

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 16, 2014 Consent Regular
 Ordinance Public Hearing

Submitted By: Purchasing Department

Submitted For: Purchasing Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on January 13, 2015 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, setting forth and amending Section 2-4 of the Palm Beach County Code, the Palm Beach County Recycled Paper Product Procurement Ordinance; amending Section 2-4(a) Short Title; Amending Section 2-4(b) Purpose; Amending Section 2-4(c) Policies; Amending Section 2-4(d) Definitions; Amending Section 2-4(e) Requirements for Purchasing Solicitations and Contracts; Amending Section 2-4(f) Responsibilities and Goals for Procurement of Sustainable Source Paper Products; Amending Section 2-4(g) Annual Report; Amending 2-4(h) Responsibilities and Reporting Requirements of Departments; Amending Section 2-4(i) Responsibilities of the Purchasing Department; Repealing Section 2-4(j) Exemptions; Providing for Repeal of Laws in Conflict; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; and Providing for an Effective Date.

Summary: The Palm Beach County Recycled Paper Product Procurement Ordinance was adopted in 1990 (Ordinance No. 90-13). It promotes the use of recycled paper products; discourages the use of paper products that are not recyclable; and sets forth a preferential procurement policy to encourage and promote the use of recycled and recyclable paper products by County departments, agencies and contractors. This Ordinance Amendment recognizes the importance of the use of sustainable source paper products, of which recycled paper products is a subset, and clarifies and updates the County's goal with regard to the use of sustainable source paper products. A summary of the substantive recommended changes to the existing Palm Beach County Recycled Paper Product Procurement Ordinance is attached. Countywide (DW).

Background and Policy Issues: A summary of the substantive recommended changes to the existing Palm Beach County Recycled Paper Product Procurement Ordinance is attached.

Attachments:

1. Summary of Substantive Recommended Changes to the existing Palm Beach County Recycled Paper Product Procurement Ordinance
2. Proposed Recycled Paper Product Procurement Ordinance Amendment:
3. Strike-through/underlined version
4. Proposed Recycled Paper Product Procurement Ordinance Amendment: Clean version

Recommended by: Kathy Scarlett 11/25/14
Department Director Date

Approved by: [Signature] 12/8/14
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes ___ No ___
 Budget Account No.: Fund ___ Dept ___ Unit ___ Object ___
 Program

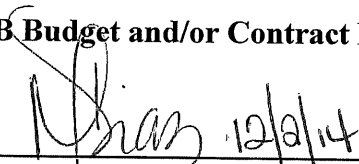
B. Recommended Sources of Funds/Summary of Fiscal Impact:

Historically, the County has continued to exceed the goal established for purchasing recycled or sustainable source paper products as set forth in the original 1990 Ordinance. As such, it is anticipated that there will be no increase to the operating budget if this Ordinance Amendment is adopted.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Budget and/or Contract Dev. and Control Comments:



 OFMB/Budget



 Contract Development and Control

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

**SUMMARY OF SUBSTANTIVE RECOMMENDED CHANGES TO THE
RECYCLED PAPER PRODUCT PROCUREMENT ORDINANCE**

<u>Section</u>	<u>Page</u>	<u>Change and Rationale</u>
1	2	This provision changes the title of the Ordinance to the "Palm Beach County Sustainable Source Paper Products Ordinance."
2 and throughout	2	The words "recycled paper products" is changed to "sustainable source paper products" throughout this Amendment. The purpose of this Amendment is to establish a policy for the procurement and use of sustainable source paper products by all County Departments. This provision deletes the preferential procurement programs applicable to all county departments, agencies and contractors doing business with the county because a preferential procurement program has never been implemented under this Ordinance. This Amendment makes the Sustainable Source Paper Products Ordinance applicable to County Departments and not to constitutional offices or contractors.
3(c) (1)	2	This provision mandates that all County Departments use sustainable source paper products to meet their needs whenever practicable and subject to market availability.
3(c)(3) & 5(e)(1)	2 & 5	This provision requires that a designated percentage of sustainable source paper content be included as a specification or a qualification in solicitations.
4(d)(1) through (12)	3 - 5	The definitions for contractor, end use, goal, minimum content standards, post consumer material, post consumer paper material, procurement contract, recovered paper material, recyclable paper product, and recycled paper product are deleted. In addition, the definitions for sustainable source paper product content standards and sustainable source paper products are added in the Amendment.
5(e)(2)	6	This provision states that all bulk paper products purchased by the County shall include a label designating the percentage of sustainable source paper content that meets or exceeds the requirements set forth in the solicitation.
6(f)(1)	7	This provision changes the County's recycled paper procurement goal of fifty percent (50%) to an eighty-five percent (85%) County goal for the procurement of sustainable source paper products.
6(f)(6)	8	This provision requiring contractors to utilize, report upon, and maintain records for usage of recycled paper as a condition to contract award is deleted.
8(h)(7)	10	This provision requires County Departments to utilize existing contracts and purchase sustainable source paper products from the Purchasing Warehouse in lieu of having separate contracts for the same or similar goods.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3 Section 1. SHORT TITLE

