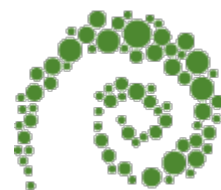


SB 1383 Deep Dive Workshop 2: Compliant Paper Procurement With or Without a Contract



Green Purchasing Roundtable
November 17, 2021



Alameda County
SUSTAINABILITY
Local Action, Global Impact.

Welcome! Introduce Yourself

- Click on Google Slides link in chat
- Enter your name, role, and something you do to beat the afternoon slump
- Scroll to view your colleagues on the line!



Workshop Agenda

- Quick Workshop #1 Recap
- Compliant Paper Procurement in different contexts...
 - **Centralized** – strategies for working with vendors
 - Hear from City of Berkeley
 - Breakouts by product & vendor type
 - **Decentralized** – strategies for working with department staff
 - Hear from City of Pleasanton
 - Live Technical Assistance with City of San Leandro
 - Breakouts by resource type

Housekeeping



- Recording & slides will be shared
- We will record the main session
- Please enable video!
- Please be present & participate
- “Chat” questions to everyone

Disclaimer

What this is...

- Sharing our knowledge and understanding to help you.

What this is not...

- Legal advice. Consult your legal counsel with questions.

We make no warranties that the information shared will satisfy CalRecycle enforcement and we are not responsible for the compliance of other jurisdictions or parties.

Paper Purchasing* Requirements

1. Purchase paper products with a minimum of 30% post-consumer recycled content
2. Ensure that the paper purchased is recyclable
3. Maintain records certifying compliance

Printing & Writing Papers	Paper Office Supplies	Printed Materials	Janitorial Papers
<ul style="list-style-type: none">• Copy paper• Watermark• Note pads• Offset	<ul style="list-style-type: none">• File folders• Envelopes• Sticky notes• Boxes & packaging	<ul style="list-style-type: none">• Calendars• Brochures• Magazines• Posters• Newsprint	<ul style="list-style-type: none">• Toilet paper• Paper towels• Facial tissues• Toilet seat covers


*Definition from SB 1383 regulations: "Paper Purchase" means all purchases by a jurisdiction of items in the following categories: (A) Paper products. (B) Printing and writing papers.

Recordkeeping: Key Things to Remember

- Keep records for **all paper products** purchased by volume and type, including certification or verification of:
 - Post-consumer recycled content (PCR)
 - Recyclability
- Consider maintaining justification when you purchase non-compliant products
 - For PCR – reason why purchase is non-compliant, e.g., fitness, quality or cost
 - For recyclability – reason why purchase is not recyclable; e.g., janitorial product that can't be recycled



How will I get these records?



How and where will I store them?

Q&A from Workshop #1

■ Documenting recyclability:

- Not necessary to document each time purchased; can be a blanket verification.
- Regs do not address compostability, but you could keep in record.

■ 30% PCR: Options when more expensive

- Can set as minimum standard when you know it is price competitive.
- Can set a price preference (usually 5 – 10%) to allow for higher cost.
- Can only purchase when equal or lower cost.

See CalRecycle model policy for language:

<https://www.calrecycle.ca.gov/organics/slcp/education#model>

■ Papers purchased and used by service vendors, e.g., janitorial papers or franchise waste haulers:

- If the jurisdiction is not purchasing the paper from the hauler or on behalf of the hauler, then the hauler does not need to comply with the paper procurement requirements.
- The regulations are silent on the requirements applying or trickling down to a jurisdiction's service provider.

CalRecycle written response to City of Alameda,
11/17/2021

Paper Office Supplies

Service Contract

All on contract

Most on contract

Mixed

Most decentralized

All decentralized

Don't Know

Alameda County
(Blaisdell's)

CVSan
(AAA)

Berkeley
(Blaisdell's)

Pleasanton
(Blaisdell's)

Dublin
(Blaisdell's)

Livermore
(Office Depot)

Fremont
(Office Depot,
Blaisdell's,
Office Max,
City of Alameda)

Albany

San Leandro

Piedmont

Emeryville

Union City



Copy Paper

Service Contract

All on contract

Most on contract

Mixed

Most decentralized

All decentralized

Don't Know

Alameda County
(Office City)

Livermore
(Office Depot)

Pleasanton
(Blaisdell's)

Fremont
(Office Depot/ Max, Blaisdell's)

Alameda

Piedmont

Union City



Print Services

Service Contract

All on contract

Most on contract

Mixed

Most decentralized

All decentralized

Don't Know

Alameda County
(Many Suppliers)

Berkeley
(Minuteman Press)

CVSan
(Dakota Press)

Fremont
(Bay Central)
Union City

(Bay Central)
San Leandro
(East Bay BluePrint, in house)

Livermore
(East Bay BluePrint, in house)

Piedmont
Dublin



Janitorial Paper

On Contract Jan Service	On contract as Paper Product	Mixed	Most decentralized	All decentralized	Don't Know
Livermore (Office Depot; Amazon and others allowed)	Alameda County (JC Paper) Fremont (Waxie Sanitary)	Berkeley (Pride Janitorial, UBS) San Leandro			Union City

Working with Vendors to Support Compliance

Based on Alameda County Case Study

Alameda County's Contracting Strategy: Four Key Elements for SB 1383

1. Set a minimum standard of 30% post-consumer recycled content when competitively priced
2. Require vendor to look for compliant products
 - Maintain this market assessment to justify non-compliant product purchases
3. Require vendor to provide usage report:
 - All products purchased by volume and type
 - Post-consumer recycled content
4. Require vendor to submit written certification of recyclability of paper products

Setting Minimum Standard

- Create a market basket for bidding
 - Vendor competition will result in best pricing
 - Review current vendor usage report or survey departments to get a complete list
- Determine products where 30% PCR is commonly available
 - Review County bid excerpts and RPN market assessment
 - Do not include virgin products in market basket where 30% PCR is available

8	20 lb., 8.5" x 11" Multi-Use 30% Recycled 500 Sheets - Canary	Ream	\$4.49
9	20 lb., 8.5" x 11" Multi-Use 30% Recycled 500 Sheets - Green	Ream	\$4.49
10	20 lb., 11" x 17" Print Paper 100% Recycled 92 Bright 500 Sheets - White	Ream	\$5.57
11	20 lb., 8.5" x 11" Copy paper 100% Recycled 92 Bright 3-Hole-Punched 5000 Sheets - White	Case	\$38.27
12	20 lb., 8.5" x 11" Copy paper 100% Recycled 92 Bright 5000 Sheets - White	Case	\$37.99

Specs and pricing from Alameda County office paper bid excerpt.
<https://www.acgov.org/sustain/what/purchasing/bids/excerpts.htm>

6	Product Name	Brand	PCRC
7	BOISE ASPEN 100% Recycled Multi-Use Copy Paper, 8.5" x 11", Letter, 92 Bright, 20 lb, 10 Ream Carton (5,000 Sheets)	BOISE	100%
9	New Leaf Paper	New Leaf	100%
10	BPM Paper Envirographic 100, 92 Brightness, 20 lb. Domtar EarthChoice 100 Copy Paper	BPM	100%

CPGs White Copy Color Copy Envelopes

Specs from RPN Market Assessment.

Vendor Market Assessment

- Include bid specification to require vendor to document availability and cost of paper products that would meet SB 1383 requirements
- Maintain assessment in implementation record as justification for the purchase of non-compliant purchases

The Contractor shall take the following actions to assist [jurisdiction] in complying with Sections 22150-22154 of the Public Contract Code, as required by SB 1383 (Lara, Chapter 395, Statutes of 2016).

1. On an annual basis, conduct a market assessment to identify alternate products for all paper products that are not currently compliant
2. Propose pricing for alternate products for [jurisdiction] review
3. When approved by [jurisdiction], replace non-complaint product with compliant alternate.
4. Implement ordering controls to ensure all departments purchase from approved list.

*Model bid specification compiled by Karen Cook, Alameda County.
Seek advise from your counsel for legal questions.*

Vendor Usage Report

- Include bid specification to require vendor to provide usage reports, including:
 - All products purchased by volume and type
 - Percentage post-consumer recycled content for paper products

The contractor shall provide electronic usage reports in Microsoft Excel format at designate intervals and by request to the [jurisdiction]. The reports shall be provided at no charge and shall include all purchases made as a result of this contract.

The [jurisdiction] shall work with the contractor to finalize the format of these reports upon contract award. The [jurisdiction] reserves the right to make changes to the report and to request additional information, if deemed necessary.

