

1. SCOPE

The State of California, Department of General Services, Procurement Division (DGS/PD) is promoting an Environmentally Preferable Purchasing Program. This program provides for the acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods and services that serve the same purpose. Also, to the extent feasible, this solicitation considers the product's associated impacts from the product's raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, product performance, durability, and safety as well as the needs of the State, and the costs. This solicitation encourages and promotes the sale and purchase of higher efficiency and/or lower mercury lamps.

2. APPLICABLE SPECIFICATIONS / STANDARDS

2.1 MANUFACTURER'S CERTIFICATION LETTER:

All lamps offered must be certified by the manufacturer that the information provided is true and accurate. All references to the amount of mercury (Hg) in fluorescent, metal halide and high pressure sodium lamps signify the maximum mercury amount the State expects to find in any one lamp. If a lamp manufacturer provides a range of mercury content due to the manufacturing process, the State will use the maximum amount from the range provided as the set amount of mercury the State would expect to find in any one lamp.

All information presented by the contractor, including the mercury content of each mercury-containing lamp must be certified by a Manufacturer's Certification Letter. This Manufacturer's Certification Letter must also attest that the general purpose lights comply with the requirements of the RoHS Directive (Health and Safety Code, section 25210.9) and do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California. The Manufacturer's Certification Letter must be submitted with the bid. Failure to submit the Manufacturers Certification Letter with the bid may result in the bid being considered non-responsive.

2.2 TOXICS IN PACKAGING:

All packages, packaging components, and packaged retail-ready products offered during the life of the contract must be in full compliance with all requirements of the Toxics in Packaging Prevention Act (Health and Safety Code (HSC) sections 25214.11-22214.26). Upon request, the bidder shall provide a Certification of Compliance which covers each type of package, packaging component, or packaged retail-ready product supplied, distributed, or sold under this specification. The certification shall be based either on direct written correspondence from the packaged product manufacturer or from any written advertisement issued by the product manufacturer including, but not limited to, the products label, the manufacturers' catalog, or the manufacturers or suppliers internet Web site. Failure to comply may result in contract default.

Note: "Package" and "Packaging components" are defined in HSC section 25214.12. Provision for exemption from this Act are contained in HSC section 25214.14.

2.3 POST CONSUMER CONTENT:

State departments are required to report purchases made within 11 product categories in the California Integrated Waste Management Board's (CIWMB) State Agency Buy Recycled Campaign (SABRC) per Public Contract Code 12200-12217. In order to comply with those requirements, the Contractor(s) will be required to certify, in writing, the minimum percentage, if not the exact percentage, of post consumer recycled content material (PCRC) in each of the products and associated shipping/packaging material offered as part of this solicitation.

Post Consumer Recycled Content (PCRC) Certification contains the following documents:

- 2.3.1 PCRC Percentages Worksheet – Contractor(s) shall complete the PCRC Percentages Worksheet listing the percentage of post consumer recycled content material for each product offered.
- 2.3.2 Letter of Certification – Contractor(s) shall print and sign the Letter of Certification certifying that the minimum percentage, if not exact percentage, listed in the PCRC Percentages Worksheet is accurate. The Letter of Certification shall be furnished under penalty of perjury. The Letter of Certification shall be provided regardless of content, even if the product(s) contain no post consumer recycled material.
- 2.3.3 Reportable Product Categories Table – This table is provided for informational purposes only and identifies the 11 reportable SABRC product categories.

Reportable Product Categories Table

| Code | Product Categories | Minimum Postconsumer Content Requirement |
|------|---|--|
| 1 | Paper Products | 30 percent by fiber weight postconsumer fiber. |
| 2 | Printing and Writing Papers | 30 percent by fiber weight postconsumer fiber. |
| 3 | Mulch, Compost, and Co-compost Products | 80 percent recovered material that would otherwise be normally disposed of in a landfill. |
| 4 | Glass Products | 10 percent postconsumer, by weight. |
| 5 | Lubricating Oils | 70 percent re-refined base oil. |
| 6a | Plastic Products | 10 percent postconsumer, by weight. |
| 6b | Printer or Duplication Cartridges | a. Have 10 percent postconsumer material, or b. Are purchased as remanufactured, or c. Are backed by a vendor-offered program that will take back the printer cartridge after their useful life and ensure that the cartridge is recycled and comply with the definition of recycled as set forth in section Public Contract Code 12156. |
| 7 | Paint | 50 percent postconsumer paint (exceptions when 50 percent postconsumer content is not available or is restricted by a local air quality management district, then 10 percent postconsumer content may be substituted). |
| 8 | Antifreeze | 70 percent postconsumer material. |
| 9 | Tires | Retreaded: Must use an existing casing that has undergone retreading or recapping process in accordance with Public Resource Code (commencing with section 42400). |
| 10 | Tire- Derived Products | 50 percent recycled used tires. |
| 11 | Metal | 10 percent postconsumer material, by weight. |

Within 30 calendar days from contract award, the Contractor will be required to provide a signed Letter of Certification and the completed PCRC Percentages Worksheet to the State Contract Administrator. The PCRC Percentages Worksheet shall be provided in hard copy and electronic copy (on a CD-ROM in Microsoft Excel format).

During the life of the contract, the Contractor(s) will be required to submit revised PCRC Certification Workbook information if percentages are adjusted or if a substitute line item(s) are approved by the State Contract Administrator.

2.4 CATALOG REQUIREMENTS:

The contract requires the creation of a custom catalog identifying each of the products offered. Both hard copy(s) and electronic versions of the catalog will be available "at no cost" to the State. Lamp images must be included by type. Working with the State, the contractor will include in the catalog, impending changes in lamp availability due to legislative mandates.

The Non Dimming Medium Based Compact Fluorescent lamp portion of the catalog must contain a conversion table identifying Incandescent to CFL replacements.

The catalog shall include a description and pricing of the services provided for the Take Back Program of all of mercury containing lamps whether or not the product is offered under this solicitation. The State will approve the catalog prior to publication. A draft catalog shall be provided to the State within 10 days of award letter notification. A final copy of the catalog shall be available in PDF format within 10 days of approval by the State, and shall be available in hard copy format within 20 days of approval, prior to distribution to State agencies. All printed catalogs shall be printed on Process Chlorine Free (PCF), minimum 30% post-consumer recycling content material. Hard copies of the catalog shall be distributed to State employees and local governmental agencies for ordering under this contract only upon written request. These hard copy catalogs shall be distributed at no charge.

2.5 LAMP TAKE BACK REQUIREMENT:

Fluorescent tubes and bulbs, metal halide, sodium vapor, and any other type of lamps that exhibit a characteristic of a hazardous waste are classified as universal waste. At the end-of-life, these lamps shall be managed in accordance with the Universal Waste Rule (California Code of Regulations (CCR), Title 22, Division 4.5, Chapter 23, Standard for Universal Waste Management). Services for the take back of mercury-containing lamps shall be offered under this solicitation on a non-mandatory basis to any participating State and local agency under the California Lamp Contract. Bidders shall demonstrate, in writing, that the offered take back system will comply with applicable regulatory requirements and will be easy for the consumer to use, such that it encourages recovery of spent lamps and discourages disposal.

The Contractor(s) shall provide services for the recycling of mercury containing lamps whether or not the product is offered under this solicitation. This service shall be made available on a non-mandatory basis to any participating State and local agency under the California Lamp Contract.

Take back service usage must be reported to the state monthly and cover the same time period as the usage report. The take back report is to include all relevant data as to allow the State to determine monthly take back usage. The data elements may be reported in any unit of measure as agreed upon by the contractor and the State.

The contractor shall have the ability to provide State departments and local agencies documentation that their lamps went to an authorized recycling facility or to a universal waste consolidator for shipment to an authorized recycling facility.