

1 [Resource Conservation]

2 REPEALING CHAPTER 21A, PART I OF THE SAN FRANCISCO MUNICIPAL CODE  
3 (ADMINISTRATIVE CODE) AND ADDING CHAPTER 21A, PART I OF THE SAN  
4 FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE), IMPOSING REQUIREMENTS  
5 ON CITY DEPARTMENTS TO PLAN FOR AND IMPROVE RESOURCE CONSERVATION  
6 AND RECYCLING PRACTICES.

7 Note: Additions are underlined; deletions are in ((double parentheses)).

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. FINDINGS. The Board of Supervisors of the City and County of San  
10 Francisco hereby finds and declares that the Resource Conservation Ordinance, enacted in  
11 May 1992, imposed certain requirements upon City departments to recycle and reduce the  
12 amount of waste they generate. This amendment will repeal and reenact the ordinance to  
13 add more precise provisions, reflect the current marketplace for recycled products, impose  
14 requirements necessary to meet state-mandated deadlines and make each City department  
15 accountable for reducing its waste and purchasing practices.

16 Section 2. The San Francisco Administrative Code is hereby amended by repealing  
17 Chapter 21A, as follows:

18 ((SEC. 21A.1. FINDINGS. The Board of Supervisors hereby finds and declares that:

19 (1) The landfill space available to San Francisco at the Altamont landfill is expected  
20 to last only 15 more years, and the cost-per-ton of solid waste disposal is expected to rise  
21 steeply after that time; and

22 (2) The careless discard of usable materials into the waste stream deprives the City  
23 of the economic benefit of the value in those materials while creating unnecessary expenses  
24 of collection and disposal; and

25

1 (3) Discontinuing the use of unnecessary materials is in the long-term financial and  
2 public health interest of the City; and

3 (4) At the present time, various departments of the City recycle annually 375 tons of  
4 office paper, 40 tons of newspaper, 60 tons of lubricating oils, 35 tons of used tires, 10,000  
5 tons of construction and demolition debris and 1,800 tons of organic debris, and  
6 undetermined amounts of other recyclable products, such as bottles, aluminum and  
7 cardboard; and

8 (5) Recycling involves not only the collection of material that would become solid  
9 waste, but also involves the reconstitution and return of these materials to the economic  
10 stream in a marketable form; and

11 (6) Supporting the marketplace for recycled materials is a critical component of  
12 reducing the solid waste stream; and

13 (7) The Board of Supervisors has recognized the importance of creating and  
14 supporting markets for recycled products by encouraging every City department to demand  
15 and purchase recycled paper to the greatest extent possible; and

16 (8) The State of California has encouraged local governments to procure recycled  
17 products as one way of supporting markets for recycled products; and

18 (9) State law requires all local agencies to increase procurement of recycled  
19 products; and

20 (10) Requiring City departments to purchase recycled products and promulgating  
21 guidelines for such purchase and use will meet the State-mandated goals and contribute to  
22 the necessary reduction in solid waste. Such a requirement will not create shortages of  
23 materials or supplies for the City inasmuch as acceptable recycled products are available and  
24 of a quality comparable to virgin products, although the Board of Supervisors recognizes that  
25

1 recycled products will be less available than virgin products until the recycling industries  
2 mature and markets develop.

3 (11) Resource conservation is imperative to preserve the health of ecosystems on  
4 the planet Earth and the most environmentally sound and economic methods of resource  
5 conservation are, in priority order, source reduction, reuse, recycling and composting. The  
6 City enacts this Chapter to require that (1) City departments establish in-house waste  
7 reduction programs, and (2) all City and County departments and agencies purchase recycled  
8 products to the maximum extent possible.

9 (12) Under this Chapter, the City and County of San Francisco wishes to exercise its  
10 power to make economic decisions involving its own funds as a participant in the marketplace  
11 and to conduct its own business as a municipal corporation to ensure that purchases and  
12 expenditures of public monies are made in a manner consistent with sound environmental  
13 policies and practices.

14 **SEC. 21A.2. DEFINITIONS.** As used in this Chapter, the following words and phrases  
15 shall have the meanings indicated herein:

16 "Brown paper" shall mean paper, usually made from unbleached kraft pulp, that is  
17 commonly used for bags, sacks and wrapping paper.

18 "Building insulation" shall mean a material, including blanket, board, spray-in-place and  
19 loose-fill that are used as ceiling, floor, foundation and wall insulation, primarily designed to  
20 resist heat flow, which is installed between the conditioned volume of a building and adjacent  
21 unconditioned volumes or the outside.

22 "City" or "City and County" shall mean the City and County of San Francisco or any  
23 department, board, commission or agency thereof.

1 "City funds" shall mean all monies or other assets received and managed by, or are  
2 otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of  
3 indebtedness or other fiscal obligations issued by the City and County.

4 "Contract" shall include, but not be limited to, any contract, purchase order, term  
5 purchase agreement, revolving fund order, or other binding written obligation of the City and  
6 County.

7 "Contract specifications" shall mean the set of specifications prepared for an individual  
8 construction project containing design, performance and material requirements for that  
9 project.

10 "Contracting officer" shall mean that officer or employee of the City and County  
11 authorized under the Charter, the Administrative Code or the Municipal Code, to enter into a  
12 contract on behalf of the City and County. "Contracting officer" shall include the Mayor, each  
13 department head or general manager and other employees of the City and County authorized  
14 to enter into contracts or other binding agreements on behalf of the City and County.

15 "Construction" shall mean any and all actions necessary and incidental to the building  
16 of new public works or improvements, or the replacement, expansion, remodeling, alteration,  
17 modernization, or extension of existing public facilities.

18 "Cotton fiber papers" or "rag paper" shall mean paper that contains a minimum of 25  
19 percent or more cellulose fibers, also commonly called "rag" derived from lint cotton, cotton  
20 linters and cotton or linen cloth cuttings and that is commonly used for stationery, ledgers,  
21 maps and other specialty papers.

22 "Doilies" shall mean paper placemats used on food service trays in hospitals or other  
23 institutions.

24 "Engine lubricating oil" shall mean petroleum-based oils used for reducing friction in  
25 engine parts.

1 "Facial tissue" shall mean any of a group of soft, absorbent and sanitary papers.

2 "Gear oil" shall mean petroleum-based oils used for lubricating machinery gears.

3 "High-grade bleached papers" shall mean printing and writing papers made of pulp that  
4 has been treated with bleaching agents, including offset printing, mimeo and duplicator paper,  
5 writing stationery, note pads, paper for high-speed copiers, envelopes, form bond including  
6 computer and carbonless papers, book paper, bond paper, ledgers and cover stock.

7 "Hydraulic fluids" shall mean petroleum-based hydraulic fluids.

