

Charting a Course to Energy Independence

Providence, RI
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Product Procurement and Understanding Contract Requirements

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August 11, 2009



Program Statutory Requirements

- 2008 Farm Bill
- Federal Acquisition Regulations (FAR)
 - Updated for BioPreferred Nov 2008
- Executive Order (EO) 13423
 - Signed Jan 2007
 - Recognized by Current Administration





What's in the FAR?



- **FAR 23.403 Policy-** 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.



What's in the FAR?



- Think biobased from the start of an acquisition.
- **Far 7.103(n)(2)**- Comply with the policies regarding procurement of biobased products.



What's in the FAR?



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

- Biobased products



What's in the FAR?



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



What's in the FAR?



- The biobased 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



Benefits

- Increase our energy security and independence
- Spur economic development
- Improve our environment
- Meet legislative mandates and regulatory requirements





Biobased Construction Products



- Water Tank Coatings
- Diesel Fuel Additives
- Hydraulic Fluids
- Roof Coatings
- Carpets
- Plastic Insulation Foam
- Composite Panels
- Wood and Concrete Sealers



Web site: <http://www.biopreferred.gov>



Biobased Products: Operations/Maintenance



Penetrating Lubricants

General Purpose De-icers

Hand Cleaners & Sanitizers

Adhesive & Mastic Removers

Fluid Filled Transformers

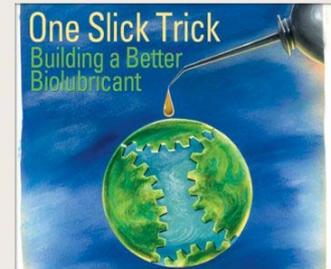
2-Cycle Engine Oils

Fertilizers

Sorbents

Greases

Metalworking Fluids





Biobased Products: Janitorial



Concrete and Asphalt Release Fluids

Floor Strippers

Films

Stationary Equipment Hydraulic Fluid

Carpet and Upholstery Cleaners

Glass Cleaners

Graffiti & Grease Removers

Dust Suppressants





Biobased Products: Miscellaneous



Bedding, Bed Linens and Towels

Disposable Cutlery

Disposable Containers

Firearm Lubricants

Bathroom and Spa Cleaners

Laundry Products

Lip Care Products





Implementation is Key

- Law, Executive Order, FAR, and Procurement Policy are in place
- How do you actually implement and get agency personnel to buy biobased products?





Target Stakeholders

- Senior Managers
- Procurement/Contracting Personnel
- Technical/Program Personnel
- Purchase Card Holders



BioPreferred in New Administration

- Discussed during Secretary Vilsack's Senate confirmation hearing
- USDA letter to all Cabinet Heads
- Senator Harkin plans to call each Cabinet level department to testify to the Senate Agriculture Committee on its implementation progress



THE SECRETARY OF AGRICULTURE
WASHINGTON, D.C.
20250-0100

FEB 27 2009

The Honorable Hillary Rodham Clinton
Secretary of State
Washington, D.C. 20520

Dear Madam Secretary:

As you know, the U.S. Department of Agriculture (USDA) is responsible for administering the Federal Government's BioPreferredSM program. This initiative aims to increase the purchase and use of renewable, environmentally friendly biobased products while providing "green" jobs and new markets for farmers, manufacturers, and vendors.

In support of this effort, I am writing to request your cooperation in implementing a provision of the Food, Conservation, and Energy Act of 2008 (Farm Bill) requiring Federal agencies to give procurement preference to designated biobased products. USDA is committed to the success of the program and will be pleased to support you in your efforts.

I am enclosing a factsheet on the BioPreferredSM program that you and your management team may find of interest. If you would also kindly share this information with your agency's chief acquisition officer or other senior procurement official, we would be most appreciative.

In addition, I encourage you to personally support the BioPreferredSM program and to ensure that your agency's procurement community is fully engaged in buying and using biobased products. Should you have any questions or if we may be of assistance, please let me know or have your senior procurement official contact USDA's Acting Deputy Assistant Secretary for Administration Russ Ashworth at (202) 720-3291 or russ.ashworth@osec.usda.gov. Technical questions may be addressed to Jeffrey Goodman at (202) 401-4747 or Jeffrey.goodman@da.usda.gov.

We look forward to working with you on this and other "green" initiatives of the Obama Administration.

Sincerely,

Thomas J. Vilsack

Enclosure



Targeted Outreach

- Review FedBizOpps Daily
- Ascertain which contracts are biobased or not
- Collecting Data
- **Data Indicates Agencies Are Not Placing Biobased in Their Contracts**
- Follow-up with every POC in janitorial, operations, maintenance, and construction presolicitations and solicitations
- Educate and train them over the phone
- **Very Worthwhile - Presolicitations Can Become BioPreferred**



Contract Templates

- Construction
- Facilities operation and maintenance
- Janitorial
- Vehicle Maintenance
- **All completed**

Web site: <http://www.biopreferred.gov>





Agency Procurement Forecasts

- Review agency procurement forecasts for opportunities (**Examples**)
- USDA procurement forecast has **biobased icon**
- Contact procurement and technical/program personnel on those contracts that have biopreferred potential
- **It is being done**
- Follow-up, Follow-up





Evaluation Factors

Model Source Selection Green Evaluation Factor

Sample Section L - Instruction to Offerors

Sample Section M - Technical Evaluation Factor
Containing Green Purchasing Factors

It Is Being Done (Examples)

Web site: <http://www.biopreferred.gov>



New Life Cycle Checklist Tool

- Need to look at cost of a product over its useful life
- Compare
 - ☐ performance per unit used
 - ☐ safety and health considerations
 - ☐ environmental impacts
 - ☐ end of life fate
- Copies of Two-page Checklist and User Guide can be found at www.soybiobased.org/lifecyclechecklist
- Download a PDF or Word version





Additional Implementation Initiatives

- Add Data Elements to Automated Procurement/Contract Writing Systems
 - ☐ **It is Being Done (Example)**
- FedBizOpps Synopsis with Language on Biobased Contracts
 - ☐ **It is Being Done (Example)**





Additional Implementation Initiatives

- Scrub technical directives/manuals and add biobased language
 - ☐ **It is Being Done (Example)**
- Create fact sheets for technical/ requirements personnel
 - ☐ **It is Being Done (Example)**
- Web Based Training
 - ☐ Free
 - ☐ Available Now





BioPreferred Program Tools for Purchase Card Holders

- Online training about BioPreferred and how to purchase these items
- Fact sheets/brochures
- <http://www.biopREFERRED.gov> website
 - Online catalog of BioPreferred items





For Further Information on Procurement and Understanding Contract Requirements

Contact:

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