

## Sample Biobased Language that can be inserted in Custodial Statement of Work

### **Background**

Congress passed a law to encourage the purchase of biobased products: the Farm Security and Rural Investment Act, Section 9002. Federal agencies must purchase biobased products and will establish agency preferential biobased procurement programs. Benefits of biobased products are to: enhance the nation's energy security by substituting domestically produced biobased products for fossil fuel based products derived from imported oil and natural gas; improve demands for biobased products to increase demand for agricultural commodities, which are the feedstock of biobased products; spur the development of value added agricultural processing and manufacturing in rural communities, which would create new jobs and income in rural regions; and establish a healthier environment for users.

### **Supplies, Materials, and Equipment to be Provided by the Contractor**

Unless otherwise specified herein, the Contractor shall furnish all supplies, materials, and equipment necessary for the performance of work under this contract. All supplies and materials shall be of a type and quality that conform to applicable Federal specifications and standards and, to the extent feasible and reasonable, include the exclusive use of biobased products. All supplies, materials, and equipment to be used in the performance of work described herein are subject to the approval of the COTR.

The Contractor must submit to the COTR a list indicating the name of the manufacturer, the brand name, and the intended use of each of the materials, proposed for use in the performance of its work. The Contractor shall not use any materials, chemicals, or compounds which the COTR determines would be unsuitable for the intended purpose or harmful to the surfaces to which applied or, as might be the case for such items as paper or soap products, unsatisfactory for use by occupants. The Contractor shall utilize products and material made from biobased materials (e.g., biobased cleaners, biobased degreasers, biobased laundry detergent) to the maximum extent possible without jeopardizing the intended end use or detracting from the overall quality delivered to the end user. For the biobased content products evaluation, all non-chemical products proposed for use under this contract must conform to the Department of Agriculture (USDA) Designated Biobased Products List (DBPL) whenever practicable. Contractors should provide data for their biobased solvents and cleaners to document biobased content, and source of biobased material (i.e. particular crop or livestock). Any material which the COTR suspects does not meet Federal specifications or standards shall be tested at the Contractor's expense by an independent testing laboratory qualified to perform such tests as are required. A copy of the laboratory report giving the results of the test and a sample of each product, if requested, shall be submitted to the COTR. These products shall meet the requirements established by applicable Federal specifications and standards or be considered unacceptable for use.

### **Biobased Products To Be Provided by the Contractor**

The following is a list of products USDA requires for custodial purposes. Each product submitted must be identified with one of these categories. It is desirable that vendors be able to supply the greatest number of biobased products listed meeting the health and environmental specifications. Labeling should be printed on all containers.

|                                   |  |
|-----------------------------------|--|
| All purpose cleaner               | Degreaser/cleaner                              |
| Heavy duty cleaner                | Deodorizer                                     |
| Carpet shampoo                    | Floor finish                                   |
| Gum Remover                       | Floor finish restorer                          |
| Disinfectant sanitizer            | Floor sealer                                   |
| Extraction fluid                  | Furniture polish                               |
| Floor stripper                    | Glass cleaner                                  |
| Neutral cleaner (liquid)          | Grout sealer                                   |
| Spot and stain remover            | Lime and scale rem over (tub and tile cleaner) |
| Air freshener including dispenser | Liquid hand soap including dispenser           |
| Bathroom cleaner                  | Stainless steel polish                         |
| Brass polish/cleaner              | Toilet bowl cleaner                            |
| Chrome polish/cleaner             | White board cleaner                            |
| Cream cleaner                     | Wood floor cleaner                             |
| Solvent spotter                   | Laundry detergent                              |

In addition, trash bags shall be used. They must contain at least 25% recycled post-consumer content and also be biodegradable material.

The offered products must meet the required consistencies as stated in the USDA Final Rule. Products which do not meet the mandatory specifications or for which the appropriate information has not been submitted will be disqualified from further consideration.

### **Required Submittals and Reports**

Within thirty (30) days of contract award, the Contractor shall submit a Cleaning Operations Plan ( Plan ). This submittal shall be approved by the Contracting Officer in writing. The Contractor shall not commence work until this submittal is approved by the Contracting Officer in writing. The Contractor is responsible for making such revisions to the plan as are deemed necessary by the Contracting Officer. If the Plan requires any revisions or corrections, the Contractor shall resubmit the Plan within ten (10) days. No work will be allowed and no progress payments will be processed until the Plan is approved.

a. Cleaning Operations and Stewardship Plan. The Plan must be reviewed and updated annually, and as required by the Contracting Officer. The Plan must contain and define the following elements:

(1) The Contractor's written policy stating its commitment to the use of biobased products, employee health and safety, and sound environmental management practices.

(2) Proposed biobased cleaning-products, which must be selected in accordance with the criteria included in this Solicitation. At a minimum, the Plan must identify products by brand name for each of the above product types.

NOTE: Contractors may propose more than one product within a product category and/or propose a product or products addressing more than one product category.