*Model bid specification compiled by Karen Cook, Alameda County.
Seek advise from your counsel for legal questions.*

Vendor Usage Report Sample Fields

Organization Wide Report

Supplies Report Format

Key categories shall be defined as:

- a) Item part number
- b) Item description (e.g., brand, size, color, etc.)
- c) Unit of measure (e.g., each, box)
- d) Quantity of units purchased
- e) Number of times orders were placed
- f) Total sales
- g) Average sales price
- h) Product Category
- i) Percentage of post-consumer content

Department Level Report

Paper Report Format

Key categories shall be defined as:

- a) Purchase date
- b) Purchase Order Number
- c) Department Name
- d) Manufacturer item number
- e) Item description (e.g. brand, size, color, etc.)
- f) Unit of measure (e.g., ream, carton);
- g) Number of individual pieces per unit;
- h) Units purchased (i.e., order quantity);
- i) Shipped quantity (if not same as order quantity);
- j) Unit price (i.e., charge to customer); and
- k) Total order cost.
- l) Percentage of post-consumer content

*Model report formats compiled by Karen Cook, Alameda County.
Seek advise from your counsel for legal questions.*

Vendor Certification of Recyclability

- Include bid specification to require vendor to provide written certification that paper products are recyclable.
- For products that are necessary to purchase but are not recyclable, like janitorial papers, CalRecycle will not enforce the mandate. (*See next slide for details*)
 - Consider including reasoning for necessity of non-compliant purchases in your implementation record.

As required by SB 1383 (Lara, Chapter 395, Statutes of 2016), the contractor shall certify in writing that the paper products and printing and writing paper offered or sold to the [jurisdiction] is eligible to be labeled with an unqualified recyclable label, meaning that recycling facilities are available to at least 60% of consumers where the item is sold, as defined in [16 CFR Section 260.12](#).

The contractor may provide this certification by submitting a written statement on letterhead and signed by an officer of the company, by including information about recyclability as part of usage reports, or by providing similar documentation. [Jurisdiction] reserves the right to modify this requirement at any time if documentation provided by the vendor is deemed insufficient by the regulatory authority, CalRecycle.

*Model bid specification compiled by Karen Cook, Alameda County.
Seek advise from your counsel for legal questions.*

CalRecycle written response regarding paper products that can't be recycled.

CalRecycle recognizes there may be circumstances where certain janitorial and other paper products are necessary to purchase for jurisdictional operations where it is impossible for those paper products to be eligible to be labeled with an unqualified recyclable label per 14 CCR Section 18993.3(b) and vendors would be unable to properly certify this eligibility. CalRecycle would not enforce the mandate in circumstances where it is impossible for a jurisdiction to comply.

The contents of this communication and any analysis, guidance, or other information herein are based on current, existing, known facts and legal authority as described to and understood by the author and/or CalRecycle at the time of this communication. Please be advised that any relevant facts or legal authority or authorities that are undisclosed or unknown at the time of this communication may affect or alter any analysis, guidance, or other information herein. Please be further advised that any analysis, guidance, or other information herein may be subject to change and/or correction based on changed facts or legal authority, actual or understood, subsequent to the time of this communication. No analysis, guidance, or other information herein should be construed as a waiver of any rights or remedies available to CalRecycle. Recipients of this communication are encouraged to seek the assistance of legal counsel to comply with applicable state law based on current facts and circumstances.

Response provided to Karen Cook, Alameda County, on October 25, 2021, by Cara Morgan, CalRecycle. Seek advise from your counsel for legal questions.



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Piggyback on Contracts

Benefits

- Leverage County's or other's work
 - Creating market basket
 - Documenting non-compliant products
- Reduce time and effort bidding

Challenges

- County has separate contracts for copy paper and office supplies
- Vendors are not obligated to allow piggybacking

Do you have contracts others could piggyback on?

If so, please add city and contract name in the Google doc



PIGGYBACKING FOR GREEN PURCHASING:
Tips and Resources for Local Public Agencies in Alameda County
To Leverage Purchasing of Environmentally Preferable Products

What is Piggybacking
“Piggybacking” or Leveraged Purchasing is when a public agency uses an existing competitively-bid contract as a template to form their own contract with a vendor to purchase on the same or similar terms. Your agency does not become a signatory to, or participate in, the original contract but instead negotiates a new contract with the vendor.

Benefits of Piggybacking
You may be able to save time, money, and resources by leveraging the successful competitive bidding processes conducted by another government entity or by a mutual benefit organization, such as NASPO/ValuePoint (see next page). It can also simplify adoption of green buying practices when you piggyback on a green contract.