8 "Industrial wipes" shall mean paper towels especially made for industrial cleaning and  
9 wiping.

10 "Millbroke" shall mean any paper waste generated in a paper mill prior to completion of  
11 the papermaking process. It is usually returned directly to the pulping process. Millbroke is  
12 excluded from the definition of "recovered materials."

13 "Newsprint" shall mean paper made primarily from mechanical wood pulps combined  
14 with some chemical wood pulp and generally used in the publication of newspapers or special  
15 publications.

16 "Paper napkins" shall mean special tissues of any size, color or texture which are used  
17 during meals or with beverages.

18 "Paper towels" shall mean paper toweling in folded sheets, or in raw form, for use in  
19 drying or cleaning or where quick absorption is required.

20 "Paperboard" shall mean the broad category of paper that is heavier in basis weight  
21 and thicker (0.012 inch or more) than paper. Paperboard generally includes container-board  
22 used for corrugated boxes, boxboard used to make cartons, and all other paperboard.

23 "Post-consumer material" shall mean only those products generated by a business or  
24 consumer which have served their intended end uses, and which have been diverted from  
25 solid waste for the purposes of collection, recycling and disposition.

1 "Purchaser" shall mean the Purchaser of the City and County or any authorized  
2 representative of that official.

3 "Recovered materials" shall mean waste material and byproducts which have been  
4 recovered or diverted from solid waste, but such term does not include those materials and  
5 byproducts generated from, and commonly reused within, an original manufacturing process.

6 In the case of paper and paper products, "recovered material" shall include the  
7 following materials:

8 (1) Post-consumer material such as:

9 (a) Paper, paperboard and fibrous wastes from retail stores, office buildings,  
10 homes, and so forth, after they have passed through their end usage as a consumer item,  
11 including: Used corrugated boxes, old newspapers, old magazines, mixed waste paper,  
12 tabulating cards, and used cordage; and

13 (b) All paper, paperboard, and fibrous wastes that enter and are collected from  
14 municipal solid waste; and

15 (2) Preconsumer materials such as manufacturing, forest residues, and other  
16 wastes including:

17 (a) Dry paper and paperboard waste generated after completion of the  
18 papermaking process (that is, those manufacturing operations up to and including the cutting  
19 and trimming of the paper machine reel into smaller rolls or rough sheets) including: Envelope  
20 cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing,  
21 cutting, forming, and other converting operations; bag, box and carton manufacturing wastes;  
22 and butt rolls, mill wrappers, and rejected unused stock; and

23 (b) Finished paper and paperboard from obsolete inventories of paper and  
24 paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

1 (c) Fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting  
2 processes, flax, straw linters, bagasse, slash, and other forest residues;

3 (d) Wastes generated by the conversion of goods made from fibrous material (e.g.,  
4 waste rope from cordage manufacture, textile mill waste, and cuttings); and

5 (e) Fibers recovered from wastewater that otherwise would enter the waste stream.

6 "Recyclable product" shall mean any product separated or capable of being separated  
7 at its point of discard or from the solid waste stream for utilization as a raw material in the  
8 manufacture of a new product.

9 "Recycle" or "recycling" shall mean the process of collecting, sorting, cleansing,  
10 treating, and reconstituting materials that would otherwise become solid waste and/or  
11 hazardous waste, and returning them to the economic mainstream in the form of raw material  
12 for new, reused, or reconstituted products which meet the quality standards necessary to be  
13 used in the marketplace.

14 "Recycled paper" shall mean all paper or paper product that contains at least the  
15 following minimum percentages of recovered materials:

Paper Product	Percent Recovered
High-grade, bleached printing or writing (office) papers	50% waste paper of which 10% is post-consumer paper
Cotton-fiber papers	40% post-consumer
Newsprint	40% post-consumer
Tissue	
Toilet tissue	20% post-consumer
Paper towels	40% post-consumer
Paper napkins	30% post-consumer
Facial tissue	05% post-consumer

1	Doilies	40% post-consumer
2	Unbleached packing boxes	35% post-consumer
3	Brown paper	05% post-consumer
4	Recycled paperboard	80% post-consumer
5	Pad backing	90% post-consumer

6 "Re-refined oil" shall mean used oils from which the physical and chemical  
7 contaminants acquired through previous use have been removed through a refining process.

8 "Retread tire" shall mean a worn automobile, truck, or other motor vehicle tire whose  
9 tread has been replaced.

10 "Reuse" shall mean the secondary use of a product or its packaging in a way that  
11 conserves the product's inherent structure.

12 "Source reduction" shall mean discontinuing the use of unnecessary materials, rather  
13 than disposing of them into the waste stream and shall include (1) reduced resource use per  
14 unit of product, (2) increased product life, (3) product reuse and repair and (4) decreased  
15 consumption. "Source reduction" does not include steps taken after the material becomes  
16 solid waste or actions which would impact air or water resources in lieu of land, including, but  
17 not limited to, transformation.

18 "Specifications" shall mean the clear and accurate written descriptions, drawings,  
19 prints, commercial designations, industry standards, and other descriptive references setting  
20 forth the technical requirements for materials, supplies, equipment, or services specifying the  
21 minimum requirement for quality and construction of materials, equipment and service  
22 necessary for an acceptable product.

23 "Tire" shall mean the following types of tires: Passenger car tires, light- and heavy-duty  
24 truck tires, high-speed industrial tires, bus tires, and special-service tires (including  
25 agricultural, off-road and slow-speed industrial).



1 "Tissue products" shall mean paper primarily used for its soft or absorbent properties,  
2 including toilet tissue, paper towels, paper napkins, facial tissue, doilies and industrial wipes.

3 "Toilet tissue" shall mean sanitary tissue paper, marketed either in rolls or in  
4 interleaved packages, and characterized by its softness, absorbency, cleanliness, adequate  
5 strength and easy disposability.

6 "Transformation" shall mean incineration, pyrolysis, distillation, gasification, or  
7 biological conversion other than composting. "Transformation" does not include composting.

8 "Wastepaper" or "secondary waste material" shall mean any of the following "recovered  
9 materials":

10 (1) Post-consumer materials such as:

11 (a) Paper, paperboard, and fibrous wastes from retail stores, office buildings,  
12 homes, and so forth, after they have passed through their end usage as a consumer item,  
13 including: Used corrugated boxes, old newspapers, old magazines, mixed wastepaper,  
14 tabulating cards, and used cordage; and

15 (b) All paper, paperboard, and fibrous wastes that enter and are collected from  
16 municipal solid waste; and

17 (2) Preconsumer materials including manufacturing, forest residues, and other  
18 wastes such as:

19 (a) Dry paper and paperboard waste generated after completion of the  
20 papermaking process (that is, those trimmings of the paper machine reel into smaller rolls or  
21 rough sheets) including: Envelope cuttings, bindery trimmings, and other paper and  
22 paperboard waste, resulting from printing, cutting, forming, and other converting operations;  
23 bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused  
24 stock; and  
25

1 (b) Finished paper and paperboard from obsolete inventories of paper and  
2 paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

3 "Unbleached papers" shall mean any papers made of pulp that has not been treated  
4 with bleaching agents.

