

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 58*

State Personnel and State Government Committee Substitute Adopted 4/26/93

Short Title: Purchase of Recycled Goods.

(Public)

Sponsors:

Referred to:

February 4, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A PROCUREMENT POLICY THAT PROMOTES THE
2 PURCHASE OF MATERIALS AND SUPPLIES WITH RECYCLED CONTENT
3 BY THE STATE, THE UNIVERSITY SYSTEM, COMMUNITY COLLEGES,
4 AND PUBLIC SCHOOLS AND TO ESTABLISH CERTAIN GOALS FOR THE
5 PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-49 reads as rewritten:

9 **"§ 143-49. Powers and duties of Secretary.**

10 The Secretary of Administration shall have power and authority, and it shall be his
11 duty, subject to the provisions of this Article:

- 12 (1) To canvass sources of supply, including sources of supply of materials
13 and supplies with recycled content, and to purchase or to contract for
14 the purchase, lease and lease-purchase of all supplies, materials,
15 equipment and other tangible personal property required by the State
16 government, or any of its departments, institutions or agencies under
17 competitive bidding or otherwise as hereinafter provided.
- 18 (2) To establish and enforce specifications which shall apply to all
19 supplies, materials and equipment to be purchased or leased for the use
20 of the State government or any of its departments, institutions or
21 agencies.
- 22 (3) To purchase or to contract for, by sealed, competitive bidding or other
23 suitable means, all contractual services and needs of the State

1 government, or any of its departments, institutions, or agencies; or to
2 authorize any department, institution or agency to purchase or contract
3 for such services.

4 When the award of any contract for contractual services exceeding
5 a cost of one hundred thousand dollars (\$100,000) requires negotiation
6 with prospective contractors, the Secretary shall request and the
7 Attorney General shall assign a representative of the office of the
8 Attorney General to assist in negotiation for the award of the contract.
9 It shall be the duty of such representative to assist and advise in
10 obtaining the most favorable contract for the State, to evaluate all
11 proposals available from prospective contractors for that purpose, to
12 interpret proposed contract terms and to advise the Secretary or his
13 representatives of the liabilities of the State and validity of the contract
14 to be awarded. All contracts and drafts of such contracts shall be
15 prepared by the office of the Attorney General and copies thereof shall
16 be retained by such office for a period of three years following the
17 termination of such contracts. The term 'contractual services' as used in
18 this subsection shall mean work performed by an independent
19 contractor requiring specialized knowledge, experience, expertise or
20 similar capabilities wherein the service rendered does not consist
21 primarily of acquisition by this State of equipment or materials and the
22 rental of equipment, materials and supplies. The term 'negotiation' as
23 used herein shall not be deemed to refer to contracts entered into or to
24 be entered into as a result of a competitive bidding process.

25 (4) To have general supervision of all storerooms and stores operated by
26 the State government, or any of its departments, institutions or
27 agencies and to have supervision of inventories of all tangible personal
28 property belonging to the State government, or any of its departments,
29 institutions or agencies. The duties imposed by this subdivision shall
30 not relieve any department, institution or agency of the State
31 government from accountability for equipment, materials, supplies and
32 tangible personal property under its control.

33 (5) To make provision for or to contract for all State printing, including all
34 printing, binding, paper ~~stock and supplies stock~~, recycled paper stock,
35 supplies, and supplies with recycled content, or materials in connection
36 with the same.

37 (6) To make available to nonprofit corporations operating charitable
38 hospitals, to local nonprofit community sheltered workshops or centers
39 that meet standards established by the Division of Vocational
40 Rehabilitation of the Department of Human Resources, to private
41 nonprofit agencies licensed or approved by the Department of Human
42 Resources as child placing agencies or residential child-care facilities,
43 and to counties, cities, towns, governmental entities and other
44 subdivisions of the State and public agencies thereof in the expenditure

1 of public funds, the services of the Department of Administration in
2 the purchase of materials, supplies and equipment under such rules,
3 regulations and procedures as the Secretary of Administration may
4 adopt. In adopting rules and regulations any or all provisions of this
5 Article may be made applicable to such purchases and contracts made
6 through the Department of Administration, and in addition the rules
7 and regulations shall contain a requirement that payment for all such
8 purchases be made in accordance with the terms of the contract. Prior
9 to adopting rules and regulations under this subdivision, the Secretary
10 of Administration may consult with the Advisory Budget
11 Commission."

12 Sec. 2. Article 3 of Chapter 143 of the General Statutes is amended by
13 adding the following sections:

14 **"§ 143-58.2. State policy; bid procedures and specifications; identification of**
15 **products.**

16 (a) It is the policy of this State to encourage and promote the purchase of
17 products with recycled content. All State departments, institutions, agencies,
18 community colleges, and local school administrative units shall, to the extent
19 economically practicable, purchase and use, or require the purchase and use of, products
20 with recycled content.

21 (b) No later than January 1, 1995, the Secretary of Administration and each State
22 department, institution, agency, community college, and local school administrative unit
23 authorized to purchase materials and supplies or to contract for services shall review
24 and revise its bid procedures and specifications for the purchase or use of materials and
25 supplies to eliminate any procedures and specifications that explicitly discriminate
26 against materials and supplies with recycled content, except where procedures and
27 specifications are necessary to protect the health, safety, and welfare of the citizens of
28 this State.

29 (c) The Secretary of Administration and each State department, institution,
30 agency, community college, and local school administrative unit shall review and revise
31 its bid procedures and specifications on a continuing basis to encourage the purchase or
32 use of materials and supplies with recycled content and to the extent economically
33 practicable, the use of materials and supplies with recycled content.

34 (d) The Department of Administration, in cooperation with the Office of Waste
35 Reduction, Department of Environment, Health, and Natural Resources, shall identify
36 materials and supplies with recycled content that meet appropriate standards for use by
37 State departments, institutions, agencies, community colleges, and local school
38 administrative units.

39 (e) A list of materials and supplies with recycled content that are identified
40 pursuant to subsection (d) of this section and that are available for purchase under a
41 statewide term contract shall be distributed annually to each State agency authorized to
42 purchase materials and supplies for use by its departments, institutions, agencies,
43 community colleges, or local school administrative units.

1 (f) Beginning October 1, 1994, each State department, institution, agency,
2 community college, and local school administrative unit authorized to purchase
3 materials and supplies shall report annually to the Office of Waste Reduction,
4 Department of Environment, Health, and Natural Resources, the amounts and types of
5 materials and supplies with recycled content that were purchased during the previous
6 fiscal year and its progress toward reaching the goals under G.S. 143-58.3. The Office
7 of Waste Reduction shall prepare a summary of these reports and submit the summary
8 annually to the Joint Legislative Commission on Governmental Operations.

9 (g) The Department of Administration and the Department of Environment,
10 Health, and Natural Resources shall develop guidelines for minimum content standards
11 for materials and supplies with recycled content and may recommend appropriate goals
12 in addition to those goals set forth in G.S. 143-58.3, for types of materials and supplies
13 with recycled content to be purchased by the State.

14 (h) The Secretary of Administration may adopt rules to implement the provisions
15 of this section and G.S. 143-58.3.

16 **"§ 143-58.3. Purchase of recycled paper and paper products; goals.**

17 In furtherance of the State policy, it is the goal of the State that each department,
18 institution, agency, community college, and local school administrative unit purchase
19 paper and paper products with recycled content according to the following schedule:

20 (1) At least ten percent (10%) by June 30, 1994;

21 (2) At least twenty percent (20%) by June 30, 1995;

22 (3) At least thirty-five percent (35%) by June 30, 1996; and

23 (4) At least fifty percent (50%) by June 30, 1997, and the end of each
24 subsequent fiscal year,

25 of the total amount spent for the purchase of paper and paper products during that fiscal
26 year."

27 Sec. 3. G.S. 136-28.8 reads as rewritten:

28 **"§ 136-28.8. Use of ~~recyclable~~ recycled materials in construction.**

29 (a) It is the intent of the General Assembly that the Department of
30 Transportation continue to expand its ~~current~~ use of ~~recovered~~ recycled materials in its
31 construction programs.

32 (b) The General Assembly declares it to be in the public interest to find
33 alternative ways to use certain ~~recyclable~~ recycled materials that currently are part of the
34 solid waste stream and that contribute to problems of declining space in landfills. ~~To~~
35 determine the feasibility of using recyclable materials for highway construction, the
36 Department shall undertake a literature search to evaluate the potential for using. ~~To the extent~~
37 economically practicable, the Department shall use:

38 (1) ~~Ground rubber~~ Rubber from tires in road ~~resurfacing or subbase~~ materials;
39 ~~and pavements, subbase materials, or other appropriate applications;~~
40 and

41 (2) Recycled ~~mixed plastic~~ materials for guard rail posts, right-of-way
42 fence posts, and sign ~~supports.~~ supports

43 so long as these materials meet all appropriate engineering standards.

1 (c) As a part of its scheduled projects, the Department ~~may shall~~ conduct such
2 additional ~~research as it determines to be warranted,~~ research, which may include
3 demonstration projects, on the use of ~~recyclable~~ recycled materials in highway
4 construction.

5 (d) The Department shall review and revise existing bid procedures and
6 specifications ~~for the purchase or use of products and materials~~ to eliminate any procedures
7 and specifications that explicitly discriminate against ~~products and materials with recycled~~
8 ~~content,~~ recycled materials in construction, except where the procedures and
9 specifications are necessary to protect the health, safety, and welfare of the people of
10 this State.

11 (e) The Department shall review and revise its bid procedures and specifications
12 on a continuing basis to encourage the use of ~~products and materials with recycled content~~
13 recycled materials in construction and shall, ~~in developing new procedures and~~
14 ~~specifications,~~ encourage the use of products and materials with recycled content. to the extent
15 economically practicable, require the use of recycled materials.

16 (f) All agencies shall cooperate with the Department in carrying out the provisions of
17 this section.

18 (g) Beginning October 1, 1994, the Department shall report annually to the
19 Office of Waste Reduction, Department of Environment, Health, and Natural
20 Resources, the amounts and types of recycled materials that were specified or used in
21 contracts that were entered into during the previous fiscal year. The Office of Waste
22 Reduction shall prepare a summary of this report and submit the summary annually to
23 the Joint Legislative Commission on Governmental Operations.

24 (h) The Department, in consultation with the Department of Environment,
25 Health, and Natural Resources, shall determine minimum content standards for recycled
26 materials.

27 (i) This section is broadly applicable to all procurements by the Department if
28 the quality of the product is consistent with the requirements of the bid specifications.

29 (j) The Department may adopt rules to implement this section."

30 Sec. 4. G.S. 143-170.1 reads as rewritten:

31 "**§ 143-170.1. Statement of cost of public documents; chief administrator charged**
32 **with compliance.**

33 (a) Every agency of this State publishing a public document, other than one
34 published for the principal purpose of sale to the public, shall cause the following
35 statement to be printed adjacent to the identification of the agency responsible for the
36 publication:

37 '(Number of copies) copies of this public document were printed at a cost of \$....., or
38 \$..... per copy.'

39 For the purposes of this Article the term 'cost' shall include printing costs in the form of
40 labor and materials, and other identifiable design, typesetting, and binding costs.

41 (a1) Any public document without a statement of cost shall not be mailed or
42 distributed at public expense.

1 (a2) Whenever a public document that is published by an agency of this State is
2 printed on recycled paper, the document shall contain a printed statement or symbol
3 indicating that the document was printed on recycled paper.

4 (b) The chief administrator of the agency authorizing the printing is charged with
5 agency compliance with the provisions of this Article."

6 Sec. 5. This act becomes effective July 1, 1993.