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HOUSE BILL NO. 1287

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 10, 2022)

(Patron Prior to Substitute—Delegate Runion)

A BILL to amend and reenact § 2.2-4323 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4328.2, relating to Virginia Public Procurement Act; preference for plastic recycled materials.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4323 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4328.2 as follows:

§ 2.2-4323. Purchase programs for recycled goods; agency responsibilities.

A. All state agencies shall implement a purchase program for recycled goods and shall coordinate their efforts so as to achieve the goals and objectives established in subsection C as well as those set forth in §§ 10.1-1425.6, 10.1-1425.7, 10.1-1425.8, 2.2-4313, 2.2-4324, and 2.2-4326, and 2.2-4328.2.

B. The Department of Environmental Quality shall advise the Department of General Services concerning the designation of recycled goods. In cooperation with the Department of General Services, the Department of Environmental Quality shall increase the awareness of state agencies as to the benefits of using such products.

C. The Department of General Services shall:

1. Ensure that the Commonwealth's procurement guidelines for state agencies promote the use of recycled goods.

2. Promote the Commonwealth's interest in the use of recycled products to vendors.

3. Make agencies aware of the availability of recycled goods, including those that use post-consumer and other recovered materials processed by Virginia-based companies.

4. Make agencies aware of the availability of recycled materials and products certified as climate positive. For purposes of this subdivision, "climate positive" means having a negative carbon footprint.

D. All state agencies shall, to the greatest extent possible, adhere to the procurement program guidelines for recycled products to be established by the Department of General Services.

§ 2.2-4328.2. Preference for plastic recycled materials.

In determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, the Department of General Services shall procure using competitive sealed bidding, giving preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content.

2. That the Department of General Services (the Department) shall promulgate regulations to effectuate the provisions of § 2.2-4328.2 of the Code of Virginia, as created by this act. In promulgating such regulations, the Department shall (i) consult with the Virginia Manufacturers Association to define the term "cost competitive" as it applies to the provisions of § 2.2-4328.2 of the Code of Virginia, as created by this act, and (ii) establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows: (a) 10 percent plastic recycled content by January 1, 2025; (b) 20 percent plastic recycled content by January 1, 2028; and (c) 30 percent plastic recycled content by January 1, 2030.