5 **SEC. 21A.3. IN-HOUSE WASTE REDUCTION.** It shall be the goal of all City  
6 departments to reduce the amount of waste generated and disposed of within their  
7 operations.

8 Every City department shall designate at least one person to work with the Director of  
9 Administrative Services' Buy-Recycled and Source Reduction Committee to develop and  
10 implement programs to reduce the amount of waste disposed of by City government  
11 departments.

12 **SEC. 21A.4. PURCHASE OF BUILDING INSULATION PRODUCTS.** (a) **Recovered**  
13 **Materials in Building Insulation Products.**

14 (1) All City departments having the responsibility for drafting or reviewing  
15 specifications for construction of public works and improvements and for procurement of  
16 materials, supplies and equipment necessary for said construction or for maintenance, repair  
17 or renovation of public facilities, shall require in all such specifications that all bidders,  
18 contractors and vendors offer the City building insulation products using or containing  
19 recovered materials whenever available and to the maximum extent possible without  
20 jeopardizing reasonable performance standards.

21 (2) For purposes of this Section, all City departments shall require the following  
22 minimum percentages of recovered materials in building insulation products:

23 **Insulation Product Percent Recovered**

24 Cellulose, loose-fill and spray-on 75% post-consumer recovered paper

25 Perlite composite board 23% post-consumer recovered paper

1 Plastic rigid foam  
2 (polyisocyanurate/polyurethane)  
3 Rigid foam 9% recovered material  
4 Foam-on-place 5% recovered material  
5 Glass fiber reinforced 6% recovered material  
6 Phenolic rigid foam 5% recovered material  
7 Rock wool 50% recovered material

8 (b) **Nonapplicability.**

9 (1) Section 21A.4 shall not apply to bid packages advertised and made available to  
10 the public or any competitive and sealed bids received by the City or entered into prior to the  
11 effective date of this Chapter.

12 (2) Section 21A.4 shall not apply to any amendment, modification to or renewal of a  
13 contract, which contract was entered into prior to the effective date of this Chapter, where  
14 such application would delay timely completion of a project or involve an increase in the total  
15 monies to be paid by the City and County under that contract.

16 (3) The provisions of Section 21A.4 shall not apply where the contracting officer  
17 finds and certifies that:

18 (A) Building insulation products containing recovered material are not available in a  
19 sufficient quantity within a period of time necessary for completion of a project or application;  
20 or

21 (B) The available building insulation product containing recovered material is unable  
22 to meet technical performance standards required by the contract; or

23 (C) The inclusion or application of such provisions will violate or be inconsistent with  
24 the terms or conditions of a grant, subvention or contract with an agency of the State of  
25

1 California or the United States or the instructions of an authorized representative of any such  
2 agency with respect to any such grants, subvention or contract.

3 **SEC. 21A.5. PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS. (a)**  
4 **Departments to Purchase Recycled Paper; Bond Paper With 25 Percent Rag Content**  
5 **Used for Letterhead.**

6 (1) Any City department seeking to purchase paper or paper products shall require,  
7 as part of the standards or specifications for procurement of paper or paper products, that the  
8 bidders offer recycled paper and paper products containing recovered materials, to the  
9 maximum extent possible within the performance standards required by the contract. Bond  
10 paper purchased for use as printed City letterhead shall be recycled paper containing  
11 recovered materials without regard to Section 21A.5.(b)(3)(D) pertaining to nonapplicability.

12 (2) Any City department specifying nonrecycled paper or paper products shall set  
13 forth the performance standards required to be met necessitating the purchase of a  
14 nonrecycled product, and shall certify that recycled paper or paper products are unavailable  
15 to meet the contract requirements. Performance standards and specifications shall bear  
16 reasonable relation to the function or intended end use of the product.

17 (3) The contracting officer shall require all suppliers of paper to certify the minimum  
18 content of recovered materials in paper or paper products to be provided in the performance  
19 of a contract.

20 (4) In all contracts for printing services for the City, the contract shall specify and  
21 require that the contractor use recycled paper or paper products meeting the standards in  
22 Section 21A.2 of this Chapter to the maximum extent possible, and, when appropriate, that  
23 the contractor print the document using double-sided pages.

1 (5) When appropriate, all preprinted City forms, letterhead and other printed  
2 material shall be on double-sided pages and shall bear a notation or logo identifying the  
3 paper as a recycled product.

4 (6) Any City department requiring the preparation and/or submission of any bid,  
5 report, request for proposal, quotation or other document shall specify and require the  
6 document to be submitted on recycled paper and printed on double-sided pages to the  
7 maximum extent possible.

8 (b) **Nonapplicability.**

9 (1) Section 21A.5 shall not apply to bid packages advertised and made available to  
10 the public or any competitive and sealed bids received by the City or entered into prior to the  
11 effective date of this Chapter.

12 (2) Section 21A.5 shall not apply to any amendment, modification or renewal of a  
13 contract, which contract was entered into prior to the effective date of this Chapter, where  
14 such application would delay timely completion of a project or involve an increase of more  
15 than 10 percent in the total monies to be paid by the City and County under that contract.

16 (3) The provisions of Section 21A.5 shall not apply where the contracting officer  
17 finds and certifies that:

18 (A) There is no available recycled-paper product meeting the reasonable  
19 performance standards required by the contract; or

20 (B) The available recycled paper or paper product is of a quality inappropriate to the  
21 intended end use of the paper; or

22 (C) The recycled paper product is not available in a sufficient quantity within a  
23 reasonable time as required by the contract; or

24 (D) The available recycled paper or paper product contract price is more than 20  
25 percent higher than the lowest responsive bid for the equivalent nonrecycled paper; or

1 (E) The inclusion or application of such provisions will violate or be inconsistent with  
2 the terms or conditions of a grant, subvention or contract with an agency of the State of  
3 California or the United States or the instructions of an authorized representative of any such  
4 agency with respect to any such grant, subvention or contract.

5 **SEC. 21A.6. PURCHASE OF RE-REFINED OIL. (a) Department to Purchase or**  
6 **Use Re-refined Oil.**

7 (1) To the maximum extent possible, all City departments entering into contracts for  
8 the purchase or use of lubricating oils shall specify and require the use of re-refined oil.

