

Senate File 2361 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2272)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the procurement of designated biobased
2 products by state government.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6102SV 82
5 da/nh/5

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

2 18 is subject to requirements for procurement in another
2 19 provision of this chapter including but not limited to any of
2 20 the following:

- 2 21 a. Soybean-based ink as provided in section 8A.315.
- 2 22 b. Degradable loose foam packing material manufactured
2 23 from grain starches or other renewable resources as provided
2 24 in section 8A.315.
- 2 25 c. A biobased hydraulic fluid, grease, or other industrial
2 26 lubricant as provided in section 8A.316.

2 27 Sec. 3. Section 216B.3, Code Supplement 2007, is amended
2 28 by adding the following new subsection:

2 29 NEW SUBSECTION. 17A. Give preference to purchasing
2 30 designated biobased products in the same manner as provided in
2 31 section 8A.317.

2 32 Sec. 4. NEW SECTION. 260C.19C PURCHASE OF DESIGNATED
2 33 BIOBASED PRODUCTS.

2 34 The board of directors providing services to a merged area
2 35 shall give preference to purchasing designated biobased
3 1 products in the same manner as provided in section 8A.317.

3 2 Sec. 5. NEW SECTION. 262.25C PURCHASE OF DESIGNATED
3 3 BIOBASED PRODUCTS.

3 4 The state board of regents and institutions under the
3 5 control of the board purchasing products shall give preference
3 6 to purchasing designated biobased products in the same manner
3 7 as provided in section 8A.317.

3 8 Sec. 6. Section 307.21, subsection 4, paragraph b, Code
3 9 Supplement 2007, is amended by adding the following new
3 10 subparagraph:

3 11 (5) Give preference to purchasing designated biobased
3 12 products in the same manner as provided in section 8A.317.

3 13 Sec. 7. NEW SECTION. 904.312C PURCHASE OF DESIGNATED
3 14 BIOBASED PRODUCTS.

3 15 The department shall give preference to purchasing
3 16 designated biobased products in the same manner as provided in
3 17 section 8A.317.

3 18 EXPLANATION

3 19 This bill provides that when purchasing products, the
3 20 department of administrative services, other state agencies,
3 21 and the board of directors of a merged area, must give a
3 22 preference to purchasing designated biobased products
3 23 according to procedures and specifications after consulting
3 24 with guidelines or regulations for biobased products
3 25 promulgated by the United States department of agriculture.

3 26 The bill is similar to provisions applicable to biobased
3 27 hydraulic fluids, greases, and other industrial lubricants.

3 28 The bill provides that the purchase must be based on the
3 29 greatest percentage of biobased materials contained in the
3 30 designated biobased product unless an exception applies (the
3 31 product is not available, it does not meet performance
3 32 requirements of a manufacturer, or is prohibitively
3 33 expensive). The bill requires the establishment of a

3 34 preference program for procuring the maximum content of
3 35 biobased materials in designated biobased products, which
4 1 includes advertising and soliciting bids for such products.

4 2 The bill does not apply to the procurement of designated
4 3 biobased products which are subject to preexisting
4 4 requirements, including soybean-based ink, degradable loose
4 5 foam packing material manufactured from grain starches or
4 6 other renewable resources, and biobased hydraulic fluid,
4 7 grease, or other industrial lubricant.

4 8 The bill amends provisions in Code chapters affecting state
4 9 agencies having procurement authority independent of the
4 10 department of administrative services, including the
4 11 department for the blind, community colleges, institutions
4 12 under the direction of the state board of regents, the
4 13 department of transportation, and the department of
4 14 corrections.

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