

By Senator Aronberg

27-1104-07

See HB 399

1                                   A bill to be entitled

2           An act relating to procurement of

3           environmentally preferable cleaning products;

4           creating s. 287.048, F.S.; providing

5           definitions; directing the Department of

6           Management Services, in cooperation with the

7           Department of Environmental Protection, to

8           review and revise the statewide procurement

9           procedure and specifications for the purchase

10          of cleaning products; directing each state

11          agency to review and revise procurement

12          procedures and specifications for the purchase

13          of cleaning products; specifying requirements

14          for such review and revision; requiring each

15          agency to make a determination for the

16          procurement of environmentally preferable

17          cleaning products; requiring the Auditor

18          General to assist in monitoring the product

19          procurement requirements; providing

20          requirements for contract solicitation;

21          providing requirements for submission of bids,

22          proposals, and replies; providing requirements

23          for evaluation of bids, proposals, and replies;

24          authorizing the Department of Management

25          Services to adopt rules specifying the criteria

26          for such evaluations; authorizing price

27          preference in contract awards for vendors who

28          offer certified environmentally preferable

29          cleaning products and who are domiciled in the

30          state; requiring the department to establish

31          rules for price preferences; requiring the

1 department to evaluate proposed environmentally  
2 preferable products for inclusion in  
3 procurement procedures; requiring each agency  
4 to purchase environmentally preferable cleaning  
5 products if available and meeting certain  
6 criteria; providing for the procurement of  
7 nonenvironmentally preferable cleaning products  
8 under certain circumstances; requiring the  
9 department to establish rules for the  
10 implementation of environmentally preferable  
11 cleaning product procurement; requiring each  
12 agency to submit an annual report to the  
13 department; providing report requirements;  
14 requiring the department to prepare annual  
15 summaries and submit a report to the Governor  
16 and the Legislature; providing an effective  
17 date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 287.048, Florida Statutes, is  
22 created to read:

23 287.048 Procurement of environmentally preferable  
24 cleaning products.--

25 (1) For the purposes of this section, the term  
26 "environmentally preferable cleaning products" means cleaning  
27 products that have a lesser or reduced effect on human health  
28 and the environment than competing cleaning products that  
29 serve the same purpose.

30 (2)(a) The department, in cooperation with the  
31 Department of Environmental Protection, shall review and

1 revise statewide procurement procedures and specifications for  
2 the purchase of cleaning products to eliminate any procedures  
3 and specifications that explicitly discriminate against  
4 cleaning products that are environmentally preferable, unless  
5 such procedures and specifications are necessary to protect  
6 the public health, safety, and welfare.

7       **(b)** Each agency shall review and revise its  
8 procurement procedures and specifications for the purchase of  
9 cleaning products to eliminate any procedures and  
10 specifications that explicitly discriminate against cleaning  
11 products that are environmentally preferable, unless such  
12 procedures and specifications are necessary to protect the  
13 public health, safety, and welfare.

14       **(3)(a)** The department and each agency shall review its  
15 procurement provisions and specifications for the purchase of  
16 cleaning products to determine which environmentally  
17 preferable cleaning products could be procured by the  
18 department and agencies. In making such determination, the  
19 department and each agency shall refer to the guidelines for  
20 environmentally preferable purchasing set forth by the United  
21 States Environmental Protection Agency.

22       **(b)** The department and each state agency shall review  
23 and revise its procurement procedures and specifications for  
24 the purchase of cleaning products to ensure, to the maximum  
25 extent feasible, that each agency uses state contracts to  
26 purchase environmentally preferable cleaning products. Such  
27 review and revision shall include an implementation measure  
28 that avoids wasting of existing inventories, accommodates  
29 establishment of available vendors and products, enables  
30 training of personnel in appropriate work practices, and  
31

1 allows the phase-out of products and practices inconsistent  
2 with the provisions of this section.

3 (c) The Auditor General shall assist in monitoring the  
4 product procurement requirements.

5 (4)(a) Upon completion of the review required in  
6 subsection (3), the department and each agency shall require  
7 that a person who submits a bid, proposal, or reply for a  
8 contract for the purchase of cleaning products must certify in  
9 writing whether the cleaning product subject to the bid,  
10 proposal, or reply is an environmentally preferable cleaning  
11 product. A person may certify that the product is not  
12 environmentally preferable.

13 (b) Upon evaluation of bids, proposals, or replies for  
14 each public contract that involves the purchase of products  
15 identified in subsection (3), the department or agency shall  
16 identify the lowest responsible and responsive vendor and  
17 other responsible and responsive vendors who have certified  
18 that the products are environmentally preferable as set forth  
19 in the solicitation.

20 (c) The department or agency may consider life-cycle  
21 costing when evaluating a bid, proposal, or reply on  
22 environmentally preferable cleaning products. The department  
23 shall adopt rules that specify the criteria to be used when  
24 considering life-cycle costing in evaluating bids, proposals,  
25 or replies.

26 (5)(a) In awarding a contract for the purchase of  
27 environmentally preferable cleaning products, the department  
28 or agency may allow up to a 10-percent price preference to a  
29 responsible and responsive vendor who has certified that the  
30 products are environmentally preferable. An additional price  
31 preference of up to 5 percent may be allowed if the vendor is

1 also domiciled in the state. The amount of the price  
2 preference shall be commensurate with the life cycle of the  
3 products, including raw material acquisition, production,  
4 manufacturing, packaging, distribution, reuse, operation,  
5 maintenance, or final disposal of the products on a sliding  
6 scale as established by department rule.

7 (b) Environmentally preferable cleaning products shall  
8 be used where economically and technically feasible. If no  
9 vendor offers environmentally preferable cleaning products  
10 with measurable life-cycle costing factors, the contract shall  
11 be awarded to the lowest bidding qualified responsible and  
12 responsive vendor.

13 (6) Any person may request the department to evaluate  
14 a cleaning product to determine if the product is eligible for  
15 inclusion under state contracts. The department shall review  
16 each reasonable proposal to determine its merit and, if it  
17 finds that the product is environmentally preferable, it may  
18 incorporate that product into its procurement procedures.

19 (7) The department and each agency shall review and  
20 revise its procedures and specifications on a continuing basis  
21 to encourage the use of environmentally preferable cleaning  
22 products and shall, in developing new procedures and  
23 specifications, encourage the use of environmentally  
24 preferable cleaning products.

25 (8) An agency, or a vendor contracting with such  
26 agency with respect to work performed under contract, must  
27 procure environmentally preferable cleaning products if the  
28 department determines that those products are available  
29 pursuant to subsection (3). A decision not to procure such  
30 items must be based on the department's determination that  
31 such procurement is not reasonably available within an

1 acceptable period of time or fails to meet the performance  
2 standards set forth in the applicable specifications or fails  
3 to meet the performance standards of the agency.

4 (9) The department shall establish rules for the  
5 implementation of environmentally preferable cleaning product  
6 procurement, including a uniform reporting mechanism. Each  
7 agency shall report annually to the department its total  
8 expenditures on, and use of, environmentally preferable  
9 cleaning products. The department shall prepare annual  
10 summaries of statewide environmentally preferable purchases to  
11 be submitted to the Governor, the President of the Senate, and  
12 the Speaker of the House of Representatives.

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