



State of West Virginia

Department of Administration - Purchasing Division

## **Comprehensive Procurement Program for Recycled Products in West Virginia**

In accordance with **West Virginia Code** §22-15A-21, it is the policy of the state of West Virginia, to the maximum extent possible, to purchase recycled products used by state agencies and instrumentalities. Procuring and utilizing environmentally-preferable products (EPPs) has become a vital part of public procurement due to its benefits to the environment, improved efficiencies and cost-savings results.

This statute requires that a comprehensive procurement program be developed for recycled products. As part of this program, the following components are to be incorporated:

1. A review, and subsequent revision, of existing procurement procedures and bid specifications to remove language that discriminates against recycled products;
2. A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products: *Provided*, That recycled paper products shall be given a price preference of ten percent: *Provided, however*, That priority shall be given to paper products with the highest post consumer content;
3. A plan to eliminate, to the maximum extent possible, the use of disposable and single-use products; and
4. A requirement that all agencies and instrumentalities of the state use compost in all land maintenance and landscaping activities: *Provided*, That the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency or instrumentality.

Implementing a green purchasing program brings a set of challenges, including technical and administrative in nature, such as:

- Additional work needed to research products, plan and coordinate green purchasing programs, and implement sustainability efforts.
- Lack of commitment or interest to provide the directives necessary for a more efficient implementation.

- Possible resistance from users due to the unavailability or lack of staff education and training.
- Lack of expertise in environmental issues and new technologies, particularly those involving technical data reporting and analysis.
- Conflicting or confusing information that may create misconceptions about the quality and performance of environmentally preferable products and services, coupled with a shortage of available time to perform necessary research and investigation.
- Effort required to change the “business as usual” norm and work with existing suppliers (or to find new suppliers) in order to procure environmentally-preferable products and services; there may also be existing relationships between purchasers and suppliers that make it difficult to switch to alternative products.
- Difficulty in determining the life-cycle cost of products that considers the manufacturing impacts, potential cost savings opportunities in the operational and maintenance life of the product, and the expense and process necessary to dispose or recycle the product.

Green purchasing is often referred to as responsible purchasing, eco-procurement, green procurement, and sustainable purchasing. It is a way of adding environmental considerations to the price and performance criteria used by public and private sector procurement officers to make purchasing decisions. Most importantly, green purchasing attempts to identify and reduce the environmental impact of an organization's activities and maximize resource efficiency.

EPPs may include, but not be limited to, items that:

- Contain recycled materials--made from sustainable resources, recycled or remanufactured materials or parts.
- Minimize waste--minimal packaging that is recyclable or reusable (take-back provisions)
- Conserve energy and/or water or other natural resources
- Prevent pollution--emissions, VOCs (volatile organic compounds), etc.
- Consist of fewer toxic substances or reduce the amount of toxic substances disposed or consumed
- Protect open space
- Encourage an environmentally positive practice (water fountains, compost bins, recycling containers, engine block heaters, etc.)
- Uses energy alternatives to fossil fuel

All these attributes add up to increased quality of human health, planetary health, and economic health.

It is necessary for procurement managers to understand the connection between broad social issues and purchasing decisions. It is important for procurement managers to ensure that items purchased, such as cleaning supplies and other commodities, are safe for the environment. They are increasingly integrating environmental, health, and safety concerns into their strategic sourcing and in their recognition of the fact that government's wastes, emissions, and environmental risks are often directly linked to the quantity and quality of the goods and raw materials it buys.

1. Environmental Benefits. Purchasing decisions made affect our local environment and the health of our citizens and workers as well as the global community. The following are some examples of how green purchasing can address key environmental issues:
  - Manufacturing using fewer toxic ingredients minimizes the hazardous impacts of those products during the manufacturing process (e.g. water / air pollution) as well as reduces the damage caused through accidental spills and improper disposal. The risks to workers handling the products are also reduced as well as the risks posed to building occupants when the product is in use.
  - Energy efficiencies are realized by limiting energy consumption. This, in turn, lowers our emissions of sulfur dioxide (which causes acid rain) and carbon dioxide (a primary greenhouse gas).
  - When made with a percentage of post-consumer recycled content instead of pure virgin products, there is a reduction in our need to extract raw materials, such as petroleum, trees or metals and, in general, use less energy and water. Another result is the reduction in the amount of waste in our overstressed landfills.
  - When designed to reuse and/or reduce the amount of water needed to perform certain tasks, resources are conserved. Such products and technologies involve plumbing devices, cooling systems, appliances, and water treatment technologies.
  - Utilizing renewable energy and clean technologies works toward reducing our dependency on foreign petroleum, stimulating economic development for innovative technologies and meeting our goals for clean energy production.
2. Reduced Total Costs. While green purchasing can help an agency economically as well as lighten its environmental impacts, it can also help agencies improve their efficiency, reduce liabilities, and gain competitive advantage when applying for grant and other funding opportunities. The fact is that a green purchasing program is an excellent way of finding products with a high price-performance ratio and with improved use rates.

