

~~(VI)~~ (VII) WASTE MINIMIZATION.

(3) (i) "Recycled materials" means material recovered from or otherwise destined for the waste stream.

(ii) "Recycled materials" includes post-consumer material, industrial scrap material, compost, processed and pasteurized chicken litter, and obsolete inventories.

[(3)] (4) "Percentage price preference" means the percent by which a responsive bid from a responsible bidder whose product IS AN ENVIRONMENTALLY PREFERABLE PRODUCT OR EQUIPMENT OR contains recycled materials may exceed the lowest responsive bid submitted by a responsible bidder whose products ARE NOT ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT OR do not contain recycled materials.

(b) [No later than January 1, 1994, the] THE Board shall adopt regulations that require the Secretary of General Services, the Secretary of Transportation, and the Chancellor of the University System of Maryland to establish a percentage price preference, not to exceed 5%, for the purchase of ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT AND products made from recycled materials.

(c) A percentage price preference under this section may not be used in conjunction with any other percentage price preference established under this title.

(d) (1) To encourage the maximum purchase of ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT AND commodities utilizing recycled materials, the Department of General Services, in consultation with the Department of the Environment, the University of Maryland, the Maryland Environmental Service, the Department of Transportation, the Department of Natural Resources, the Department of Health and Mental Hygiene, and as necessary with representatives of the recycling industry and environmental organizations, shall establish a list of acceptable ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT AND products which contain recycled materials.

(2) The list shall be published for use by State agencies at least twice each year.

(e) [By January 1, 1991, each] 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 ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT AND supplies and commodities containing recycled materials.

(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: