Amendment of the Whole
in Board
3/6/07

FILE NO. 070083

ORDINANCE NO. 53-07

[Public Works Construction – Use of Recycled Content Materials.]

Ordinance amending Chapter 6 of the Administrative Code by amending Section 6.4 to require recycled content materials to be used in public works and improvements to the maximum extent feasible.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors finds and declares the following:

A. San Francisco is required by state law to divert at least 50% of its waste stream from landfill, and, in Resolution No. 0679-02, the Board of Supervisors set a goal of diverting 75% of San Francisco's waste from landfill by 2010 and authorized the Commission on the Environment to set a zero waste goal, which was established as 2020. Accordingly, the City must find alternatives to landfilling for materials, such as high volume heavy construction materials, that can be reused.

B. City public works projects generate thousands of tons of used concrete, asphalt and mixed inerts which can be re-manufactured into usable construction materials. Several businesses located in the City and the Bay Area accept used building materials from the City and re-manufacture these materials, thus creating a readily available source of recycled content building materials.

C. Recycled building materials meet performance standards and are frequently less expensive than virgin materials. Further, the use of such materials reduces the cost of City projects, creates employment, reduces emissions by transport vehicles, reduces wear and tear on streets, and supports the local economy.
D. The Department of Public Works ("DPW") has approved the use of 100% recycled aggregate and sand to manufacture non-structural concrete for curbs, gutters, sidewalks and curb ramps and for use in making asphalt. DPW has also approved recycled aggregate for use as base rock, building ballast, drain rock, rip-rap, and for use in cement-treated base. The use of these materials effectively closes the recycling loop on City construction projects.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 6.4, to read as follows:

SEC. 6.4. PREFERENCE FOR LOCAL MANUFACTURERS AND INDUSTRY; RECYCLED CONTENT MATERIALS.

(a) Local preference. Whenever any preference in favor of local manufacturers or industry is provided by State law or ordinance or resolution of the Board of Supervisors, the same shall apply to contracts under this Chapter.

(b) Recycled Content Materials.

(1) Requirement. The department head or officer calling for bids shall specify recycled content materials, rather than virgin materials, to the maximum extent feasible in the Advertisement for Bids and plans for all contracts for public works or improvements.

(2) Definitions. For the limited purpose of this subsection, the following terms shall have the following meanings: (A) "feasible" means that recycled content materials meet the requirements of the California Building Code or other adopted standards or regulations for each of the materials and its intended use performance specifications, are permitted to be used in the manner specified in the bid specifications under Federal, State and local law, are available within the project's time line, and are comparable in price to virgin materials, and (B) "recycled content materials" means a building component utilized in place of raw or virgin material that is either reclaimed for reuse from...
a prior structure or assembly, or a building material or component manufactured in part from waste
materials and/or by-products recovered or diverted from solid waste, excluding those materials and by-
products generated from, and commonly reused within, an original manufacturing process.

(3) Department of the Environment, Reports. Contract Awarding Authorities shall (a) 
consult with the Department of the Environment regarding available recycled content products that 
meet the needs of the department; and (b) include information on recycled content material used on 
public works contracts in the annual reporting to the Department of the Environment specified in the 
Environment Code.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: CATHARINE S. BARNES
Deputy City Attorney
Ordinance amending Chapter 6 of the Administrative Code by amending Section 6.4 to require recycled content materials to be used in public works and improvements to the maximum extent feasible.

March 6, 2007 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
  Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

March 6, 2007 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
  Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Jew, Maxwell, McGoldrick, Mirkarimi, Sandoval
  Noes: 2 - Elsbernd, Peskin

March 13, 2007 Board of Supervisors — FINALLY PASSED
  Ayes: 6 - Daly, Dufty, Jew, Mirkarimi, Peskin, Sandoval
  Noes: 2 - Alioto-Pier, Elsbernd
  Excused: 3 - Ammiano, Maxwell, McGoldrick
I hereby certify that the foregoing Ordinance was FINALLY PASSED on March 13, 2007 by the Board of Supervisors of the City and County of San Francisco.

Date Approved

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom