CITY OF PINOLE PROCUREMENT POLICY

(revised October 15, 2024)

I. PURCHASING POLICY OVERVIEW

The purpose of this policy is to outline the guiding principles, rules, and standards applicable to all purchases of goods, services, and supplies made by the City of Pinole.

II. CONTRACTING PRINCIPLES

The requirements contained in this policy are informed by several guiding principles. Adherence to these principles ensures that the City's purchases are consistent with applicable legal requirements and best practices and that public funds are expended responsibly.

A. 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.

B. 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, this principle permits the City to consider factors other than just price in determining what constitutes the best overall value to the City.

C. 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.

D. 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.

III. STANDARDS OF CONDUCT/ETHICAL CONSIDERATIONS

A. 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.

B. 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's Office on potential conflict of interest issues with respect to the City's third-party consultants and contractors.

C. 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.

D. 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.

E. INTERNAL CONTROLS

Employees shall comply with the City's internal control procedures outlined in the City's Procurement Procedures. The policies guiding these internal control procedures are as follows:

i. Employees must have or seek proper signature authority and expenditure authority for all transactions to ensure proper tracking and appropriate level of approval for all expenditures.

ii. Duties must be segregated to diminish the risk and/or appearance of any improprieties. The Finance Director is responsible for separation of duties in an effort to negate any improprieties or the appearance of improprieties. If an employee has a question regarding separation of duties, he/she should reach out to the Finance Director for clarification.

iii. Employees must create and maintain adequate documents and records supporting compliance with the City's procurement policies and procedures for all transactions and retain those records in accordance with the City's record retention schedule.

IV. CONTRACTING AUTHORITY

A. APPROVAL AUTHORITY

All City expenditures and purchases must be approved by the either the City Manager, the Department Head (in the case of micro purchases), or the City Council. No expenditure shall be submitted or recommended to the City Council except upon approval of the City Manager or his or her authorized representative. Note that contract approval authority is distinct from budgetary approval authority. All City expenditures and purchases, regardless of amount, must be included and/or contemplated in the City's budget approved by City Council or approved by separate resolution of the City Council.

B. MONETARY THRESHOLDS

(See Appendix A for a reference chart depicting monetary thresholds by category).

1. **Non-Public Works Purchases**. The following monetary approval thresholds apply to expenditures/purchases that do not qualify as public works projects pursuant to the Public Contract Code.

   (a) ***Department Head*** — Any expenditure, purchase, donation, grant acceptance or contract (single-year or multi-year) valued under $10,000 may be approved by a Department Head, provided that the funding for the purchase or contract is authorized in the budget approved by the City Council.

   (b) ***City Manager Approval*** — Any expenditure, purchase, or contract (single-year or multi-year) valued at forty-five thousand dollars ($45,000) or less may be approved by the City Manager, provided that the funding for the purchase or contract is authorized in the budget approved by the City Council.

   (c) ***City Council Approval —*** Any expenditure, purchase, or contract (single-year or multi-year) that exceeds fortyfive thousand dollars ($45,000) shall be authorized and approved by resolution of the City Council.

2. **Public Works Projects**. The Public Contract Code prescribes special procurement procedures for public works projects. Public works projects are defined as projects involving the "construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly-owned, leased, or operated facility." This definition

specifically excludes maintenance projects defined as “Routine,

recurring, and usual work for the preservation or protection of any publicly-owned or publicly-operated facility for its intended purposes; minor repainting; resurfacing of streets and highways at less than one inch; landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems; nor work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher" (PCC § 22002 (c) and (d)).

(a) ***City Manager Approval —*** Any contract for a public works project valued at $200,000 or less may be awarded and approved by the City Manager.

(b) ***City Council Approval*** — Any contract for a public works project valued over $200,000 shall be awarded and approved by resolution of the City Council.

C. NOTICE OF COMPLETION

The City Manager, in consultation with the City Engineer, is authorized by the City Council to approve and file notices of completion on behalf of the City.

V. TYPES OF PROCUREMENTS

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.

A. PURCHASES OF GOODS/SUPPLIES

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.

B. SERVICES

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, IT support 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, and legislative affairs services.

C. NON-PUBLIC WORKS CONSTRUCTION

Public works construction projects have a specific statutory definition and strict associated requirements. A small segment of City construction projects do not fall within the definition of "public works." For these projects, the City has greater discretion in the method and manner of procuring these types of projects. Non-public works projects include minor repainting, minor road resurfacing, landscaping work, and other routine and recurring maintenance work for public facilities.

D. PUBLIC WORKS

Public works projects include projects involving the "construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly-owned, leased, or operated facility." Examples of these projects are renovation of existing and construction of new City facilities, and significant road and street improvements.

VI. METHODS OF PROCUREMENT

A. OVERVIEW

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. (See Appendix A for a reference chart outlining the method of procurement by type and amount of purchase)

B. INFORMAL PROCUREMENT

1. *Micro Purchases* — 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 may be used for purchases of goods/general services valued under $10,000.

2. *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 $45,000 or less. This method may also be used for public works projects valued at $60,000 or less.

3. *Informal Bidding for Public Works Projects* — Under informal bidding procedures, the City must: (i) draft a notice inviting bids; (ii) send the notice to a City-maintained list of qualified contractors, identified according to categories of work; and/or (iii) send the notice to all appropriate construction trade journals specified by the California Uniform Construction Cost

Accounting Commission. The notice must be sent at least ten (10) calendar days before bids are due. Bids must be submitted to the City by a predetermined time and date as outlined in the bidding notice. This process is governed by California Public Contract Code §22034 and Pinole Municipal Code §3.34.040. Informal bidding procedures shall be used for public works projects over $60,000 and up to $200,000 in value.

C. FORMAL PROCUREMENT

1. *Formal Bidding—*

(a) **Public Works.** Under formal bidding procedures, the City must: (i) draft a notice inviting bids; (ii) publish the notice in a newspaper of general circulation at least fifteen (15) calendar days prior to the date of the opening the bids; and (iii) send the notice to all appropriate construction trade journals specified by the California Uniform Construction Cost Accounting Commission. Bids must be submitted to the City by a predetermined time and date as outlined in the bidding notice. For public works procurements, this process is governed by California Public Contract Code § 22037. Formal bidding procedures shall be used for public works projects over $200,000 in value.

