

## Uniform Administrative Requirements for Federal Grants Procurement of Recovered Materials

When using a federal grant to procure goods or services, local governments must comply with federal laws, including Section 6002 of the Solid Waste Disposal Act. The goal of that Section is to increase the use of products made with materials that would otherwise be thrown into the nation's landfills.

The U. S. Environmental Protection Agency (EPA) issues guidelines that designate items that are, or can be, made with recovered materials. If local governments, or companies contracting with local governments, procure designated items in the performance of work to be paid for with federal grant funds, they must do so in compliance with Section 6002, i.e., they must procure the item with the highest recovered material content level practicable. This requirement applies to any designated item if the local government purchases over \$10,000 worth of the item during a fiscal year.

Discretion can be used in procurement of recovered materials where appropriate. A local government may decide not to procure such items if they:

1. Are not reasonably available in a reasonable period of time,
2. Fail to meet reasonable performance standards, or
3. Are only available at an unreasonable price.

The recovered materials requirement does not apply to purchases of designated items which are unrelated to, or incidental to, the purpose of the federal funding. For example, a courier service contractor is not required to purchase re-refined oil and retread tires for its fleet because purchases of these items are incidental to the purpose of the contract.

To date, the EPA has designated 61 items in eight categories, which are:

1. Paper & Paper Products
2. Vehicular Products
3. Construction Products
4. Transportation Products
5. Park and Recreation Products
6. Landscaping Products
7. Non-Paper Office Products
8. Miscellaneous Products

In conformance with federal regulations, Fayette County has established the following practices:

1. When we issue a Request for Proposals (RFP) using federal funds, and which includes use of items designated by the EPA, we will include an evaluation category and point scale for

the use of recovered materials. The evaluation score will award maximum points in this category to the vendor offering items composed of the highest percent of recovered materials practicable. The point scale will vary, depending on the relative importance of designated items to the overall project, the nature and importance of other evaluation criteria, or other variables.

2. When applicable, contracts will contain language that requires the contractor to:
  - a. Certify that the percentage of recovered materials used in the performance of the contract will be at least the amount required by the contract specifications or other contractual requirements, and
  - b. Estimate the percentage of the total material used in performance of the contract which is recovered material (for contracts greater than \$100,000).