

Template Language for Construction Contracts and Specifications Environmentally Preferable Materials and Products Required

Recycled Content Construction Materials and Products

The Resource Conservation and Recovery Act (Section 6002) supplemented by Executive Order 13423 requires all federal projects and facilities to preferentially purchase certain products with recovered material content (see “Resources” below for a list of these products and guidelines for purchasing them). The Comprehensive Procurement Guideline program (CPG authorized by Congress under Section 6002 of the Resource Conservation and Recovery Act) is the tool used by the U.S. Environmental Protection Agency to designate which products shall be purchased with recovered material. The requirements for [name of construction project] are:

- All designated products shall be purchased with the highest recovered (recycled) material content level practical, meeting at least the U.S. Environmental Protection Agency recycled products requirements (see “Resources” below). The only justifications allowed for not purchasing the designated products with recycled content are the CAP:
 - Cost excessively high compared to the virgin version
 - Not Available
 - Performance does not meet the specifications required for the project.

- To help [name of your site] meet reporting requirements, the contractor will provide us with the dollar amount and recycled content of designated product purchases at the submittal phase and at the completion of the project whether the products contained the required recycled content or not. When the contractor cannot purchase a designated product with recycled content, they need to submit a justification form (see “Resources” below) to [name of site] to report the comparative prices of the recycled versus the non-recycled material, the suppliers contacted for availability, or the specification restricting the purchase.

Biobased Materials and Products

The Farm Security and Rural Investment Act and Executive Order 13423 require all federal projects and facilities to preferentially purchase products certified by the U.S. Department of Agriculture to contain biobased content (see “Resources” below). The only justifications allowed for not purchasing the certified products with biobased content are the same as for recycled products—the CAP. In case of conflict with RCRA, RCRA prevails.

Energy Efficient Products

Energy policy acts of 1992, 2005, 2007 and Executive Order 13423 require the purchase of energy efficient products--either those labeled “ENERGY STAR” or designated by the U.S. Department of Energy’s Federal Energy Management Program (FEMP). The requirement applies both to direct purchases and contracted services, including contracts for design, construction, renovation, or maintenance of a public building. For contracted services, the contractor must provide ENERGY STAR, FEMP qualified, or other energy efficient products.

Ozone-Depleting Alternatives

The Clean Air Act (Title VI) and Executive Order 13423 require giving preference to the purchase of safe alternatives to ozone-depleting substances as approved by EPA’s Significant New Alternatives Policy (SNAP) program.

Waste Prevention and Recycling

As required by The Resource Conservation and Recovery Act and Executive Order 13423, [name of your site] must meet certain waste prevention and recycling targets. The requirements for [name of construction project] are:

- All contractors are encouraged to minimize the waste generated during construction and demolition projects and maximize the amount of material that is reused and recycled. Contractors should take full advantage of all reuse and recycling programs available.
- At the end of each quarter and at the completion of the project, the contractor will provide [name of your site] with information on all materials that were dispositioned, denoting the weight or volume of each material and whether it was reused, recycled, or disposed of.

Water Efficient Products

Energy policy acts of 1992, 2005, 2007 and Executive Order 13423 require reduction of water consumption relative to the baseline of the agency’s water consumption in FY2007—2 percent annually or 16 percent by the end of FY2015. Purchasing water efficient products bearing the WaterSense label help meet the requirement.

Desired Environmentally Preferable Construction Materials

In addition to the items required, [name of your site] encourages the purchase of materials and products that are environmentally preferable-- those which life-cycle analyses show to be environmentally preferable either because of their resource materials, manufacturing process, toxicity levels, end-of-life possibilities, etc. These include but are not limited to biobased, energy and water efficient products; wood certified by the Forest Stewardship Council; paints and adhesives with low volatile organic compound (VOC) content. See “Resources” below for environmentally preferable materials and product guides.

Resources

Required

- **Biobased:** *Biobased Industrial Products* certified by the U.S. Department of Agriculture at <http://www.biopreferred.gov/DesignationItems.aspx>
- **Biobased/Recycled Exemption Form:** *Affirmative Procurement Exemption Justification Form* to report products which could not be purchased with the specified biobased or recycled content at <http://www.hss.doe.gov/pp/epp/library/exemjus.doc>
- **Contract Language:** *Contract Language for Environmentally Preferable Products* database in which to search for language to use in your sub-contracts for construction materials, cleaning products, furniture, etc. at <http://yosemite1.epa.gov/oppt/eppstand2.nsf/Pages/Search.html?Open>
- **Energy Efficient:** *Federal Energy Management Program* for energy efficient products at <http://www1.eere.energy.gov/femp/procurement>
- **Recycled:** *Comprehensive Procurement Guidelines* for products designated by the U.S. Environmental Protection Agency for purchase with recovered materials at <http://www.epa.gov/epaoswer/non-hw/procure/products.htm>

Desired

- **BEES Decision Tool:** *Building for Environmental and Economic Sustainability* (BEES) tool to weigh the environmental and economic performance of building products and materials at <http://www.bfrl.nist.gov/oae/bees.html>

- **Design:** *Whole Building Design Guide* integrated design and team approach to project planning at <http://www.wbdg.org/>
- **Directory:** *Green Spec* directory of environmentally preferable construction products and materials organized by the CSI MasterFormat at <http://www.buildinggreen.com/menus/>
- **LEED Certification:** *LEED Green Building Rating System* at <http://www.usgbc.org/>