9 (2) All City departments entering into contracts for the purchase or use of  
10 lubricating oils shall set a minimum re-refined oil content standard for purchases of oils  
11 pursuant to this Chapter, based on criteria of performance, availability and price, but shall  
12 require no less than 25 percent minimum re-refined oil content.

13 (3) When a contract proposal specifies a minimum re-refined oil content standard  
14 for purchase of oil under that contract, the contracting officer shall require each contractor to  
15 certify that oil to be used in the performance of the contract will have an API rating that meets  
16 vehicle manufacturer's specifications required for keeping warranties intact.

17 (4) The contracting officer shall require all suppliers of re-refined oil to certify the  
18 percentage of re- refined oil content used as a factor of the total volume of oil supplied under  
19 the contract.

20 (b) **Nonapplicability.**

21 (1) Section 21A.6 shall not apply to bid packages advertised and made available to  
22 the public or any competitive and sealed bids received by the City or entered into prior to the  
23 effective date of this Chapter.

24 (2) Section 21A.6 shall not apply to any amendment, modification or renewal of a  
25 contract, which contract was entered into prior to the effective date of this Chapter, where

1 such application would delay timely completion of a project or involve an increase of more  
2 than 10 percent in the total monies to be paid by the City and County under that contract.

3 (3) Section 21A.6 shall not apply where the contracting officer finds and certifies  
4 that:

5 (A) There is no available re-refined oil product which will have an API rating that  
6 meets vehicle manufacturer's specifications required for keeping warranties intact; or

7 (B) The re-refined oil is not available in a sufficient quantity within a reasonable  
8 period of time as required by the contract; or

9 (C) The inclusion or application of such provisions will violate or be inconsistent with  
10 the terms or conditions of a grant, subvention or contract with an agency of the State of  
11 California or the United States or the instructions of an authorized representative of any such  
12 agency with respect to any such grant, subvention or contract.

13 **SEC. 21A.7. PURCHASE OF RETREAD TIRES. (a) Departments to Purchase**  
14 **Retread Tires.**

15 (1) Any City department entering into a contract for the purchase of tires shall  
16 purchase retread tires for use on the following vehicles: Four-tire rear-axle trucks.

17 (2) Any City department purchasing tires for uses other than those enumerated in  
18 Subdivision (a) of this Section may purchase retreaded tires meeting the functional criteria  
19 and performance requirements for such use. Specifications for said contracts shall describe  
20 the functional requirements of tires to be procured, including performance criteria, any desired  
21 mileage guarantees and the size and type of tire required.

22 (3) Notwithstanding any other provision of this section, the City shall not purchase  
23 retreaded tires for use on police, fire, ambulance or any other emergency vehicle used in the  
24 course of protecting the health and safety of the residents of the City.

25 (b) **Nonapplicability.**

1 (1) Section 21A.7 shall not apply to bid packages advertised and made available to  
2 the public or any competitive and sealed bids received by the City or entered into prior to the  
3 effective date of this Chapter.

4 (2) Section 21A.7 shall not apply to any amendment, modification or renewal of a  
5 contract, which contract was entered into prior to the effective date of this Chapter, where  
6 such application would delay timely completion of a project or involve an increase of more  
7 than 10 percent in the total monies to be paid by the City and County under that contract.

8 Section 21A.7 shall not apply to:

9 (A) Any binding contractual obligation for purchase of retread tires entered into prior  
10 to the effective date of this Chapter; or

11 (B) Where the contracting officer finds that the available retread tires will not meet  
12 reasonable performance standards or are otherwise of a quality inappropriate to the intended  
13 end use of the tire; or

14 (C) Where the inclusion or application of such provisions will violate or be  
15 inconsistent with the terms or conditions of a grant, subvention or contract with an agency of  
16 the State of California or the United States or the instructions of an authorized representative  
17 of any such agency with respect to any such grant, subvention or contract.

18 **SEC. 21A.8. OTHER RECYCLED PRODUCTS.** (1) To the maximum extent possible,  
19 the City shall procure for its use other recycled products not otherwise defined in this Chapter.

20 (2) The Department of Solid Waste Management shall act as a  
21 clearinghouse of information on recycled product availability, performance, and post-  
22 consumer content and shall assist departments and the Purchaser in meeting compliance  
23 with the letter and spirit of this ordinance.

24 **SEC. 21A.9. PURCHASES OF RECYCLED PAPER — COMPATIBLE EQUIPMENT.**

25 (Reserved)



1           **SEC. 21A.10. REMANUFACTURING.** (Reserved)

2           **SEC. 21A.11. CONTRACTOR RESPONSIBILITY.** Nothing in this Chapter shall be  
3 construed to relieve a contractor of responsibility for providing a satisfactory product.

4           **SEC. 21A.12. RULES AND REGULATIONS.** (a) The Department of Solid Waste  
5 Management shall promulgate any rules and regulations necessary or appropriate to carry  
6 out the purposes and requirements of this ordinance. Each department, board and  
7 commission of the City and County shall cooperate with, and provide in writing to, the  
8 Department of Solid Waste Management, all information necessary for the promulgation of  
9 such rules and regulations.

10           (b) All contracts and other similar written agreements shall incorporate this Chapter  
11 by reference whenever applicable and shall provide that the failure of any bidder or contractor  
12 to comply with any of its requirements shall be deemed a material breach of contract.

13           **SEC. 21A.13. PUBLIC RECORDS.** Any and all documents and reports prepared  
14 pursuant to the requirements of this ordinance shall be made available for public inspection  
15 upon proper request, except those prepared for purposes of litigation.

16           **SEC. 21A.14. PENALTY.** (a) Whenever any department of the City and County  
17 discovers, after an investigation by the contracting officer and the City Attorney, that a person  
18 or entity being considered for a contract or under contract with the City and County has, in  
19 connection with the bidding, execution or performance of any City contract:

20           (1) Falsely represented to the City and County the nature or character of the  
21 products offered, used or supplied under the contract; or

22           (2) Provided the City with products in violation of this ordinance, the rules and  
23 regulations adopted pursuant to this ordinance, or contract provisions pertaining to the  
24 required use or purchase of recycled products, the contracting officer shall have the authority  
25

1 to impose such sanctions or take such other actions as are designed to ensure compliance  
2 with the provisions of this ordinance including, but not limited to:

3 (1) Refusal to certify the award of a contract;

4 (2) Suspension of a contract;

5 (3) Ordering the withholding of funds due the contractor under any contract with the  
6 City and County;

7 (4) Ordering the revision of a contract based upon a material breach of contract  
8 provisions or pertaining to representations made in bidding, execution or performance of the  
9 contract;

10 (5) Disqualification of a bidder or contractor from eligibility for providing  
11 commodities or services to the City and County for a period not to exceed five years, with a  
12 right to review and reconsideration by the contracting City office or department after two years  
13 upon a showing of corrective action indicating violations are not likely to reoccur.

