

Greening the Government — Environmental Considerations in Acquisition



Guiding Principles

- Lead by example
- Be a good neighbor
- Be good stewards of our natural resources
- Think efficiency when procuring energy or water using products
- Set, and meet, measurable goals

Reference: FAR 23, 52.223 and DEAR 923, 970.23, and 970.5223

Overview

Greening the Government is a series of 5 Executive Orders intended to improve the Federal impact on the environment and lead others along the route of environmental responsibility. The Orders are:

- 13101 - Greening the Government Through Waste Prevention, Recycling and Federal Acquisition;
- 13123 - Greening the Government Through Efficient Energy Management;
- 13148 - Greening the Government Through Leadership in Environmental Management;
- 13149 - Greening the Government Through Fleet and Transportation Efficiency, and,
- 13221 - Energy Efficient Standby Power Devices.

Background

The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6962, required Federal agencies to establish programs to promote recycling and to procure products with recycled content when available. RCRA assigned the Environmental Protection Agency (EPA) the responsibility of identifying such products through the use of a designated products list known as the Comprehensive Procurement Guidelines.

Executive Order 13101, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition, was issued to improve Federal use of recycled products and environmentally preferable products and services. The Program is generally referred to as the Affirmative Procurement Program as that name was used in the Resource Conservation and Recovery Act. It promotes teamwork on the part of the acquisition community (procurement, program, supply, facility management, construction, etc.) to assure the success of the recycling initiative. Section 402 requires that Agency Affirmative Procurement Program implementation responsibilities be shared between program, procurement, and other personnel. It requires Federal agencies to use their acquisition

program as a tool to increase and expand markets for recovered materials through greater Federal preference and demand for such products.

Section 302 of Executive Order 13101 and Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA)(7 U.S.C. 8102) require the Department of Agriculture (USDA) to develop and implement a biobased product procurement program designed to increase the purchase and use of products with biobased content, consistent with applicable provisions of Federal procurement law. The statute models the program along the lines of the EPA Designated Products Program except that USDA rather than EPA will be designating the products and the products will be designated to promote the use of biobased content products rather than recycled content products. Once products are designated, the Federal agencies will have one year to implement the program and begin buying the products with their designated biobased content. It is so similar to the Affirmative Procurement Program that the Federal Acquisition Regulation (FAR) coverage is in FAR 23.4, Affirmative Procurement Program. A Final rule identifying the first 6 products was published March 16, 2006. Attachment 6 is a list of the biobased products.

Executive Order 13123, Greening the Government Through Efficient Energy Management, promotes the acquisition of energy efficient products and services. It requires the Federal government to provide leadership by significantly improving its energy management to save dollars and to reduce emissions that contribute to air pollution and global climate change. It provides that the Federal government as a major consumer will promote energy and water efficiency and the use of renewable energy products and will foster markets for emerging technologies. It requires Federal agencies, when acquiring energy using products, to acquire Energy Star labeled products. If Energy Star labeled products are unavailable, agencies will acquire products in the upper 25% of energy efficiency as designated by the Federal Energy Management Program. It encourages the procurement of renewable energy including solar energy. It also promotes the use of Energy Savings Performance Contracts to improve the energy efficiency of Federal facilities.

Executive Order 13148, Greening the Government Through Leadership in Environmental Management, is very broad. It promotes Federal environmental leadership through the establishment of environmental management systems at Federal facilities. It requires environmental audits at Federal facilities to ensure compliance with environmental standards. It requires Federal facilities to be leaders and responsible members of their communities by informing the public and their workers of possible sources of pollution resulting from facility operations under the Emergency Planning and Community Right to Know Act. It sets goals and calls on Federal facilities to reduce their releases and uses of toxic chemicals and hazardous substances and other pollutants. It calls for reduced use of ozone-depleting substances and encourages a phase out of their use by 2010. It also promotes cost effective, environmentally sound, landscaping practices.

Executive Order 13149, Greening the Government Through Federal Fleet and Transportation Efficiency, requires reduced use of petroleum through improvements in fleet fuel efficiency and the use of alternative fuel vehicles and alternative fuels. It requires the use of environmentally preferable motor vehicle products. It also requires all management contracts involving motor vehicle fleet operations to include terms requiring contractor compliance with the goals and requirements of the Executive Order. This was implemented through a contract clause at DEAR 970.5223-5.

Executive Order 13221, Energy Efficient Standby Power Devices, requires Federal agencies, when acquiring products that contain a standby power function, to purchase products that use no more than one watt in their standby power consuming mode. If such products are not available, agencies are to purchase products with the lowest standby power wattage.

Effective Date

This Guide chapter replaces DOE Acquisition Letter 2002-05 and is effective upon issuance.

Purpose

The primary purpose of this chapter is to ensure that DOE Acquisition personnel are aware of the many environmental considerations affecting the acquisition process located in statutes, regulations and Executive Orders. Another purpose is to add coverage of the U.S. Department of Agriculture (USDA) Biobased Product Procurement Preference Program which is being implemented as part of the Affirmative Procurement Program through FAR Case 2004-032. Finally, this chapter will continue the use of the Green Acquisition Advocates at DOE contracting activities. The Green Acquisition Advocates have served as procurement expert and team members for Greening the Government initiatives within each DOE Contracting Activity. They work with Recycling Coordinators, Energy Coordinators or other environmental specialists to ensure that the procurement organization is an informed and supportive team member. This chapter includes appropriate roles and responsibilities for the Green Acquisition Advocates and the DOE procurement community as they partner with other DOE personnel to implement Government-wide Greening the Government initiatives. DOE management contractors are encouraged to appoint Advocates for the sites they manage. A list of Federal and contractor advocates is enclosed as Attachment 7.

Guidance Included in this Guide chapter

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What is Current Acquisition Policy Relative to Greening the Government Requirements?

Executive Order 13101, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition

This Executive Order replaces Executive Order 12873, Federal Acquisition, Recycling and Waste Prevention. The requirements of the earlier Order and the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6962, are presently described in Subpart 23.4, Use of Recovered Materials, of the Federal Acquisition Regulation (FAR). The FAR amendment implementing Executive Order 13101, effective in August 2000, increased from 20% to 30% the required recovered material content of printing and writing paper, added the EPA Internet address for the list of designated products, revised the content certification requirement at FAR 52.223-9, extended the coverage to support service contractors providing services within a Federal facility, and updated the clause at FAR 52.223-10. The Department of Energy Acquisition Regulation (DEAR) implements the FAR coverage and makes the DOE management contractors a part of the DOE Affirmative Procurement Program.

The Environmental Protection Agency maintains a list of products available with recycled content which Federal agencies are required to purchase. See the EPA Internet information resource <http://www.epa.gov/cpg> for the list and other useful information. This program has been instrumental in promoting the development of new products with recycled content, such as printing and writing paper with recycled content and carpeting with recycled content. Federal agencies must procure recycled paper with a post consumer recovered content of not less than 30%. Federal contractors are encouraged to print and copy double-sided using such paper pursuant to a clause at FAR 52.204-4. The FAR provides both a solicitation provision and contract clause to be used when contracting for products with recovered materials. The solicitation provision at FAR 52.223-4, Recovered Materials Certification, must be used to obtain the offeror's certification that it will supply materials with the minimum recovered material content. The contract clause at FAR 52.223-9, Estimate of Percentage of Recovered Material Content for EPA Designated Products, should be used to obtain the contractor's certification upon contract completion. The preceding requirements are applicable to Federal acquisitions only. DOE contractors operating Government facilities participate in the DOE Affirmative Procurement Program pursuant to DEAR 970.2304 and report their purchases pursuant to the clause at DEAR 970.5223-2. The Department has a longstanding commitment to 100% compliance in the acquisition of EPA designated products.

The Affirmative Procurement Program has annual reporting requirements. The Pollution Prevention Team has developed an electronic reporting system for this purpose. Information about DOE's Affirmative Procurement Program and its reporting system may be found at <https://www.eh.doe.gov/p2/ap/Reporting.htm>. All purchases, including micro-purchases, must be reported. The Green Acquisition Advocate and the Recycling Coordinator should coordinate as appropriate to ensure that any work process changes at their site are implemented in a manner which will continue to support this special reporting requirement. The Affirmative Procurement Program is the only environmental initiative to have a procurement reporting requirement.

In Fiscal Year 2002, the Federal Procurement Data System began to collect Affirmative Procurement Program data. Attachment 4 includes instructions for entering this data.

FAR 23.705 requires all contracts for operation of a Government facility to contain the clause at

52.223-10 entitled "Waste Reduction Program." Contracts for operation of a DOE facility must also contain the clause at 970.5223-2 which provides for the contractor's participation in the DOE Affirmative Procurement Program.

Prime support service contracts awarded for performance at a Government-owned site should contain the clause at FAR 52.223-10. They should also contain the clause at DEAR 970.5223-2 if the purpose of the contract includes the procurement of any of the items designated in the EPA Comprehensive Procurement Guidelines. In such circumstances, the on site support service contractor will participate in DOE's Affirmative Procurement Program and report such purchases. If none of these products will be procured under the contract, the clause at FAR 52.223-10 may be used alone.

When acquiring items designated in the EPA Comprehensive Procurement Guidelines, that is, products with recycled content, the solicitation should specify the minimum recovered materials content contained in EPA's Recovered Materials Advisory Notice for the product. FAR 23.404 (b) provides that products that meet or exceed the EPA guidelines are to be procured unless it is impossible to acquire the item (i) competitively within a reasonable time frame, (ii) meeting appropriate performance standards, or (iii) at a reasonable price. If proposals received are unacceptable due to unreasonable price or other factors, a justification to procure the product with only virgin content will be documented and approved by the Green Acquisition Advocate pursuant to FAR 23.405(c). A copy of the justification should be furnished to the Environmental Executive. This may be accomplished by forwarding a copy to the Affirmative Procurement Program Office, EH-4 and maintaining a copy at the site. Written justifications for acquisitions below the micro-purchase ceiling are not required. Other Affirmative Procurement requirements continue below the micro-purchase ceiling.

Section 302 of Executive Order 13101 and Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA)(7 U.S.C. 8102) require the Department of Agriculture (USDA) to develop and implement a biobased product procurement program designed to increase the purchase and use of products with biobased content, consistent with applicable provisions of Federal procurement law. The statute models the program along the lines of the EPA Designated Products Program except that USDA rather than EPA will be designating the products and the products will be designated to promote the use of biobased content products rather than recycled content products. Once products are designated, the Federal agencies will have one year to implement the program and begin buying the products with their designated biobased content. It is so similar to the Affirmative Procurement Program that the Federal Acquisition Regulation (FAR) coverage is in FAR 23.4, Affirmative Procurement Program. A Final rule identifying the first 6 products was published March 16, 2006. Attachment 6 is a list of the biobased products.

Executive Order 13123, Greening the Government Through Efficient Energy Management

This Executive Order calls for Federal leadership in energy and water efficiency, the use of renewable energy products, and the fostering of markets for emerging technologies. It calls for each agency to reduce its greenhouse gas emissions by 30% by 2010 relative to such emissions levels in 1990. It establishes energy efficiency improvement goals for each agency. The goals are 30% by 2005 and 35% by 2010 relative to 1985. It calls for expanded use of renewable energy in Federal facilities. It also calls for reduced use of petroleum products through the use of renewable energy sources and alternate fuel sources.

A final rule was published in December 2001 to implement the requirements of this Executive Order. The FAR changes became effective in February 2002. There are two contracting initiatives discussed in this Executive Order and the FAR amendment. The first is energy and water efficient products and the second is Energy Savings Performance Contracts.

FAR 23.203 requires that agencies, when acquiring energy using products, acquire either ENERGY STAR[®] labeled products or, if ENERGY STAR[®] labeled products are unavailable, acquire products in the upper 25% of energy efficiency as designated by the Federal Energy Management Program. The ENERGY STAR[®] Program is a joint program managed by EPA and DOE. The Program works with industry to promote energy conservation. Products meeting certain criteria are allowed to use the ENERGY STAR[®] trade mark label. Among the best examples of these products are personal computers and monitors. When left unattended, these products “fall asleep,” cutting their energy consumption to as little as four watts. Many ENERGY STAR[®] labeled office printers and copiers also offer fast and reliable duplex (2 sided) printing capabilities. The ENERGY STAR[®] Home Page, <http://energystar.gov/products> contains a list of products and manufacturers.