(b) **Non-Public Works.** Under formal bidding procedures, the City must: (i) draft a notice inviting bids; (ii) post the notice on the City's website and on City message boards; (iii) send the notice to appropriate/relevant trade

publications. Bids must be submitted to the City by a predetermined time and date as outlined in the bidding notice. Formal bidding procedures shall also be used for the purchase of goods, general services, and non-public works construction projects valued at over $45,000.

2. *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) publish notice of the RFP in a local newspaper and/or 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 $45,000.

D. DESIGN-BUILD CONTRACTING

Design-build contracting is a form of public works construction contracting that combines both the design and construction phases into one contract and may include other phases and processes. The City may utilize this type of procurement for certain types of services and property related to public works construction projects identified in subsection 1 below subject to making the required findings identified in subsection 2 below, and following the appropriate procedures outlined in subsection 3 below.

1. *Design-build components* — The services and property that may be combined in a design-build contract are:
   (a) Planning;
   (b) Design;
   (c) Construction management;
   (d) Construction;
   (e) Manufacturing;
   (f) Financing;
   (g) Maintenance;
   (h) Rebuilding;
   (i) Improving;
   (j) Repairing;
   (k) Operation;
   (l) Purchase and installation of materials;
   (m) Equipment;
   (n) Purchase of real property whether in fee, easement, lease or license; and
   (o) Any other services necessary for a design-build entity to deliver a functional project.
2. *Findings Required* — To use a design-build process, the City Manager or City Council must make a finding that takes into consideration costs, timing, extraordinary circumstances such as the need to incorporate specialized equipment or other project components, the need to coordinate with third parties, and project financing.
3. *Requirements* — Design-build procurements follow the same requirements that apply to formal competitive proposals as

outlined in Section VI (C)(3) and the Procurement Procedures Manual. However, some form of bid security may be warranted in accordance with the requirements in Formal Bidding Procedures (Section VI (C)(1)) and the Procurement Procedures Manual.

E. 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. The following list summarizes the requirements and relevant considerations applicable to cooperative procurements.

1. *Competitive Purchasing* — Cooperative purchasing programs should be based on competitively awarded contracts that substantially comply with the City's procurement procedures outlined in this policy.
2. *Purchasing Cooperatives* — There are numerous purchasing cooperatives that the City can evaluate to use for a particular procurement. Some leading cooperatives include state contracts such as California Multiple Award Schedules (CMAS); the Department of General Services (DGS); OMNIA Partners

(Formerly U.S. Communities Cooperative Purchasing); Sourcewell (formerly National Joint Powers Alliance); NASPO ValuePoint (formerly WSCA-NASPO; the National Cooperative Purchasing Alliance (NCPA); and, federal General Services Agency (GSA) procurements (GSA Advantage for State and Local Governments).

3. *Value Analysis* — Purchases using any given cooperative need not be based on the absolute lowest pricing and may consider factors in addition to price, such as the time and/or resources needed for the City to independently competitively bid for the good or service.

4. *Time Limit* — The cooperative competitive bidding process that the City seeks to utilize must have occurred within twenty-four (24) months from the date the City seeks to obtain the goods or services.

5. *Piggyback Contracting* — Subject to the appropriate approval authority and if in the best interest of the City, the City may enter into contracts for goods and services, the pricing and terms of which have been previously established by another public agency or purchasing cooperative. However, care must be taken to ensure all of the City's contracting standards are satisfied. Sometimes the underlying contract or commitment originally made to a purchasing cooperative or other agency is difficult to find; however, care must be taken to ensure the City is protected via a contract. Employees should consult the City Attorney's Office for guidance on meeting the City's contracting requirements for cooperative procurements.

F. 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, under Section V 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.

In order to utilize a sole source procurement, at least one of the following statements must be true: (1) The item is only available from one source; (2) After solicitation of a number of sources, the competition is determined inadequate; and/or (3) one of the conditions described below applies:

(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.

G. 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. Contracts awarded under this Section do not require adherence to the City's standard procurement requirements outlined in this policy. However, if practical, it is strongly encouraged to at least obtain oral approval from the City Manager's Office prior to making purchases pursuant to this Section.

Contracts awarded pursuant to an emergency as defined under this section require that the City Manager present a report to the City Council, at the next available meeting, describing the emergency, the actions taken, and the number and dollar amount of contracts awarded. Note that the City may be required to pass an emergency resolution or ordinance in order to be reimbursed by state or Federal agencies for emergency purchases.

H. EXEMPT PROCUREMENTS

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 in Section VI(G) 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 Section VI(F) above;
3. Legal or professional services that are highly specialized;
4. Design-build projects as defined in Section VI(D);
5. Cooperative procurements described in Section VI(E);

6. Procurements funded by grants, donations or gifts when any special conditions require the purchase of particular materials and/or services;
7. Purchase of surplus property owned by another public entity, or payment to other public entities or utilities;
8. Membership dues, conventions, training, travel arrangements, or advertisements in magazines, newspapers, or other media;
9. Works of art, entertainment or performance; and
10. 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. SPECIAL POLICIES, PROGRAMS, AND CONSIDERATIONS

Depending on the amount and/or type of purchase, there are several policies, procedures and programs that must be considered. These include:

- Application of Local Business Purchasing Preference;
- Information Technology Purchases;
- Procedures for Purchases Utilizing Federal Grant Funds;
- Purchase Orders/Blanket Purchase Orders;
- Qualified Contractors/Vendors;
- Surplus Property;
- SB 1383 Procurement Policy Requirements;
- Application of Union Print Shop Preference.
- Union-made Vehicle Preference
- Environmentally Preferable Purchasing Policy and Program (E4P)

A. LOCAL BUSINESS PURCHASING PREFERENCE

Preference to locally-owned businesses will be exercised to the extent it is consistent with the law and in the best interest of the public. If a purchase

utilizes federal and state funds, then the City will not apply local preferences. In addition, the City will make an effort to ensure that its solicitations are received by small, minority-owned and/or women-owned businesses and will also make an effort to identify and remedy any barriers to such firms participating in the procurement process.

1. *Criteria for Preference.*
   (a) When bidding or purchasing goods, equipment, and services local preference may be given to a responsible, responsive Local Businesses.
   (b) The granting of these preferences must be made on a determination by the purchasing officer that quantity and quality of the local product is equal to that of the next lowest or comparable bidder.
   (c) In order for a business to be eligible to claim the preference, the business must meet the definitions of Local Business outlined below.

2. *Definition of Local Business.* A local business is: (a) A business located at a fixed location within the boundaries of the City of Pinole or a home-based business located within the boundaries of the City of Pinole;
   (b) A business that has a valid business license and is current in the payment of the business license tax;
   (c) A business owned and operated by a City of Pinole resident, with a valid City of Pinole business license.

3. *Inapplicability.* Application of the local business preference does not apply in the following situations:

(a) Bids for public projects as defined by Public Contracts Code Sections 20161 and 22002;

(b) Purchases of goods and services through contracts of other governmental jurisdictions or public agencies, or cooperative purchasing agreements;

(c) Contracts for professional or legal services;

(d) Purchases or contracts funded, in whole or in part, by a governmental entity, or private and public grants and the laws, regulations or policies governing such funding prohibit application of the local preference;

(e) Purchases or contracts funded, in whole or in part, by the federal or state government;

(f) Purchases made, or contracts let under emergency situations; and

(g) Purchases that involve the installation of a cogeneration plant or other energy conservation project.

B. INFORMATION TECHNOLOGY PURCHASES

The City recognizes that purchasing information technology systems and equipment on the basis of lowest purchase price alone may not always serve the best interests of the City. Therefore, to ensure hardware requirements and software compatibility, all such purchases must be reviewed by the Information Systems Department prior to purchase.

C. PURCHASES WITH FEDERAL/STATE FUNDS

When purchasing goods and services involving the use of federal grant funds, the City is required to follow the provisions of 2 CFR Part 200 Subpart A §200.318 General Procurement Standards through §200.326 Contract Provisions. Employees should consult with the City Attorney on any questions regarding application of these requirements to particular purchases.

When purchasing goods and services involving the use of state of California funds, the City may be required to follow provisions of state law, regulations, and policy depending upon the specific source of the state funds. Employees should consult with the City Attorney on any questions regarding application of state requirements to particular purchases.

D. PURCHASE ORDERS/BLANKET PURCHASE ORDERS

1. *Purchase Order.* A Purchase Order is a document issued to a vendor or contractor to authorize purchases of goods, equipment, and services. Purchase orders are required for all purchases of goods, equipment and services, in addition to any required contract documents.

   The purpose of a Purchase Order is to:

   (a) Ensure compliance with this policy.

   (b) Encumber funds when an unencumbered appropriation exists in the fund.

   There are exemptions from Purchase Order requirements. Examples of such exemptions include acquiring land, utility payments, payments to other governmental agencies, and debt

service payments. A list of exemptions is outlined in the Procurement Procedures Manual.

2. *A Blanket Purchase Order.* A blanket purchase order is an arrangement whereby the City contracts with a vendor to provide equipment or supplies on an as-needed and often, over-the-counter basis. Blanket Purchase Orders provide a mechanism whereby items that are uneconomical to stock may be purchased in a manner that allows field operations timely access to necessary materials. Blanket Purchase Orders shall not be used to purchase services, capital assets or items maintained in stock. All Blanket Purchase Orders must be authorized by the City Manager.

   Blanket Purchase Orders must be confirmed annually, before the beginning of the fiscal year. Requests for Blanket Purchase Orders may also be submitted on an as-needed basis. Once a Blanket Purchase Order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions specified in the Blanket Purchase Order.

   Request for Blanket Purchase Order must be reviewed based upon the following criteria:

   (a) Geographic location.
   (b) Responsiveness and capabilities.
   (c) Average dollar value and type of items to be purchased.

(d) Frequency of need.

All Blanket Purchase Orders shall include the following information:

(a) A general description of the equipment or supplies that may be charged.

(b) The period of time the order will remain open, not to exceed one year.

(c) The maximum total amount that may be charged on the purchase order.

(d) Identification of the department(s) and employee(s) who may charge against order.

(e) Requirement that the employee show CITY identification.

(f) Requirement that employees print and sign their names when picking up goods.

(g) Account number(s) to be charged.

E. QUALIFIED CONTRACTORS/VENDORS

The City maintains a list of qualified contractors in accordance with the provisions of Pinole Municipal Code § 3.34.040, Public Contract Code § 22034, and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. This list is utilized for procurements of public projects greater than sixty thousand dollars $60,000 and less than or equal to two hundred thousand dollars ($200,000) that are being let through informal bid procedures. In addition to

the qualified contractors list, the City may elect to maintain a list of qualified vendors.

F. PURCHASES AT AUCTION

Use of public auctions may be an appropriate method of procurement if approved in advance by the City Manager or City Council, depending on the amount of the purchase.

G. SB 1383 Policy Requirements

Senate Bill (SB) 1383 Regulations require jurisdictions to implement specific actions which include annually purchasing a specified amount of recovered organic waste products, and requiring recycled content paper products and recordkeeping to demonstrate compliance. The following details the SB 1383 procurement requirements for the City for meeting the annual recovered organic waste product procurement target, as well as the recycled-content paper procurement requirements as described in SB 1383 regulations (14 Division 7, Chapter 12, Article 12), and recordkeeping requirements.

Recovered Organic Waste Product Procurement Requirements

A. Annual Recovered Organic Waste Product Procurement Target

1. The 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.

2. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following:

a. Compost.
b. Mulch.
c. Renewable Gas (in the form of transportation fuel, electricity, or heat).
d. Electricity Procured from Biomass Conversion.

B. Requirements for City Departments

1. City department staff that are responsible for landscaping maintenance, renovation, construction, or related activity are to prioritize the use of Compost and Mulch produced from recovered Organic Waste for landscaping maintenance, renovation, or construction. 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)-(3).

2. City projects that are subject to the Water Efficient Landscaping Ordinance (WELO), 23 CCR, Division 2, Chapter 2.7 are to keep records of Recovered Organic Product procurement. For all mulch that is land applied, procure Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a) (24.5) (A)(1)-(3). City staff are required to keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project.

C. Procedures & Recordkeeping Requirements for Procured Organic Products City Projects

1. City staff are required to keep records, including invoices or proof of Recovered Organic Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project. Records shall include:

a. General description of how and where the product was used and applied, if applicable.
b. 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.
c. Type of product and quantity of each product.
d. Invoice or other record demonstrating purchase or procurement**.**

D. Requirements for Compost and or Mulch Giveaway Events or Other Distribution Events

1. For Compost and Mulch provided to residents, businesses or other organizations through giveaway events or other types of distribution methods, the City will require that the Direct Service Provider (including the City's franchised hauler) maintain an accurate record of the quantity of Compost and/or Mulch that is distributed.

These records will include:

a. General description of how/where product was used and or applied, as applicable
b. Source of product (physical location), type of product and quantity of product

c. Invoice or other record demonstrating purchase, distribution event or giveaway

2. The City's Recordkeeping Designee will keep records of Compost and Mulch provided for SB 1383 reporting purposes, and for the procurement of Mulch, report that mulch procured by the City or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.

3. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, the City will require a written contract or agreement, or execute a purchase order with enforceable provisions that states mulch procured by the Direct Service Provider meets land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.

E. Requirements for Procurement of Renewable Gas, Electricity Procured from Biomass Conversion

1. When the City procures Recovered Organic Waste Products that include Renewable Gas and/or Electricity Procured from Biomass Conversion occurs through a Direct Service Provider, the City shall enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for Renewable Gas and/or Electricity Procured from Biomass Conversion and, (ii) an enforcement mechanism (e.g., termination, liquidated damages, etc.) in the event the Direct Service Provider is non- compliant with the requirements.

2. When the City has a Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications), the City shall ensure

compliance with criteria specified in 14 CCR Section 18993.1., keep records for Renewable Gas procured and used by the City and provide records to the Recordkeeping Designee, on a suitable schedule as determined, but not less than annually.

3. If the City procures Renewable Gas from a Publicly-Owned Treatment Works (POTW), the City will annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1). And, the City shall annually receive a record from the POTW documenting the tons of Organic Waste received by the POTW from: (i) a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10), that is permitted or authorized under 14 CCR Division 7; (ii) transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or (iii) a solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2. The City shall require that the POTW annually provide documentation of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. Landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill, and other dispositions not listed in 14 CCR Section 18983.1(b).

Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.

The City will also require annual documentation that the POTW receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirement of 14 CCR Section 18993.1(h)(2). The City will ensure records are submitted to the Recordkeeping Designee on an annual basis.

When the City procures electricity from Biomass Conversion the City will maintain records detailing the amount of Electricity Procured from Biomass Conversion facilities and receive written notification by an authorized representative of the Biomass Conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 14 CCR Section 18993.1(i). The City will provide these records to the Recordkeeping Designee on an annual basis.

1.15.50 Requirements for Procurement of Recycled Content Paper Products

1. City staff shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%) recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable

label as defined in Title 16 Code of Federal Regulations Section 260.12.

2. City staff are to maintain records of all Paper Products and Printing and Writing Paper purchases and provide sufficient records to the Recordkeeping Designee at an agreed upon schedule, but not less than annually to enable the Recordkeeping Designee to complete the required documentation for CalRecycle. City staff shall provide a copy of the invoice/ documentation of purchases, vendor name, purchaser name, date and quantity purchased, recycled content information or sufficient proof of purchase as agreed upon by CalRecycle. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are purchased, Town staff is to detail why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.

F. City Vendor Procurement Requirements

1. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City are to Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%) recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended. Vendors are to only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 CFR Section 260.12.

2. Vendors are to 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 City. 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. Vendors are to certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in Title 16 CFR Section 260.12.
3. Vendors are to provide records of all Paper Products and Printing and Writing Paper purchased (both recycled-content and non-recycled content) made by a City department to the Recordkeeping Designee on a schedule to be determined by the Recordkeeping Designee. Records shall include a copy of the invoice/ documentation of purchase, written certifications as required, purchaser name, quantity/date purchased, and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper is purchased include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.
4. All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Section 12209 or as amended.

SB 1383 PROCUREMENT RECORDKEEPING RESPONSIBILITIES

1. The City Manager or their designee will designate who will be the Recordkeeping Designee and responsible for consolidating information from all City departments pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

2. The Recordkeeping Designee will track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper and complete the following tasks:

a) 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 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 City's documentation of its compliance with 14 CCR Section 18993.3.

b) Collect and collate copies of invoices or receipts or documentation evidencing procurement from all City departments procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to ensure compliance in meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as

part of the City's documentation of its compliance with 14 CCR Section 18993.1.

c) Collect, collate, and maintain documentation submitted by the City, Direct Service Providers, and/or vendors. Compile an annual report on the City's procurement, vendor/other procurement on behalf of the City 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 City's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13.

H. UNION PRINTER PURCHASING PREFERENCE

Preference to union printers will be exercised. Union printers must be given first priority for City print work that require the procurement of services from an external printer. In the event that a decision needs to be made between Union printing and Local Preference, Union printing will take priority over Local Preference.

1. *Criteria for Preference.*

   (a) The printed materials must be produced by a union printer whose employees are represented by labor union.

   (b) The union printer must provide competitive pricing and quality

services.

(c) The union printer must be able to meet the project's deadlines.

(d) Wherever feasible, all printed materials produced by a union print shop will display a union label (aka union bug).

2. *Definition of Union Printer.* A union printer is a commercial printer whose employees are represented by a labor union. All printing produced by a union printer displays a special mark called a union label or "union bug." This label is printed directly onto the print materials to indicate it was made by members of a labor union.

I. UNION-MADE VEHICLE PREFERENCE

1. Criteria for Preference

(a) Preference for automobiles manufactured in the United States that are union-made, either by American manufacturers employing unionized workforces or other manufacturers producing union-made vehicles within the United States.

