

ACCEPTABLE PRODUCTS WHICH CONTAIN RECYCLED MATERIALS.

(2) THE LIST SHALL BE PUBLISHED FOR USE BY STATE AGENCIES AT LEAST TWICE EACH YEAR.

~~(D)~~ (E) BY JANUARY 1, 1991, EACH STATE UNIT SHALL REVIEW THE PROCUREMENT SPECIFICATIONS CURRENTLY USED BY THE UNIT AND, TO THE EXTENT PRACTICABLE, REQUIRE THE USE OF A PERCENTAGE PRICE PREFERENCE IN THEIR PURCHASE OF SUPPLIES AND COMMODITIES CONTAINING RECYCLED MATERIALS.

(E) THIS SECTION APPLIES IF:

~~(1) THE PROCUREMENT OFFICER DETERMINES THAT COMPLIANCE WITH THIS SECTION WILL NOT CAUSE DENIAL OF FEDERAL MONEYS OR WOULD NOT BE INCONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF FEDERAL MONEYS OR TO ELIMINATE INCONSISTENCY WITH FEDERAL LAW; AND~~

~~(2) THE QUALITY OF THE PRODUCT IS CONSISTENT WITH THE REQUIREMENTS OF THE BID SPECIFICATIONS.~~

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION IS BROADLY APPLICABLE TO ALL PROCUREMENTS BY THE STATE IF THE QUALITY OF THE PRODUCT IS CONSISTENT WITH THE REQUIREMENTS OF THE BID SPECIFICATIONS.

(2) ONLY TO THE EXTENT NECESSARY TO PREVENT THE DENIAL OF FEDERAL MONEYS OR ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW, THIS SECTION DOES NOT APPLY TO A PROCUREMENT BY THE STATE IF THE PROCUREMENT OFFICER DETERMINES THAT COMPLIANCE WITH THIS SECTION WOULD:

(I) CAUSE DENIAL OF FEDERAL MONEYS; OR

(II) WOULD BE INCONSISTENT WITH THE REQUIREMENTS OF FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1990.

Approved April 24, 1990.

CHAPTER 69

(House Bill 506)

AN ACT concerning