 2) Minor repainting.
- 3) Resurfacing of streets and highways at less than one inch.
- 4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power-plants, and electrical transmission lines of 230,000 volts and higher.

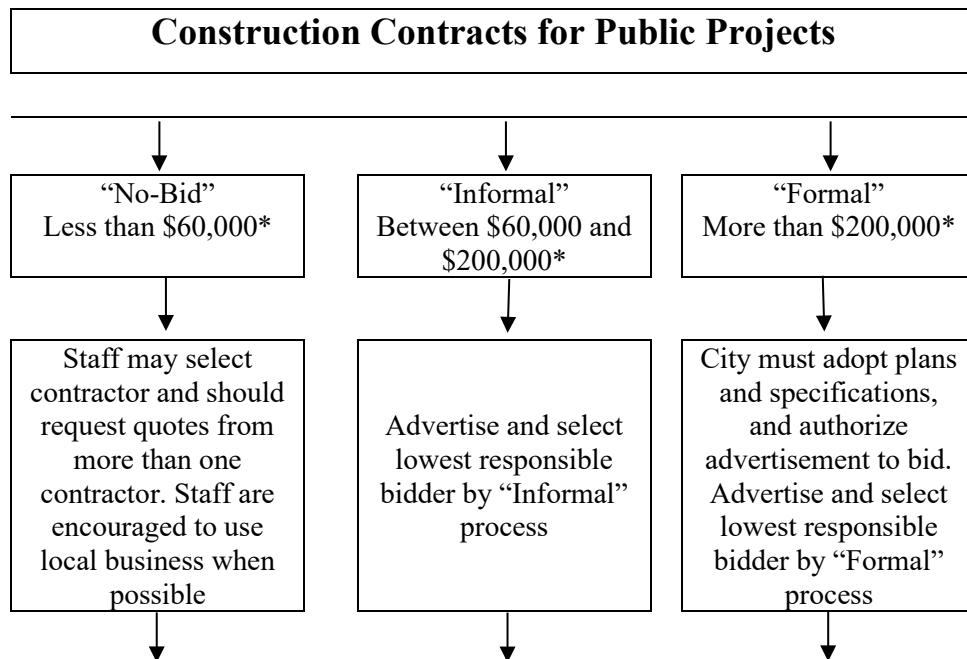
(e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

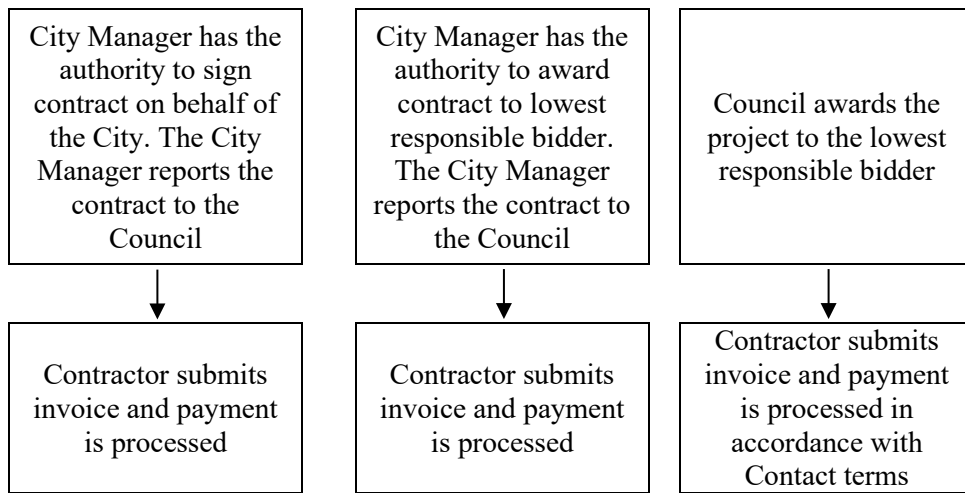
(f) Every November of each year, Department of Public Works will send out a written notice to all constructions trade journals designated for the City under PCC §22036(c), inviting all licensed contractors to register on the City’s Bidders List for Notification of Informal Bids for the following calendar year. A qualified bidders’ list can be obtained at the Public Works Department.

(g) City Council adopted **Resolution No. XXXX** electing that the City be subject to the CUPPCAA.

(g) Projects valued at less than \$200,000, or as may be revised from time to time by the State of California, may be let by informal bidding, in accordance with the informal bidding procedures of the Uniform Public Construction Cost Accounting Act. Projects valued at less than \$60,000, or as may be revised from time to time by the State of California, may be performed by City forces or be let by informal quotes and negotiated price.

The following diagram illustrates the steps to follow for construction contracts:





* Dollar limits as may be revised, from time to time by the State of California, shall apply.

EXCEPTIONS TO COMPETITIVE BIDDING

Competitive bidding may be waived in the case of an emergency as defined above or when:

- ▶ The items or services to be furnished are in such short supply that there is no competition.
- ▶ Where the specifications or other restrictions limit the number of prospective suppliers.
- ▶ Where the skill or knowledge of a particular individual is sought.
- ▶ “Piggy-backing” or consolidating its procurement with that of another agency or entity constituted for governmental purposes; provided that the commodities or contractual services to be procured have been subjected to competitive bidding by said other agency or entity and documentation of such competitive bidding exists.

CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS

A substantial change to a Purchase Order or Contract (i.e., pricing, terms and conditions, specifications and/or scope of work) shall be documented as a Change Order, Task Order, or Contract Amendment.

- a. Department Heads or their designees may sign Change Orders, Task Orders, and Contract Amendments for purchases and contracts up to \$5,000.
- b. When the initial purchase or contract exceeds \$5,000, the signature authority for that purchase shall be the City Manager or his/her designee.
- c. Change Orders, Task Orders, and Contract Amendments generally should not exceed 10% of the original contract amount, unless authorized by the City Manager or his/her designee. A new scope of work and/or a new contract may be required when the change

exceeds 10% of the original amount. The signature authority for this purchase shall be the City Manager or his/her designee

- d. A Change Order, Task Order or Contract Amendment is not required when taxes, shipping and/or handling cause a purchase to exceed the authorized (Purchase Order) amount; the signatory limit may also be exceeded in that circumstance.

This section replaces and rescinds Council Policy #27 (Change Orders), Administrative Policy # 2 (Work Order Procedures), #3 (Small Purchase Order Procedures) and #17 (Processing Invoices)

XI. URGENT AND EMERGENCY PURCHASES

Sound judgment shall be used in keeping urgent and emergency purchases to an absolute minimum. Specific procedures for managing these purchases shall apply, as determined by the Purchasing Agent.

- a. **Urgent Purchases** – Immediate purchases of material, supplies, equipment, vehicle and services may be made when an urgent circumstance (as defined in the Purchasing Policies) exists, and procurement should not be delayed by use of normal competitive and financial procedures. Urgent purchases of up to \$5,000 shall be authorized by the Department Head or designee; the City Manager may authorize urgent purchases up to \$50,000. Urgent purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal procedures.
- b. **Emergency Purchases** – In an emergency (as defined in the Purchasing Policy), the City Manager or designee may authorize the immediate purchase of material, supplies, equipment, and services, including those in excess of his/her City Council-approved signature threshold. Such purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal procedures. City Council shall be notified, at its next regular meeting, of any emergency purchases in excess of \$50,000.
 - a. Poor and/or lack of planning does not constitute justification for an urgent and emergency condition. An urgent and/or emergency condition is defined as “a situation that creates a threat to public health, welfare, safety, or public property such as floods, epidemics, riots, fire, unexpected equipment failures, or such other reasons as may be determined by the City Manager or his/her designee.” An urgent and emergency purchase may be made when the existence of an urgent and/or emergency condition creates an immediate and serious need for goods or services that cannot be met through normal procurement methods.
- c. In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council, including opening a line or lines of credit to accommodate necessary purchases.

- d. Emergency purchases related to Public Projects are authorized under jurisdiction of the Public Contract Code/UCCAP, and are subject to definitions, regulations and processes that vary from City policy. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans and specifications, only when in accordance with the UCAAP definition and requirements. Staff responsible for Public Projects shall be held accountable for compliance with these requirements.
- e. Should any urgent or emergency purchase cause any budget line item to exceed the approved budget, the Department shall request City Manager approval to exceed and amend the budget, subject to subsequent City Council approval of an additional budget appropriation or budget amendment to cover the purchase. This section runs concurrent with the Amended City Council Policy #69 (Financial Policies).

XII. DISPOSAL OF SURPLUS PROPERTY

The City Manager or designee is authorized to exchange, trade-in, sell and dispose of surplus property having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval. This section replaces and rescinds Council Policy #3 (Disposal of Surplus City Property to Qualified Charitable Organizations)

XIII. PROPERTY WITH NO SALVAGE VALUE

Surplus property with no salvage value, as determined by the Department and recommended by the Administrative Services Director to the City Manager or designee, shall be disposed of in a manner that salvages recyclable components, if practical.

XIV. UNCLAIMED, SEIZED OR ABANDONED PROPERTY

The Department is hereby authorized to make recommendation to the City Manager to sell or dispose of all goods in the possession or custody of the Police Department which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

XV. DONATIONS OF SURPLUS PROPERTY

Upon approval in advance in writing by the Administrative Services Director with the City Manager approval, surplus property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

XVI. REPORTING

The Department shall provide regular reports to the City Manager indicating surplus property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain

records for public inspection relative to the disposal of surplus property for a period of time in compliance with State law and the City's records retention schedule. Annual reports shall be provided to City Council accordingly.

XVII. CAPITAL EQUIPMENT

Purchase of equipment or furniture at a unit cost of \$10,000 or greater with a useful life greater than 5 years shall be capitalized. At the time of receipt, an asset number shall be issued and affixed to the asset.

XVIII. INFORMATION TECHNOLOGY-RELATED PURCHASES

To keep costs under control and assure implemented technologies work together harmoniously and meet staff needs, the City shall work with our I.T consultant to standardize and control all purchases of equipment, including but not limited to desktops, laptops, and other electronic devices.

- a. With limited exceptions, the department shall include in its annual budget funding to support technology purchases. While the Information Technology consultant may provide support for specific departmental technology needs, those needs shall be funded through department budgets.
- b. The list of those authorized by the City Manager to request technology purchases shall be maintained by the Administrative Services (Finance) Department.

XIX. CREDIT CARDS

The City Manager or designee may acquire credit cards in the name of the City for use by designated City Department Heads. The City shall maintain a written log of credit cards. Department Heads assigned credit cards will sign an acknowledgement form (Exhibit A) agreeing to the limitations of the card use as described below.

- ▶ May be used to charge necessary supplies and equipment, authorized travel, food and lodging for the person in possession of the credit card and any other City employee.
- ▶ May be used for the purchase of gas, oil, supplies, and repairs for City vehicles.
- ▶ May be used to purchase conference/seminar registration, airline, hotel, meals, car rental costs for the City Council, City Manager, or other City employee.
- ▶ May be acquired for vendors (i.e. Office Depot, Sebastopol Hardware, etc.)
- ▶ May not be used for personal benefit or personal use.
- ▶ May not be issued to members of the City Council. They will be reimbursed according to the City's established Reimbursement Policy.

- ▶ Must be returned to the City upon termination or resignation prior to receiving their last paycheck.

Misuse of the credit card privilege can result in disciplinary action, including termination.

Receipts for all credit card expenditures must be promptly turned into the Administrative Services (Finance) Department along with appropriate documentation stating the purpose of the expenditure.

Credit card limits are as follows:

City Manager	\$10,000
Assistant City Manager/City Clerk	\$10,000
Administrative Services Director	\$10,000
Planning Director	\$5,000
Building Official	\$5,000
Engineering Manager	\$5,000
Police Chief	\$5,000
Fire Chief	\$5,000
Public Works Superintendent	\$5,000

This section replaces and rescinds Council Policy #71 (Credit Card Use Policy)

XX. PURCHASE ORDERS

A signed purchase order will be made for all expenditures in excess of \$5,000 and a copy will be given to the Administrative Services (Finance) Department. Purchase orders should be approved (signed by the City Manager or his/her designee) prior to making the actual purchase or commitment of funds. It is the responsibility of each department directors/managers to verify that the funding amount of the requested purchase is available before authorizing the purchase order.

XXI. PETTY CASH FUND

A Petty Cash fund of \$200 will be established for each City department. Expenditures up to \$20 may be made for postage, freight, permit fees, licenses and similar charges, and employee expenses. In each instance a written receipt for payment is required. The Administrative Services Director or designee will be responsible for the Petty Cash Fund.

XXII. PREVAILING WAGES

State Law requires that contractors pay their workers "prevailing wages" when a project is a "public work". The meaning of "public works" is defined in the California Labor Code Section 1720-1743. Therefore, the City will affirmatively state in all "public works" contracts over \$1,000 that contractors are required to pay their workers "prevailing wages".

XXIII. GRANT COMPLIANCE

Grant-required language will be incorporated in bid documents, professional services agreements, equipment supply contracts and construction contracts as needed. City contracts will provide language required to be in all subcontracts and disclosure of an audit requirement.

EXHIBIT A

CITY OF SEBASTOPOL CREDIT CARD HOLDER AGREEMENT

Employee: _____ Department: _____
(Cardholder)

The Cardholder has been issued a City credit card and hereby agrees to comply with all terms and conditions set forth in the City's Purchasing policy, including but not limited to:

- 1. Official Use Only. Charging personal expenses on City cards is a misuse of public funds even if the intent is to reimburse the City at a later time and may result in disciplinary action, including termination, at the City Manager's discretion.
2. Timely, Accurate and Supported Payments. Credit card payments will be processed on a timely basis, and adequate supporting documentation (such as vendor order forms, receipts, invoices and credit card receipts) will be retained for all charges and submitted to the Administrative Services (Finance) Department.
3. Disputed Charges. It is the responsibility of the cardholder to immediately notify the vendor and issuing bank of any disputed charges.
4. Lost or Stolen Cards. The issuing bank and the Administrative Services (Finance) Department will be notified immediately of a lost or stolen card. Failure to do so could make the Cardholder responsible for any fraudulent use of the card.
5. Surrender Upon Request or Separation. The credit card will be immediately surrendered upon separation from the City or upon request of the City Manager or designee. Use of the credit card for any purpose after its surrender is prohibited. The bottom section of this form will be signed upon return of the credit card.
6. Credit Card Limit. The credit limit of this card is \$_____.

Cardholder Signature Date

RETURN OF CREDIT CARD UPON SEPARATION FROM CITY EMPLOYMENT

I HEREBY SURRENDER the credit card issued to me by the City of Sebastopol to the Administrative Services Director. I declare that all outstanding charges on the credit card are for official City business and will be paid through established procedures.

Cardholder Signature Date Administrative Services Director
Date

Zero Waste Sonoma Environmentally Preferable Purchasing (EPP) Model Policy

1. STATEMENT OF POLICY

The Environmentally Preferable Purchasing Policy will commit the Agency to:

- 1.1 Protect and conserve natural resources, water, and energy;
- 1.2 Minimize the contribution to climate change, pollution, and solid waste disposal;
- 1.3 Institute practices that reduce waste by increasing product efficiency and effectiveness;
- 1.4 Purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety;
- 1.5 Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, use unbleached or chlorine free manufacturing processes, are lead-free and mercury-free, and use wood from sustainably harvested forests; and
- 1.6 Comply with State requirements as contained in the SB 1383 procurement regulations to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials.*

2. PURPOSE

The purpose of the policy is to incorporate considerations that include the following:

- 2.1 Conserve natural resources;
- 2.2 Minimize environmental impacts such as pollution and use of water and energy;
- 2.3 Eliminate or reduce toxics that create hazards to workers and our community;
- 2.4 Support a strong recycling market and circular economy;
- 2.5 Incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement;
- 2.6 Reduce materials that are landfilled;
- 2.7 Increase the use and availability of environmentally preferable products that protect the environment;
- 2.8 Identify environmentally preferable products and distribution systems;
- 2.9 Reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems or services;
- 2.10 Align with the Agency's goal of Zero Waste by 2030 as adopted in the Zero Waste Resolution; and
- 2.11 Create a model for successfully purchasing environmentally preferable products that encourages the use of agricultural fibers, chlorine-free manufacturing processes, wood from sustainably harvested forests, and other environmentally friendly practices, and that encourages other purchasers in our community to adopt similar goals.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

3 DEFINITIONS

- 3.1 "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Jurisdiction is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the Jurisdiction's residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each Jurisdiction of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle's website and providing written notice directly to the Jurisdiction
- 3.2 "American Society for Testing and Materials" means ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.
- 3.3 "Bay Area Green Business Program" is a partnership of governments and businesses that certifies the environmental performance of government agencies and businesses.
- 3.4 "Bio-Based Products" means commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials
- 3.5 "Biodegradable Products Institute" (BPI) is a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or 06868, based on testing in an approved laboratory.
- 3.6 "Buyer" means anyone authorized to purchase or contract for purchases on behalf of this jurisdiction or its subdivisions
- 3.7 "The Carpet and Rug Institute" (CRI) is the national trade association representing the carpet and rug industry. CRI has developed and administered the "Green Label" indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners. The "Green Label Plus" testing program incorporates additional requirements to meet California's Collaborative for High Performance Schools low-emitting materials criteria
- 3.8 "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
- 3.9 Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State's composting operations regulatory requirements
- 3.10 "Compostable plastic" means a polymer that is made from plants such as corn or

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

soybeans, and breaks down during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues

- 3.11 "Contractor" means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract or serves in a subcontracting capacity with an entity having a contract for the provision of goods or services.
- 3.12 "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to Jurisdiction pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- 3.13 "Ecologo" is a third-party, multi-attribute eco-labeling program founded by the Canadian government in 1988 and part of UL Environment since 2010. The Program compares products / services with others in the same category, develops rigorous and scientifically relevant criteria, and awards the Ecologo to those that are environmentally preferable throughout their entire lifecycle.
- 3.14 "Electronic Product Environmental Assessment Tool" (EPEAT) is a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select personal computers, displays, imaging equipment and televisions based on their environmental attributes.
- 3.15 "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the Jurisdiction's Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).
- 3.16 "Energy Star" means the U.S. EPA's energy efficiency product labeling program.
- 3.17 "Energy-Efficient Product" means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets Federal standards.
- 3.18 "Environmentally Preferable Purchasing" means EPP is the procurement of goods and services that have a reduced impact on human health and the environment compared to competing products serving the same purpose. It is an essential part of our search for high quality products and services at competitive prices.
- 3.19 "Federal Energy Management Program" is a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.
- 3.20 "Forest Stewardship Council" is a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.
- 3.21 "Green Seal" is an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA's criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

certified products.

- 3.22 "Integrated Pest Management" is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.
- 3.23 "Jurisdiction" means a city, county, a combined city and county, or a regional agency with the responsibility for meeting Integrated Waste Management Act requirements. Jurisdictions may utilize a Joint Powers Authority (JPA) to comply with the requirements of SB 1383, however, the jurisdiction shall remain ultimately responsible for compliance. For this EPP Policy, Jurisdiction means the City of Sebastopol.
- 3.24 "LEED Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED) Rating System, approved by the U.S. Green Building Council, and designed for rating new and existing commercial, institutional, and residential buildings.
- 3.25 "NSF/ANSI" means NSF International follows the American National Standards Institute (ANSI) standards development process. Standards are developed by joint committees (balanced stakeholder groups of public health, industry and user representatives).
- 3.26 "Organic Pest Management" prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of California Certified Organic Farmers (CCOF).
- 3.27 "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
- 3.28 "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling;
- 3.29 "Post-consumer Material" means a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.
- 3.30 "Pre-consumer Material" means material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Pre-consumer material does not include mill and manufacturing trim, scrap, or broke which is

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generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

- 3.31 "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications;
- 3.32 "Postconsumer Content" means any product which has served its intended use by a business or a consumer, which has been disposed and subsequently separated from solid waste for use as a constituent in a new product.
- 3.33 "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the Jurisdiction or others. The Jurisdiction's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Jurisdiction or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Jurisdiction's behest.
- 3.34 "Post-manufacture Content" means, waste that is created by a manufacturing process, and that is subsequently only used as a constituent in another manufacturing process.
- 3.35 "Recovered Material" means fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and post-consumer material but does not include excess resources of the manufacturing process.
- 3.36 "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.
- 3.37 "Recordkeeping Designee" means the public employee appointed by the Jurisdiction Manager or their designee to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Jurisdiction and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13. In Sonoma County, Zero Waste Sonoma will be considered the Recordkeeping Designee.
- 3.38 "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).
- 3.39 "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

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- 3.40 Recycled Content Standard" means the minimum level of recovered material and/or post-consumer material necessary for products to qualify as "recycled products."
- 3.41 "Recycling" means using waste as material to manufacture a new product. Recycling involves altering the physical form of an object or material and making a new object from the altered material.
- 3.42 "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste.
- 3.43 "Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical or chemical form of the object or material.
- 3.44 "Remanufactured Product" means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
- 3.45 "Reused Product" means any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.
- 3.46 "Russian River Friendly Landscaping" means working with the natural ecosystems of the Russian River region to foster soil health, to reduce runoff and pollution, prevent and reuse plant waste, and conserve water and other natural resources. The Russian River-Friendly Landscape Guidelines are a revision of the Bay-Friendly Landscape Guidelines by the Russian River Watershed Association (RRWA), originally published by StopWaste.Org.
- 3.47 "Source Reduction" Section 40196 of the California Public Resources Code defines source reduction as any action which causes a net reduction in the generation of solid waste. "Source Reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials.
- 3.48 "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- 3.49 "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- 3.50 "State" means the State of California.
- 3.51 "Water-Saving Products" are those that are in the upper 25% of water conservation for all

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similar products, or at least 10% more water-conserving than the minimum level that meets the Federal standards.

- 3.52 "WaterSense" means a partnership program by the U.S. Environmental Protection Agency. Independent, third-party licensed certifying bodies certify that products meet EPA criteria for water efficiency and performance by following testing and certification protocols specific to each product category. Products that are certified to meet EPA specifications are allowed to bear the WaterSense label.

4 STRATEGIES FOR IMPLEMENTATION

4.1 Source Reduction

- 4.1.1 Institute practices that reduce waste, encourage reuse, and result in the purchase of fewer products.
- 4.1.2 Purchase remanufactured products such as toner cartridges, tires, furniture, equipment and automotive parts.
- 4.1.3 Consider short-term and long-term costs in comparing product alternatives. This includes evaluation of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance and replacement parts, disposal costs and expected lifetime compared to other alternatives.
- 4.1.4 Purchase products that are durable, long lasting, reusable or refillable and avoid purchasing one-time use or disposable products.
- 4.1.5 Request vendors eliminate packaging or use the minimum amount necessary for product protection. Vendors shall be encouraged to take back packaging for reuse. A vendor's willingness to take back packaging will be used as part of the consideration in the procurement process.
- 4.1.6 Specify a preference for packaging that is reusable, recyclable, or compostable, when suitable uses and programs exist.
- 4.1.7 Encourage vendors to take back and reuse pallets and other shipping materials.
- 4.1.8 Encourage suppliers of electronic equipment, including but not limited to computers, monitors, printers, and copiers, to take back equipment for reuse or environmentally sound recycling when discarding or replacing such equipment, whenever possible. Suppliers will be required to state their take-back, reuse or recycling programs during the procurement process.
- 4.1.9 Consider provisions in contracts with suppliers of non-electronic equipment that require suppliers to take back equipment for reuse or environmentally sound recycling when discarding or displacing such equipment, whenever possible.