(b) Preference for specific American-made models listed in the annual release of the United Auto Workers Vehicle List

J. ENVIRONMENTALLY PREFERABLE PURCHASING POLICY AND PROGRAM (E4P)

The City shall use the following specification guidelines as a purchasing compass to reduce the environmental, health, and social impacts of procured goods and services wherever practicable, available, and economically feasible:

1. Specification Guidelines

Packaging:

- Maximization of recyclable packaging material
- Reduction of packaging materials to only those necessary
- Maximization of postconsumer and total recovered content in packaging materials
- No polystyrene foam in packaging
- Minimization of plastic packaging

Product content:

- Products that are durable and long-lasting
- Products that foster clean air, water, and biodiversity
- Maximization of postconsumer and total recovered content practicable and not be under the minimum content established by EPA's Comprehensive Procurement Guideline[1]
- Maximization of elements that factor in climate resilience (e.g. construction materials)
- Maximization of elements that reduce greenhouse gas emissions over the product's entire lifecycle
- Maximization of elements that reduce waste (e.g. rechargeable batteries)
- Maximization of elements that conserve water (e.g. EPA's WaterSense products)
- Maximization of elements that conserve energy (e.g. EPA's EnergyStar products)
- Maximization of sustainable, regenerated non-toxic, bio-based, natural content

Toxicity:

- Avoidance of hazardous materials such as the potential to be persistent, bioaccumulative, and/or toxic ("PBT") such as mercury, lead, dioxin, or PFAS ("forever chemicals")
- Minimization of volatile organic compounds (VOCs) and formaldehyde
- Minimization of products processed with chlorine/chlorine derivatives (e.g. bleached paper towels)
- Avoidance of polyvinyl chloride (PVC) products e.g. office binders, furniture, etc.)
- Avoidance of products with ozone-depleting materials
- Avoidance of products with carcinogens and reproductive toxins
- Requiring vendors to disclose the material content of their products and specify if there are PBT materials (refer to EPA's list of PBT chemicals)

Manufacturing:

- Minimization of virgin materials
- Maximizing responsible, sustainable sourcing of materials
- Manufacturing processes conserve energy and water

[1] https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program

- Seeking products with manufacturing processes that refrain from using hazardous substances or the release of hazardous substances of into the environment
- Reduction of scope 1, 2, and 3 emissions[2]

Transportation:

- Minimization of greenhouse gas (GHG) emissions from distribution and transportation

Recyclability/Takeback:

- Free or low-cost product takeback services (e.g. collection, recycling, remanufacturing, refurbishing, and proper disposal)
- Verification that products are in fact recycled (preferably), and if not recycled, properly disposed of

Equity:

- Support of disadvantaged business enterprises (DBEs) where socially and economically disadvantaged individuals own at least 51% interest and also control management and daily business operations[3]
- Support of small, local businesses (refer to Section VII. Subsection A (Local Business Purchasing Preference of this Procurement Policy))
- Support of businesses that implement fair labor practices
- Support of businesses with unionized workforces (such as preferences in Section VII Subsections H and I)
- Support of green certified businesses[4]
- Support of vendors with products that uphold equity and support equitable, charitable social causes

Environmental Product Standards/Ecolabels:

- Seek those developed and awarded by an impartial third-party
- Refer to EPA's recommended ecolabels[5] to avoid false marketing and greenwashing traps

Lifecycle cost:

[2] https://www.epa.gov/climateleadership/scope-1-and-scope-2-inventory-guidance
[3] https://www.epa.gov/grants/frequently-asked-questions-disadvantaged-business-enterprises
[4] https://greenbusinessca.org/contracostacounty
[5] Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing | US EPA

- Consideration of the product's total lifecycle cost and payback period when evaluating initial cost (e.g. hand dryers verse paper towels – refer to **Appendix B** for a lifecycle cost analysis example)

City Fleet:

- Replacement with zero-emission vehicles
- Preference of automobiles manufactured in the United States by companies that employ unionized workforces (refer to Section VII Subsection I)
- Maintenance of vehicles with greener products (re-refined oil)

City Buildings:

- Use of Green Building practices delineated in the LEED Rating System
- Use of climate resilient design
- Installation of EV infrastructure

City Energy:

- Purchasing of renewable, clean energy (e.g. solar power, wind power, geothermal, or hydroelectric energy sources)

City Landscaping:

- Employment of Bay-friendly landscaping or sustainable landscape management techniques[6]

City Events:

- Purchasing of local, organic food
- Use of reusable and compostable foodware
- Use of bio-based and/or reusable decorations

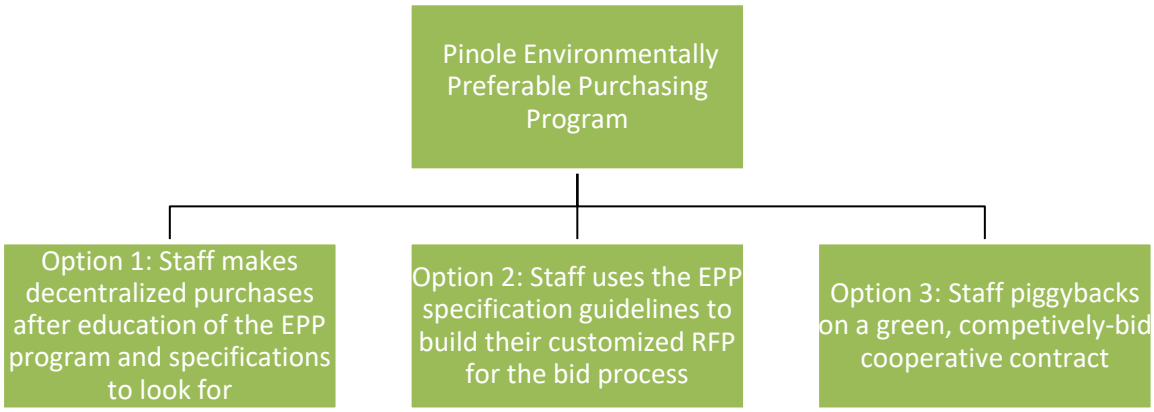
Organic waste and paper products:

- Refer to pages 25-34 of this Procurement Policy which delineates the criteria and procedures of Senate Bill 1383 when procuring organic waste products and paper products

2. *Methods to Implement Pinole's Environmentally Preferable Purchasing Program*

[6] http://www.bayfriendlycoalition.org/

There are three recommended methods to approaching purchasing in alignment with the E4P. These options help different City departments make environmentally responsible decisions when it comes to procurement.



Method 1: *Purchases that do not require an RFP* A department can seek to purchase their own green goods and services after being educated on the City's program and specifications/ecolabels to look for when purchasing certain products. There are a plethora of resources Staff can use such as purchasing guides which may include direct links to purchase.[7] Some online stores may also have a green filter to view sustainable products.

Method 2: *Purchases that require an RFP* When a product/service needs to go through the bid process, the EPP program's specifications would be used to build the RFP. Green contract language is available to strengthen a green RFP, which could be added to the E4P program documentation[8].

Method 3: *Purchases that can be piggybacked*. Many jurisdictions have already gone through the bidding process for green contracts.

