

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 13, 2015 [ ] Consent [ ] Regular  
[ X] Public Hearing

Submitted By: Purchasing Department  
Submitted For: Purchasing Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: 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: Strike-through/underlined version
  - 3. Proposed Recycled Paper Product Procurement Ordinance Amendment: Clean version

Recommended by: Kathy Charlett 12/16/14  
Department Director Date

Approved by: 12/22/14  
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
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 N/A

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 AK 12/14  
Contract Development and Control 12/19/14

B. Legal Sufficiency:

Assistant County Attorney 12

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.

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

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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.
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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.

ORDINANCE NO. 2015-\_\_\_\_\_

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 SECTION 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.

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

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

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

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

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

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 ~~recyeled 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.

1                   ~~(6)(2)~~ *Paper and Paper products* means all items manufactured from  
2                   paper or paperboard: including, but not limited to, corrugated  
3                   boxes, newspapers, magazines, mixed waste paper, tabulating  
4                   cards and used cordage.

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

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

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

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

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

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

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



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

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

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

## Section 5. REQUIREMENTS FOR PURCHASING SOLICITATIONS AND CONTRACTS

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

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

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

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

13 (3)(2) Each contractor supplying the county with recycled paper  
14 products pursuant to an invitation to bid or request for proposal  
15 process initiated after April 30, 1990, shall provide certifications  
16 acceptable to the county from all product manufacturers that the  
17 products being supplied meet or surpass county minimum content  
18 standards and shall agree to reasonable verification procedures  
19 specified by the director of purchasing. All sustainable source  
20 paper products purchased by the county shall include a label  
21 designating the percentage of sustainable source paper content  
22 that meets or exceeds the requirements set forth in the  
23 solicitation, the requirement for which shall be made part of or  
24 incorporated into the contract between the county and the vendor.

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

28  
29 Sec. 2-4(f) of the Palm Beach County Code is hereby amended as follows:

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

- 1 (1) The county's ~~reeyeled~~ 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 Recyeled 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 e. ~~————~~ 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                               ~~(3)~~(2) Prices and relative quantities purchased of reecycled sustainable  
2   source and ~~nonreecycled~~ non-sustainable source paper designated  
3   products.
- 4                               ~~(4)~~(3) A determination as to whether ~~minimum content standards~~ the  
5   sustainable source paper product content standards should be  
6   changed or remain the same.
- 7                               ~~(5)~~——A summary of program promotional efforts.
- 8                               ~~(6)~~(4) An assessment of the effectiveness of the Sustainable Source  
9   Paper Product Ordinance ~~procurement program~~ and an evaluation  
10    of the county's ~~program~~ goals.
- 11                              ~~(7)~~——Recommendations for changes in procurement policy, including  
12    ~~designation of additional products.~~

13   Section 8.    RESPONSIBILITIES    AND    REPORTING    REQUIREMENTS    OF  
14   DEPARTMENTS

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

- 17                   (h)    *Responsibilities and Reporting Requirements of Departments:* All ~~user~~  
18   departments are responsible for:
- 19                               (1)    Purchasing and using ~~reecycled~~ sustainable source paper products  
20   whenever practicable.
- 21                               (2)    Documenting any technical problems that preclude the use of  
22   ~~reecycled-sustainable source paper~~ products.
- 23                               (3)    Providing written explanations to the Director of Purchasing for  
24   not purchasing ~~reecycled-sustainable source paper~~ products.
- 25                               (4)    Reviewing specifications and recommending revisions as  
26   necessary to allow procurement of products that meet or exceed  
27   ~~containing reecycled~~ sustainable source material paper product  
28   content standards to the maximum extent practicable.
- 29   ~~Performance standards that are more stringent than necessary~~  
30   ~~should be reviewed and revised.~~
- 31                               (5)    Conducting comparative tests of the performance of ~~reecycled~~  
32   sustainable source paper products and ~~nonreecycled~~ non-

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 Aordinance@ may be changed to Asection,@ Aarticle,@ 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

26  
27  
28 APPROVED AS TO FORM AND  
29 LEGAL SUFFICIENCY

30  
31 By: \_\_\_\_\_  
32 County Attorney

33  
34

35

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





ORDINANCE NO. 2015-\_\_\_\_\_

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 SECTION 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.

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 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* means paper products,  
7 including recycled paper products, that are designed, harvested,  
8 and manufactured to minimize environmental impacts across the  
9 entire life cycle, promote responsible forest management, and  
10 protect the rights and needs 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  
30 Sec. 2-4(f) of the Palm Beach County Code is hereby amended as follows:

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

- 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 Aordinance@ may be changed to Asection,@ Aarticle,@ 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**

20  
21    By: \_\_\_\_\_  
22        Deputy Clerk

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

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.