

BIDDING PREFERENCE FOR PRODUCTS WITH RECYCLED POSTCONSUMER MATERIAL

PLEASE NOTE: Bidders ARE NOT required to complete this form or obtain the following Manufacturer's Recycled Postconsumer Material Certification if they ARE NOT seeking a bidding preference for products or printing with recycled postconsumer material.

A. PREFERENCE

Except as otherwise provided in Paragraph G, every bidder who certifies that the goods, supplies, equipment, materials or printing, which the bidder is offering, contains at least 10% of recycled postconsumer material shall be given a five percent (5%) preference against any bidder that has not so certified (or such higher percentage specified in the invitation for bids for the bidding preference for products with recycled postconsumer material) "Postconsumer material" is defined as "Any product generated by a business or consumer which has served its intended end use, and which has been separated or diverted from solid waste for the purpose of collection, recycling, and disposition. The term includes industrial by-products that would otherwise go to disposal or processing facilities. The term does not include internally generated scraps that is commonly returned to industrial or manufacturing processes." This preference for products and printing with recycled postconsumer material shall be in addition to any reciprocal preference for Pennsylvania bidders and manufacturers.

B. BIDDER CERTIFICATION

If the bidder is submitting a bid price on more than one item, and the percentage of recycled postconsumer material differs for each item, the bidder must state the percentage for each item. Bidder certifies that the goods, supplies, equipment, materials or printing which the bidder is offering: (to be completed by the bidder)

Item No. \_\_\_\_\_ Contains \_\_\_\_ % of recycled postconsumer material.

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(use additional sheets if necessary to complete required information)

If a bidder does not comply with this Subsection (B), he shall not be eligible for the 5% preference.

C. MANUFACTURER'S RECYCLED POSTCONSUMER MATERIAL CERTIFICATION

In addition to the Bidder Certification in Subsection (B), in order to be eligible for the 5% preference a manufacturer's certification must be completed, signed and submitted by each of the manufacturers listed by the bidder in Section III of the Reciprocal Limitations Act Requirements of this Invitation for Bid. Bidders must use the enclosed Manufacturer's Recycled Postconsumer Material Certification form. If this form is not completed, signed and submitted with the bid, no bidding preference shall be given to the bidder.

D. FEDERAL FUNDS

No preference shall be given if the Commonwealth's receipt of federal funds would be jeopardized by granting the preference.

E. TIE BIDS

When there is a tie for lowest responsible bidder, the Department of General Services may consider, as one factor in determining to whom the contract should be awarded, which of the bids provides for the greatest percentage of recycled postconsumer material in the product or printing.

F. ENFORCEMENT

Awarded bidders may be required, after delivery of the goods, supplies, equipment, materials or printing, to provide the Commonwealth with documentary evidence that the goods, supplies, equipment, materials or printing was in fact produced with the certified percentage of recycled postconsumer material. **if a bidder is awarded a contract or a purchase order on the basis of the 5% preference and fails to supply the item(s) with the required content of recycled postconsumer material or refuses or fails to provide sufficient documentary evidence that the item(s) was in fact produced with the certified percentage of recycled postconsumer material, the Department reserves the right, at its sole discretion, to:**

- 1) Reduce the purchase price paid to the contractor by 5%.**
- 2) Require the contractor to remove and replace the materials at the contractor's sole expense.**
- 3) Cancel the contract or the purchase order.**
- 4) Obtain the item(s) from another source.**
- 5) Pursue its other remedies under the contract for damages and costs for breach of contract.**

G. STEEL AND ALUMINUM PRODUCTS EXCEPTION

The Commonwealth of Pennsylvania recognizes that both steel and aluminum products are universally made of recycled material, including postconsumer steel and postconsumer aluminum. Therefore, if steel or aluminum is used in the manufacture of the product offered by a bidder in response to this invitation to bid, the bidder is not required to provide certification that the product contains recycled postconsumer material. If a bidder is offering a product with steel or aluminum and the steel or aluminum contains no postconsumer material, the bidder is required to provide written notification in its bid. Bidders offering products containing steel and/or aluminum shall be given a five percent bidding preference over bidders offering: (1) steel or aluminum products that are reported to be made without recycled (postconsumer) content and (2) non-steel or non-aluminum products (such as plastic) which are not certified as containing recycled (postconsumer) content.

MANUFACTURER RECYCLED POSTCONSUMER MATERIAL CERTIFICATION

TO BE COMPLETED BY MANUFACTURER:

NAME OF MANUFACTURING FIRM: \_\_\_\_\_

ADDRESS OF MANUFACTURING FIRM: \_\_\_\_\_

FEDERAL EMPLOYER I.D. NO: \_\_\_\_\_

CONTRACT OR REQUISITION NO: \_\_\_\_\_

NAME OF BIDDER: \_\_\_\_\_

ADDRESS OF BIDDER: \_\_\_\_\_

Goods, supplies, equipment, materials or printing which the manufacturer will furnish to the bidder if the bidder is awarded the above-referenced contract or purchase requisition:

\_\_\_\_\_  
\_\_\_\_\_

Short description of the nature of the postconsumer material which will be contained in the goods, supplies, equipment, materials or printing: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATION: I, the undersigned officer of the above-named firm, do hereby certify that I am authorized to provide this certification on behalf of the above-named firm and that the goods, supplies, equipment, materials or printing listed above which my company will furnish to the bidder named above, if the bidder is awarded the above-referenced contract or purchase requisition, shall contain not less than \_\_\_\_% postconsumer material as that term is defined in the invitation for bid. The nature of the postconsumer material is also identified above. I understand that this document is subject to the provisions of the Unsworn Falsification of Authorities Act (18 P.S. Section 4904).

**PLEASE NOTE: Bidders ARE NOT required to complete this form if they ARE NOT seeking a bidding preference for products with recycled post-consumer material.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Signatory

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date