How to Piggyback on Alameda County Contracts
Each agency must evaluate the specific contract documents to determine if the competitive process and awarded contract allow for piggybacking and meet your agency's rules and regulations for contracting. Below are some tips to get you started on piggybacking.

1. **Identify contracts of interest** to determine if the specifications are consistent with your needs. Alameda County contract award summaries are posted at:
<https://gsa.acgov.org/do-business-with-us/contracting-opportunities/>
See select bid excerpts of 'green bids' posted at:
www.acgov.org/sustain/what/purchasing/bids/excerpts.htm

<https://www.acgov.org/sustain/what/purchasing/bids/piggyback.htm>



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County Contracts*

OFFICE SUPPLIES

- Blaisdell's Business Products
- (510) 483-3600
- Contract start date: 7/1/2020
- https://www.acgov.org/sustain/documents/OfficeSuppliesBid_Excerpt.pdf

OFFICE PAPER

- The Office City
- (877) 484-3633
- Contract start date: 7/1/2020
- https://www.acgov.org/sustain/documents/OfficePaperBid_Excerpt.pdf

JANITORIAL PAPER PRODUCTS

- JC Paper
- (800) 527-2737
- Contract Start Date: 11/2/2017
- https://www.acgov.org/sustain/documents/janitorialpaperproductsbid_excerpt.pdf

PRINT SERVICES

- 19 Vendors on Contract
- https://www.acgov.org/sustain/documents/PrintServicesBid_Excerpt.pdf

*Piggybacking opportunities may be limited

Journey towards Compliance: City of Berkeley



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Live Technical Assistance: What is on your mind?

Breakout

Self select into breakouts:

- Office Supplies – Local Vendors (e.g., Blaisdell’s, Spicers, etc.)
 - Facilitator: Stacey Foreman
- Office Supplies – National Vendors (e.g., Office Depot/Max, Staples)
 - Facilitator: Alicia Culver
- Printing Services
 - Facilitator: Karl Bruskotter



Break Time

Compliance Strategies for Decentralized Purchasing

Decentralized Record Keeping Options

How might you maintain records?

- SharePoint location for recording purchases and uploading invoices
- Fill out Google form when purchasing paper items; include invoice number or other identifying information
- Create SB 1383 project number tag for invoices uploaded into financial system so they can be retrieved
- Create workflow for accounting
 - Paper product?
 - Does it comply?
 - If not, why not?

Other ideas? Please tell us!

Means and Messages for Cross-Agency Compliance

- Zoom/ in-person trainings
- Memos
- New forms, spreadsheets or processes
- Instructions from department leadership / supervisors
- *“it’s the law”*
- *“it’s your job”*
- *“here is how to comply”*

Fact sheet

Recorded trainings

Case studies

CalRecycle templates



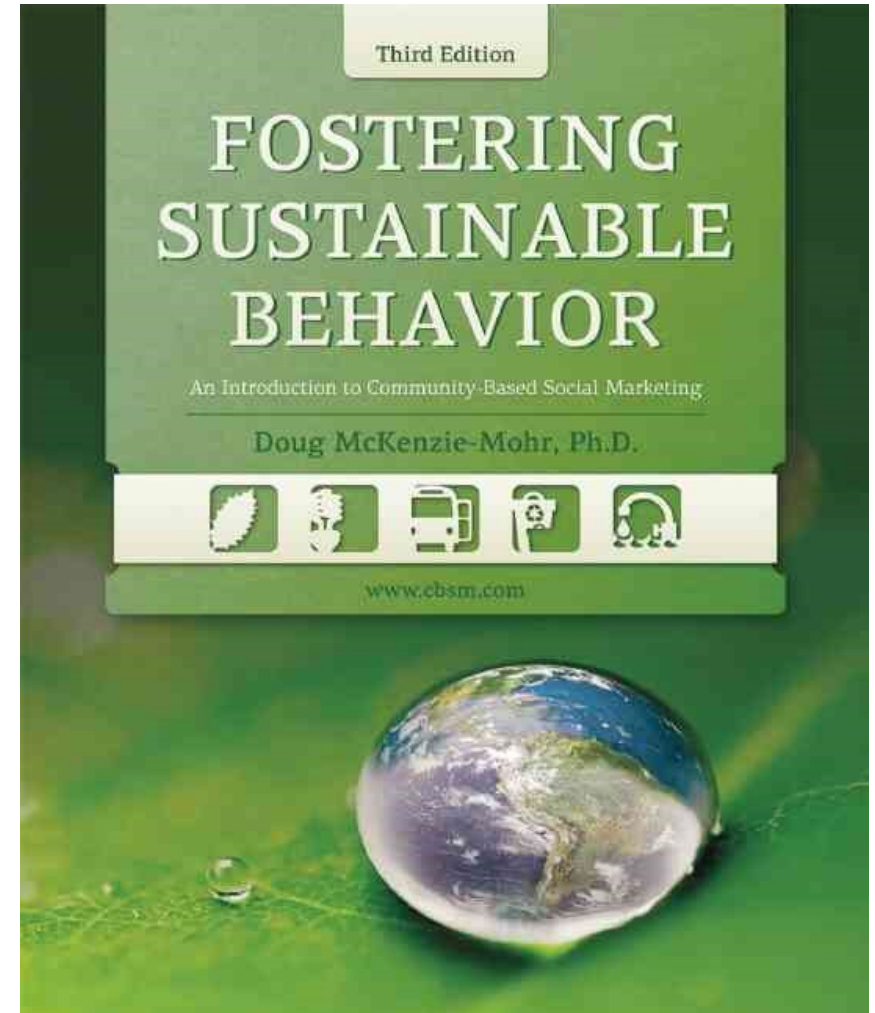
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Applying Community-Based Social Marketing