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[7] https://docs.google.com/spreadsheets/d/1JzChoAuD86PsfP6eN_KJ1f1O0ZtWATb4qmJ0rCw66Hc/edit#gid=0; https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program; https://www.energy.gov/femp/search-energy-efficient-products

[8] https://kingcounty.gov/en/legacy/depts/finance-business-operations/procurement/for-government/environmental-purchasing/Purchasing_Guide.aspx https://sftool.gov/greenprocurement/sample-contract-language#safer-choice; https://docs.google.com/spreadsheets/d/1JzChoAuD86PsfP6eN_KJ1f1O0ZtWATb4qmJ0rCw66Hc/edit#gid=0; https://empowerprocurement.com/initiatives/contracting/sample-language-library/

Piggybacking on these cooperative contracts saves time, money, and energy. [9]

3. Implementation Guidelines

- Staff will foster the policy by following assigned staff responsibilities delineated below this section
- Decentralized purchasing such as credit card purchases will adhere to this policy, to the extent possible using policy guidelines and with good faith effort
- The RFP process will vet vendors using this policy, where practicable, and request vendors to report their sustainable practice using a vendor questionnaire (Appendix C) with a scoring system
- The RFP will include relevant specifications from policy guidelines
- Staff will piggyback on green, competitively-bid cooperative contracts at the federal, state, or local level
- Review this policy annually or as needed, if pivoting is necessary or opportunity to optimize/maximize more green purchases, and present any recommendations to the City Council
- Track green purchases and services to the maximum extent possible and have procedures in place to learn why a green purchase was not made
- Establish an exemption process
- Set annual green purchasing targets and review what barriers or challenges there were to meet those targets
- Staff shall provide preference to reasonable increased costs of goods and services that may come with vendors with greener goods/services and local, small, DBE businesses
- A non-compliance justification form (Appendix D) will be used a method to learn how to improve the program

4. Tracking

Maximizing the number of green contracts either through the RFP process or piggybacking is the best option for environmentally preferable purchasing in comparison to decentralized purchasing (e.g. independent credit card

[9] http://acgov.org/sustain/documents/PiggybackingResources.pdf

purchases). With contracts, the vendor can easily pull up a record that quantifies the number of green purchases made under that contract which supports successful implementation and tracking within the program. Tracking can also be supported by putting into the RFP process a request for customized stores, such as an office supplies store made specifically for City of Pinole, that has already filtered out non-green items for Staff to easily browser and purchase from. For decentralized purchasing, self-reporting of green purchases by Staff may be the only option to track green purchasing which is more complex and time-intensive to keep record of, and ideally should be minimized to the extent possible

5. Staff Responsibilities

The EPP program will delineate responsibilities of Departments and staff members, as follows:

Community Development

- Leads workshops/trainings on E4P program, greenwashing, specifications/ecolabels
- Offers assistance with building green RFPs
- Advises on requests for decentralized purchasing
- Help piggyback on green cooperative contracts
- Inform departments of new City green contracts to purchase from
- Help cost analysis/lifecycle cost

Finance Department

- Leads workshops/trainings on E4P program
- Help piggyback on green cooperative contracts
- Work with green vendors to provide a record of green purchases for tracking
- Help pull and organize green vendor records for tracking green purchases
- Tracks self-reported green purchases

Department Heads

- Reminds department Staff to align with the E4P program
- Reviews credit card purchases and sees if there is opportunity to correct for future green purchasing
- Provides a justification for why a green purchase was not made to Finance department and Community Development
- Builds RFPs that align with E4P program

- Support cooperative green contracts by purchasing from them over decentralized purchasing where practicable

Staff

- Make purchases in alignment with the E4P policy

6. Additional Resources

The Responsible Purchasing Network is a great resource for webinars and consulting services on sustainable purchasing. Consulting services for members include conducting workshops for Staff, design and implementation of an E4P, development of resource materials, specification sheets, bid specifications, cost-analysis, technical assistance with tracking, and more[10].

The Empower Procurement program, funded by the California Energy Commission, offered no-cost technical assistance until it ended in July. Although the program is not accepting new requests, its website still provides free guidance and useful resources, including energy-efficient products. Prospect Silicone Valley oversees the program and offers technical assistance and advisory services for developing zero-emission fleets and decarbonizing buildings. Recently, they helped Alameda County reduce energy expenses for charging their electric vehicle fleet.

CalRecycle is another great resource for environmentally preferable purchasing. Their EPP Newswire archives articles that provide helpful guidance and tools[11]. The website also offers a free, self-paced training on E4P[12].

7. Grant resources

- Equitable Mobility webpage
- CivicWell Funding Navigation Platform - https://www.fundingresource.org/
- CCEC Funding Resource Database - https://eecoordinator.info/funding-resources-2/
- State grant portal - https://www.library.ca.gov/grants/

[10] http://www.responsiblepurchasing.org/consult/index.php
[11] https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/EPP-NewsWire-Articles
[12] https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/EPP-Training

Empower Procurement - https://empowerprocurement.com/

EFFECTIVE DATE OF POLICY

This amended Policy shall take effect October 15, 2024.

VIII. DEFINITIONS

Annual Recovered Organic Waste Product Procurement Target. The amount of Organic Waste in the form of a Recovered Organic Waste Product that the City of Pinole's is required to procure annually under 14 CCR Section 18993.1. This target is calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the City's residential population using the most recent annual data reported by the California Department of Finance.

Competitive Bidding Process. The process of soliciting and obtaining formal and informal bids, including price quotations, from competing sources, from which an award is typically made to the lowest responsive and responsible bidder.

Compost. 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).
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, Division 7, Chapter 3.1 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Division 7, Chapter 3.2. Compost shall meet the State's composting operations regulatory requirements.

Consider. To actively and in good faith seek the stated objectives of purchasing recycled content or environmentally preferable products.

Cooperative Procurement. A variety of arrangements whereby two or more public entities purchase goods and/or services from the same supplier or multiple suppliers using a single competitive bid or proposal. The combining of the purchasing requirements of two or more public entities to leverage the benefits of volume purchases, including administrative savings and other demonstrable advantages.

Department Head. A department head is a City employee holding a director-level position within the City organization. Department Heads are members of the City executive team and are charged with managing the goals, duties, budget, and personnel of individual City departments. The Fire Chief, Police Chief, Development Services Director, and Finance Director are all Department Heads.

Direct Service Provider. A person, company, agency, district, or other entity that provides a service or services to the City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

Electricity Procured from Biomass Conversion. 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).

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.

Feasible. Whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness, and where the practice, product or service is available at a reasonable cost in a reasonable period of time. Reasonable cost shall be no more than 10% of the less sustainable product.

Formal Procurement. Formal procurement describes procurements processes that require adherence to stricter and more formalized procedures and standards. Formal procurement includes formal bidding and formal competitive proposal processes. Formal procurement is used for higher value and more complex purchases.

Formal Bidding. A procurement process for public works projects valued at $200,000 or more and for the purchase of goods, general services and non-public works construction projects valued at over $45,000. For public works project procurements, this process is governed by California Public Contract Code § 22037. This process involves stricter and more formalized procedures than informal bidding.

Formal Competitive Proposals (RFP). A procurement process where the City solicits proposals for consultant/professional services from potential providers. A formal RFP process is for expenditures greater than $45,000. The RFP typically starts with a scope of work and requests proposals to perform it. Proposals typically include a price component which is part of the evaluation criteria to

determine which proposal best meets the needs of the City.

General Services. Work performed, or services rendered by outside persons or entities hired by the City. Such services include but are not limited to, custodial services, building and equipment maintenance, machinery and equipment rental, utility services, and land surveying. General Services does not include contracts for public works. This type of work typically involves services where the methods for performing the work is standardized.

Informal Bidding. A procurement process for public works projects valued at more than $60,000 but less than $200,000. This process is governed by California Public Contract Code §22034 and Pinole Municipal Code §3.34.040 and involves less formalized and less strict procedures than formal bidding.

Informal Solicitation. A procurement process where the City solicits written quotes from potential vendors. These written quotes may be informally documented, such as through emails between City employees and potential vendors. This process may be used for purchases of goods, general services, nonpublic works construction projects, and consultant/professional services valued at $45,000 or less and may also be used for public works projects valued at $60,000 or less.

Informal Procurement. Informal procurement describes procurements processes that permit more flexible and less formalized procedures and standards. Informal procurement includes micro purchases, informal solicitation, and informal bidding. Informal procurement is used for lower value and less complex purchases.

Leadership in Energy and Environmental Design (LEEDTM) Rating System. The green building assessment system developed by the U.S. Green Building Council designed for rating new and existing commercial, institutional, and high-rise residential buildings.

Local Preference. A program where local businesses are given preference in the City's procurement process.

Micro purchases. A procurement process where 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. This process may be used for purchase of goods/general services valued under $10,000.

Mulch. Mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR, Division 7, Chapter 12. Mulch must meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Be produced at one of the following facilities:
   A. Compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR, Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10); Mulch excludes mulch from chipping and grinding operations.
   B. Transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
   C. A solid waste landfill as defined in Public Resources Code Section 40195.1

that is permitted under 27 CCR, Division 2.

2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a) (24.5) (A)(1)- (3).

Non-Public Works project. A type of project that does not fall within the definition of "public works project" under the Public Contract Code and is thus, not governed by the competitive requirements applicable to "public works projects." Examples of non-public works projects include maintenance projects defined as "Routine, recurring, and usual work for the preservation or protection of any publicly-owned or publicly-operated facility for its intended purposes; minor repainting; resurfacing of streets and highways at less than one inch; landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems; nor work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher" (PCC § 22002 (c) and (d)).

Organic Waste. 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.

Paper Products. Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, toweling; or as otherwise defined in 14 CCR Section 18982(a)(51). Printing/writing paper include, but are not limited to, copy paper, envelopes, envelopes, writing tablets, newsprint, uncoated writing papers, posters, brochures, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

Piggybacking. A form of intergovernmental cooperative purchasing whereby the City utilizes the contract pricing and terms of another government agency to purchase the same goods or services.

Procurement of Recovered Organic Waste Products. 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 City or others. The City's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City's request.

Professional Services. Those services provided by a person or firm engaged in a profession based on a generally recognized special knowledge or skill, including but not limited to, the professions of accountant, attorney, artist, architect, biologist, archeologist, landscape architect, construction manager, engineer, environmental consultant, training or educational consultant, and whose services are considered distinct and unique to such a degree that bidding may not be feasible. Typically, when using professional services there is considerable professional judgement on how work is to be accomplished in meeting a scope of work. As a result, other factors besides price are relevant in determining who to use in meeting City goals.

Public Works. This term is used in two regulatory arenas. In the Public Contract Code, it refers to the construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including, but not limited to, demolitions, and the construction and installation of drainage systems, lighting and signaling systems, sewer and water systems, and park and recreational facilities. This is the common usage that guides the City's budgeting, purchasing and other processes. However, it is important to note that the Labor Code uses this term to cover certain maintenance activities of these same public assets, which trigger prevailing wage laws.

Publicly-Owned Treatment Works (POTW). The same meaning as in Section 403.3(r) of Title 40 of the Code of Federal Regulations.

Recovered Organic Waste Products. 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, 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.

Recordkeeping Designee. The staff person appointed by the City Manager or their designee track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Town and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

Recyclability. The Paper Products and Printing and Writing Paper offered or sold to the Town are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12.

Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper. Paper products that consist of at least 30%, by fiber weight, postconsumer fiber, consistent with the requirements of Public Contract Code Sections 22150 to 22154,12200 and 12209, and as amended.

Renewable Gas. 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, or as otherwise defined in 14 CCR Section 18982(a)(62).

Senate Bill 1383 (SB 1383) (Chapter 395, Statutes of 2016). 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.

SB 1383 Regulations. 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 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

Sole Source. A situation where a good or service can only be obtained from one source due to its proprietary or specialized nature.

State. The State of California.

