

# Senate File 2361 - Enrolled

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1 1 SENATE FILE 2361  
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1 3 AN ACT  
1 4 PROVIDING FOR THE PROCUREMENT OF DESIGNATED BIOBASED PRODUCTS  
1 5 BY STATE GOVERNMENT.  
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. Section 8A.311, subsection 14, Code Supplement  
1 10 2007, is amended by adding the following new paragraph:  
1 11 NEW PARAGRAPH. c. The procurement of designated biobased  
1 12 products in accordance with the requirements of section  
1 13 8A.317.  
1 14 Sec. 2. NEW SECTION. 8A.317 STATE PURCHASES ==  
1 15 DESIGNATED BIOBASED PRODUCTS.  
1 16 1. As used in this section, unless the context otherwise  
1 17 requires:  
1 18 a. "Biobased material" means the same as defined in  
1 19 section 469.31.  
1 20 b. "Designated biobased product" means a biobased product  
1 21 as defined in section 469.31, and includes a product  
1 22 determined by the United States department of agriculture to  
1 23 be a commercial or industrial product, other than food or  
1 24 feed, that is composed, in whole or in significant part, of  
1 25 biological products, including renewable domestic agricultural  
1 26 materials including plant, animal, and marine materials, or  
1 27 forestry materials as provided in 7 U.S.C. } 8102.  
1 28 2. The department shall do all of the following:  
1 29 a. Develop procedures and specifications for the purchase  
1 30 of designated biobased products. The department may develop  
1 31 specifications after consulting guidelines or regulations  
1 32 promulgated by the United States department of agriculture  
1 33 pursuant to section 7 U.S.C. } 8102.  
1 34 b. Require that a purchase of a designated biobased  
1 35 product be made from the seller whose designated biobased  
2 1 product contains the greatest percentage of biobased  
2 2 materials, unless any of the following applies:  
2 3 (1) The designated biobased product is not available  
2 4 within a reasonable period of time or in quantities necessary  
2 5 or in container sizes appropriate to meet a state agency's  
2 6 needs.  
2 7 (2) The designated biobased product does not meet  
2 8 performance requirements or standards recommended by a  
2 9 manufacturer, including any warranty requirements.  
2 10 (3) The designated biobased product does not meet the  
2 11 functional requirements and evaluation criteria identified in  
2 12 bid documents. Functional requirements to be considered may  
2 13 include but are not limited to the designated biobased  
2 14 product's conformance with ASTM (American society for testing  
2 15 and materials) international standards.  
2 16 (4) The purchase of the designated biobased product  
2 17 conflicts with section 8A.311, subsection 1, paragraph "a".  
2 18 (5) The designated biobased product is available only at a  
2 19 cost greater than one hundred five percent of the cost of  
2 20 comparable products which are not biobased.  
2 21 c. Establish and maintain a preference program for  
2 22 procuring the maximum content of biobased materials in  
2 23 biobased products. The preference program shall include but  
2 24 is not limited to all of the following:  
2 25 (1) The inclusion of preferences for designated biobased  
2 26 products in publications used to solicit bids from suppliers.  
2 27 (2) The provision of a description of the preference  
2 28 program at bidders' conferences.  
2 29 (3) Discussion of the preference program in requests for  
2 30 proposals or invitations to bid.  
2 31 (4) Efforts to inform industry trade associations about  
2 32 the preference program.  
2 33 3. This section does not apply to a biobased product which  
2 34 is subject to requirements for procurement in another  
2 35 provision of this chapter including but not limited to any of  
3 1 the following:  
3 2 a. Soybean-based ink as provided in section 8A.315.  
3 3 b. Degradable loose foam packing material manufactured

3 4 from grain starches or other renewable resources as provided  
3 5 in section 8A.315.  
3 6 c. A biobased hydraulic fluid, grease, or other industrial  
3 7 lubricant as provided in section 8A.316.  
3 8 4. When evaluating a bid for the purchase of designated  
3 9 biobased products, the department may take into consideration  
3 10 warranty provisions and life cycle cost estimates.  
3 11 Sec. 3. Section 216B.3, Code Supplement 2007, is amended  
3 12 by adding the following new subsection:  
3 13 NEW SUBSECTION. 17A. Give preference to purchasing  
3 14 designated biobased products in the same manner as provided in  
3 15 section 8A.317.  
3 16 Sec. 4. NEW SECTION. 260C.19C PURCHASE OF DESIGNATED  
3 17 BIOBASED PRODUCTS.  
3 18 The board of directors providing services to a merged area  
3 19 shall give preference to purchasing designated biobased  
3 20 products in the same manner as provided in section 8A.317.  
3 21 Sec. 5. NEW SECTION. 262.25C PURCHASE OF DESIGNATED  
3 22 BIOBASED PRODUCTS.  
3 23 The state board of regents and institutions under the  
3 24 control of the board purchasing products shall give preference  
3 25 to purchasing designated biobased products in the same manner  
3 26 as provided in section 8A.317.  
3 27 Sec. 6. Section 307.21, subsection 4, paragraph b, Code  
3 28 Supplement 2007, is amended by adding the following new  
3 29 subparagraph:  
3 30 (5) Give preference to purchasing designated biobased  
3 31 products in the same manner as provided in section 8A.317.  
3 32 Sec. 7. NEW SECTION. 904.312C PURCHASE OF DESIGNATED  
3 33 BIOBASED PRODUCTS.  
3 34 The department shall give preference to purchasing  
3 35 designated biobased products in the same manner as provided in  
4 1 section 8A.317.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2361, Eighty-second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2008

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CHESTER J. CULVER  
Governor