- Uses social psychology research to understand actions and motivations
- All about changing behavior





Behavior Change Strategies
for Influencing Purchasing
Decisions in a Decentralized
Context



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Influencing Your Compliance Audience

- Who decides who to buy from and what to buy? They are your ***audience***
 - *Admin staff*
 - *Finance staff at each agency*
 - *Etc.*
- Identify “barriers” & “benefits”
- Integrate these into your communications





Strategies



Prompts:

Remind Them At the Decision Point

CBSM Lesson: Forgetting a new practice can be a significant barrier.

- Example: Office Supply Cabinet reminders
- Could be a reminder on a purchasing form
- Be as close to the decision as possible

Buying Recycled Office Supplies Is Easy

Online:
Add
“recycled” to
your search

Catalog:
Look for 

Questions? Contact:

More info: alcoweb.acgov.org/gsa/green



Feedback: “My action matters to help my group”

CBSM Lesson: Provide feedback on progress *toward a goal*.

- Example: paper progress reports by agency



	2015	2016	2017	2018	2019	Met 20% reduction goal?	Best Agency Reduction
Cases Purchased by Your Agency	700	600	650	550	490	Yes, 30% reduction!	35%

- Idea: Set goal as full compliance.
- Idea: Use this approach to corral off-contract purchases.

Pledge or Commitment

CBSM Lesson: Public, enduring pledges motivate sustained behavior change.

- Idea: when granting spending authority or p-card issuance, must sign agreement to comply. Integrate into existing forms and agreements.

GREEN PLEDGE 6th FLOOR

IN THE MONTH OF MARCH THE GREEN TEAM IS FOCUSING ON SAVING ENERGY. TWO EASY THINGS THAT YOU CAN DO IS TO TURN OFF LIGHTS AND COMPUTERS WHEN YOU AREN'T USING THEM.



vs.



THESE PEOPLE HAVE PLEDGED TO TURN OFF THEIR LIGHTS AND COMPUTERS EACH NIGHT BEFORE THEY LEAVE FOR HOME, consider joining them.

**Pedro Valencia
Amanda Dalnoki
Dimitria Jackson
Rosalinda Aquino
Chi Mui Cheng
Kimberly Gasaway
Veronica Ismael
Michele Redman**

**Nancy Reilly
Alicia Baptista
Randall Hagar
Mercedes Balmonte
Sandra Espejo
Alga Ghebremedhin
Neva Jacob
Ed Roscher**

CONTACT: Nivi Gupta (nivi.gupta@acgov.org) or Eric Strimling (eric.strimling@acgov.org) for any questions.

Social Norming: Poster

CBSM Lesson: I'm more likely to do it if others like me are doing it.

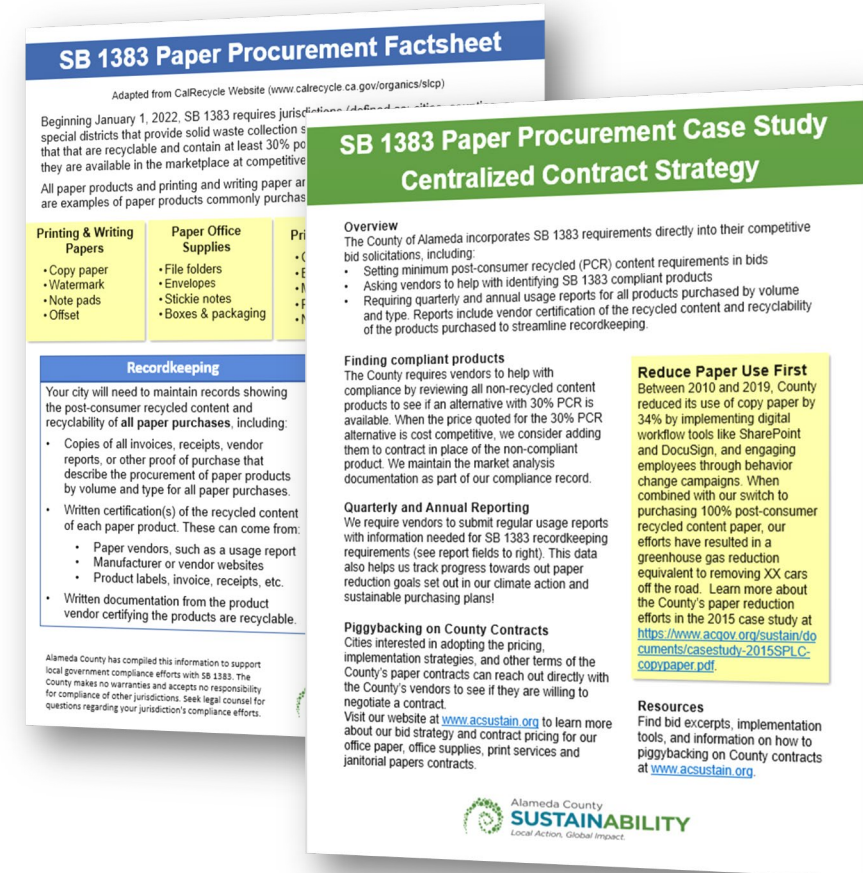


Social Norming: Amplify a “Case Study” Department

- Idea: Use our fact sheet as a template for your own case study

Highlight a story about a department and/or a vendor complying... and share with other departments

(psst.. we'd love to share it too!)



Convenience: Make Green Easy

- Collaborated with Vendor: Green Favorites List
- Easier to buy...
-and easier to track
- Try providing it for a popular vendor, even if not on contract!



The screenshot shows the Blaisdell's Business Products website. At the top left is the logo "blaisdell's BUSINESS PRODUCTS" with a blue speech bubble containing the text "Have a great workday". To the right is a search bar with the placeholder text "Enter keywords or item #" and a magnifying glass icon. Below the search bar is a navigation bar with "BROWSE BY CATEGORY" and a dropdown arrow. The main content area features a large promotional banner for "Philz Coffee". The banner includes the Philz Coffee logo, which consists of the word "Philz" in a stylized font, a yellow coffee cup with steam rising from it, and the word "Coffee" in a similar font. Below the logo is the tagline "ONE CUP AT A TIME" flanked by two green leaves. The banner text reads "Delivered Right to your Breakroom the Next Day!". Below the banner is a green button with the text "Click Here for Alameda County Green Favorites List!".



Address Challenges: Work within other requirements

- Example: Alameda County Print Services: must use Small, Local Emerging Businesses
- Ensure these vendors can be compliant
 - Idea: Work with Market Information from Responsible Purchasing Network to set performance standard for papers of different types (available to cities)
 - Idea: Host a vendor workshop with common vendors (open to all)
- Address challenges FOR your buyers



Illustrate Barriers:

Off-contract purchases must provide own reporting

- Idea: Demonstrate complexity of compliance (if useful): *“Departments are expected to buy from this supplier. If buying from alternative suppliers, must provide [x reporting] and fill out [x form].”* Showing true complexity will help departments make the efficient decision.



Strategy	Convince Decision-Makers	Train Implementers	Useful if you have NO contracts available for that product
Prompt Poster/ Sticker/ Note on Form		X	X
Compliance Progress Report	X		X
Pledge		X	X
“Norming” Poster		X	X
Case Study	X	X	X
Green Favorites List, from any or multiple vendors		X	Ambitious, but doable!*
Set performance standards for specific products		X	X
Vendor workshop with common vendors		X	Ambitious, but doable!*
Demonstrate greater complexity of off-contract purchases		X	

**Could be discussed as a regional or multi-jurisdiction strategy*

Means and Messages for Cross-Agency Compliance – plus more!

