

Memorandum



Date: January 23, 2017

Agenda Item No. 2(B)3

February 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Report Evaluating Safeguards and Measures to Eliminate the County's Purchase of
Polystyrene – Directive 160942

This report is being provided pursuant to Resolution No. R-500-16, adopted by the Board of County Commissioners (Board) on June 7, 2016. The resolution directed the County Mayor or the County Mayor's designee to evaluate the County's procurement policies and procedures, including those of all County agencies and instrumentalities such as Vizcaya and the Public Health Trust to identify safeguards and measures in effect to eliminate, whenever possible, the purchase of disposable polystyrene products. Polystyrene is a petroleum-based plastic, most commonly known as "styrofoam."

There are three (3) paramount safeguards and measures currently in effect to curtail the County's purchase of polystyrene products: (1) Ordinance No. 16-58, which bans the use and/or sale of polystyrene products in County parks, beaches and facilities managed by the Parks, Recreation and Open Spaces Department; (2) boilerplate language for County goods and services contracts banning a contractor's sale of polystyrene products at a Parks, Recreation and Open Spaces Department-managed beach, park or facility; and (3) the Buy Green Purchasing Guide, which sets forth a process for including green options in solicitations for goods and services.

Ordinance No. 16-58 was adopted by the Board on June 7, 2016 and relates to the Parks, Recreation and Open Spaces Department's rules and regulations. Specifically, the ordinance amends Chapter 26, Article I of the Miami-Dade County Code to ban the sale of polystyrene products by a Parks, Recreation and Open Spaces Department contractor. The amended section prohibits the contractor from selling or providing food in a "polystyrene article" on park property and all facilities located within parks. A violation of the rule is deemed a default under the terms of the relevant contract between the County and the Parks, Recreation and Open Spaces Department contractor. The rule, consistent with the controlling Code section, does not apply to polystyrene articles that are used for prepackaged food that has been filled and sealed prior to receipt by the contractor. The amended section also prohibits any person from carrying any polystyrene article onto any Parks, Recreation and Open Spaces Department property. Violators of the rule receive a fine of up to \$50.00.

The County's Buy Green Purchasing Guide was established to provide environmentally preferable purchasing guidelines and has three (3) key goals: (1) purchase products and services that reduce greenhouse gas emissions, are durable and long-lasting, include recycled content and plant-based, organic material, and use unbleached or chlorine free manufacturing processes; (2) purchase products and services that reduce hazards to employee and community safety, and minimize environmental impacts, toxics and pollution; and (3) procure products and services that reduce waste and increase the efficiency and effectiveness of the County's consumption of water, fuel, paper, electricity and other resources. These goals reflect the intent of Resolution No. R-1053-09, which directed the Administration to prepare a green procurement preference program for the purchase of environmentally responsible products and services.

The Green Purchasing Guide permits the Internal Services Department to develop specifications that promote or facilitate a preference for the purchase of green products, such as compostable plant-based bags, food and beverage containers, and cutlery. The mechanics of this process was most recently communicated to the Board at its December 6, 2016 meeting during a discussion on Resolution No. R-1135-16 regarding the award of a contract for kitchen paper and plastic disposable supplies. The contract prohibited only the Parks, Recreation and Open Spaces Department's purchase of polystyrene products, per Ordinance No. 16-58; therefore, the Board requested that the Administration determine the cost ramifications of prohibiting the other departments on the contract from purchasing polystyrene products.

The kitchen paper and plastic disposable supplies contract is comprised of three (3) groups: Group A is funded by General Fund, Internal Service Funds, Proprietary Funds and Department of Transportation and Public Works Operating Funds; Group B is federally-funded; and Group C established a pre-qualified pool of vendors. The Corrections and Rehabilitation and Internal Services Departments have submitted estimated quantities to purchase a three-compartment polystyrene meal tray. This is the only polystyrene item of the 47 items quoted in Group A. The approved contract has two (2) available alternative products in Group A, i.e., a laminate or plastic meal tray. The Internal Services Department has advised that it will be able to utilize the alternatives to the polystyrene product. The cost difference will be an additional \$7.80 or \$23.05 per case depending on which alternative is selected. The fiscal impact to eliminate the purchase of polystyrene will be minimal since the Internal Services Department may purchase one (1) to two (2) cases within the five-year contract term.

The Corrections and Rehabilitation Department cannot utilize the alternatives since one is not the right size and depth, and the other poses a safety hazard, as the plastic may be utilized as a weapon. The Internal Services Department has obtained quotes for a biodegradable meal tray that meets the department's standards. The cost difference from polystyrene to a biodegradable product will be an increase of \$51.70 per case. The fiscal impact would be an additional \$4,188 annually or \$20,939 for the five-year contract term based on estimated quantities to be purchased.

The Board's policy goal of reducing the County's purchase of styrofoam has been realized as often as practicable. The Administration will continue to review its green purchasing protocol to maximize the purchase of environmentally friendly goods and services. Per Ordinance No. 14-065, this report will be placed on the next available Board agenda. Should you require additional information, please contact Tara C. Smith, Director of the Internal Services Department, at (305) 375-5893.

c: Abigail Price-Williams, County Attorney
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