4 Sec. 2-4(a) of the Palm Beach County Code is hereby amended as follows:

5 (a) *Short Title:* This section shall be known ~~and may be cited~~ as the “Palm
6 Beach County Reeyeled Sustainable Source Paper Products Procurement
7 Ordinance.”

8 Section 2. PURPOSE

9 Sec. 2-4(b) of the Palm Beach County Code is hereby amended as follows:

10 (b) *Purpose:* The purpose of this section is to ~~promote market development~~
11 establish policy for the procurement and use of reeyeled sustainable source
12 paper products by all county departments. ~~and to discourage the use of~~
13 ~~non-recyclable paper products by establishing preferential procurement~~
14 ~~programs applicable to all county departments, agencies and the contractors~~
15 ~~doing business with the county.~~

16 Section 3. POLICIES

17 Sec. 2-4(c) of the Palm Beach County Code is hereby amended as follows:

- 18 (c) *Policies:*
- 19 (1) All county departments shall use reeyeled sustainable source and
20 recyclable paper products to meet their needs whenever practicable
21 and subject to market availability.
 - 22 ~~(2) The county shall require its contractors and consultants to use~~
23 ~~reeyeled and recyclable paper products in fulfilling contractual~~
24 ~~obligations to the county subject to the provisions of subsections (e)~~
25 ~~and (f) of this section.~~
 - 26 (23) In procuring paper products pursuant to this section, the county shall
27 require a designated percentage of sustainable source paper content
28 as a specification or qualification in its solicitations. ~~recovered~~
29 ~~material and/or post-consumer material content to be considered as~~

1 factors in determining the lowest responsive and responsible bid in
2 any competitive bidding procurement process.

3 (34) The county shall promote the use of ~~recycled~~ sustainable source and
4 recyclable paper products by publicizing the intended purpose of
5 this Ordinance, ~~its procurement program and by disseminating~~
6 ~~information about recycled products.~~

7 Section 4. DEFINITIONS

8 Sec. 2-4(d) of the Palm Beach County Code is hereby amended as follows:

9 (d) *Definitions:* The following terms shall have the assigned definitions for
10 all purposes under this section:

11 (1) ~~Contractor~~ means ~~any person, group of persons, consultant,~~
12 ~~designing architect, association, partnership, corporation, or other~~
13 ~~type of business entity which has a contract with the county~~
14 ~~(including suppliers) or which serves in a subcontracting~~
15 ~~capacity with an entity having a contract with the county for the~~
16 ~~provision of goods and/or services.~~

17 (2)(1) *Departments* shall refer to any department under the direction of
18 the Board of County Commissioners, ~~and the supervisor of~~
19 ~~elections; other county agencies and constitutional offices may~~
20 ~~voluntarily elect to participate in this program.~~

21 (3) ~~End use~~ means ~~an intended final use of a product by a consumer~~
22 ~~which will not result in additional value being added to the~~
23 ~~product.~~

24 (4) ~~Goal~~ means ~~a quantitatively expressed objective which the~~
25 ~~county through its departments makes good faith efforts to~~
26 ~~achieve.~~

27 (5) *Minimum content standards* means ~~standards set by the county~~
28 ~~specifying the minimum level of the recovered material and/or~~
29 ~~post-consumer material necessary for designated products to~~
30 ~~qualify as recycled products.~~

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~~(6)(2) *Paper and Paper products* means all items manufactured from paper or paperboard, including, but not limited to, corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage.~~

~~(3) *Sustainable source paper product content standards* means standards set by the county specifying the minimum level of sustainable source paper content that is acceptable for a procurement based upon standards promulgated by the United States Environmental Protection Agency.~~

~~(4) *Sustainable source paper products* mean those paper products that are designed, harvested, and manufactured to minimize environmental impacts across the entire life cycle, promote responsible forest management, and protect the rights and needs of local communities.~~

~~(7) *Post-consumer material* means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition.~~

~~(8) *Post-consumer paper material* means:~~

~~a. Paper, paperboard and fibrous wastes, including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage from places like retail stores, office buildings and homes after the point at which they have passed through their end use as consumer items; and~~

~~b. All paper, paperboard and fibrous wastes that enter and are collected as mixed municipal solid waste.~~

~~(9) *Procurement contract* means any contract which is awarded by the county for the purchase of tangible goods.~~

1 (10) ~~Recovered paper material~~ means paper waste generated after the
2 completion of a papermaking process, such as post-consumer
3 material, envelope cuttings, bindery trimmings, printing waste,
4 cutting and other converting waste, butt rolls, and mill wrappers,
5 obsolete inventories, and rejected unused stock. Recovered paper
6 material, however, shall not include fibrous waste generated
7 during the manufacturing process such as fibers recovered from
8 wastewater or trimmings of paper machine rolls (mill broke), or
9 fibrous by-products of harvesting, extractive or woodcutting
10 processes, or forest residue such as bark.

11 (11) ~~Recyclable paper product~~ means a paper product which, after its
12 intended end use, can demonstrably and economically be diverted
13 from the county solid waste stream for use as a raw material in
14 the manufacture of another product.

15 (12) ~~Recycled paper product~~ means a paper product which contains
16 recovered paper material as defined herein.

17 Section 5. REQUIREMENTS FOR PURCHASING SOLICITATIONS AND CONTRACTS

18 Sec. 2-4(e) of the Palm Beach County Code is hereby amended as follows:

19 (e) *Requirements for Purchasing Solicitations and Contracts.*

20 (1) ~~Invitations to bid or requests for proposals~~ Solicitations issued by
21 the county for the purchase of paper products shall contain ~~no~~
22 ~~terms, requirements and/or specifications prohibiting or~~
23 ~~discouraging post-consumer or recovered material content~~
24 specifications or qualifications requiring a percentage of
25 sustainable source paper content unless a user department
26 provides the Director of Purchasing with satisfactory evidence
27 that, ~~for technical reasons and for a particular end use,~~ a product
28 containing such materials the specifications or qualifications
29 requiring a percentage of sustainable source paper content will
30 not meet reasonable performance standards.

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~~(2) In determining the lowest responsive and responsible bid for the purchase of paper products pursuant to invitations to bid issued, the director of purchasing shall use the procedures and evaluation criteria specified in this section. If the lowest offered price for a recycled paper product is not more than the specified percentage higher than the lowest offered price for the same paper product that is not recycled, the offered price for the recycled paper product shall be considered the low bid if such bidder is otherwise responsive and responsible. However, nothing contained in this section shall preclude user departments from requiring post-consumer or recovered material content as a specification in invitations to bid for paper products.~~

~~(3)(2) Each contractor supplying the county with recycled paper products pursuant to an invitation to bid or request for proposal process initiated after April 30, 1990, shall provide certifications acceptable to the county from all product manufacturers that the products being supplied meet or surpass county minimum content standards and shall agree to reasonable verification procedures specified by the director of purchasing. All sustainable source paper products purchased by the county shall include a label designating the percentage of sustainable source paper content that meets or exceeds the requirements set forth in the solicitation, the requirement for which shall be made part of or incorporated into the contract between the county and the vendor.~~

Section 6. RULES AND REGULATIONS RESPONSIBILITIES AND GOALS FOR PROCUREMENT OF SUSTAINABLE SOURCE PAPER AND PAPER PRODUCTS

Sec. 2-4(f) of the Palm Beach County Code is hereby amended as follows:

- (f) *Rules and Regulations Responsibilities and Goals for Procurement of Paper and Sustainable Source Paper Products:*

- 1 (1) The county's ~~recycled~~ sustainable source paper procurement goal
2 for ~~all user~~ departments (expressed as a percentage of the total
3 volume of paper purchased) shall be not less than ~~forty (40) by~~
4 ~~December 31, 1990 and not less than fifty (50) percent by 1993~~
5 than eighty-five percent (85%) by December 31, 2015 and for
6 each subsequent year thereafter. Each department shall be
7 responsible for making its best effort to meet or surpass ~~these~~ this
8 goals.
- 9 (2) The Director of Purchasing shall provide sustainable source paper
10 content standards to departments upon request. ~~adopt minimum~~
11 ~~content standards for recycled paper products.~~ The minimum
12 ~~content standards shall, at a minimum, be consistent with~~
13 ~~standards promulgated by the United States Environmental~~
14 ~~Protection Agency and found in 40 CFR part 250.21 unless it can~~
15 ~~be determined that a different standard would significantly~~
16 ~~increase recycled product availability or competition or would~~
17 ~~increase recycled content without adversely affecting availability.~~
- 18 ~~(3) The Director of Purchasing shall use a percentage factor of ten~~
19 ~~(10) percent in the process of determining the lowest responsive~~
20 ~~and responsible bidder for paper and paper products.~~
- 21 ~~(4)~~(3) Departments shall publicize the county's use of recycled
22 sustainable source paper by printing the words "Printed on
23 Recycled Paper from Sustainable Sources" and/or a recycling
24 logo on all letterhead paper, ~~and on the title page of all reports~~
25 ~~printed on recycled paper.~~
- 26 ~~(5)~~(4) To reduce the volume of paper purchased, departments shall use
27 both sides of paper sheets whenever practicable.
- 28 ~~(6) Requests for proposal or qualifications issued by the county shall~~
29 ~~require all proposed contractors or consultants submitting~~

1 proposals to agree to the following as a precondition to contract
2 award:

3 a. ~~All reports submitted to the county by a contractor in~~
4 ~~fulfillment of contract obligations shall use recycled~~
5 ~~sustainable source paper when it is available at a~~
6 ~~reasonable price and of satisfactory quality to meet~~
7 ~~contractual performance standards. For purposes of this~~
8 ~~paragraph, the price of recycled paper shall be considered~~
9 ~~"reasonable" if its cost is no more than ten (10) percent~~
10 ~~higher than the lowest price offered for nonrecycled~~
11 ~~paper.~~

12 b. ~~Reports submitted to the county by contractors shall use~~
13 ~~both sides of paper sheets whenever practicable.~~

14 c. ~~Contractors shall be responsible for maintaining records~~
15 ~~documenting usage of recycled paper for reports~~
16 ~~submitted to the county in fulfillment of contractual~~
17 ~~obligations. Contractors shall submit such records to the~~
18 ~~county according to procedures to be established by the~~
19 ~~director of purchasing October 1, 1990.~~

20 Section 7. ANNUAL REPORT

21 Sec. 2-4(g) of the Palm Beach County Code is hereby amended as follows:

22 (g) *Annual Report:* The Purchasing Department shall submit to the Board of
23 County Commissioners for each fiscal year beginning ~~December 31,~~
24 ~~1990~~ October 1, 2015, a report evaluating the county's use of sustainable
25 source paper products procurement program, including the following
26 components:

27 (1) ~~Quantities of designated products purchased by departments.~~

28 (2)(1) Quantities and types of recycled sustainable source paper
29 products purchased by departments.

1 sustainable source paper products, as specified by the purchasing
2 department.

3 ~~(6) — Transmitting to contractors, upon their request, recycled product~~
4 ~~and vendor lists prepared by the purchasing department.~~

5 ~~(7) — Collecting information from contractors about their designated~~
6 ~~product purchases before contract expiration dates according to~~
7 ~~procedures established by the purchasing department.~~

8 ~~(8)(6)~~ Informing the purchasing department of potential uses of recycled
9 sustainable source paper products by contractors.

10 (7) Utilizing existing contracts and purchasing sustainable source
11 paper products from the Purchasing Department Warehouse in
12 lieu of having separate contracts for the same or similar goods.

13 Section 9. RESPONSIBILITIES OF THE PURCHASING DEPARTMENT

14 Sec. 2-4(i) of the Palm Beach County Code is hereby amended as follows:

15 (i) *Responsibilities of the Purchasing Department:* The purchasing
16 department is responsible for:

17 (1) Revising or amending standard bid- solicitation documents and
18 contract language where necessary to implement this section.

19 (2) Collecting data of sustainable source paper products purchased on
20 purchases by departments within each fiscal year and reporting
21 same to the board of county commissioners. of designated
22 products on county purchase orders.

23 ~~(3) — Preparing bid invitations for recycled products.~~

24 ~~(4) — Maintaining a directory of recycled products and local vendors.~~

25 ~~(5) — Disseminating recycled product information to departments.~~

26 Section 10. — EXEMPTIONS

27 ~~Sec. 2-4(j) of the Palm Beach County Code is hereby amended as follows:~~

28 ~~(j) — Exemptions: Nothing in this section shall be construed as requiring a~~
29 ~~department or contractor to procure products that do not perform~~

1 adequately for their intended end use or are not available at a reasonable
2 price in a reasonable period of time.

3 Section 11. REPEAL OF LAWS IN CONFLICT:

4 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
5 repealed to the extent of such conflict.

6 Section 12. SEVERABILITY:

7 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
8 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
9 holding shall not affect the remainder of this Ordinance.

10 Section 13. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

11 The provisions of this Ordinance shall become and be made a part of the Palm Beach
12 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,
13 and the word "ordinance" may be changed to "section," "article," or other appropriate word.

14 Section 14. EFFECTIVE DATE:

15 The provisions of this Ordinance shall become effective upon filing with the Department of
16 State.

17
18 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
19 County, Florida, on this the ____ day of _____, 2015.

20
21 SHARON R. BOCK, CLERK &
22 COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

23
24 By: _____
25 Deputy Clerk

By: _____
, Mayor

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28 APPROVED AS TO FORM AND
29 LEGAL SUFFICIENCY

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31 By: _____
32 County Attorney

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36 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
37 _____, 2015.

ORDINANCE NO. 2015-_____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
5 SETTING FORTH AND AMENDING SECTION 2-4 OF THE
6 PALM BEACH COUNTY CODE, THE "PALM BEACH
7 COUNTY RECYCLED PAPER PRODUCT PROCUREMENT
8 ORDINANCE"; AMENDING SECTION 2-4(a) "SHORT
9 TITLE"; AMENDING SECTION 2-4(b) PURPOSE;
10 AMENDING SECTION 2-4(c) POLICIES; AMENDING
11 SECTION 2-4(d) DEFINITIONS; AMENDING SECTION 2-
12 4(e) REQUIREMENTS FOR PURCHASING SOLICITATIONS
13 AND CONTRACTS; AMENDING SECTION 2-4(f)
14 RESPONSIBILITIES AND GOALS FOR PROCUREMENT
15 OF SUSTAINABLE SOURCE PAPER PRODUCTS;
16 AMENDING SECTION 2-4(g) ANNUAL REPORT;
17 AMENDING SECTION 2-4(h) RESPONSIBILITIES AND
18 REPORTING REQUIREMENTS OF DEPARTMENTS;
19 AMENDING SECTION 2-4(i) RESPONSIBILITIES OF THE
20 PURCHASING DEPARTMENT; REPEALING SECTION 2-
21 4(j) EXEMPTIONS; PROVIDING FOR REPEAL OF LAWS
22 IN CONFLICT; PROVIDING FOR SEVERABILITY;
23 PROVIDING FOR INCLUSION IN THE CODE OF LAWS
24 AND ORDINANCES; AND PROVIDING FOR AN
25 EFFECTIVE DATE.