The Federal Energy Management Program is a DOE Program focusing on the Federal government’s energy and water consumption. It includes large products such as office building sized heating and cooling equipment and water saving products. The energy and water using products for which efficiency designations are maintained may be reviewed at <http://www.eere.energy.gov/femp/procurement> . When contracting for the design, construction, and maintenance of Federal facilities, contractors should be made aware of these requirements regarding energy using equipment. Contracting activities should use the FAR, this Guide chapter, and the Internet information sites as their guidance for purchasing energy using products.

The second contracting initiative in this Executive Order involves Energy Savings Performance Contracts. Energy Savings Performance Contracts (ESPCs) allow Federal agencies to improve energy efficiency in their facilities at no direct capital cost. Private sector energy service companies (ESCOs) finance the capital cost and install the retrofits. The ESCOs are paid a fixed price out of the energy savings generated by the energy conservation measure. These contracts are competitively awarded at fixed prices and may have performance periods of up to 25 years. FAR 23.204 provides summary level coverage of ESPCs but guides the reader to the DOE regulations at 10 CFR 436, Subpart B, for detailed guidance.

Several Regional Super ESPCs and technology specific ESPCs have been awarded competitively. These multiple award contracts permit the energy service contractor to identify projects. These ordering agreements are available for the use of all DOE contracting activities as well as other Government agencies. The U.S. Army Corps of Engineers, Huntsville, Alabama District, also has awarded ordering agreements which may be used by DOE contracting activities or other Federal agencies. If a DOE contracting activity does not wish to use these ordering agreements, the Federal Energy Management Program has also pre-qualified numerous ESCOs that are eligible to compete for ESPCs. The Home Page for these and other energy efficiency funding alternatives may be found at <http://www.eere.energy.gov/femp/> .

The Green Acquisition Advocate should assist facility and procurement personnel in their consideration of possible ESPC opportunities. Contracting activities shall use 10 CFR 436, Subpart B, the FAR, this Guide Chapter and the Internet information site as their guidance. **Note:** Old copies of 10

CFR 436.30 will contain an out of date reference to an ESPC sunset. The sunset date for use of the ESPC authority has been extended to September 30, 2016.

Executive Order 13148, Greening the Government Through Leadership in Environmental Management

The primary new requirements are for agencies to institute Environmental Management Systems and conduct facility environmental compliance audits. These are at Sections 401 and 402 of the Order. At DOE, the Environmental Management System will be a subset of the existing Integrated Safety Management System and will be implemented through revisions to the DOE Directives. See DOE P 450.4, Safety Management System Policy, and DOE M 450.4-1B, Integrated Safety Management System Guide.

Sections 501 through 503 of the Executive Order deal with toxic chemical inventories, reduction of those inventories, and reporting of releases. FAR 23.9 requires a solicitation provision and contract clause in competitive contracts over \$100,000. The solicitation provision is FAR 52.223-13 Certification of Toxic Chemical Release Reporting. This certification indicates that the offeror has filed its annual toxic chemical release inventory report or that it is exempt from the requirement. A facility may be exempt because it has fewer than 10 employees, it is not classified in North American Industry Classification System sectors 31 – 33, because it manufactures, processes, or otherwise uses less than the threshold quantities, or because it is located outside the United States. The required clause is FAR 52.223-14 Toxic Chemical Release Reporting which requires submission of the annual report, if applicable, throughout the contract term.

Section 504 of the Executive Order requires Federal agencies to comply with the Emergency Planning and Community Right to Know Act and the Pollution Prevention Act. These laws were enacted to help local communities protect public health, safety, and the environment from chemical hazards. They are meant to inform the public, Government officials, and industry about the chemical management practices for specified toxic chemicals at industrial and Federal facilities. As a practical matter, recognize that DEAR 970.5204-2, Laws, Regulations and DOE Directives, incorporates DOE Order 450.1, into DOE management contracts. The order is much broader and includes compliance with Emergency Planning and Community Right To Know Act requirements.

FAR 23.1005 requires every contract which involves performance at a Federal facility to contain the clause at FAR 52.223-5, Pollution Prevention and Community Right to Know. FAR 52.223-5 requires the contractor to provide information necessary to allow the agency to comply with the Emergency Planning and Community Right to Know Act and the Pollution Prevention Act including emergency notices, material safety data sheets, hazardous chemical inventory forms, toxic chemical release inventory reports and pollution prevention goals of the agency. As a practical matter, however, recognize that the FAR clause is overridden by DEAR 970.5204-2, Laws, Regulations, and DOE Directives, which incorporates DOE Order 450.1, into DOE management contracts. It is much broader than the FAR clause and includes compliance with the Emergency Planning and Community Right To Know Act requirements.

Section 505 of the Executive Order deals with ozone-depleting substances. Ozone-depleting substances are identified by EPA in 40 CFR 82. They include chlorofluorocarbons, halons, carbon tetrachloride, methyl chloroform, and hydrochlorofluorocarbons. Their use is being reduced and they

are being phased out as Industry is developing alternative products. Some products, such as halon used in aircraft fire suppression, do not yet have alternative products for the application. Section 505(c) precludes any disposal of excess ozone-depleting substances without prior coordination with the Department of Defense which may have a mission critical requirement for the material. If so, the materials must be transferred to the Department of Defense at their expense. This requirement is described in greater detail in the EH guidance document entitled *A Plan and Guidance to Implement EO 13148 Requirements to Achieve Ozone-Depleting Substance Reductions* (available at <http://www.eh.doe.gov/oepa/guidance/ozone/odseoguide.pdf>). FAR 23.803 provides that agencies are to implement cost-effective programs to minimize the procurement of materials and substances that contribute to the depletion of stratospheric ozone; and to give preference to the procurement of alternative chemicals, products, and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere. FAR further provides that, in preparing specifications and purchase descriptions, and in the acquisition of supplies and services, agencies shall ensure that acquisitions:

- (1) Comply with the requirements of Title VI of the Clean Air Act, Executive Order 12843 (superceded by E.O. 13148), and 40 CFR 82.84(a)(2), (3), (4), and (5); and
- (2) Substitute safe alternatives to ozone-depleting substances, as identified under 42 U.S.C. 7671k, to the maximum extent practicable, as provided in 40 CFR 82.84(a)(1), except in the case of Class I substances being used for specified essential uses, as identified under 40 CFR 82.4.

FAR 23.804 requires the use of the following clauses in appropriate circumstances. FAR 52.223-11 Ozone-Depleting Substance is to be used in contracts for the acquisition of ozone-depleting substances or for supplies which may contain or be manufactured with ozone-depleting substances. The clause requires manufacturers to label equipment containing ozone-depleting substances. FAR 52.223-12 Refrigeration Equipment and Air Conditioners is to be used in contracts for maintenance, repair or disposal of equipment or appliances containing ODSs such as refrigerators, chillers, air conditioners, or motor vehicles. This alerts service providers to the Clean Air Act prohibition on the release of ODSs into the atmosphere.

Executive Order 13149, Greening The Government Through Federal Fleet and Transportation Efficiency

This Executive Order replaces Executive Order 13031, Federal Alternative Fueled Vehicle Leadership. This Executive Order is intended to reduce Federal vehicular petroleum consumption through increased fuel efficiency in conventional vehicles and by increased use of alternate fuel vehicles and alternate fuels. No FAR amendment is planned for this Executive Order as its provisions are already included under the Affirmative Procurement Program coverage.

Part 2 of this Executive Order establishes a 20% goal for reducing annual vehicular petroleum usage by the end of FY2005 compared to FY1999. It also requires the development of compliance strategies for attaining the goal. Most significantly, it calls for the continued acquisition of alternative fuel vehicles as required by the Energy Policy Act of 1992, and the use of alternative fuels in those vehicles a majority of the time that the vehicles are in operation. Additionally, agencies are required by this Executive Order to increase the fuel efficiency of new light-duty vehicle acquisitions by 3 miles per gallon by FY2005.

Section 403 of this Executive Order prohibits the acquisition of virgin petroleum motor vehicle lubricating oils and requires the acquisition of environmentally preferable motor vehicle products. Environmentally preferable motor vehicle products are defined as those motor vehicle products designated by the Environmental Protection Agency in the Comprehensive Procurement Guidelines pursuant to 40 CFR 247. At this time, those products are re-refined oil, retread tires (generally truck size), and recycled engine coolants. These products are part of the Affirmative Procurement Program described at FAR 23.4. Exceptions are allowed if recovered content products are not available:

1. Competitively within a reasonable time frame;
2. Meeting appropriate performance standards; or,
3. At a reasonable price.