14 (b) All contracts shall provide that in the event any bidder or contractor fails to  
15 comply in good faith with any of the provisions of this Chapter the bidder or contractor shall  
16 be liable for liquidated damages in an amount equal to the bidder's or contractor's net profit  
17 under the contract, or five percent of the total amount of the contract dollars whichever is  
18 greatest. All contracts shall also contain a provision whereby the bidder or contractor  
19 acknowledges and agrees that the liquidated damages assessed shall be payable to the City  
20 and County upon demand and may be set off against any monies due to the bidder or  
21 contractor from any contract with the City and County of San Francisco.

22 **SEC. 21A.15. (RESERVED)**

23 **SEC. 21A.16. IMPLEMENTATION REPORTS.** The Office of Solid Waste  
24 Management shall provide written reports on the implementation of this ordinance to the  
25 Board of Supervisors (1) at the first Board of Supervisors meeting held 12 months after this

1 Chapter has taken effect; and (2) annually thereafter. Each department, board and  
2 commission of the City and County shall cooperate with, and provide in writing to, the Office  
3 of Solid Waste Management, whichever is appropriate, all information necessary for  
4 preparation of such reports.

5 This ordinance shall expire 10 years from its effective date unless the Board of  
6 Supervisors finds that the purposes identified in Chapter 21A have not yet been achieved, in  
7 which case the ordinance may be extended for additional three-year periods.

8 **SEC. 21A.17. SEVERABILITY.** If any section, subsection, clause, phrase or portion  
9 of this Chapter is for any reason held invalid or unconstitutional by any court or federal or  
10 state agency or competent jurisdiction, such portion shall be deemed a separate, distinct and  
11 independent provision and such holding shall not affect the validity of the remaining portions  
12 thereof.))

13 Section 3. Chapter 21A of the San Francisco Administrative Code is hereby added to read as  
14 follows:

15 SEC. 21A.1. FINDINGS. The Board of Supervisors of the City and County of San  
16 Francisco hereby finds and declares as follows:

17 (A) The California Integrated Waste Management Act (Public Resources Code  
18 §40000 et seq.) requires all cities and counties to reduce their waste by 50% by the year  
19 2000 or face potential penalties of up to \$10,000 per day. The City must take a leadership  
20 role and act quickly and responsibly to implement the necessary measures to achieve this  
21 mandate.

22 (B) City departmental operations and activities have been found to contribute  
23 significantly to San Francisco's solid waste stream. The waste management and buy  
24 recycled provisions of this ordinance are necessary to help departments reduce their waste.  
25

1           (C) On September 14, 1998, the President of the United States signed Executive  
2 Order 13101 Greening the Government through Waste Prevention, Recycling, and Federal  
3 Acquisition to “strengthen the role of the Federal government as an enlightened,  
4 environmentally conscious and concerned consumer.” The State and Federal governments  
5 have strongly encouraged local governments to procure recycled and environmentally  
6 preferable products and services as a way to increase market demand for such products.

7           (D) Local agencies that use appropriated federal funds to procure \$10,000 or more  
8 worth of a designated item in a given year are subject to the federal comprehensive  
9 procurement guidelines for recycled products.

10           (E) Pursuant to Board of Supervisors Resolution No. 246-99, Establishing Dioxin as  
11 a High Priority for Immediate Action for the City and County of San Francisco in Order to  
12 Restore Water Quality and Protect the Public Health and Enabling the San Francisco  
13 Commission on the Environment to Create a Task Force and Report Back on Strategies to  
14 Ensure that Less Toxic, Non-Chlorinated Sustainable Products and Processes are Actively  
15 Supported, each City department must report to the Board of Supervisors on strategies they  
16 are using to ensure that less-toxic, non-chlorinated products sustainable alternative products,  
17 such as chlorine-free paper and PVC-free plastics, are actively supported and used.

18           (F) The landfill capacity available to San Francisco at the Altamont Landfill is  
19 expected to last only until approximately 2012.

20           (G) The discard of useable or recyclable materials into the waste stream deprives the  
21 City of the economic benefit of the value of these materials while creating unnecessary  
22 expenses for collection and disposal.

23           SEC. 21A.2. DEFINITIONS. As used in this Chapter, the following words shall have  
24 the following meanings:

1           "City department" means any department of the City and County of San Francisco, and  
2 does not include any other local agency or any federal or State agency including but not  
3 limited to the San Francisco School District, the San Francisco Community College District,  
4 the San Francisco Redevelopment Agency and the San Francisco Housing Authority.

5           "Comprehensive Procurement Guideline" or "CPG" means final guidelines, as  
6 periodically promulgated and amended by the U.S. EPA and codified at 40 Code of Federal  
7 Regulations Part 247, which designate products that are or can be made with recovered  
8 materials in order to assist federal procuring agencies in complying with the requirements of  
9 federal law and Executive Order 13101 as they apply to the procurement of items with  
10 recovered materials content. As of February 14, 2000, final CPGs exist for: paper and paper  
11 products; vehicle products (including engine coolants, re-refined lubricating oils, and retread  
12 tires); construction products (including building insulation products, carpet, cement and  
13 concrete containing coal fly ash and ground granulated blast furnace slag, consolidated and  
14 reprocessed latex paint, floor tiles, patio blocks, shower and room dividers, structural  
15 fiberboard, carpet cushion, flowable fill and railroad grade crossing surfaces); transportation  
16 products (including channelizers, delineators, flexible delineators, parking stops, traffic  
17 barricades and traffic cones); park and recreational products (including plastic fencing,  
18 playground surfaces, running tracks, park benches and picnic tables, and playground  
19 equipment); landscaping products (including garden and soaker hoses, hydraulic mulch, lawn  
20 and garden edging, yard trimmings compost, food waste compost, and plastic lumber  
21 landscaping timbers and posts); non-paper office products (including binders, office recycling  
22 containers, office waste receptacles, plastic desktop accessories, plastic envelopes, plastic  
23 trashbags, printer ribbons, toner cartridges, solid plastic binders, plastic clipboards, plastic file  
24 folders, plastic clip portfolios, and plastic presentation folders); and miscellaneous products

1 (including pallets, sorbents, industrial drums, awards and plaques, mats, signage, including  
2 sign supports and posts, and manual-grade strapping).

3 "Contract" means a binding written agreement for the provision of goods and/or  
4 services to be provided at the expense of the City or to be paid out of monies deposited in the  
5 treasury or out of trust monies under control of the City between a person, firm, corporation or  
6 other entity, including a governmental entity, and a City department. This Chapter shall not  
7 apply to contracts entered into or amended to extend the term prior to October 1, 2000.

8 "Contractor" means a person, firm, corporation or other entity, including a  
9 governmental entity, that enters into a contract with a City department.

