

FPCC BOARD ITEM NO. 24-0409

F. Sustainable Product Procurement Policy:

1. *Purpose.* This subsection shall be known as the "Cook County Forest Preserve District Sustainable Product Procurement Policy." Its purpose is to promote sustainable product procurement and biodegradable and reusable alternatives to plastic, and equipment capable of using such materials by establishing preferential purchasing programs applicable to all Forest Preserve District departments and contractors, thereby diverting materials from the solid waste stream.

2. *Policies.* All departments shall, whenever practicable, use sustainable products to meet their demands. "Sustainable products" are defined in Subsection 1-8-2.F.3.

a. The Forest Preserve District will limit the procurement of single-use plastics while encouraging the purchase of sustainable materials and biodegradable and reusable alternatives to plastic. This limitation shall not apply to purchases made for the health and safety of District patrons and/or employees, or to meet requirements under the Americans with Disabilities Act.

b. Employees will utilize the District's Green Purchasing Guidelines included in Purchasing Policy to reduce negative environmental impact by maximizing the procurement of sustainable products.

c. Whenever practicable, all departments shall use sustainable products.

d. The Forest Preserve District shall, whenever practicable, support its contractors to use sustainable products in fulfilling contractual obligations to the Forest Preserve District.

e. The Forest Preserve District shall educate its concessionaires on sustainable products to facilitate use of such products in concessions provided to the District public.

3. *Definitions.* The following terms shall have the assigned definitions for all purposes under this subsection.

a. "Contractor" or "contractor" means any person, group of persons, association, partnership, corporation or other type of business entity which has a contract with the Forest Preserve District.

b. "Designated products" or "designated products" means all products that have been or may be identified pursuant to Subsection 1-8-2.F.4 as products that can be procured with significant levels of sustainable materials.

c. "Minimum content standards" means standards set by the Forest Preserve District Board of Commissioners, or in their absence, standards or guidelines currently promulgated by the United States Environmental Protection Agency, specifying the minimum level of recovered materials and/or post-consumer material necessary for designated products to qualify as recycled products.

d. "Paper and paper products" means all items manufactured from paper or paperboard.

e. "Practicable" or "practicable" means:

(1) Able to perform in accordance with applicable specifications;

(2) Offered as the low bid under the procedures in Section 1-8-2.F.5.;

FPCC BOARD ITEM NO. 24-0409

- (3) Available within a reasonable period of time; and
- (4) Maintaining a satisfactory level of competition.

f. "Purchasing Agent" means the director of the Forest Preserve District's purchasing department or their designee.

g. "Recyclable" or "recyclable" means that the product is technically capable of being recycled, and that economic markets for collecting and recycling the product exist within a reasonable distance, including steel and plastic.

h. "Recycle" or "recycle" or "recycling" means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. For lubricating oil, the term recycling is to be synonymous with re-refining. For toner cartridges, the term recycling is to be synonymous with remanufacture.

i. "Reusable" or "reusable" means that an item can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

j. "Single-use plastic" means plastic water bottles, bags (grocery bags, produce bags), straws and stirrers, disposable utensils (forks, knives, spoons, cutlery), disposable dishes (plates, bowls, cups), food packaging (wrappers, containers), cotton swabs with or without stems, containers, trays, cartons, lids, and other items that are designed for one-time use including those for beverages, prepared food, or leftovers from meals and that are made of plastic, are not compostable, and are not accepted in residential curbside recycling pick up.

k. "Sustainable product(s)" or "sustainable product(s)" means products that are, as applicable, non-plastic, recycled, recyclable, biodegradable, compostable, organic, reusable, and efficient.

4. *Designated Products and Sustainable Products.* For all purposes of this subsection, the products listed in this subsection or added pursuant to it are designated as products that can be readily procured with significant levels of sustainable materials and relevant certifications. Designated products shall qualify as sustainable products if they meet minimum content standards. Designated products shall include:

- a. Paper and paper products;
- b. Non-paper office products;
- c. Parks and recreation products;
- d. Transportation products;
- e. Vehicular products;
- f. Miscellaneous products;
 - 1. Compost products,
 - 2. Horticultural mulch made with land-clearing and other wood debris,
 - 3. Construction aggregates made with cement concrete, tire rubber, glass or asphalt,
 - 4. Cement and asphalt concrete containing glass cullet, fiber or plastic, or tire rubber,
 - 5. Antifreeze,

FPCC BOARD ITEM NO. 24-0409

6. Plastic products, including lumber shapes, refuse carts, traffic cones, insulation, receptacle liners and recycling bins, traffic barriers and office products,
 7. Retreaded tires and products made from tire rubber, including rubber mats and playfield surfaces,
 8. Toner cartridges for computer printers,
 9. Lubricating oil and hydraulic oil with re-refined oil content,
 10. Insulation products,
 11. Paint,
 12. Wood products,
 13. Carpet, and
 14. All steel products.
- g. Other products as designated by the Purchasing Agent.

5. Requirements for Purchasing Contracts.

a. Invitations to bid issued by the Forest Preserve District for the purchase of tangible goods shall contain no terms, requirements or specifications prohibiting or discouraging sustainable material content, unless a user department provides the Purchasing Agent with satisfactory evidence that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards. In determining the lowest responsive and responsible bid for the purchase of tangible goods pursuant to invitations to bid issued, the Purchasing Agent shall use the procedures and evaluation criteria specified in this subsection. If the lowest price offered for a sustainable product is not more than the specified percentage higher than the lowest offered price for another version of the same product that is not sustainable, the offered price for the sustainable product shall be considered the low bid if such bidder is otherwise responsive and responsible. The specified percentage will be ten (10) percent. However, nothing contained in this subsection shall preclude user departments from requiring sustainable material content as a bid specification.

6. Rules and Regulations for Procurement of Sustainable Products.

- a. The Forest Preserve District recycled paper procurement goal for user departments (expressed as percentage of the total volume of paper purchased) is defined in the Green Purchasing Guidelines. Each department shall be responsible for making its best effort to meet or surpass these goals.
- b. Printing press services provided by the Forest Preserve District or purchased by the Forest Preserve District from an outside vendor shall utilize sustainable inks and follow the minimum standards in the Green Purchasing Guidelines.
- c. To reduce the volume of paper purchased, departments shall use both sides of paper sheets whenever practicable.
- d. All bids for new equipment and services shall include language that will encourage the use of sustainable products, wherever practicable.

7. Responsibilities of the Purchasing Department. The Purchasing Department is responsible for:

FPCC BOARD ITEM NO. 24-0409

a. Revising or amending standard bid documents and contract language where necessary to implement this division.

b. Working with using departments and any employees designated by the General Superintendent to work on green initiatives, adopt and update minimum content standards or other specifications for designated sustainable products.

c. Providing training to staff on the importance of transitioning away from single-use plastics; and providing support to staff in transitioning to more sustainable procurements.

8. *Exemptions.* Nothing in this subsection shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

9. *Severability.* Should any section, subsection, paragraph, clause or phrase of this subsection be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this subsection.

10. *Third Party Rights.* Nothing herein shall entitle any third party to challenge the award of any contract by the Forest Preserve District to any contractor or subcontractor, nor otherwise create rights in any bidder or prospective contractor.