

## **Sample Terms & Conditions; Specifications for Green Janitorial Products Invitations for Bid and Resultant Contracts**

*(The following language is to be used as an example only, is not all-inclusive, and is not meant to represent a complete invitation for bid or contract; actual terms and conditions used for invitations for bid and contracts need to be designed to be compatible with standard rules and regulations applicable to the contracting entity.)*

### **Scope:**

To establish an open-end contract for janitorial cleaning products that comply with the regulations and guidelines of the State of Illinois' Green Cleaning Schools Act, Public Act 095-0084, passed into law on August 13, 2007.

### **Specifications:**

In order to be in compliance with the aforementioned Act's guidelines and specifications, all products offered on this invitation must be certified or in compliance with at least one of the following five standards. The manufacturer's name, brand name and item number must be shown for each item being bid. "Private label brand" will not be accepted as a statement of manufacturer or brand name. Two copies of the certificate or other appropriate affidavit for each product offered must accompany the bid as documentation of certification or compliance. The certification or compliance standards required for these products in no way exempts compliance with other applicable occupational health and environmental standards.

1. Certified by Green Seal
2. Certified by Environmental Choice EcoLogo Program
3. (For Chemicals) Recognized by the U.S. Environmental Protection Agency Design for the Environment (DfE) Formulator Program
4. (For Paper Products) In compliance with the U.S. Environmental Protection Agency Comprehensive Procurement Guidelines for Commercial and Industrial Sanitary Tissue
5. Testing-data documentation from an independent third-party laboratory verifying that the product meets the criteria of at least one of the Green Seal standards (GS-37 or GS-41 for chemicals; or GS-9 for paper) or EcoLogo standards (CCD-104, CCD-146 or CCD-148 for chemicals; or CCD-86 for paper). Laboratories that maintain accreditation meeting the standards of ISO/IEC 17025 may conduct the required testing.

Prior to the award of the contract and during the contract term, the (contracting entity) reserves the right to perform physical and chemical tests to verify the product certifications claimed by the manufacturer. If the product fails to meet contract requirements, the product may be returned freight collect to the contractor and must be replaced within a period of time commensurate with contracted delivery times. If said replacement is not made, the (contracting entity) reserves the right to purchase the product elsewhere, charging any increase in price and cost of handling to the contractor.

Substitutions:

Following award of contract, no substitutions of awarded products will be permitted except in cases of natural disasters, item discontinuation, the inability of the manufacturer to ship, or if comparable green cleaning products become available from the contractor at a lower price during the contract period. The contractor must provide documentation to substantiate the occurrence of any these aforementioned situations. Substitutions must be approved in advance by (contracting entity) in accordance with the terms of the contract and the regulations, guidelines and specifications of the State of Illinois Green Cleaning Schools Act (Public Act 095-0084).

Economic Adjustment Clause:

In the event that the contractor's cost for the goods covered in this invitation for bids and resulting contract should increase more than 5% during the period of time in which the contract is in effect, the contractor shall, upon submission of written proof of such increase and approval by the (contracting entity), be entitled to adjust the price by an amount sufficient to compensate the contractor completely and precisely for such increase.

The claim for such adjustment must include a certification from the manufacturer or supplier verifying his cost at the time of the bid award and at the time of the requested increase. The increase will be allowed only on the cost to the contractor. No increase or change in the contractor's overhead, transportation costs, profit or other factors will be approved. The (contracting entity) reserves the right to ask for invoices, published price lists, or any other evidence establishing contractor's costs to support the increase.

In all cases, the contractor must file a claim for such adjustment prior to the delivery of goods. The claim for economic adjustment will not apply to orders dated prior to the date the (contracting entity) received the required documentation necessary to justify the increase.

In the event such costs should decrease by more than 5% during the period of time that such contract is in effect, the (contracting entity) reserves the right to adjust the price downward to compensate it completely and precisely for such decrease. Such decreases shall become effective immediately upon notification by the vendor of the amount of the decrease. It is the responsibility of the vendor to notify the (contracting entity) of any such decrease.

Packaging and Labeling:

- ?? Packaging shall be comprised of recycled-content materials, shall be recyclable, or shall be returnable to the distributor for refilling.
- ?? Packaging shall be constructed to assure safe delivery.
- ?? All products shall be manufactured and packaged under modern sanitary conditions in accordance with federal and state law and standard industry practice.
- ?? Each case, bottle and container shall have the following markings:
  - Name and address of manufacturer
  - Brand name of product, in English and Spanish
  - Net contents in U.S. standard pounds, ounces, gallons, or fluid ounces
  - Directions for use, including recommended use dilution and precautionary handling instructions, in English and Spanish
  - Recommended antidotal action, if applicable (English & Spanish)
  - Active ingredient claim, if applicable (English & Spanish)

Shipments not in accordance with the above will be refused or returned to contractor, freight collect.

Environmental Attributes:

The following environmental attributes are strongly encouraged for products offered for bid:

- ?? Use of renewable resources such as citrus, seeds, vegetables and oils
- ?? Biodegradable by standard methods and definitions
- ?? Designed for use in cold water in order to conserve energy
- ?? Concentrated formulas in product dispensers that measure quantities dispensed
- ?? Recycled-content product packaging and product shipping materials
- ?? Reusable or recyclable shipping boxes
- ?? Refillable bottles or drums

Training:

As a condition of the contract and at no additional charge, the distributor, manufacturer, or a qualified third party must offer initial and annual on-site training and training materials on the proper use of all cleaning products. Training and training materials must include step-by-step instructions for the proper dilution, handling, use and disposal of the product as well as precautions to be taken in case of spills or accidents. Written training materials must be in both English and Spanish.

Material Safety Data Sheets (MSDS):

The contractor shall submit with the bid a Material Safety Data Sheet (MSDS) for each product formulation. In addition, an MSDS is to accompany each contracted product to specified delivery sites. All MSDS's must list complete chemical ingredients of each product, including the percentage composition of each ingredient in the mixture down to 0.1%, the chemical abstract service numbers for those substances, and a listing of any potentially hazardous products that may produce gas during or following application.

**Janitorial Cleaning Products, Sample Commodity Lines:**

1. Cleaner, General Purpose Granular, Non-Phosphate
  - ?? Product shall be low-foaming when mixed with 50-degree Fahrenheit tap water at all proportions of hardness
  - ?? Product, when mixed with tap water, shall emulsify and disperse solid masses of soil, oily and greasy dirt, and other extraneous matter.
  - ?? Product shall be free-rinsing, leaving no streaking, film, or sticky residue
  - ?? Product shall be safe for use on all types of flooring, paint, metal, ceilings, wall coverings, and shall not damage metal-complexed floor finishes when used at manufacturer's recommended dilution.

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

2. Cleaner, General Purpose Liquid Concentrate
  - ?? Product shall be low-foaming when mixed with 50-degree Fahrenheit tap water at all proportions of hardness
  - ?? Product, when mixed with tap water, shall emulsify and disperse solid masses of soil, oily and greasy dirt, and other extraneous matter.
  - ?? Product shall be free-rinsing, leaving no streaking, film, or sticky residue
  - ?? Product shall be safe for use on all types of flooring, paint, metal, ceilings, wall coverings, and shall not damage metal-complexed floor finishes when used at manufacturer's recommended dilution.

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

3. Cleaner, Bathroom, Multi-Purpose, Liquid Concentrate
- ?? Product shall be low-foaming when mixed with 50-degree Fahrenheit tap water at all proportions of hardness
  - ?? Cleans and removes deposits, dirt and stains from counter tops, porcelain bowls, tile and grout, and other hard surfaces
  - ?? Biodegradable and safe for septic tanks
  - ?? Product shall be free-rinsing, leaving no streaking, film, or sticky residue
- Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

4. Cleaner, Glass, Window and Mirror Liquid Concentrate
- ?? Product shall be low-foaming when mixed with 50-degree Fahrenheit tap water at all proportions of hardness.
  - ?? Product, when mixed with tap water, shall disperse and emulsify soil and grease for removal with a cloth, leaving a clear, smooth non-streak surface on glass or glass-like surfaces.
  - ?? Product shall be dispensed with a pump (not aerosol) sprayer, spraying evenly and creating a lubricity facilitating rapid removal with a cloth.
  - ?? At least five trigger spray bottles shall be included for use with concentrate

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

- 5. Cleaner, Carpet, Rug and Upholstery, Concentrate
  - ?? Suitable for all synthetic carpets, rugs and upholstery
  - ?? Cleans and removes odors
  - ?? Instructions include variable dilutions for light, medium and heavy cleaning, and spot removal
  - ?? Free-rinsing formula that leaves no-sticky residue and inhibits re-soiling
  - ?? For use in hot or cold steam extraction machines

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

- 6. Soap, Hand, Lotion, for Dispensers
  - ?? Creates a rich lather with mild detergent and moisturizers
  - ?? Bulk packaging for use in bathroom dispensers
  - ?? Gentle to sensitive skin

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification —see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

7. Soap, Hand, Foaming, for Automatic or Manual Dispensers  
 ?? Creates a rich lather with mild detergent and moisturizers  
 ?? Bulk packaging for use in automatic or manual bathroom dispensers  
 ?? Gentle to sensitive skin

Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Design for the Environment Formulator Program; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.

8. Towels, Paper, Recycled Content  
 ?? (Specify roll, single-fold, multi-fold, or C-fold paper towels)  
 ?? Comprised of 100% recycled materials and a minimum of 40% post-consumer waste  
 ?? Towels must be unbleached, process chlorine free (PCF) or elemental chlorine free (ECF)  
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Manufacturer \_\_\_\_\_ Brand & Item # \_\_\_\_\_  
 Unit of Measure/Packaging \_\_\_\_\_ Unit Price \_\_\_\_\_

This product is certified or in compliance with the following third party (Green Seal; EcoLogo; USEPA Comprehensive Procurement Guidelines for Commercial and Industrial Sanitary Tissue; or independent laboratory testing and verification—see “Specifications” section in the Terms and Conditions of this IFB):

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Third party certificate or documentation and Material Safety Data Sheet must accompany bid.