10 "Contracting officer" means that officer or employee of the City authorized under the  
11 Charter or Municipal Code to enter into a contract on behalf of the City. "Contracting officer"  
12 shall include the Mayor, each department head or general manager and other employees of  
13 the City authorized to enter into contracts on behalf of the City.

14 "Director" means the Director of the Solid Waste Management Program within the  
15 Department of Administrative Services or his or her designee.

16 "Document Imaging" means the conversion of paper documents into electronic images  
17 on a computer, thereby reducing the amount of paper used for copying and printing. A  
18 document imaging system includes the ability to scan, store, index, retrieve and search  
19 documents.

20 "Post-consumer material" means those products generated by a business or consumer  
21 which have served their intended end use, and which have been diverted from becoming  
22 solid waste for purposes of recycling.

23 "Processed Chlorine Free" means recycled paper in which the recycled content is  
24 unbleached or bleached without chlorine or chlorine derivatives. Any virgin material portion of  
25

1 the paper must be totally chlorine free (i.e., unbleached or processed with a sequence that  
2 includes no chlorine or chlorine derivatives).

3 "Purchaser" means the Purchaser of the City or his or her designee.

4 "Recovered Materials Advisory Notice" or "RMAN" means the information and  
5 recommendations periodically published and amended by the U.S. EPA, based on U.S.  
6 EPA's market research concerning the availability, quality, and price of products listed in the  
7 CPG. Existing RMANs can be found at 60 Federal Register 21386 (May 1, 1995) (RMAN);  
8 62 Federal Register 60976 (November 13, 1997) (RMAN II); 61 Federal Register 26986 (May  
9 29, 1996) (Paper RMAN IV); 63 Federal Register 31214 (June 8, 1998) (Paper RMAN II); 63  
10 Federal Register 45580 (August 26, 1998) (RMAN III); and 65 Federal Register 3070  
11 (January 19, 2000) (RMAN V).

12 "Recyclable material" means any material or product separated or capable of being  
13 separated at its point of discard or from the solid waste stream for utilization as a raw material  
14 in the manufacture of a new product.

15 "Recycle" or "recycling" means the process of collecting, sorting, cleaning, treating  
16 reusing or reconstituting a material that would otherwise become a solid waste and/or  
17 hazardous waste, and returning it to the economic mainstream in the form of a raw material  
18 for new, reused or reconstituted products which may be used in the marketplace.

19 "Recycled product" means a product that is or can be made with recovered materials,  
20 including those listed in the CPG and which at a minimum, meets the requirements of the  
21 federal RMAN.

22 "Reuse" means the secondary use of a product or its packaging for its original intended  
23 purpose or another function which does not require the product to be treated or reconstituted  
24 in any way.

1 "Solid Waste" or "Waste" has the same meaning as "solid waste" in the California  
2 Integrated Waste Management Act of 1989, Public Resources Code section 40191.

3 "U.S. EPA" means the United States Environmental Protection Agency.

4 "Waste prevention" means discontinuing the use of an unnecessary material rather  
5 than disposing of it to the waste stream and shall include: (1) reduced resource use per unit  
6 of product; (2) increased product life; and (3) decreased consumption.

7 "Waste Reduction" means the diversion of materials, products and packaging from  
8 disposal through waste prevention, reuse, recycling and/or composting, but does not include  
9 steps taken after the material becomes solid waste or actions which would transfer the  
10 impacts of land disposal to air or water resources, such as transformation, incineration,  
11 pyrolysis, distillation, gasification, or biological conversion (other than composting).

12 **SEC. 21A.3. WASTE REDUCTION BY CITY DEPARTMENTS.**

13 (a) It shall be the goal of the City and every City department to (i) maximize purchases  
14 of recycled products and (ii) divert from disposal as much solid waste as possible so that the  
15 City can meet the state-mandated 50% diversion requirement.

16 (b) Within ninety (90) days of the effective date of this Chapter, each City department  
17 shall provide to the Director a written commitment signed by its department head to use its  
18 best efforts to help the City achieve its overall state-mandated diversion requirement and to  
19 maximize purchases of recycled products. Each department shall distribute copies of the  
20 written commitment to its employees and contractors within 30 days of execution.

21 (c) Each City department shall designate at least one person responsible for  
22 compliance with this Chapter, including preparation of the Departmental Waste Assessment  
23 (see section 21A.4) and the development and implementation of a Resource Conservation  
24 Plan (see section 21A.5). Each department shall advise the Director of the person so  
25 designated in the written commitment described in subsection (b).



1           (d) All assessments, plans and reports required to be submitted to the Director under  
2 this Chapter shall be submitted electronically.

3           (e) Within one-hundred eighty (180) days of the effective date of this Chapter, the  
4 Director shall make recommendations to departments on the use of document imaging  
5 systems for storage, retrieval and public access to departmental records.

6           (e) All contracts and other similar written agreements shall incorporate this Chapter by  
7 reference whenever applicable and shall provide that the failure of any bidder, proposer or  
8 contractor to comply with any of its requirements shall be deemed a material breach of  
9 contract.

10           Sec.21A.4. DEPARTMENTAL WASTE ASSESSMENT.

11           (a) Guidelines. Within thirty (30) days of the effective date of this Chapter and in  
12 accordance with Section 21A.12, the Director will adopt guidelines for conducting a  
13 departmental audit to establish a Departmental Waste Assessment. For purposes of this  
14 assessment, the volume or weight of all waste generated or disposed of or diverted by a  
15 department shall be included, unless such waste is not subject to the diversion requirements  
16 contained in the California Integrated Waste Management Act of 1989, Public Resources  
17 Code §40000 et seq. The guidelines shall include, at a minimum:

18                   (1) procedures for determining whether a department generates a  
19 heterogeneous waste stream (a combination of waste types, such as wood, yard  
20 debris, metals and food waste) or generates a homogenous waste stream (such as  
21 office-type wastes);

22                   (2) guidance on determining which wastes should be included in a waste  
23 assessment (including how to account for wastes not subject to state diversion  
24 requirements);

1                   (3) how to determine which facilities should be included in a waste assessment;  
2                   and  
3                   (4) how to estimate/calculate volumes, weights and costs associated with all  
4                   waste.

5                   (b) Within twelve (12) months of the effective date of this Chapter, each department  
6                   that generates a heterogeneous waste stream (as determined by the Director's guidelines)  
7                   shall conduct and submit to the Director for review and approval a Departmental Waste  
8                   Assessment.

9                   (c) Within eighteen (18) months of the effective date of this Chapter, each department  
10                   that generates a homogenous waste stream (as determined by the Director's guidelines) shall  
11                   conduct and submit to the Director for review and approval a Departmental Waste  
12                   Assessment.

