

CITY OF YUBA CITY
STAFF REPORT

Date: May 17, 2022
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: SB 1383 Recycled-Content Paper Procurement Policy
Recommendation: Establish an internal City policy for the procurement of recycled-content paper and paper products and necessary recordkeeping in accordance with Senate Bill 1383
Fiscal Impact: Staff time to digitally record paper procurement and submit required reports

Purpose:

To meet the SB 1383 Short-lived Climate Pollutant Reduction Act of 2016 (SB 1383) compliance regulations for local jurisdictions by establishing a policy for procurement of recycled-content paper and recordkeeping by staff.

Council's Strategic Goal:

This item addresses the City Council's Strategic Goal of Fiscal Responsibility by establishing a policy which complies with state regulations while continuing to responsibly purchase materials and supplies.

Background:

In September 2016, SB 1383 established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy; it includes statewide goals to reduce the disposal of organic waste and recover edible food for human consumption.

SB 1383 regulations include a requirement for local jurisdictions, including the City of Yuba City, to implement a recycled-content paper procurement system which directs and tracks that the writing/printing paper and paper products purchased by the agency are, at minimum, 30% recycled content **IF** the cost and fitness are equal. This also matches recycled materials requirements in the Public Contract Code.

Analysis:

While a codified ordinance or official City policy are not required by the local jurisdictions, staff and the City Attorney's office believe that an officially established internal City policy is the best means to

ensure that the SB 1383 purchasing, recordkeeping, and reporting requirements are met. The prepared policy was developed using the CalRecycle model policy as a template, with some adjustments made to best fit the City departments and the recently updated policies and procedures for purchasing (Attachment 1).

The Recycled-Content Paper Procurement Policy requires that:

- Staff purchase writing/printing paper and paper products, as defined by CalRecycle, that is 30% recycled content if the quality and price are equal to non-recycled paper goods
- Staff is to log paper purchases in an electronic log and upload all paper purchase receipts, both recycled and non-recycled, to the City's digital archive
- The Purchasing Officer or designee will prepare and submit an annual report of the paper purchases to CalRecycle as part of the annual SB 1383 reporting requirements

Once approved by Council, staff will develop and implement the procurement and recordkeeping procedures across all departments.

Fiscal Impact:

Staff time will be required to log paper purchases and upload receipts to the digital archive in order to meet SB 1383 recordkeeping requirements, as well as prepare and submit the annual report. There should be no change to actual expenditures on paper supplies, as the policy only requires the purchase of recycled-content items if they are equal to or less than non-recycled items. At this time, recycled-content printing/writing paper is on average about 20% higher in cost than non-recycled and janitorial recycled paper supplies are competitively priced with non-recycled.

Alternatives:

There are no alternatives to compliance with SB 1383; however, the City could modify the policy to alter or eliminate price comparison and establish a preference for recycled-content paper procurement.

Recommendation:

Establish an internal City policy for the procurement of recycled-content paper and paper products and necessary recordkeeping in accordance with Senate Bill 1383.

Attachments:

1. SB 1383 Recycled-Content Paper Procurement Policy Attachment 1

Prepared By:
Scarlett O. Harris
Administrative Analyst I

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1



City of Yuba City Recycled-Content Paper Procurement Policy

May 17, 2022

RECYCLED-CONTENT PAPER PROCUREMENT POLICY

1. Purpose

The purpose of this Recycled-Content Paper Procurement Policy is to provide the framework by which to meet the City of Yuba City's compliance requirements for Senate Bill 1383. All procurement described herein must also follow the City's Purchasing Policies and Procedures.

2. Definitions

The following words, terms and phrases, when used in this Policy, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The following definitions are excerpted from the SB 1383 regulations, and as such are subject to change as the regulations and resulting code shall subsequently be amended or reorganized.

- A. "City" means the City of Yuba City.
- B. "Electronic Tracking System" means the electronic archive and/or log established by the City's Purchasing Officer or their designee to track procurement and maintain records of recycled-content paper procurement efforts by the City, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.
- C. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).
- D. "Printing and Writing Paper" includes, but is not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54). L.
- E. "Recyclability" means 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 16 Code of Federal Regulations Section 260.12 (2013).
- F. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

- G. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- H. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this Policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- I. “State” means the State of California.

3. Requirements for City Departments

- A. If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.
- B. 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 (2013). Further criteria for meeting this Policy’s requirements for recycled-content paper are included in Section 5.
- C. Upload records to the Electronic Tracking System of all Paper Products and Printing and Writing Paper purchases within sixty (60) days of purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. Records shall include:
 - i. Copy of the invoice or other documentation of purchase
 - ii. Written certifications as required in Section 5.A.3-4 for recycled-content purchases
 - iii. Vendor name
 - iv. Purchaser name
 - v. Quantity purchased
 - vi. Date purchased
 - vii. Recycled content (including products that contain none)

- viii. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided

5. Requirements for Vendors

A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and available at equal or lesser price.
2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the 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.
4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
5. Provide records to the vendor's City contact of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. These records then shall be entered into the Electronic Tracking System by the City department or division or employee. Records shall include:
 - i. Copy of the invoice or other documentation of purchase
 - ii. Written certifications as required in Section 5.A.3-4 for recycled-content purchases
 - iii. Vendor name
 - iv. Purchaser name
 - v. Quantity purchased
 - vi. Date purchased
 - vii. Recycled content (including products that contain none)

viii. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided

B. 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%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

SECTION 5. RECORDKEEPING RESPONSIBILITIES

A. Each City department will be responsible to assign one or more employees the responsibility for obtaining records pertaining to Procurement of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper as described below.

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all divisions and employees within the department 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 the City's documentation of its compliance with 14 CCR Section 18993.3.
2. Upload these records, as described in Section 4.C, into the current Electronic Tracking System. At the time of Policy adoption, the Electronic Tracking System consists of two components: a spreadsheet log (Microsoft Excel) on the City's shared drive to log the purchases and a designated location for "Paper Procurement" within the City's digital archive (Docuphase) to upload and index the records.

B. The City's Purchasing Officer or designee will be responsible to compile an annual report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper consistent with the recordkeeping requirements contained in 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 many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the City Council annually as evidence of implementing this Policy.

SECTION 6. EFFECTIVE DATE OF POLICY

This Policy shall go into effect immediately.