APPENDIX A

Type of Purchase	Cost	Approval Authority	Documentation	Procurement Method
Goods/General Services	Under $10,000	Department Head	Purchase Order/Invoice	Micro Purchase
Goods/General Services/Non PW Construction	$45,000 or less	City Manager	Contract	Informal Solicitation
Goods/General Services/Non PW Construction	Over $45,000	City Council	Contract	Formal Bidding
Consultant/Professional Services	$45,000 or less	City Manager	Contract	Informal Solicitation
Consultant/Professional Services	Over $45,000	City Council	Contract	Formal Competitive Proposals
Public Works	$60,000 or less	City Manager	Contract	Informal Solicitation
Public Works	Over $60,000 up to $200,000	City Manager	Contract	Informal Bidding
Public Works	Over $200,000	City Council	Contract	Formal Bidding
Federally-Funded Public Works	*Transactions utilizing federal funds are governed by federal law and procedures*			
Federally-Funded Goods/Services	*Transactions utilizing federal funds are governed by federal law and procedures*			

APPENDIX B: Lifecycle Cost Example

An analysis was conducted to compare the cost of using paper towels in City Hall restrooms versus installing a Dyson HEPA-filter hand dryer. The study was based on assumptions made for a single restroom in City Hall.

Assumptions:
*A restroom has an average of 8 users
*Each user uses the restroom 3 times in a workday
*Each user works four days at City Hall in a week
*Each user uses three paper towels per visit
*Each user works 48 weeks in a year

The cost of 4,000 SB 1383-compliant paper towels is about $67.00. Using the aforementioned assumptions, the annual consumption of paper towels in one restroom is about 14,000. The 5 year cost for purchasing paper towels for one restroom is about $1,200. A 5-year warranty Dyson HEPA-filter hand dryer costs $950. One dry consumes .0047 kWh of electricity. The annual electricity cost will be about $7. An annual service of about $85 is recommended for the longevity of the product. HEPA filters need to be changed every 5 years and cost $35.

In addition to saving on cost over a 10-year timeframe, one hand dryer unit is saving the need for natural resource consumption required to produce paper towels. Used paper towels currently end up in the landfill.

	SB 1383 compliant paper towels	**Dyson HEPA-filter hand dryer**
Total cost (years 1-5):	*$1,200*	*$985 (Unit +electricity)*
Total cost (years 5-10):	*$1,200*	*$460 (maintenance, electricity and new HEPA filter)*
10-year cost	**$2,400**	**$1,480**

APPENDIX C: Proposed E4P Vendor Questionnaire

Please select all the applicable characteristics incorporated into your product or service:

Packaging:

- Maximization of recyclable packaging material
  - How?_____
- Reduction of packaging materials to only those necessary
  - How?_____
- Maximization of postconsumer and total recovered content in packaging materials
  - How?_____
- No polystyrene foam in packaging
- Minimization of plastic packaging
  - How?_____

Product content:

- Products that are durable and long-lasting
  - How?_____
- Products that foster clean air, water, and biodiversity
  - How?_____
- Maximization of postconsumer and total recovered content practicable and not be under the minimum content established by EPA's Comprehensive Procurement Guideline[13]
  - How?_____
- Maximization of elements that factor in climate resilience (e.g. construction materials)
  - How?_____
- Maximization of elements that reduce greenhouse gas emissions over the product's entire lifecycle
  - How?_____
- Maximization of elements that reduce waste (e.g. rechargeable batteries)
  - How?_____
- Maximization of elements that conserve water (e.g. EPA's WaterSense products)
  - How?_____
- Maximization of elements that conserve energy (e.g. EPA's EnergyStar products)

[13] https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program

- How?_____
- Maximization of sustainable, regenerated non-toxic, bio-based, natural content
  - How?_____

Toxicity:

Disclose the material content of your products and specify if there are PBT materials (refer to EPA's list of PBT chemicals)

_____
_____
_____
_____

- Avoidance of hazardous materials such as the potential to be persistent, bioaccumulative, and/or toxic ("PBT") such as mercury, lead, dioxin, or PFAS ("forever chemicals")
- Minimization of volatile organic compounds (VOCs) and formaldehyde
  - How?_____
- Minimization of products processed with chlorine/chlorine derivatives (e.g. bleached paper towels)
  - How?_____
- Avoidance of polyvinyl chloride (PVC) products e.g. office binders, furniture, etc.)
  - How?_____
- Avoidance of products with ozone-depleting materials
  - How?_____
- Avoidance of products with carcinogens and reproductive toxins
  - How?_____

Manufacturing:

- Minimization of virgin materials
  - How?_____
- Maximizing responsible, sustainable sourcing of materials
  - How?_____
- Manufacturing processes conserve energy and water
  - How?_____
- Refraining from using hazardous substances or the release of hazardous substances of into the environment
  - How?_____

- Reduction of scope 1, 2, and 3 emissions[14]
  - How?_____

Transportation:

- ☐ Minimization of greenhouse gas (GHG) emissions from distribution and transportation
  - How?_____

Proposed vendor questionnaire cont'd

Recyclability/Takeback:

- ☐ Free or low-cost product takeback services (e.g. collection, recycling, remanufacturing, refurbishing, and proper disposal)
  - Explain_____
- ☐ Verification that products are in fact recycled (preferably), and if not recycled, properly disposed of
  - Please provide_____

Equity:

- I am a disadvantages business enterprise[15]
- I am a small, local business
- I am an employer with a unionized workforce
- I implement fair labor practices
  - How?_____
- I am a green certified business[16]
- My product/service upholds equity and/or supports equitable, charitable social causes
  - How?_____

Environmental Product Standards/Ecolabels:

- ☐ Awarded/use ecolabels by an impartial third-party (Refer to EPA's recommended ecolabels[17])
  - Which?_____

Lifecycle cost:

- ☐ Supports a lesser lifecycle cost and decreased payback period to comparable product that served similar purpose

[14] https://www.epa.gov/climateleadership/scope-1-and-scope-2-inventory-guidance
[15] https://www.epa.gov/grants/frequently-asked-questions-disadvantaged-business-enterprises
[16] https://greenbusinessca.org/contracostacounty
[17] Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing | US EPA

Appendix D: Proposed E4P Non-compliance Justification Form

This form helps support the E4P program by learning how the program can be improved to capture more green goods and services in the future.

In the event that a green product/service was available for procurement but was not purchased, please provide an explanation for the decision to procure the non-green good/service by selecting all that apply:

What was the purchased good/service?:_____

- ☐ The green option was too expensive
  - What was the price of the purchased item_____
  - What was the price of the green item_____
- ☐ I did not have time to find a green option as the product/service was time-sensitive
- ☐ The green option was not readily available
- ☐ The green option did not meet the necessary quality/performance requirements
  - Please explain_____
- ☐ Other
  - Please explain_____

Please submit this form to:

XX