



# Board Agenda Item 45

DATE: September 21, 2021

TO: Board of Supervisors

SUBMITTED BY: Steve White, Director  
Department of Public Works & Planning

SUBJECT: Agreement with California Product Stewardship Council

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as the California Product Stewardship Council is the only organization with the intellectual property, expertise and experience with an established propane tank education and tank exchange program; and**
2. **Approve and authorize the Chairman to execute an Agreement with California Product Stewardship Council for consulting and related services to assist in implementing the HHW Grant 35-20-021 awarded by the California Department of Resources Recycling and Recovery, effective upon execution, through end of the Grant term, October 2, 2024, total not to exceed grant award of \$77,913.**

Approval of the recommended action will authorize the California Product Stewardship Council (CPSC) to assist the Department of Public Works and Planning (Department) in promoting public awareness and use of refillable one pound propane gas cylinders and proper disposal of single use propane cylinders through a program developed by CPSC. CPSC will provide professional consulting, outreach to propane suppliers to refill cartridges, assist in developing a marketing, outreach and cylinder exchange program for Fresno County residents for the term of the HHW Grant 35-20-021 (Grant). This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Department's ability to implement a propane cylinder education and exchange program would be limited. The Department would spend more to create and implement a similar program, as CPSC is the creator and owner of the program's intellectual property and has extensive experience working with other counties and jurisdictions to successfully promote and execute this program.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bid process is consistent with Administrative Policy 34 based upon CPSC being the only organization with the intellectual property, expertise and experience with an established propane tank education and tank exchange program, thereby allowing the Department to implement the program in the most timely and cost-effective manner. The Internal Services Department, Purchasing Division concurs with the request of the Department to waive the competitive bidding process.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The maximum compensation for the program term will not exceed \$77,913. The recommended agreement will be funded in its entirety by the Grant. Sufficient appropriations and estimated revenues are included within the Department's 9015 FY 2021-22 Adopted Budget and will be included within subsequent budget requests.

DISCUSSION:

The Department has been an associate member of the CPSC, a non-profit organization, for two years. During this time, CPSC has provided the Department with valuable information and resources regarding Extended Producer Responsibility, Drug Takeback programs, Battery Recycling and Disposal, as well as state legislation and regulatory activity regarding recycling, solar panel end-of-life, and replacing disposable one pound propane tanks with reusable, refillable propane tanks, among other recycling and circular economy topics.

In February 2020, the California Department of Resources Recycling and Recovery (CalRecycle) opened the HD35 Grant Cycle for HHW Small Projects. This grant cycle has been designed for smaller projects that complement existing and/or regional HHW programs in California. CalRecycle provides guidelines for eligible project types. After reviewing the guidelines, the Department chose to submit an application for a collection and exchange program to replace disposable tanks with reusable, refillable tanks. In addition, the grant application included an outreach plan to educate Fresno County residents and visitors on the dangers of improperly disposing of single-use one pound propane tanks in the curbside trash or recycling cart.

Working with CPSC, which had previously developed the Refuel Your Fun program and worked with other counties/jurisdictions, the Department submitted an application for the aforementioned project and in November 2020 was awarded a grant for the full cost of \$77,913. In February 2021 the Grant Agreement was signed and executed and CalRecycle issued a Notice to Proceed.

ATTACHMENTS INCLUDED AND/OR ON FILE:

PD-047 Sole Source Acquisition Request  
On file with Clerk - Agreement with California Product Stewardship Council

CAO ANALYST:

Ron Alexander