Some examples of cost savings opportunities include:

- Reduced hazardous management costs (e.g. using less toxic products);

- Reduced operational costs (energy savings from efficient equipment);
- Reduced disposal costs (hazardous and solid waste) by generating less waste and using longer lasting products;
- Reduced repair and replacement costs when using more durable and repairable equipment;
- Reduced employee safety and health costs at the facility with reduced potential liability by improving the work environment and minimizing risks to workers; and
- Reduced material and energy consumption.

In accordance with ***West Virginia Code*** §22-15A-21, the following information is required and submitted. Should you have any questions regarding this information, please contact:

**Mark D. Scott, Cabinet Secretary  
Department of Administration  
Building 1, Room E-119  
1900 Kanawha Boulevard, East  
Charleston, WV 25305**

# Procurement of Recycled Products ANNUAL REPORT

Report Submitted January 31, 2024

*In accordance with West Virginia Code §22-15A-21*

REQUIREMENT	STATUS
A review, and subsequent revision, of existing procurement procedures and bid specifications to remove language that discriminates against recycled products.	<ol style="list-style-type: none"><li>1. The Purchasing Division continually reviews all state contracts under its jurisdiction for processing and approval to ensure that no language is included that discriminates against recycled products. To date, no contracts have been identified with discriminating language against recycled products.</li><li>2. The <i>Purchasing Division Procedures Handbook</i> (Section 3: Acquisition Planning under subsection 3.9.4.1. Recycled Products) includes the directive to state agencies to remove discriminatory language regarding recycled products and to give recycled paper products a price preference of ten percent, with priority given to paper products with the highest post-consumer content.</li><li>3. The Purchasing Division conducts an annual review of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products; Provided, that recycled paper products shall be given a price preference of ten percent. Provided, however, that priority shall be given to paper products with the highest post-consumer content.</li></ol>

	<p>4. State agencies are notified of this Code citation for compliance at the delegated authority level through various mechanisms, including but not limited to agency presentations, procedures handbook, and other publications. Specifically, a newsletter article is scheduled to be published in the March 2023 issue of <i>The Buyers Network</i> on this recycled products initiative.</p> <p>5. The Purchasing Division encourages all state agencies and instrumentalities to purchase recycled products when possible, and bid specifications are modified when necessary to incorporate the price preference and to stress the priority of the highest post-consumer content.</p>
<p><b>A review, and subsequent revision, of existing procurement procedures and bid specifications to ensure that, to the maximum extent possible, all agencies and instrumentalities of the state purchase recycled products. <i>Provided</i>, That recycled paper products shall be given a price preference of ten percent; <i>Provided, however</i>, That priority shall be given to paper products with the highest post-consumer content.</b></p>	<p>1) The Purchasing Division bid and awarded an office supplies contract with the West Virginia vendor, Stationers. The contract, which became effective August 1, 2023, requires the vendor to make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired (i) competitively within a timeframe providing for compliance with the contract performance schedule, (ii) meeting Contract performance requirements, or (iii) at a reasonable price.</p> <p>2) The Purchasing Division awarded a statewide contract for sanitary paper and bathroom supplies (SANPAP23), effective January 1, 2023, and good through December 31, 2024. This contract is a statewide contract, which is mandatory for use by all state agencies under the authority of the Purchasing Division. As</p>

