PCBs
Policy Update

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PCBs POLICY
THE JOURNEY
LAW – RCW 39.26.280

Preference—Products and products in packaging that does not contain polychlorinated biphenyls—Limitations—Products and products in packaging containing polychlorinated biphenyls.

(1) The department shall establish purchasing and procurement policies that provide a preference for products and products in packaging that does not contain polychlorinated biphenyls.

(2) No agency may knowingly purchase products or products in packaging containing polychlorinated biphenyls above the practical quantification limit except when it is not cost-effective or technically feasible to do so.

(3) Nothing in this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of June 12, 2014.
The policy sets a minimum preference of five (5) percent for products and packaging that contain no PCBs. It also allows for consideration of products and packaging with the lowest levels possible of PCBs when awarding points during procurement evaluations. The intent is to incentivize the State’s contract suppliers to provide products and product packaging that do not contain PCBs.
POLICY DEVELOPMENT

Resources:

- Training
- PCB Risk Calculator
- PCBs Desk Aid
- Sample contract language.
PCBs POLICY IMPLEMENTATION
WHAT IS DES DOING?

DES Master Contracts Team Operation:

• Taken required PCBs purchasing preference training
• Uses PCBs calculator for every potential solicitation
• Incorporates PCBs preference language
  • Traffic safety paint, prefab & modular bridges, add-on systems furniture, office supplies, variable message boards, floor coverings)
• Results to date:
  • DES is analyzing the data from WEBS
WHAT IS THE STATE DOING?

• Tracking PCB solicitations and award in WEBS
  • Statewide results 1/1/19 – 6/30/21 (data from WEBS)
    • 391 solicitations with PCBs preference language
    • 237 vendor responses with PCBs preference (out of 2602 vendor responses)
    • 108 vendor awards with PCBs preference (out of 898 vendor awards)

• Monitoring compliance through procurement risk assessments

• SEEP’s new state tracking and reporting subgroup

• Renewed awareness
  • EPP Manual
  • DES EPP Website

• Ecology helps decipher test results
WHERE DO WE GO FROM HERE?
GAPS

Unclear when to use the PCBs preference language in solicitation.
  • Resulting in overuse when not applicable (using in all solicitations) and inaccurate reporting data.

WEBS is not clear on the reporting of PCBs preference.
  • Resulting in inaccurate reporting

Bidders are not testing products due to cost and time
STEPS TO MITIGATE GAPS

• Developing a FAQ to address the gaps
• Policy sunsets the end of 2023
## CONTACT DES POLICY TEAM

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**Enterprise Procurement Policy website:**

Draft Enterprise Procurement Policies