

# APPROVED COUNTY OF SANTA CLARA PRODUCT & SERVICE STANDARD



This form outlines the minimum specifications and requirements approved by the County's Chief Procurement Officer related to the acquisition of the specified product/services below. These requirements must be included in any County solicitation and/or contract unless written exception is approved by the Lead Department and the Chief Procurement Officer. These requirements are applicable to all County acquisitions regardless of the procurement method utilized.

**A-**  
**APPENDIX NO. 3.2**      **PRODUCT/SERVICE: MULCH – LANDSCAPING & ECOLOGICAL SERVICES**      **REVISION NUMBER 1.0**

**LEAD AGENCY/DEPT.** Office of Sustainability      **EFFECTIVE DATE** July 1, 2023      **EXPIRATION DATE** N/A

**BRAND STANDARD:**      Yes      **No**      **APPROVED BRAND(S):** N/A      **MODEL NUMBER(S):** N/A

**EQUIVALENTS ALLOWED?**      **Yes**      No      **Notes:** See Minimum Product Certifications, Specifications, & Requirements section below.

**AUTHORIZED SOURCE OF SUPPLY:**      **Yes**      No      **AUTHORIZED SOURCE(S):** See Minimum Product Certifications, Specifications, & Requirements section below.

## MINIMUM PRODUCT CERTIFICATIONS, SPECIFICATIONS, & REQUIREMENTS

The Standard specifications below should be included in any Scope of Work or specifications document in the acquisition. Please check with the Lead Department listed above and your County Counsel if you intend to deviate from these specifications.

In order to ensure compliance with applicable State laws, including the California Short-Lived Climate Pollutant Act ("SB 1383"), all County service contracts that require the contractor to apply mulch—for example, contracts for landscaping and ecological services—must conform to the requirements below.

Note: This Appendix only applies to contracts for services. Direct purchases of mulch by County staff are separately addressed in Appendix No. 3.1. Mulch generated for County use through on-site chipping and grinding is similarly exempt from the requirements in this Appendix.

County service providers must either purchase mulch from a facility included in the Office of Sustainability's Senate Bill 1383 Compliant Facilities List, or guarantee to the County that the mulch meets the following requirements:

1. Acceptable materials are:
  - a. Mulch made from recycled pallets and dimensional lumber, aged tree trimmings, and wood fines;
  - b. Screened compost overs, also referred to as coarse compost;
2. Acceptable sources of mulch are:
  - a. A compostable material handling operation or facility as defined in 14 CCR §17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR § 17852(a)(10).
  - b. A transfer/ processing facility or operation as defined in 14 CCR § 17402(a)(30-31) that is permitted or authorized under 14 CCR Division 7.
  - c. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
3. Mulch must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR § 17852(a)(24.5)(a)1-3.

The Office of Sustainability will ensure that facilities on the SB 1383 Compliant Facility List satisfy these specifications.

## **CONTRACTOR REQUIREMENTS**

This section should include any requirements the vendor must take on to comply with the Standard, whether to deliver the product/ service, or to help the County report on contract related data (i.e., purchase, usage, disposal, etc.). To ensure an awarded vendor can comply with these requirements, include the below in any Scope of Work or specifications document in the sourcing event.

Contractor shall maintain all documents supporting its compliance with the product specifications above. Contractor shall submit an annual summary report to County department representative (as detailed in the contract) by May 1 every year. The report will cover the previous calendar year (January through December), or the portion of the previous calendar year represented by the Contractor Agreement. Contractor shall coordinate with the County if deadlines cannot be met, or change during the term of the Agreement. Contractor and County shall mutually agree to any required changes to dates and deadlines.

Contractor's annual summary report shall include but not limited to the following information:

- a. The quantity of mulch procured under the Agreement during the reporting period, measured in tons, or cubic yards.
- b. Every mulch facility from which mulch was procured under the Agreement during the reporting period. Mulch production facility or reseller information shall include the following: name of facility, physical location, and contact information.
- c. A general description of how and where the mulch was used, including warehousing for future County use.
- d. All copies of invoices, receipts, or other proof of purchase (in either paper or electronic form) evidencing Contractor's procurement of mulch under the Agreement.

The County can provide Contractor with annual summary report template, accessed [here](#).

### **COUNTY STAFF REQUIREMENTS**

This section should list the responsibilities the County must comply with during the term of the Standard and/or contract. The information below illustrates the minimum expectations of the Procurement Officer, User Department, Contract Administrator/ Monitor, and Lead Agency/Department in administering the approved Standard.

To enable County compliance with SB 1383 record-keeping requirements and avoid financial penalties from the State, the County representative shall:

1. Include procurement process in Planning Checklist – add to template to confirm that all required items are included in the contract.
2. Notify the Office of Sustainability (OOS) prior to issuing a solicitation or establishing any contract that might include the purchase of mulch. OOS can be notified by email at [sustainability@ceo.sccgov.org](mailto:sustainability@ceo.sccgov.org).
3. Confirm that contracts include requirements to purchase mulch that meets the Minimum Product Certifications, Specifications, and Requirements above. If the County representative managing contracts has questions to support the contractor sourcing compliant material or whether the material is required to meet SB 1383 standards, contact OOS at [sustainability@ceo.sccgov.org](mailto:sustainability@ceo.sccgov.org).
4. Incorporate the Minimum Product Certifications, Specifications, and Requirements above into the contract for services or obtain a certification from the Contractor that it will satisfy these standards. OOS can provide guidance, assistance, and templates to ensure compliance with this requirement.
5. Upon contract award, provide a copy of the executed contract to OOS by email at [sustainability@ceo.sccgov.org](mailto:sustainability@ceo.sccgov.org). The email should also explain how and where invoices, purchase orders, and receipts will be filed and stored by the procuring department.
6. Maintain invoices and receipts documenting each contracted order.
7. Assure that Contractors complete and submit annual summary reports, as described above.

#### Annual Summary Report

County department representatives shall compile the information from service provider's annual summary report and submit a collective annual summary report to OOS by June 1st every year for the previous calendar year. For example, the 2022 annual summary report should be submitted by June 1, 2023.

The annual summary report template can be accessed [here](#) and should be submitted on Sharepoint [here](#). The report must summarize the following information from all Contractors who procured mulch as part of their contracted duties for the County:

1. The quantity of mulch procured under the Agreement during the reporting period, measured in tons, or cubic yards.
2. Every mulch facility from which mulch was procured under the Agreement during the reporting period. Mulch production facility or reseller information shall include the following: Name of facility, physical location, and contact information.
3. A general description of how and where the mulch was used, including warehousing for future County use.
4. All copies of invoices, receipts, or other proof of purchase (in either paper or electronic form) evidencing Contractor's procurement of mulch under the Agreement.

## REGULATORY REQUIREMENTS

This section outlines the responsibilities and frequency for reporting purchase, usage, or other related data to a Federal or State regulatory agency. Please ensure the awarded vendor can help you comply with the listed reporting requirements below.

The Office of Sustainability (OOS) shall serve as the lead agency that monitors and manages these Product and Service Standards related to mulch. OOS also serves as the Recordkeeping Designee for acquisitions related to this Standard. OOS shall develop and maintain the County's Implementation Record in a central repository and upon request make records accessible to CalRecycle staff within ten business days of a request. Documents included or linked in the Implementation Record shall be maintained for a period not less than five years from the date of receipt or creation.

CalRecycle may audit the County at any time, requiring on-site department interviews and access to purchase documents, including all aforementioned documentation that explains deviations from this Purchasing Standard.

## STATUTORY AUTHORITY

This section lists the applicable federal, state, or local laws and requirements to which the County must comply. To ensure an awarded vendor can comply with these requirements, include a reference to the below statutes, policies, or other regulations in any Scope of Work or specifications document in the sourcing event.

California Code of Regulations, Title 14, Sections 18993.1, 18993.2, 18994.2, and 18995.2.

COUNTY APPROVING AUTHORITY:

DATE APPROVED/AMENDED: