



BFB-BUS-56: Materiel Management: Purchases from Entities Violating State or Federal Water or Air Pollution Laws

Responsible Officer:	AVP - Chief Procurement Officer
Responsible Office:	PS - Procurement Services
Issuance Date:	6/14/1991
Effective Date:	6/14/1991
Scope:	All Campuses, Medical Centers, and Lawrence Berkeley National Laboratory.

Contact:	Office of the Chief Procurement Officer
Email:	ProcurementAdmin@ucop.edu
Phone #:	(510) 987-0474

I. POLICY SUMMARY

This purpose of this bulletin is to set forth the policy and procedures for the [University of California](#) to comply with State and Federal codes related to purchasing from entities violating State and Federal Air and Water Pollution Laws.

II. DEFINITIONS

Not applicable.

III. POLICY TEXT

- A. The purpose of this Bulletin is to set forth the procedures for the University to comply with the [California Government Code, Section 4475-4482](#) which are the provisions added to California Government Code by Assembly Bill 3040 (Public Works Purchases-Contracts, Chapter 1812, 1971 Regular Session), effective

March 14, 1972, and as subsequently amended. This law prohibits State agencies from entering into contracts of \$10,000 or more for the purchase of supplies, equipment, or services from any person or entity who is subject to a cease and desist order not subject to review issued for violation of waste discharge requirements, or is finally determined to be in violation of federal laws relating to air or water pollution. [The State Water Resources Control Board](#) and the [California Environmental Protection Agency Air Resources Board](#) are directed to provide a list of such violators to State agencies on an as-needed basis.

- B. [The State Water Resources Control Board](#) and the [California Environmental Protection Agency Air Resources Board](#) shall determine which persons or business entities are in violation of federal or State air or water pollution laws, and are therefore ineligible as suppliers of materials, equipment, or services to State agencies.

IV. COMPLIANCE / RESPONSIBILITIES

- A. [The Executive Director-Procurement Services at the University of California's Office of the President](#) shall provide the names of persons or business entities added to or deleted from the listings compiled and furnished by the [State Water Resources Control Board](#) and the [California Environmental Protection Agency/Air Resources Board](#) and forward the changes to Materiel Managers.
- B. Materiel Managers shall take all necessary precautions to insure that the University does not enter into contracts for the purchase of supplies, equipment, or services from any person or entity that has been determined to be in violation of Federal or State Air or Water Pollution laws in violation of this statute.

V. PROCEDURES

- A. [The State Water Resources Control Board](#) and the [California Environmental Protection Agency/Air Resources Board](#) shall determine which persons or business entities are in violation of federal or State air or water pollution laws, and are therefore ineligible as suppliers of materials, equipment, or services to State agencies.
- B. The provisions of this Bulletin shall not apply when a person or business entity otherwise prohibited from contracting with the University under this chapter is the sole source of a product or services required by the University.
- C. The provisions of this Bulletin shall not apply to contracts of less than \$10,000.

In addition, contracts may not be divided to intentionally avoid the \$10,000 limitation.

VI. RELATED INFORMATION

[Federal Water Pollution Control Act \(Clean Water Act\)/Title 33-Navigation and Navigable Waters/Chapter 26-Water Pollution Prevention and Control \(as amended through Pub. L. 111-378, January 4, 2011\).](#)

[Federal Clean Water Act, June 30, 1948.](#)

[California Environmental Protection Agency.](#)

[State of California Government Code, Section 4475 et al.](#)

[California State Water Resources Control Board.](#)

[State of California Water Code.](#)

[State of California Environmental Protection Agency/Air Resources Board.](#)

[State of California Health and Safety Code\](#)

VII. FREQUENTLY ASKED QUESTIONS

Not applicable.

VIII. REVISION HISTORY

This policy was reformatted into the standard University of California policy template effective July 1, 2012.

BUS-56/Materiel Management: Purchases from Entities Violating State or Federal Water or Air Pollution Laws memo from Ross Smith to Business and Finance Addressees listing changes to this policy effective June 14, 1991.

BUS-56/Materiel Management: Purchases from Entities Violating State or Federal Water or Air Pollution Laws, Issued on February 1, 1973.