(3) The product attributes for the proposed product brands in each of the above categories must be summarized. Once this list of products has been approved by the Contracting Officer, the Contractor is responsible for using only those approved cleaning chemical products in the building. If for some reason the product is found later to be ineffective, or the Contractor would otherwise like to propose an alternative product, either the Contractor or Contracting Officer may propose for consideration an equal product. The Contracting Officer is the final decision-maker for such substitutions and must approve each in writing;

(4) Product Use and Cleaning Guides which define standard operating procedures for instructing staff in the following areas: the proper use, storage, and disposal of cleaning products; proper cleaning procedures; proper operation of equipment; and other procedures/instructions to accomplish work under this contract;

(5) The Contractor shall define proper procedures for the storage of hazardous materials in conformance with good housekeeping practices, the National Fire Prevention Association (NFPA) Code, and applicable federal and municipal regulations. The Plan also must define proper procedures for the identification and disposal of hazardous wastes in accordance with Federal RCRA regulations and the District of Columbia Municipal Regulations (DCMR), Title 20, Subpart E. prior to use with personnel.

b. (1) Affirmative Procurement Program The Contractor must implement a comprehensive Affirmative Procurement Program for the purchasing of biobased, products and products made with recovered materials to the maximum extent possible. The Contractor shall detail how it intends to keep abreast of the development and increasing availability of biobased products and how any new or improved products will be incorporated on an ongoing basis into contract performance. The Contract will also indicate how, at a minimum, it will conform to the Comprehensive Procurement Guidelines (CPG) published by EPA with respect to recovered material products. The Contractor must update its Program to accommodate all revisions.

(2) The Contractor shall provide data on the quantity and dollar values of biobased products and recycled content products used in this contract. The data will be submitted to the COTR monthly.

### **Product Demonstration, Employee Training and Technical Assistance**

USDA believes that a demonstration of how to use the products, free samples, an effective training program for the products selected, and technical assistance are central to the selection and eventual success of purchasing and using biobased products. USDA will look for vendors who will 1) demonstrate their products and leave free samples and 2) when selected, offer effective training to all of our custodial staff and be available with technical assistance to trouble shoot problems.

### **Quality Control Program**

The Contractor shall institute a complete quality-control program to ensure that the requirements of this contract are provided, as specified. The overall goal of the program should be to identify and correct any problems that may exist before they are identified by or reported to the COTR and/or the building-management staff. As a minimum, the program shall include:

- a. An inspection system covering all the services required with a comprehensive checklist to be used to inspect contract performance during scheduled and unscheduled inspections, and the name(s) of the individuals who will be performing the inspections.
- b. A system for identifying and correcting deficiencies and/or a pattern of deficiencies in the quality or quantity of services provided before the level of performance becomes unacceptable and/or Government inspectors point out the deficiencies.
- c. A file of all inspections conducted by the Contractor and corrective actions taken. This should include follow-up inspections to ensure that corrective action was appropriate, complete, and timely. This documentation shall be organized in a logical manner, kept current, and made available to the COTR and the Contracting Officer during the term of the contract.

## Sample Section L Instructions to Offerors

In the technical proposal, the offeror shall identify the biobased products to be purchased and used under this contract. For each biobased product, the offeror shall specify the percentage of biobased content, and for the USDA-designated biobased content products, the offeror shall demonstrate that the products to be used under this contract will contain the highest level of biobased material practicable, consistent with USDA's recommended percentages of biobased content.

The offeror shall document experience in specifying, purchasing, using, and installing biobased products. The offeror shall provide a list for all relevant contracts over the past two years involving the specification, purchase, and/or use of biobased products. The offeror shall include a list of the biobased products specified, purchased, used, and installed.

Here is some sample language for Section L:

### **Item 1: Experience with Cleaning Projects Using Biobased Products**

The Government will evaluate the offeror's proposal based on the degree to which the offeror demonstrates in the acquisition, installation, and commitment to biobased products in the performance of cleaning. Offerors possessing past performance experience with greater complexity and uniqueness in the area of cleaning with biobased products will receive greater consideration than others.

### **Item 2: Use of Biobased Products in Cleaning Projects**

The Government will evaluate the degree of the offeror's experience in the use of biobased products in cleaning. Offerors demonstrating the greater quantity and uniqueness in the use of biobased products will receive greater consideration.

### **Item 3: Project Management Biobased Experience**

The Government will evaluate the offeror's past Biobased Project Management Experience in the following areas: Contracts Performed Using Biobased Products, Dollar Amount, and Formal and Informal Communications Methods used to share information and data about biobased products between team members and between organizational entities.

### **Item 4: Client Satisfaction**

The Government will evaluate the offeror's client satisfaction with biobased cleaning products. Offerors demonstrating client satisfaction with an emphasis on biobased practices shall receive greater consideration than others.

## Sample Section M Evaluation Factors for Award

The major evaluation factors for this solicitation include technical, management, cost, and past performance. Offerors are advised that award will be made to the offeror whose proposal provides the best overall value to the Government.

The evaluation will be based on the demonstrated capabilities of the prospective Contractors in relation to the requirements of the work.

### **M.1 Technical Approach 40%**

The Government will evaluate the offeror's technical approach for fulfilling the cleaning services, with an emphasis on the following elements:

1. Identification of all biobased products to be acquired, used, and installed in the performance of the project.
2. The Offeror's proposed use and installation of biobased products.

### **M.2 Management Approach 20%**

The Government will evaluate the offeror's management plan for fulfilling the requirements. The evaluation will assess the offeror's organizational structure and key personnel to be assigned to perform the project.

### **M.3 Cost 20%**

The Government will evaluate the offeror's cost proposal for the performance of the work. Special emphasis will be placed on the following elements:

1. Proposed price for the acquisition of biobased products for the project.
2. Quality of the biobased products for the project.

### **M.4. Past Performance 20%**

The Government will evaluate the offeror's past performance in the successful completion of the work. The Government will place special emphasis on the Contractor's past performance in the acquisition, use, installation, and commitment to biobased products in the performance of cleaning projects. The Government will evaluate the offeror's client satisfaction with its cleaning practices.