- Zoom/ in-person trainings
- Memos
- New forms, spreadsheets or processes
- Instructions from department leadership / supervisors
- *“it’s the law”*
- *“it’s your job”*
- *“here is how to comply”*
- Prompts
- Progress reports
- Pledges
- *“it’s doable”*
- *“it’s easy”*
- *“my peers are doing it”*
- *“my small action matters”*

HOW → WHO

Role	Name(s)	Main Motivators to act	Barriers to Action	Strategies
Administrative assistants		It's the law/ it's their job		Training, prompt flyers on supply cabinet, p-card guidance

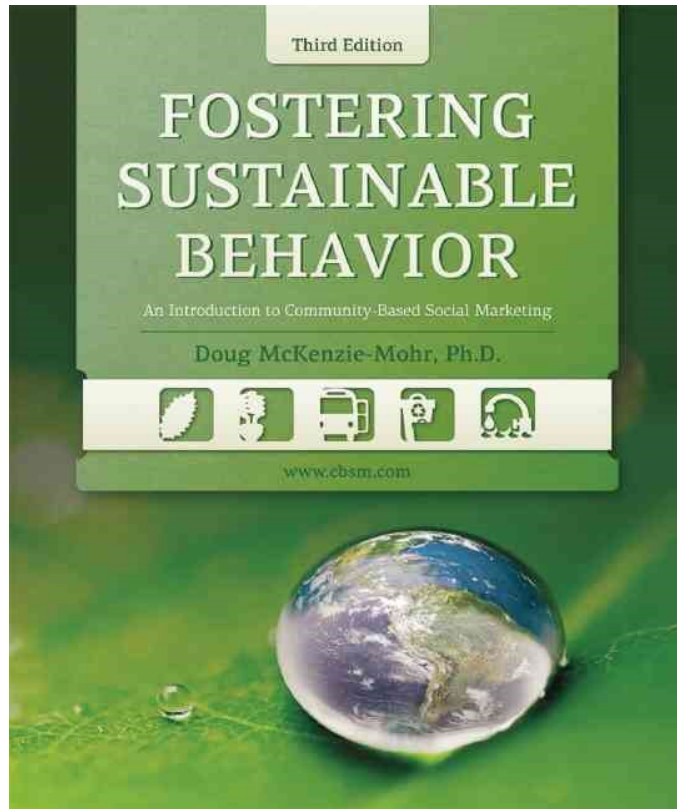
Final Idea

- Switch to a contract, if possible!
 - Use SB 1383 as a reason to make the change – everyone will benefit!
 - Easier compliance reporting if you require vendor support
 - Reduce labor hours generating and gathering documentation
 - May be able to achieve better product pricing

Transitioning from Decentralized to On-Contract Purchasing: City of Pleasanton

Live Technical Assistance: San Leandro

Resources



- **Alameda County** (more about our engagement strategies): www.acsustain.org
- **CBSM.com** (articles, case studies, forums): www.cbsm.com
- **Tools of Change** (free social marketing planning tools and resources) www.toolsofchange.org

Breakout

Self select into breakouts:

- **Compliant Products & Availability**

Alicia Culver, Responsible Purchasing Network

- **Getting Technical Assistance with SPAdvisors**

Karl Bruskotter & Stacey Foreman, Sustainable Procurement Advisors

- **Decentralized Strategies**

Sarah Church, Alameda County

- **Requirements & Compliance**

Stay in main room with Karen Cook, Alameda County



Wrap Up



This has been a special Green Purchasing Roundtable



- Hear directly from experts
- Share and learn with each other (targeted to cities – others often welcome)
- Identify opportunities for action
- *Will place any new names on our list*

Technical Assistance is Available

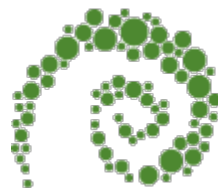
- We're here to support you
- New consultants (for cities)
- Support one another!

- ***Shameless plug:*** fill out evaluation form to let us know what you need NEXT



Thank you
Be in touch!

Karen Cook | Karen.Cook@acgov.org
Sarah Church | Sarah.Church@acgov.org
www.acsustain.org



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