26
27 WHEREAS, on April 17, 1990, the Board of County Commissioners of Palm Beach
28 County, Florida ("Board") enacted Ordinance No. 90-13 which established the "Palm Beach
29 County Recycled Product Procurement Ordinance"; and

30 WHEREAS, the "Palm Beach County Recycled Product Procurement Ordinance" was
31 adopted in order to promote market development of recycled paper products and discourage
32 the use of non-recyclable paper products; and

33 WHEREAS, sustainable source paper products are those from areas including forests that
34 have been specifically planted for paper production as well as traditional recycled sources; and

35 WHEREAS, it is necessary to update the "Palm Beach County Recycled Product
36 Procurement Ordinance" in order to provide for the use of sustainable source paper products, which
37 includes recycled paper products, and to make the process of procuring and using sustainable
38 source paper products more efficient; and

39 WHEREAS, the Board of County Commissioners desires to amend the existing "Palm
40 Beach County Recycled Product Procurement Ordinance" as set forth herein.

41 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
42 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 Section 1. SHORT TITLE

2 Sec. 2-4(a) of the Palm Beach County Code is hereby amended as follows:

3 (a) *Short Title:* This section shall be known as the “Palm Beach County
4 Sustainable Source Paper Products Ordinance.”

5 Section 2. PURPOSE

6 Sec. 2-4(b) of the Palm Beach County Code is hereby amended as follows:

7 (b) *Purpose:* The purpose of this section is to establish policy for the
8 procurement and use of sustainable source paper products by all county
9 departments.

10 Section 3. POLICIES

11 Sec. 2-4(c) of the Palm Beach County Code is hereby amended as follows:

12 (c) *Policies:*

13 (1) All county departments shall use sustainable source paper products
14 to meet their needs whenever practicable and subject to market
15 availability.

16 (2) In procuring paper products pursuant to this section, the county shall
17 require a designated percentage of sustainable source paper content
18 as a specification or qualification in its solicitations.

19 (3) The county shall promote the use of sustainable source paper
20 products by publicizing the intended purpose of this Ordinance.

21 Section 4. DEFINITIONS

22 Sec. 2-4(d) of the Palm Beach County Code is hereby amended as follows:

23 (d) *Definitions:* The following terms shall have the assigned definitions for
24 all purposes under this section:

25 (1) *Departments* shall refer to any department under the direction of
26 the Board of County Commissioners.

27 (2) *Paper products* means all items manufactured from paper or
28 paperboard including, but not limited to, corrugated boxes,
29 newspapers, magazines, mixed waste paper, tabulating cards and
30 used cordage.

1 (3) *Sustainable source paper product content standards* means
2 standards set by the county specifying the minimum level of
3 sustainable source paper content that is acceptable for a
4 procurement based upon standards promulgated by the United
5 States Environmental Protection Agency.

6 (4) *Sustainable source paper products* mean those paper products
7 that are designed, harvested, and manufactured to minimize
8 environmental impacts across the entire life cycle, promote
9 responsible forest management, and protect the rights and needs
10 of local communities.

11 Section 5. REQUIREMENTS FOR PURCHASING SOLICITATIONS AND CONTRACTS

12 Sec. 2-4(e) of the Palm Beach County Code is hereby amended as follows:

13 (e) *Requirements for Purchasing Solicitations and Contracts.*

14 (1) Solicitations issued by the county for the purchase of paper
15 products shall contain specifications or qualifications requiring a
16 percentage of sustainable source paper content unless a
17 department provides the Director of Purchasing with satisfactory
18 evidence that the specifications or qualifications requiring a
19 percentage of sustainable source paper content will not meet
20 reasonable performance standards.

21 (2) All sustainable source paper products purchased by the county
22 shall include a label designating the percentage of sustainable
23 source paper content that meets or exceeds the requirements set
24 forth in the solicitation, the requirement for which shall be made
25 part of or incorporated into the contract between the county and
26 the vendor.

27 Section 6. RESPONSIBILITIES AND GOALS FOR PROCUREMENT OF SUSTAINABLE
28 SOURCE PAPER PRODUCTS

29 Sec. 2-4(f) of the Palm Beach County Code is hereby amended as follows:

30 (f) *Responsibilities and Goals for Procurement of Sustainable Source Paper*
31 *Products:*
32

- 1 (1) The county's sustainable source paper procurement goal for all
2 departments (expressed as a percentage of the total volume of
3 paper purchased) shall be not less than eighty-five percent (85%)
4 by December 31, 2015 and for each subsequent year thereafter.
5 Each department shall be responsible for making its best effort to
6 meet or surpass this goal.
- 7 (2) The Director of Purchasing shall provide sustainable source paper
8 content standards to departments upon request.
- 9 (3) Departments shall publicize the county's use of sustainable source
10 paper by printing the words "Printed on Paper from Sustainable
11 Sources" on all letterhead paper.
- 12 (4) To reduce the volume of paper purchased, departments shall use
13 both sides of paper sheets whenever practicable.

14 Section 7. ANNUAL REPORT

15 Sec. 2-4(g) of the Palm Beach County Code is hereby amended as follows:

- 16 (g) *Annual Report*: The Purchasing Department shall submit to the Board of
17 County Commissioners for each fiscal year beginning October 1, 2015, a
18 report evaluating the county's use of sustainable source paper products,
19 including the following components:
 - 20 (1) Quantities and types of sustainable source paper products
21 purchased by departments.
 - 22 (2) Prices and relative quantities purchased of sustainable source and
23 non-sustainable source paper products.
 - 24 (3) A determination as to whether the sustainable source paper
25 product content standards should be changed or remain the same.
 - 26 (4) An assessment of the effectiveness of the Sustainable Source
27 Paper Product Ordinance and an evaluation of the county's goal.

28
29 Section 8. RESPONSIBILITIES AND REPORTING REQUIREMENTS OF
30 DEPARTMENTS

31
32 Sec. 2-4(h) of the Palm Beach County Code is hereby amended as follows:

1 (h) *Responsibilities and Reporting Requirements of Departments:* All
2 departments are responsible for:

3 (1) Purchasing and using sustainable source paper products whenever
4 practicable.

5 (2) Documenting any technical problems that preclude the use of
6 sustainable source paper products.

7 (3) Providing written explanations to the Director of Purchasing for
8 not purchasing sustainable source paper products.

9 (4) Reviewing specifications and recommending revisions as
10 necessary to allow procurement of products that meet or exceed
11 sustainable source paper product content standards to the
12 maximum extent practicable.

13 (5) Conducting comparative tests of the performance of sustainable
14 source paper products and non-sustainable source paper products.

15 (6) Informing the purchasing department of potential uses of
16 sustainable source paper products by contractors.

17 (7) Utilizing existing contracts and purchasing sustainable source
18 paper products from the Purchasing Department Warehouse in
19 lieu of having separate contracts for the same or similar goods.

20 Section 9. RESPONSIBILITIES OF THE PURCHASING DEPARTMENT

21 Sec. 2-4(i) of the Palm Beach County Code is hereby amended as follows:

22 (i) *Responsibilities of the Purchasing Department:* The purchasing
23 department is responsible for:

24 (1) Revising or amending standard solicitation documents and
25 contract language where necessary to implement this section.

26 (2) Collecting data of sustainable source paper products purchased by
27 departments within each fiscal year and reporting same to the
28 board of county commissioners.

1 Section 11. REPEAL OF LAWS IN CONFLICT:

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3 repealed to the extent of such conflict.

4 Section 12. SEVERABILITY:

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
6 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
7 holding shall not affect the remainder of this Ordinance.

8 Section 13. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

9 The provisions of this Ordinance shall become and be made a part of the Palm Beach
10 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,
11 and the word "ordinance" may be changed to "section," "article," or other appropriate word.

12 Section 14. EFFECTIVE DATE:

13 The provisions of this Ordinance shall become effective upon filing with the Department of
14 State.

15 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
16 County, Florida, on this the ____ day of _____, 2015.

17
18 **SHARON R. BOCK, CLERK &**
19 **COMPTROLLER**

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

20
21 By: _____
22 Deputy Clerk

By: _____
Shelley Vana, Mayor

23
24
25 **APPROVED AS TO FORM AND**
26 **LEGAL SUFFICIENCY**

27
28 By: _____
29 County Attorney
30

31 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
32 _____, 2015.