13                   (d) Each department shall update its Departmental Waste Assessment annually and  
14                   submit it to the Director for approval.

15                   **SEC. 21A.5. RESOURCE CONSERVATION PLAN.**

16                   (a) Guidelines. Within thirty (30) days of the effective date of this Chapter and in  
17                   accordance with section 21A.12, the Director will issue guidelines for development and  
18                   implementation of a Resource Conservation Plan. The guidelines will cover, at a minimum,  
19                   the following elements of a Resource Conservation Plan:

- 20                   (1) waste reduction, prevention and reuse;  
21                   (2) facilitation of collection of recyclable materials;  
22                   (3) maximizing purchases of recycled products;  
23                   (4) operational issues that influence the ability of the City department to recycle,  
24                   such as janitorial contracts;  
25                   (5) product substitution;

1           (6) equipment purchases that could facilitate recycling;

2           (7) development of a diversion goal and methods of evaluating whether the goal  
3           is being met; and

4           (8) examples of model programs for heterogeneous and homogenous waste  
5           streams.

6           (b) Within eighteen (18) months of the effective date of this Chapter each department  
7           that generates a heterogeneous waste stream (as determined by the Director's guidelines)  
8           shall conduct and submit to the Director for review and approval a Resource Conservation  
9           Plan.

10           (c) Within twenty-four (24) months of the effective date of this Chapter, each  
11           department that generates a homogenous waste stream (as determined by the Director's  
12           guidelines) shall conduct and submit to the Director for review and approval a Resource  
13           Conservation Plan.

14           SEC. 21A.6. JANITORIAL CONTRACTS. As of six (6) months from the effective  
15           date of this Chapter, when the Purchaser or other City department enters into a contract for  
16           janitorial services where the City owns or leases at least 50% of the building the Purchaser or  
17           other City department shall contractually obligate the janitorial contractor to consolidate  
18           recyclable materials from individual City offices to a designated space for pickup by recycling  
19           haulers. Consolidation includes collection of recyclable materials from floors or individual  
20           offices and transportation to a designated location for pick up by a recycling hauler, but does  
21           not include sorting different materials (such as white paper and newspaper) from each other.

22           SEC. 21A.7. PURCHASE AND USE OF PRINTING AND WRITING PAPER  
23           PRODUCTS.

1           (a) Every publication, exhibit, form and letter produced by a City department, including  
2 all materials distributed to the public, shall be on printing and writing paper products that  
3 contain:

4           (1) a minimum of 30% post-consumer materials for copier and bond paper  
5 (including any uncoated duplicating, printer and letterhead paper used in a variety of  
6 end use applications such as business forms and offset printing, but excluding high  
7 quality papers used for stationery, envelopes and other specialty items); and

8           (2) a minimum of 30% post-consumer materials for all other printing and writing  
9 paper products including, without limitation: publications, forms, letters, letterhead,  
10 promotional materials, advertisements, educational pamphlets, newsletters, exhibits,  
11 reports, business cards, calendars, commission and committee notices, agendas and  
12 minutes, requests for proposals or qualifications, invitations for bids, checks, tickets,  
13 high quality papers used for stationery, envelopes and other specialty items and other  
14 printed materials.

15           (3) The minimum level of post-consumer content will be reviewed annually by  
16 the Director. Pursuant to section 21A.12, the Director may raise, but not lower, the  
17 minimum level of post-consumer content as higher post-consumer content paper  
18 becomes available.

19           (4) All printing and writing paper products shall be on processed chlorine free  
20 paper as it becomes available at a reasonable price. The availability of processed  
21 chlorine free paper will be determined by the Director pursuant to section 21A.12.

22           (b) All pre-printed materials intended for distribution that are purchased or produced  
23 in quantities greater than 50 sheets after the effective date of this Chapter must include a  
24 recycled content logo and the percentage of post-consumer material in the paper.  
25

1           (c) Each City department, including the Purchaser, shall use its best efforts to  
2 incorporate the standards set forth in this section into existing contracts for the provision of  
3 printing and writing paper and services. If the City department is unable to amend an existing  
4 contract, the City department is authorized to enter into another contract to procure products  
5 that do comply with this section, provided that the City department complies with all other  
6 applicable laws. Nothing in this Chapter is or shall be interpreted to require or authorize any  
7 City department to breach the terms of a contract. Each City department shall document its  
8 efforts pursuant to this section in a report filed with the Director, explaining the circumstances.

9           (d) This section does not apply to commercial sanitary products; paperboard and  
10 packaging products, newsprint products or other products not generally considered to be  
11 printing or writing paper products. Such products are covered under Section 21A.8.

12           (e) The contracting officer shall require all suppliers of printing and writing paper  
13 products or services to certify the minimum content of post-consumer materials in the  
14 products to be provided in the performance of a contract.

15           (f) Unless specifically provided by court rules or other legal mandates, all pre-printed  
16 City forms and other pre-printed material shall be printed on double-sided pages.

17           (g) In all contracts for printing services for the City, the contract shall specify and  
18 require that the contractor use paper products meeting the standards set forth in this section,  
19 and, unless inappropriate for the end use, that the contractor print the document on both  
20 sides of the paper.

21           (h) Any City department seeking the preparation and/or submission of any bid, report,  
22 request for proposal, quotation or other document shall specify and require the document to  
23 be submitted on paper which meets the requirements in this Chapter and printed on double-  
24 sided pages.

1        SEC. 21A.8. PURCHASE AND USE OF PRODUCTS LISTED IN THE CPG OTHER  
2 THAN PRINTING AND WRITING PAPER PRODUCTS UNDER SECTION 21A.7

3        (a) Except for printing and writing paper products covered under section 21A.7, a City  
4 department (including but not limited to City departments having responsibility for drafting or  
5 reviewing construction specifications) that purchases or contracts to purchase any product  
6 listed in the CPG shall purchase and contract to purchase a product that meets or exceeds  
7 the RMAN for that CPG.

8        (b) City departments are not required to procure products that meet or exceed the  
9 RMAN in the following circumstances: (i) the (RMAN) product is not available in a reasonable  
10 period of time; (ii) the (RMAN) product would fail to meet reasonable performance standards;  
11 (iii) or the (RMAN) product is only available at an unreasonable price. "Available in a  
12 reasonable period of time" means that the department would receive the (RMAN) product  
13 within the needed time frame without hindering productivity. "Reasonable performance  
14 standards" means a (RMAN) product that will perform the desired objective without overriding  
15 any City specifications for a project. If a City department relies on one of these exceptions,  
16 within two weeks of the purchase, it must file a report with the Director, in a form specified by  
17 the Director, explaining the circumstances and demonstrating a good faith effort to buy  
18 products that meet the RMAN.

