





# What Every Contracting Officer Needs to Know

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# Agenda

- Why buy green?
- The FAR
- Green purchasing:
  - Energy Star and Energy Efficient Products
  - EPEAT™
  - Biobased Products
  - Environmentally Preferred Products
  - Recycled Content Products
- Green Buildings
- Tools
- Success Stories



# WHY BUY GREEN?

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*E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management, 1/24/07*

“The head of each agency shall require in agency acquisitions of goods and services, (i) use of sustainable environmental practices, including acquisition of biobased, environmentally preferable, energy-efficient, water-efficient, and recycled content products, and (ii) use of paper of at least 30% postconsumer fiber content.”



# MYTHS ABOUT BUYING GREEN

- Inconsistent with efforts to be more like corporate America.
- Inconsistent with buying COTS items.
- Inconsistent with requirement to buy from mandatory sources.



# GREEN PURCHASING CAN BE ACCOMPLISHED THROUGH:

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- Purchase card/fleet card purchases
- Simplified acquisitions (<\$100,000)
- Larger (>\$100,000) purchases of supplies
- Support services contracts
- Detailed scopes of work or performance-based contracting
- Purchases from mandatory sources



# SCOPE

- Energy- and water-efficient products
  - Standby power devices
  - ENERGY STAR and FEMP-designated products
  - EPEAT-registered products
  - WaterSense
- Biobased products
- Environmentally preferable products
- Recycled content products



# Legal Basis

- Resource Conservation and Recovery Act (RCRA), Section 6002
- Food, Conservation, and Energy Act of 2008 (2008 Farm Bill)
- Farm Security and Rural Investment Act (2002 Farm Bill), Section 9002
- Energy Policy Act of 1992 and 2005
- Energy Independence and Security Act of 2007
- Executive Orders 13423 and 13221
- Federal Acquisition Regulation



# What's in the FAR?

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- **FAR 23.202** -The Government's policy is to acquire supplies and services that promote energy and water efficiency, advance the use of renewable energy products, and help foster markets emerging technologies. This policy extends to all acquisitions, including those below the simplified acquisition threshold.



# What's in the FAR?

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- **FAR 23.403 Policy-** Government policy on the use of products containing recovered materials and biobased products considers cost, availability of competition, and performance. Agencies shall assure the use of products containing recovered materials and biobased products to the maximum extent practicable without jeopardizing the intended use of the product while maintaining a satisfactory level of competition at a reasonable price. Such products shall meet the reasonable performance standards of the agency and be acquired competitively, in a cost-effective manner.



# What's in the FAR?

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**FAR 23.703 Policy** – Agencies must implement cost-effective contracting preference programs promoting energy-efficiency, water conservation, and the acquisition of environmentally preferable products and services.



# What's in the FAR?

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- **FAR 23.705** - Electronic products environmental assessment tool. As required by E.O. 13423, agencies must ensure that they meet at least 95 percent of their annual acquisition requirement for electronic products with Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic products, unless there is no EPEAT standard for such products. This policy applies to contracts performed in the United States, unless otherwise provided by agency procedures.



# What's in the FAR?

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- Think green from the start of an acquisition.
- **Far 7.103(n)(2)**- Comply with the policies regarding procurement of biobased products, products containing recovered materials, and environmentally preferable and energy-efficient products and services.



# What's in the FAR?

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- **Part 7.105(b)(16)** requires written acquisition plans to: “discuss all applicable environmental and energy conservation objectives associated with the acquisition...”



# What's in the FAR?

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**FAR 11.002(d)(1)** - When agencies acquire products and services, various statutes and executive orders require consideration of:

- Energy-efficient products and services
- Products and services that utilize renewable energy technologies
- Products containing energy-efficient standby power devices
- Products containing recovered materials
- Biobased products
- Environmentally preferable products and services



# What's in the FAR?

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- FAR 36.601-3 - Facility design solicitations and contracts that include the specification of energy-consuming products must comply with the requirements at [Subpart 23.2.](#)



# What's in the FAR?

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- **FAR 43.302(a)(68)(iii)** - Monitoring contractor compliance with specifications or other contractual requirements requiring the delivery or use of environmentally preferable products, energy-efficient products, products containing recovered materials, and biobased products. This must occur as part of the quality assurance procedures set forth in [Part 46](#).



# What's in the FAR?

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- The green purchasing requirements apply to:
  - Direct purchases of products
  - Products supplied or used in the performance of a contract
  - Micro-purchases
  - Simplified acquisitions
  - Purchases of commercial items



# What's in the FAR?

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- When buying green, we can use detailed scopes of work or performance-based contracting.
- Performance-based contracting was used successfully to incorporate green elements into the Pentagon renovations.

# FAR Clauses – Recycled Content

- For recycled content paper:
  - 52.204-4 Printed or Copied Double-Sided on Recycled Paper
- For affirmative procurement:
  - 52.223-4 Recovered Materials Certification (revised 4/22/08 to change “products” to “items”)
  - 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items
    - (Use only on contracts exceeding \$100,000; revised 4/22/08 to change “products” to “items”.)
- For support services and O&M contractors:
  - FAR 52.223-10 Waste Reduction Program



# FAR Clauses – Recycled Content

52.223-17 Affirmative Procurement of EPA-  
Designated Items in Services and  
Construction Contracts (effective May 22,  
2008)



# FAR Clauses -- Biobased

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- **52.223-1** Biobased Product Certification
- **52.223-2** Affirmative Procurement of Biobased Products Under Service and Construction Contracts



# FAR Clauses – Energy Star and Energy Efficient Products

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- **52.223-15 Energy Efficiency in Energy-Consuming Products** - Applies to products delivered, used in the performance of the work, furnished for government use, or specified in the design of a building or work.



# FAR Clauses – EPEAT-Registered Products

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- **52.223-16** – basic clause for purchasing EPEAT bronze products
- **Alternate I** – used for purchasing EPEAT silver products



# Pending FAR Revisions

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- E.O. 13423 conforming changes



# ENERGY STAR® and FEMP-Designated Products and Low Standby Power Devices

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- Legal basis: Energy Policy Act, Energy Independence and Security Act of 2007, E.O. 13423, E.O. 13221
- What's required: Reduce building energy use; purchase ENERGY STAR and FEMP- designated products, products that use minimal standby power; renewable energy; and EPEAT-registered products



# What To Buy

- Electronic office products
  - Low standby power devices
  - EPEAT-registered products
- Building construction products
- Appliances (residential and commercial)
- Lighting
- Water-saving products



# ENERGY STAR and Energy Efficient Products

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- Energy Policy Act of 2005 requires Federal agencies to purchase ENERGY STAR and FEMP-designated energy efficient products
- Exception: Head of agency determines, in writing, that
  - Not cost effective over the life of the product or
  - No product is reasonably available that meets the agency's functional requirements



# ENERGY STAR and Energy Efficient Products (Cont'd)

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- Energy Independence and Security Act of 2007 requires Federal agencies to purchase products using low wattages of power in standby mode.
- DOE - create a list of products and wattage levels.



# ENERGY STAR and Energy Efficient Products (Cont'd)

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- EPA Act excludes combat or combat-related equipment
- Department of Energy, Federal Energy Management Program (FEMP) - guidance



# ENERGY STAR and Energy Efficient Products (Cont'd)

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- New energy efficiency standards for more than a dozen consumer and commercial products, including:
  - Fluorescent lamps and lamp ballasts
  - Illuminated exit signs
  - Transformers
  - Ceiling fans/ceiling fan light kits
  - Commercial package air conditioning and heating equipment
  - Refrigerators, freezers, and refrigerator-freezers
  - Commercial ice makers
  - Commercial clothes washers



# ENERGY STAR and Energy Efficient Products (Cont'd)

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- Resources
  - Calculators to determine annual and life cycle cost savings
  - Product specifications
  - Downloadable procurement language
  - Lists of ENERGY STAR and FEMP products, by product type, manufacturer, model number, and features



# ENERGY STAR and Energy Efficient Products (Cont'd)

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Sample contract language:

## **The Vendor Must:**

Provide new and repaired computers, monitors, and integrated computer-monitor systems that earn the ENERGY STAR and are configured properly for automatic energy-saving features, as per current ENERGY STAR specifications. The vendor shall provide customer support with respect to power management features, such that these features remain properly enabled and repaired if a malfunction occurs. The vendor is encouraged to visit [www.energystar.gov](http://www.energystar.gov) for complete product specifications and an updated list of qualifying products.



# Buying EPEAT™ Registered Products

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- Update all contracts to reflect new E.O. requirement to buy EPEAT-registered products.
- Specify EPEAT-registered products in every task order.
- Use list of EPEAT-registered products at [www.epeat.net](http://www.epeat.net).
- Buy from resellers who identify EPEAT- registered products.
- Buy off Government Wide Acquisition Contracts which identify EPEAT registered products (NASA SEWP IV, GSA).