	<p>part of this contract, specified requirements on the following items are included:</p> <ul style="list-style-type: none"> <li>● Consumer Bath Tissue: Post-consumer waste of no less than 25%</li> <li>● Roll Towels: Post-consumer waste of no less than 40% and recovered fiber content of at least 40%</li> <li>● Folded Towels: Post-consumer waste of no less than 40% and recovered fiber content of at least 40%</li> <li>● Facial Tissues: Must contain a minimum of 10% post-consumer recycled fiber</li> <li>● Kitchen Towels: Post-consumer waste of no less than 40% and recovered fiber content of at least 40%</li> </ul> <p>3) On behalf of the Department of Environmental Protection, the Purchasing Division awarded a contract for paper recycling collection for state agency use on the State Capitol Complex and throughout the Kanawha County area. The contract (CMA DEP 2300000012) with PACE Enterprises of WV Inc. became effective April 1, 2023, and is good through March 31, 2024, with three renewal options. The contract is available to state agencies in designated locations.</p> <p>4) As part of its green products initiative, the Purchasing Division typically maintains a contract for motor vehicles that contains</p>
--	---

	<p>several hybrid-vehicle options for the lower-class model vehicles. Following the contracts' expiration in October 2022, the Purchasing Division was unable to successfully bid out a new contract due to supply chain issues but will continue to watch the market for improvements.</p> <p>5) The Purchasing Division renewed a statewide contract for lighting with WV Electric Supply Company (LIGHT23), good through April 30, 2024. This contract is mandatory for state agency use. The catalog contains energy efficient bulbs, including certified green bulbs.</p> <p>6) The Purchasing Division renewed a contract with Fastenal Co. (INDEQP), good through June 30, 2024. While this contract is optional for state agencies to use, it is the quickest and most cost effective contract available to agencies for the purchase of industrial supplies and equipment. Green products are offered by Fastenal and clearly identified within the catalog and on its website. Fastenal's green initiative is focused on eliminating waste, creating efficiencies, and continuous improvement.</p> <p>7) Specifications for paper-related contracts have and will continue to be reviewed to ensure that standard language reflects a ten percent price preference for recycled paper products, based on the highest post-consumer content. When necessary and applicable, bid specifications are</p>
--	---



	<p>modified to incorporate this language.</p> <p>8) The <i>Purchasing Division Procedures Handbook</i> (Section 3: Acquisition Planning under subsection 3.9.4.1. Recycled Products) includes information on the use of recycled products, the related price preference of ten percent, and that priority shall be given to the highest post-consumer content.</p> <p>9) The Purchasing Division continues to educate agencies regarding this Code citation for compliance at the delegated purchasing authority level, including through the <i>Purchasing Division Procedures Handbook</i> and other publications.</p>
<p><b>A plan to eliminate, to the maximum extent possible, the use of disposable and single-use products.</b></p>	<p>1) The Purchasing Division continues to identify opportunities, to the maximum extent possible, where disposable and single-use products are not feasible and may be eliminated.</p> <p>2) All state agencies and instrumentalities are encouraged to eliminate the use of disposable and single-use products.</p> <p>3) The <i>Purchasing Division Procedures Handbook</i> (Section 3: Acquisition Planning under subsection 3.9.4.1. Recycled Products) includes information on the use of recycled products, the related price preference of ten percent, and that priority shall be given to the highest post-consumer content.</p> <p>4) The Purchasing Division continues to educate agencies regarding this Code citation for compliance at the delegated</p>

	<p>purchasing authority level, including through the <i>Purchasing Division Procedures Handbook</i> and other publications.</p>
<p><b>Require all agencies and instrumentalities of the state use compost in all land maintenance and landscaping activities; <i>Provided</i>, That the use of composted or deep stacked poultry litter products, certified by the Commissioner of Agriculture as being free from organisms that are not found in poultry litter produced in this state, have priority unless determined to be economically unfeasible by the agency or instrumentality.</b></p>	<ol style="list-style-type: none"> <li>1) The Purchasing Division continues to educate agencies regarding this code citation for compliance at the delegated purchasing authority level, including in the <i>Purchasing Division Procedures Handbook</i> and other publications.</li> <li>2) The Purchasing Division requires agencies to use compost or deep stacked poultry litter products as stated in the Code citation.</li> <li>3) The <i>Purchasing Division Procedures Handbook</i> includes information on the use of recycled products, the related price preference of ten percent, and that priority shall be given to the highest post-consumer content. This information is included in <i>Section 3: Acquisition Planning</i> under “Other Considerations” (subsection 3.9.4.1).</li> </ol>