

**NYS OFFICE OF GENERAL SERVICES
PROCUREMENT SERVICES GROUP**

**RECYCLED PRODUCTS
Frequently Asked Questions**

What is Procurement Services' role in Executive Order 142?

Procurement Services provides centralized contracts for products that contain recycled content to assist Agencies in obtaining the products necessary to meeting their obligations under EO-142.

What are the definitions of recycled commodity and secondary materials as they relate to purchasing?

"Recycled commodity" shall mean any commodity that has been manufactured from secondary materials as defined in subdivision one of section two hundred sixty-one of the economic development law and that meets secondary material content requirements adopted by the office of general services, which shall be consistent, to the extent practicable, with regulations promulgated pursuant to section 27-0717 of the environmental conservation law or, if no such requirements have been adopted or no such product is available, meets the secondary material content requirements adopted by any state agency with respect to a specific commodity procurement by such agency.

"Remanufactured" shall mean any commodity that has been restored to its original performance standards and function and is thereby diverted from the solid waste stream, retaining, to the extent practicable, components that have been through at least one life cycle and replacing consumable or normal wear components.

"Recyclable" shall mean any commodity that can be collected, separated, or otherwise recovered from the solid waste stream for reuse, remanufacture or assembly of another commodity, through a widely available and easily accessible program.

"Secondary materials" shall mean material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies as defined in rules and regulations promulgated by the commissioner in consultation with the commissioner of environmental conservation but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

Is there a price preference when purchasing recycled products?

Yes, Section 165, paragraph 3.b.(i) of the State Finance Law requires that "A state agency shall purchase recycled commodities at a cost premium only if (A) the cost premium associated with a commodity which has recycled content does not exceed ten percent above the cost of a commodity made without recycled content or, (B) the cost of a recycled commodity that contains at least fifty percent secondary materials generated from the waste stream in New York state, does not exceed a cost premium of fifteen percent above the cost of a comparable commodity."

Do the discretionary thresholds increase for recycled products?

Yes, State agencies can purchase commodities or technology that are recycled or remanufactured, in an amount not exceeding fifty thousand dollars without a formal competitive process.