

1 A bill to be entitled

2 An act relating to procurement of environmentally  
3 preferable cleaning products; creating s. 287.048, F.S.;  
4 providing definitions; directing the Department of  
5 Management Services, in cooperation with the Department of  
6 Environmental Protection, to review and revise the  
7 statewide procurement procedure and specifications for the  
8 purchase of cleaning products; directing each state agency  
9 to review and revise procurement procedures and  
10 specifications for the purchase of cleaning products;  
11 specifying requirements for such review and revision;  
12 requiring each agency to make a determination for the  
13 procurement of environmentally preferable cleaning  
14 products; requiring the Auditor General to assist in  
15 monitoring the product procurement requirements; providing  
16 requirements for contract solicitation; providing  
17 requirements for submission of bids, proposals, and  
18 replies; providing requirements for evaluation of bids,  
19 proposals, and replies; authorizing the Department of  
20 Management Services to adopt rules specifying the criteria  
21 for such evaluations; authorizing price preference in  
22 contract awards for vendors who offer certified  
23 environmentally preferable cleaning products and who are  
24 domiciled in the state; requiring the department to  
25 establish rules for price preferences; requiring the  
26 department to evaluate proposed environmentally preferable  
27 products for inclusion in procurement procedures;  
28 requiring each agency to purchase environmentally

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29 preferable cleaning products if available and meeting  
30 certain criteria; providing for the procurement of  
31 nonenvironmentally preferable cleaning products under  
32 certain circumstances; requiring the department to  
33 establish rules for the implementation of environmentally  
34 preferable cleaning product procurement; requiring each  
35 agency to submit an annual report to the department;  
36 providing report requirements; requiring the department to  
37 prepare annual summaries and submit a report to the  
38 Governor and the Legislature; providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Section 287.048, Florida Statutes, is created  
43 to read:

44 287.048 Procurement of environmentally preferable cleaning  
45 products.--

46 (1) For the purposes of this section, the term  
47 "environmentally preferable cleaning products" means cleaning  
48 products that have a lesser or reduced effect on human health  
49 and the environment than competing cleaning products that serve  
50 the same purpose.

51 (2) (a) The department, in cooperation with the Department  
52 of Environmental Protection, shall review and revise statewide  
53 procurement procedures and specifications for the purchase of  
54 cleaning products to eliminate any procedures and specifications  
55 that explicitly discriminate against cleaning products that are  
56 environmentally preferable, unless such procedures and

57 specifications are necessary to protect the public health,  
58 safety, and welfare.

59 (b) Each agency shall review and revise its procurement  
60 procedures and specifications for the purchase of cleaning  
61 products to eliminate any procedures and specifications that  
62 explicitly discriminate against cleaning products that are  
63 environmentally preferable, unless such procedures and  
64 specifications are necessary to protect the public health,  
65 safety, and welfare.

66 (3) (a) The department and each agency shall review its  
67 procurement provisions and specifications for the purchase of  
68 cleaning products to determine which environmentally preferable  
69 cleaning products could be procured by the department and  
70 agencies. In making such determination, the department and each  
71 agency shall refer to the guidelines for environmentally  
72 preferable purchasing set forth by the United States  
73 Environmental Protection Agency.

74 (b) The department and each state agency shall review and  
75 revise its procurement procedures and specifications for the  
76 purchase of cleaning products to ensure, to the maximum extent  
77 feasible, that each agency uses state contracts to purchase  
78 environmentally preferable cleaning products. Such review and  
79 revision shall include an implementation measure that avoids  
80 wasting of existing inventories, accommodates establishment of  
81 available vendors and products, enables training of personnel in  
82 appropriate work practices, and allows the phase-out of products  
83 and practices inconsistent with the provisions of this section.

84 (c) The Auditor General shall assist in monitoring the

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85 product procurement requirements.

86 (4) (a) Upon completion of the review required in  
87 subsection (3), the department and each agency shall require  
88 that a person who submits a bid, proposal, or reply for a  
89 contract for the purchase of cleaning products must certify in  
90 writing whether the cleaning product subject to the bid,  
91 proposal, or reply is an environmentally preferable cleaning  
92 product. A person may certify that the product is not  
93 environmentally preferable.

94 (b) Upon evaluation of bids, proposals, or replies for  
95 each public contract that involves the purchase of products  
96 identified in subsection (3), the department or agency shall  
97 identify the lowest responsible and responsive vendor and other  
98 responsible and responsive vendors who have certified that the  
99 products are environmentally preferable as set forth in the  
100 solicitation.

101 (c) The department or agency may consider life-cycle  
102 costing when evaluating a bid, proposal, or reply on  
103 environmentally preferable cleaning products. The department  
104 shall adopt rules that specify the criteria to be used when  
105 considering life-cycle costing in evaluating bids, proposals, or  
106 replies.

107 (5) (a) In awarding a contract for the purchase of  
108 environmentally preferable cleaning products, the department or  
109 agency may allow up to a 10-percent price preference to a  
110 responsible and responsive vendor who has certified that the  
111 products are environmentally preferable. An additional price  
112 preference of up to 5 percent may be allowed if the vendor is

113 also domiciled in the state. The amount of the price preference  
114 shall be commensurate with the life cycle of the products,  
115 including raw material acquisition, production, manufacturing,  
116 packaging, distribution, reuse, operation, maintenance, or final  
117 disposal of the products on a sliding scale as established by  
118 department rule.

119 (b) Environmentally preferable cleaning products shall be  
120 used where economically and technically feasible. If no vendor  
121 offers environmentally preferable cleaning products with  
122 measurable life-cycle costing factors, the contract shall be  
123 awarded to the lowest bidding qualified responsible and  
124 responsive vendor.

125 (6) Any person may request the department to evaluate a  
126 cleaning product to determine if the product is eligible for  
127 inclusion under state contracts. The department shall review  
128 each reasonable proposal to determine its merit and, if it finds  
129 that the product is environmentally preferable, it may  
130 incorporate that product into its procurement procedures.

131 (7) The department and each agency shall review and revise  
132 its procedures and specifications on a continuing basis to  
133 encourage the use of environmentally preferable cleaning  
134 products and shall, in developing new procedures and  
135 specifications, encourage the use of environmentally preferable  
136 cleaning products.

137 (8) An agency, or a vendor contracting with such agency  
138 with respect to work performed under contract, must procure  
139 environmentally preferable cleaning products if the department  
140 determines that those products are available pursuant to

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141 subsection (3). A decision not to procure such items must be  
142 based on the department's determination that such procurement is  
143 not reasonably available within an acceptable period of time or  
144 fails to meet the performance standards set forth in the  
145 applicable specifications or fails to meet the performance  
146 standards of the agency.

147 (9) The department shall establish rules for the  
148 implementation of environmentally preferable cleaning product  
149 procurement, including a uniform reporting mechanism. Each  
150 agency shall report annually to the department its total  
151 expenditures on, and use of, environmentally preferable cleaning  
152 products. The department shall prepare annual summaries of  
153 statewide environmentally preferable purchases to be submitted  
154 to the Governor, the President of the Senate, and the Speaker of  
155 the House of Representatives.

156 Section 2. This act shall take effect July 1, 2007.