# Recommended Contract Language

There are a number of mandates that require federal procurement officials to assess and give preference to those products and services that are environmentally preferable, including Executive Order 13423, the Energy Policy Act of 2005, and the Federal Acquisition Regulations (FAR) subpart 23.703. (Agency/Department) is also one of the twelve Federal Agencies participating in the White House's Federal Electronics Challenge (<http://www.federalelectronicschallenge.net>), demonstrating our commitment to reducing the impact of electronics on the natural environment throughout their life cycle. As part of our work under this Challenge, (Agency/Department) has committed to buying products that meet the mandatory criteria of the Electronic Products Environmental Assessment Tool (EPEAT). All desktops, laptops, and computer monitors provided under this contract are required to have achieved Bronze registration or higher under the Electronic Products Environmental Assessment Tool (EPEAT). EPEAT is a procurement tool designed to help large volume purchasers evaluate, compare, and select desktop computers, laptops, and monitors based upon their environmental attributes as specified in the consensus-based IEEE Standard for the Environmental Assessment of Personal Computer Products (1680). Additional consideration will be provided for products that have achieved EPEAT Silver or EPEAT Gold registration. The registration criteria and a list of all registered equipment are provided at <http://www.epeat.net>.

Speaker Name

# Recommended Contract Language

- Suppliers are required to indicate EPEAT registered products on their electronic catalogs that customers may buy from through this contract. Suppliers are required to provide quarterly reports quantifying the number of EPEAT registered products purchased under this contract. The information must be reported in a matrix providing the following data for the current quarter, the fiscal year, and the duration of the contract.



# EPEAT™ Registered Products

(as of 1/30/08)

## EPEAT Registered Products Search Tool

Product	 BRONZE	 SILVER	 GOLD	Total
	Desktops	9	48	
Integrated Systems	0	<u>5</u>	0	5
Monitors	11	254	1	266
Notebooks	25	94	13	132
Totals	<b>45</b>	<b>401</b>	<b>39</b>	<b>485</b>



# Biobased Products

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- Legal basis: Food, Conservation and Energy Act of 2008 (2008 Farm Bill) section 9002, Farm Security and Rural Investment Act of 2002 section 9002, E.O. 13423
- What's required: Purchase USDA-designated biobased products



# Biobased Products

- **USDA designations**
  - Hydraulic fluids
  - Roof coatings
  - Water tank coatings
  - Diesel fuel additives
  - Penetrating lubricants
  - Bedding, bed linens, towels



# Biobased Products (cont'd)

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## USDA Designations

Adhesive and Mastic  
Removers

Disposable Containers

Fluid-Filled Transformers

Composite Panels

Fertilizers

Graffiti and Grease  
Removers

Hand Cleaners and  
Sanitizers

Plastic Insulating Foam for  
Residential and  
Commercial  
Construction

Sorbents



# Biobased Products (cont'd)

## USDA Designations

2-Cycle Engine Oils

Disposable Cutlery

Films

Carpet and Upholstery

Cleaners

Carpets

Dust Suppressants

Glass Cleaners

Greases

Stationary Equipment

Hydraulic Fluid

Lip Care Products



# Biobased Products (cont'd)

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## USDA Designations

Bathroom and Spa  
Cleaners

Concrete and Asphalt  
Release Fluids

Metalworking fluids

General Purpose De-  
Icers

Firearm Lubricants

Floor Strippers

Laundry Products

Wood and Concrete Sealers



# Where to Find More Information

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USDA:

<http://www.biopreferred.gov>

<http://www.usda.gov/procurement/programs/biopreferred.htm>



# Environmentally Preferable Products

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- Legal basis: E.O. 13423
- What's required: Purchase environmentally preferable products and services



# What To Buy Green

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- Office products (e.g., copier paper containing 30% postconsumer fiber, bleached without chlorine, and wrapped in recyclable ream wrappers)
- Electronic office equipment
  - EPEAT-registered equipment
- Meeting and conference services
- Building renovation, construction, and maintenance (janitorial, landscaping) products



# Where to Find More Information

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[www.epa.gov/oppt/epp](http://www.epa.gov/oppt/epp)



# Recycled Content Products

- Legal basis: Resource Conservation and Recovery Act section 6002, E.O. 13423
- What's required: Purchase EPA-designated recycled content products



# EPA's 8 Product Categories

- Vehicles
- Construction
- Transportation
- Parks and Recreation
- Landscaping
- Non-Paper Office Products
- Miscellaneous
- Paper and Paper Products



# What to Buy Green

- Office products
- Printing services
- Fleet maintenance products
- Building construction, renovation, and maintenance (janitorial, landscaping) products
- Traffic control
- Parks and recreation products



# Where to Find More Information

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[www.epa.gov/cpg](http://www.epa.gov/cpg)



# Building Energy Reduction Goals

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- E.O. 13423 added and EISA\* codified new energy reduction goals, compared to FY 2003
  - reduce energy intensity by
    - 3% annually through end of FY 2015 OR
    - 30% by end of FY 2015
- Includes industrial and laboratory facilities
- Some exceptions provided in EPLA 2005

\*Energy Independence and Security Act of 2007



# Federal Building Performance Standards

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- If life-cycle cost effective, new buildings must be designed to achieve energy consumption levels 30% below ASHRAE Standard 90.1-2004 or the 2004 International Energy Conservation Code
- Sustainable design principles must be applied to the siting, design, and construction of all new and replacement buildings



# Renewable Energy Portfolio

- EPA Act 2005: When economically feasible and technically practicable, Federal government is to use renewable energy from solar, wind, biomass, landfill gas, waves, geothermal, MSW, or new or expanded hydro sources:
  - FY 2007 – 2009 – not less than 3%
  - FY 2010 – 2012 – not less than 5%
  - FY 2013 and after – not less than 7.5%
- E.O. 13423: Buy half from “new” sources, put in place after 1/1/99



# Green Purchasing Tools

- Sample Contract Language that is “green”
  - Construction
  - Operations and Maintenance
  - Janitorial
  - Vehicle Maintenance



# Green Purchasing Tools

- Detailed Fact Sheets for Purchase Card Holders
- How to do BioPreferred Business for Vendors
- Life Cycle Assessments Overview Designation Process



# Green Purchasing Tools

- Greening FedBizOpps
- Greening Procurement Forecasts
- Adding green data elements to reporting and tracking systems
- Sample Green Acquisition Planning Documents



# Green Purchasing Tools

## Example: Green Scope of Work

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- The contractor shall meet the goals and objectives of E.O. [13423] and use Energy Star and FEMP designated energy-efficient products in the top 20% of energy efficiency.



# Green Purchasing Tools

- Model and Sample Sections L, Instruction to Offerors and Section M, Technical Evaluation Factor containing green purchasing factors.
- Training
- Detailed Fact Sheets for Technical and Requirements Personnel



# Success Stories – It Really Works

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- Dyess Air Force Base uses **100% renewable power** – using wind power.
- EPA uses green power for 100% of its national electricity consumption.
  - Purchased power
  - Renewable energy certificates (tags)
- Federal agencies installed more than 3,000 **solar energy** systems by the end of 2003.

# Success Stories – It Really Works



- 16 agencies purchased renewables equivalent to 3% of total electricity use.
- ENERGY STAR features enabled on 100% of computers and monitors.
- Seymour Johnson AFB looked for biobased floor scrubbers to help its local wastewater treatment plant reduce phosphate concentrations and pH levels.
  - Commercial floor scrubbers
  - Goal: Formulate a biobased detergent low in phosphates, aggressive in cleaning, and competitively priced
  - Able to meet needs for cleaning golf cart facilities, supply warehouse, and aircraft hangar.



# Success Stories – It Really Works

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- Pope AFB looked for cleaners for the Aerospace Ground Equipment and Propulsion shops.
  - Goals: solvent-free, left floors meeting safety requirements.
  - Focused on biobased enzymatic products.
  - Used for shop spills of hydraulic fluids, engine oil – and incidentally, cleaned oils in the floor scrubbing equipment.
  - Cost per gallon of 90 cents!



# Success Stories – It Really Works

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- **USDA is mandating biobased language in all janitorial contracts;** performance and price are good.
- Biobased cutlery, plates, bowls are being used at USDA cafeterias. The Capitol is making preparation to green their cafeteria next.



# Success Stories – It Really Works

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- Department of the Interior led the way in switching to **green cleaning products** and now uses a NISH provider to clean with green cleaners.
- NISH providers also clean the **Pentagon** and other Federal buildings with green cleaners. Even **Statue of Liberty National Park** is cleaned with green cleaners



# Success Stories – It Really Works

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- 2007 revision to EPA's acquisition regulations requires offerors for meeting and conference services to provide information about environmentally preferable features and practices at the offerors' facilities. There are 14 questions about attributes such as:
  - Recycling services
  - Proximity to mass transportation
  - Energy and water efficiency practices in lodging



# Success Stories – It Really Works

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- EPA entered into a **blanket purchase agreement** with Corporate Express to supply recycled content and environmentally preferable office products.
- The Naval Undersea Warfare Division, Newport, has an agreement with Office Depot to supply green office products.
- Both agreements require the vendor to report what was purchased.



# Success Stories – It Really Works

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- Homestead Air Reserve Base created an Environmentally Friendly Products Section at the base supply store.
- Sandia National Labs added green contract language to the template for all construction contracts. This template is used by all project managers when requesting proposals from new contractors and developing work scope for pre-approved contractors.



# For More Information

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\*Don't forget to fill out and drop off your session evaluations.