19        (c) Each City department, including the Purchaser, shall use its best efforts to  
20 incorporate the CPGs and associated RMANs into existing contracts for these products. If  
21 the City department is unable to amend an existing contract, the City department is  
22 authorized to enter into another contract to procure products that do comply with the RMAN,  
23 provided that the City department complies with all other applicable laws. Nothing in this  
24 Chapter is or shall be interpreted to require or authorize any City department to breach the  
25

1 terms of a contract. Each City department shall document its efforts pursuant to this  
2 subsection in a report filed with the Director, explaining the circumstances.

3 (d) Notwithstanding any other provision of this Chapter, no City department is  
4 required to purchase retreaded tires for use on passenger vehicles, police, fire, ambulance or  
5 other emergency vehicle used in the course of protecting the health and safety of the  
6 residents of the City.

7 (e) The contracting officer shall require all contractors, vendors and suppliers of  
8 products subject to this section to certify that the product meets or exceeds the relevant  
9 RMAN.

10 (f) Wherever possible, each City department that purchases or contracts to purchase  
11 paper products subject to this Section 21A.8, shall purchase and contract to purchase paper  
12 products that are processed chlorine free. City departments are not required to procure  
13 paper products that are processed chlorine free under this subsection in any of the following  
14 circumstances: (i) the product is not available in a reasonable period of time; (ii) the product  
15 would fail to meet reasonable performance standards; or (iii) the product is only available at  
16 an unreasonable price.

17 SEC. 21A.9. PRODUCTS NOT LISTED IN THE CPG. Wherever possible, for  
18 products which are not included in the CPGs, the City shall procure for its use products  
19 containing the maximum amount of post-consumer material.

20 SEC 21A.10 Wherever possible, all departments shall obtain non-PVC plastics where  
21 appropriate alternative products composed of non-chlorinated materials are available. City  
22 departments are not required to procure non-chlorinated products in any of the following  
23 circumstances: (i) the product is not available in a reasonable period of time; (ii) the product  
24 would fail to meet reasonable performance standards; or (iii) the product is only available at  
25 an unreasonable price.

1        SEC. 21A.11. ANNUAL REPORTS.

2            (a) Guidelines. Within thirty (30) days of the effective date of this Chapter and in  
3 accordance with Section 21A.12, the Director will adopt a form for annual reporting on solid  
4 waste diversion. The form shall account for departments in each phase of development of a  
5 Departmental Waste Assessment and Resource Conservation Plan and for transition periods.

6            (b) No later than March 1, 2001, and annually thereafter, each City department shall  
7 report solid waste diversion information to the Director, on forms provided by the Director, for  
8 the prior fiscal year. The annual report must also contain a copy of any reports made under  
9 subsections 21A.7(c), or 21A.8 (b) or (c) during the prior 12 month period.

10           (c) No later than June 1, 2001, and annually thereafter, the Director shall prepare and  
11 submit a written report to the Board of Supervisors summarizing information provided by City  
12 departments pursuant to subsection (b) and describing the status of the implementation of  
13 this Chapter. Among other things, the Director's report shall specifically list each City  
14 department that failed to submit an annual report or otherwise conform with the requirements  
15 of this Chapter.

16        SEC.21A.12. GUIDELINES.

17           (a) The Director shall act as a clearinghouse of information on recycled product  
18 availability, performance, and post-consumer material content and shall assist City  
19 departments in meeting compliance with the letter and spirit of this Chapter. The Director  
20 shall maintain and make copies of the current CPG and RMAN and supporting documents  
21 available.

22           (b) The Director, in conjunction with the Purchaser, shall promulgate any guidelines  
23 necessary or appropriate to carry out the purposes and requirements of this Chapter.

24        SEC. 21A.13. PENALTY.



1           (a) Whenever any City department finds, after an investigation by the contracting  
2 officer and the City Attorney, that a person or entity being considered for a contract or under  
3 contract with the City has, in connection with the bidding, execution or performance of any  
4 City contract:

5           (1) Falsely represented to the City the nature or character of the products  
6 offered, used or supplied under the contract; or

7           (2) Knowingly provided the City with products in violation of this Chapter, the  
8 guidelines adopted pursuant to this Chapter, or contract provisions pertaining to the  
9 required use or purchase of recycled products the contracting officer shall have the  
10 authority to impose such sanctions or take such other actions as are designed to  
11 ensure compliance with the provisions of this Chapter.

12           (b) Measures which are available to a City department to enforce this Chapter upon  
13 finding a violation pursuant to section 21A.13(a) include, but are not limited to the following:

14           (1) Refusal to certify the award of a contract;

15           (2) Suspension of a contract;

16           (3) Ordering the withholding of City funds due the contractor under any City  
17 contract;

18           (4) Ordering the recession of a contract based upon a material breach of  
19 contract provisions or pertaining to representations made in bidding, execution or  
20 performance of the contract;

21           (5) Disqualification of a bidder, proposer or contractor from eligibility for  
22 providing commodities or services to the City for a period not to exceed five years, with  
23 a right to review and reconsideration by the contracting City office or department upon  
24 a showing of corrective action indicating violations are not likely to reoccur.  
25

1           (c) Nothing in this Chapter shall be construed to relieve a contractor of responsibility  
2 for providing a satisfactory product.

3           **SEC. 21A.14. SEVERABILITY.** If any part or provision of this Chapter, or the  
4 application thereof to any person or circumstance is held invalid, the remainder of this  
5 Chapter, including the application of such part or provision to other persons or circumstances,  
6 shall not be affected thereby and shall continue in full force and effect, unless enforcement of  
7 this Chapter as so modified by and in response to such invalidation would be grossly  
8 inequitable under all of the circumstances, or would frustrate the fundamental purposes of this  
9 Chapter. To this end, provisions of this Chapter are severable.

10  
11 APPROVED AS TO FORM:

12 LOUISE H. RENNE, City Attorney

13  
14  
15 By: \_\_\_\_\_

Rona H. Sandler  
Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 000392

**Date Passed:**

Ordinance amending Administrative Code by adding Chapter 21A, imposing requirements on City departments to plan for and improve resource conservation and recycling practices.

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April 24, 2000 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,  
Yaki, Yee  
Absent: 1 - Katz

May 1, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,  
Yaki, Yee  
Absent: 1 - Katz

File No. 000392

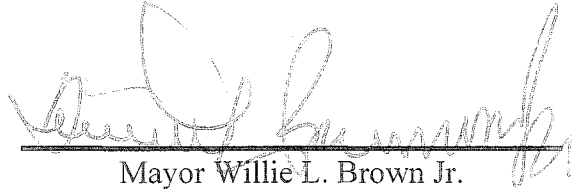
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 1, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young  
Clerk of the Board

MAY 12 2000

Date Approved



Mayor Willie L. Brown Jr.