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Suppliers will be required to state their take back, reuse or recycling programs during the procurement process.

- 4.1.10 Promote electronic distribution of documents rather than printing or copying.
 - 4.1.11 When producing paper documents, print and copy all documents on both sides to reduce the use and purchase of paper. Printers and copiers shall be set to default to duplex.
 - 4.1.12 Ensure all imaging equipment is installed with energy and resource-efficient settings set as default.
 - 4.1.13 Reduce the number and type of equipment needed to perform office functions to save energy and reduce purchasing and maintenance costs. Eliminate desktop printers, redundant network printers and reduce the number of fax machines leased or owned. Consider lease or purchase of multi-function devices.
- 4.2 **Recycled Content Products (SB 1383 Model Language for Jurisdiction Compliance)**
- 4.2.1 Requirements for Agency and Jurisdiction Departments
 - 4.2.1.1 Option 1: Comparable or more favorable pricing: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items.
 - 4.2.1.2 Option 2: Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items or whenever the total cost is no more than _ percent (_%) of the total cost for the non-recycled items.
 - 4.2.1.3 Option 3: No price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper (rather than non-recycled items) that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.
 - 4.2.2 All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined. Provide records to Zero Waste Sonoma of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled- content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction.

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Records shall include a copy of the invoice or other documentation of purchase, written certifications, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

4.3 Requirements for Vendors

4.3.1 All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to Jurisdiction shall:

4.3.1.1 Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.

4.3.1.2 Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

4.3.1.3 Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4.3.1.4 Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined

4.3.1.5 Provide records to Zero Waste Sonoma of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

4.3.2 All vendors providing printing services to the Jurisdiction via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber.

4.4 Recovered Organic Waste Product Procurement

4.4.1 Procurement Target

4.4.1.1 City will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target.

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4.4.1.2 To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following SB 1383 eligible Compost, SB 1383 eligible Mulch, Renewable Gas (in the form of transportation fuel, electricity, or heat), and Electricity Procured from Biomass Conversion.

4.4.2 Requirements for City Departments

4.4.2.1 Compost and SB 1383 Eligible Mulch procurement. Divisions and departments responsible for landscaping maintenance, renovation, or construction shall:

4.4.2.1.1 Use Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in Section 2.8 and 2.R of this Policy, for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

4.4.2.1.2 When Jurisdiction uses Compost and SB 1383 Eligible Mulch and the applications are subject to the Jurisdiction's Water Efficient Landscaping Ordinance (WELO), pursuant to Jurisdiction Code Section____, comply with one of the following, whichever is more stringent, (i) the Jurisdiction's WELO, Jurisdiction Code Section_, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWELo), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following: Guidance: Jurisdictions may, at their option, choose to establish and enforce water efficient landscaping requirements that are more stringent than required by SB 1383 regulations, including enforcement of updates to the MWELo provided that any updated MWELo requirements are more stringent than the September 15, 2015 MWELo requirements identified in the MWELo sections listed above.

4.4.2.1.3 For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

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- 4.4.2.1.4 Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
- 4.4.2.1.5 Procure mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
- 4.4.2.1.6 For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications. The mulch must also be produced at a permitted composting facility, transfer station, or landfill. The procured mulch cannot be from a chipping and grinding operation, as specified in 12 CCR Section 18993.1 (f)(4).
- 4.4.2.1.7 Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to Zero Waste Sonoma, upon completion of project. Records shall include general procurement records, including:
 - 4.4.2.1.8 General description of how and where the product was used and applied, if applicable;
 - 4.4.2.1.9 Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - 4.4.2.1.10 Type of product;
 - 4.4.2.1.11 Quantity of each product; and,
 - 4.4.2.1.12 Invoice or other record demonstrating purchase or procurement.
- 4.4.2.2 For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to Zero Waste Sonoma in accordance with the requirements specified in Section 3.2.A.3.
- 4.4.2.3 For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the Jurisdiction or Direct Service Provider meets the land application standards specified, as it may be amended from time to time, as currently reflected in Municipal Code Section 13.16.022.
- 4.4.2.4 When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and

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specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.

4.4.3 Requirements for Direct Service Providers

4.4.3.1 Direct Service Providers of landscaping maintenance, renovation, and construction shall:

4.4.3.1.1 Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2.8 and 2.R of this Policy, for all landscaping renovations, construction, or maintenance performed for the Jurisdiction, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

4.4.3.1.2 If Direct Service Provide is subject to the City's WELO, comply with the State's MWELo as required under Municipal Code Section 15.26.010

4.4.3.1.3 For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

4.4.3.1.4 Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

4.4.3.1.5 Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by applicable local ordinances.

4.4.3.1.6 For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified.

4.4.3.1.7 Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, upon completion of projects. Information to be provided shall include general description of how and where the product was used and if applicable, applied; source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were

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procured, type of product, quantity of each product; and invoice or other record demonstrating purchase or procurement.

4.4.3.2 Direct Service Provider of Organic Waste collection services shall:

4.4.3.2.1 Provide a specified quantity of Compost or SB 1383 Eligible Mulch to City and its customers via periodic "giveaways" as specified in a franchise agreement or other agreement.

4.4.3.2.2 Keep and provide records to the City including the following dates provided, source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste Products were procured, type of product, quantity provided; and invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

4.5 Energy Efficient and Water Saving Products

4.5.1 Purchase energy-efficient equipment with the most up-to-date energy efficiency functions. This includes, but is not limited to, high efficiency space heating systems and high efficiency space cooling equipment.

4.5.2 Replace inefficient interior lighting with energy-efficient equipment.

4.5.3 Replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment. Minimize exterior lighting where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

4.5.4 Purchase U.S. EPA Energy Star certified products when available. When Energy Star labels are not available, choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

4.5.5 Purchase U.S. EPA WaterSense labeled water-saving products when available. This includes, but is not limited to, high-performance fixtures like toilets, low-flow faucets and aerators, and upgraded irrigation systems.

4.6 Green Building Products and Practices

4.6.1 Consider Green Building practices for design, construction, and operation as described in the CalGreen, LEED, local requirements and other current Green Building best practices for all building and renovations undertaken.

4.6.2 In accordance with California Public Contract Code, Sec. 10409, purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment. This section does not preclude the purchase of virgin-oil products for exclusive use in vehicles whose warranties expressly prohibit the use of products containing recycled oil.

4.6.3 When specifying asphalt, concrete, aggregate base or portland cement concrete for

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construction projects, use recycled, reusable or reground materials.

- 4.6.4 Specify and purchase recycled content traffic control products, including signs, cones, parking stops, delineators, channelizers and barricades.

4.7 Landscaping Products and Practices

- 4.7.1 Employ Russian River Friendly Landscaping or sustainable landscape management techniques for all landscape renovations, construction and maintenance, including workers and contractors providing landscaping services, including, but not limited to, integrated pest management, grasscycling, drip irrigation, computerized central irrigation linked with the local weather station, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food scrap programs.
- 4.7.2 Choose a Russian River-Friendly Qualified Landscape Professional for landscape design and maintenance services. Training and qualifications shall include landscaping locally, landscaping for less to the landfill, nurturing the soil, conserving water, conserving energy, protecting water and air quality, and creating wildlife habitat.
- 4.7.3 Select plants to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred.
- 4.7.4 Hardscapes and landscape structures constructed of recycled content materials are encouraged. Limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

4.8 Household Hazardous Waste and Pollution Prevention Products and Practices

- 4.8.1 Manage pest problems through prevention and physical, mechanical and biological controls when contractors maintain buildings and landscapes. Either adopt and implement an Organic Pest Management (OPM) policy and practices or adopt and implement an Integrated Pest Management (IPM) policy and practices using the least toxic pest control as a last resort. Anticoagulant rodenticides shall never be used.
- 4.8.2 Use products with the lowest amount of volatile organic compounds (VOCs), highest recycled or reused content, low or no formaldehyde and no halogenated organic flame retardants when purchasing building maintenance materials such as paint, carpeting, adhesives, furniture and casework.
- 4.8.3 Purchase or require janitorial contractors to supply industrial and institutional cleaning products that meet Green Seal, EPA Safer Choice, or UL/Ecologo certification standards for environmental preferability and performance.
- 4.8.4 Purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute Green Label/Seal of Approval Program for soil removal, dust containment and carpet fiber retention for indoor air quality

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protection and performance cleaning standards. Other janitorial cleaning equipment should be capable of capturing fine particulates, removing sufficient moisture so as to dry within 24 hours, operate with a sound level less than 70dBA, and use high-efficiency, low-emissions engines.

- 4.8.5 Purchase paper, paper products, and janitorial paper products that are unbleached or are processed without chlorine or chlorine derivatives.
 - 4.8.6 Prohibit the purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, furniture and flooring.
 - 4.8.7 Prohibit the purchase of food service ware containing per- and polyfluoroalkyl substances (PFAS).
 - 4.8.8 Purchase products and equipment with no lead or mercury whenever possible. For products that contain lead or mercury, preference should be given to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs. In addition, whenever lead- or mercury-containing products require disposal, products will be disposed in the most environmentally safe manner possible. All fluorescent lamps and batteries will be recycled.
 - 4.8.9 Purchase or specify personal computers, displays, imaging equipment and televisions that meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as "required" as contained in the IEEE 1680 family of Environmental Assessment Standards.
 - 4.8.10 Purchase or specify office furniture that meets the California Bureau of Household Goods and Services (BHGS) standard Technical Bulletin 117-2013 for testing upholstered furniture flammability without the use of flame retardant chemicals.
 - 4.8.11 Purchase or specify commercial carpeting that meets NSF/ANSI 140 Standard for Sustainable Carpet Assessment and require old carpet that is removed be recycled.
 - 4.8.12 Purchase or specify non-carpet floor coverings that meet NSF/ANSI 332 Standard for Resilient Flooring including vinyl, linoleum and rubber flooring. In conjunction with California State agency requirements, at least 50 percent of the quantity of paint used for architectural projects should contain reused or recycled paint with a recycled content consisting of at least 50 percent post-consumer paint. Reused paint can be acquired from the Sonoma HHW Facility by either visiting the reuse lockers or by pre-arranging remixed paint in 5-gallon containers in off-white, tan, light grey, or light green.
 - 4.8.13 When replacing vehicles, consider less-polluting alternatives to diesel such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available.
- 4.9 **Fiber-only Products**
- 4.9.1 Use paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues.
 - 4.9.2 Priority should be given to reusable food service ware, however, if single-use food service ware is purchased, it is to be fiber only and BPI certified

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4.9.3 Ask vendors to provide proof of compliance with ASTM standards for compostable, biodegradable and degradable plastic products upon request. One acceptable proof of compliance for compostable plastic products will be certification by the Biodegradable Products Institute (BPI).

4.10 Forest Conservation Products

4.10.1 To the greatest extent practicable, do not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When possible, give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.

4.10.2 Encourage the purchase or use of previously used or salvaged wood and wood products whenever practicable

5 RECORDKEEPING RESPONSIBILITIES

5.1 The department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for organizing records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper. The Recordkeeping Designee shall communicate frequently with Zero Waste Sonoma to transfer all the required documentation for reporting to CalRecycle.

5.1.1 The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper: Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of Jurisdiction's documentation.

5.1.2 Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the Jurisdiction to develop evidence of Jurisdiction meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the Jurisdiction's documentation.

5.1.3 Collect, collate, and maintain documentation submitted by the Jurisdiction, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee.

5.1.4 Compile an annual report on the Jurisdiction's direct procurement, and vendor/other procurement on behalf of the Jurisdiction, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the Jurisdiction's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements). The procurement report shall also be shared with Council, JPA or other regulating body annually as evidence of implementing this Policy.

6 RESPONSIBILITIES

- 6.1 The health and safety of workers and citizens is of utmost importance and takes precedence over all other practices. Nevertheless, the duty to act in a fiscally responsible as well as a timely manner is recognized.
- 6.2 Nothing contained in this policy shall be construed as requiring a department, purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, risk the health or safety of workers and citizens, or are not available at a reasonable price in a reasonable period of time
- 6.3 Nothing contained in this policy shall be construed as requiring the jurisdiction, department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.
- 6.4 The jurisdiction has made significant investments in developing a successful recycling system and recognizes that recycled content products are essential to the continuing viability of that recycling system and for the foundation of an environmentally sound production system. Therefore, to the greatest extent practicable, recycled content shall be included in products that also meet other specifications, such as chlorine free or bio- based.

7 IMPLEMENTATION

- 7.1 The Administrative Services Director shall implement this policy in coordination with other appropriate personnel.
- 7.2 Require successful vendors to certify in writing that the environmental attributes claimed in competitive proposals are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.
- 7.3 Upon request, buyers making the selection from competitive procurement process shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this policy.
- 7.4 Include businesses certified by the Bay Area Green Business Program in purchasing requests for products and services.
- 7.5 Encourage vendors, contractors and grantees to comply with applicable sections of this policy for products and services provided.

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

8 PROGRAM EVALUATION

- 8.1 The Administrative Services Director shall periodically evaluate the success of this policy's implementation

9 EXCEPTIONS

- 9.1 Every effort will be made to adhere to the Environmentally Preferable Purchasing Policy to the extent possible, recognizing that certain procurement decisions such as for cleaning products, janitorial equipment, and electronics may be outside of the City's authority.

10 EFFECTIVE DATES

- 10.1 This EPP policy shall take effect on July 1, 2022.