Section 505 of this Executive Order provides that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of this order and that these goals and requirements are incorporated into each management contract. Information regarding this Executive Order is available at http://www.ott.doe.gov/epact/federal_fleets.html

Executive Order 13221, Energy Efficient Standby Power Devices

This Executive Order concerns Federal acquisition of commercial, off-the-shelf, products that have standby power devices. The Executive Order requires that Federal agencies acquire models of such products which consume no more than one watt of power while in their standby power consuming mode. If such products are unavailable, agencies are to purchase products with the lowest standby power wattage, while in their standby power consuming mode. Agencies are to adhere to these requirements when life-cycle cost-effective and practicable and where the relevant product's utility and performance are not compromised as a result. Information is available at http://www.eere.energy.gov/femp/procurement/eep_standby_power.cfm

Who Is Responsible For Implementing the Executive Orders?

Section 301.(d) of Executive Order 13101 requires the Head of each major procuring agency to designate an Agency Environmental Executive. The Agency Environmental Executive has the following duties:

- coordinating all environmental programs relating to waste prevention, recycling, and, acquisition;
- translating the Federal Strategic Plan for Executive Order 13101 into a specific implementation plan for the Department; and,
- evaluating the Department's programs and acquisitions to ensure compliance with the Order.

In addition to the above duties, the DOE Environmental Executive monitors and reports to the Federal Environmental Executive and the Director of the Office of Federal Procurement Policy regarding DOE's progress in the purchase of EPA designated items with recovered content.

The Office of Environmental Policy and Guidance, EH-4, has lead responsibility for management of the Affirmative Procurement Program. The Federal Energy Management Program, EE-2L, has lead responsibility for energy efficiency and Energy Savings Performance Contracts. The Office of Environmental Policy and Assistance, EH-41, has lead responsibility for coordinating the implementation of the Environmental Leadership Executive Order. The Office of Freedom Car and Vehicle Technology, EE-2G, has lead responsibility for the Fuel Efficiency Executive Order. While these Offices have lead responsibility, the procurement community must play a substantive role in assisting program elements to successfully accomplish these programs. To ensure that this occurs, this Guide provides roles and responsibilities for the procurement community.

What Must the Head of the Contracting Activity Do?

The Head of each Contracting Activity should appoint a Green Acquisition Advocate who will:

- serve as the procurement expert on Greening the Government initiatives;
- educate the procurement staff regarding all Greening the Government initiatives; and,
- promote environmentally preferable and energy efficient products to the procurement staff and customers.

A list of additional responsibilities which may be performed by the Green Acquisition Advocates is provided at Attachment 1.

What must the Contracting Officer Do?

When reviewing and drafting solicitations and contracts, the Contracting Officer should ensure that the appropriate provisions and clauses are contained in their solicitations and contracts.

Contracting Officers should work with requirements personnel, contracting personnel and contractor personnel to be certain that all are aware of their responsibilities in this area. A Greening the Government Contracting Checklist is provided at Attachment 2.

Ensure that data entry personnel responsible for entering data into the Federal Procurement Data System are trained regarding products and services with recovered content (blocks 26 and 27). Ensure that data is entered correctly and consistent with the instructions provided by Attachment 4.

Proper Use of Solicitation Provisions and Contract Clauses

There are a large number of environmental provisions and clauses in the FAR and DEAR. Here are their usage instructions.

FAR 52.223-1 and 2, Reserved.

FAR 52.223-3, Hazardous Material Identification and Material Safety Data.

This clause goes in all solicitations and contracts if the contract will require the delivery of hazardous materials. Here are some characteristics of hazardous materials:

- Chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizes, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes;
- Chemicals which are combustible liquids, compressed gases, explosives, flammable liquids, flammable solids, organic peroxides, oxidizers, pyrophorics, unstable (reactive) or water-reactive;
- Chemicals which in the course of normal handling, use, or storage operations may produce or release dusts, gases, fumes, vapors, mists or smoke which have any of the above characteristics.

The clause requires the contractor to provide notice of any hazardous material before its shipment and to provide material safety data sheets with the material. Use the clause with its Alternate 1 which adds an additional paragraph (i).

Learn more at

http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=10196&channelId=-13603&oid=10733&contentId=13918&pageTypeId=8199&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=FL2

FAR 52.223-4, Recovered Material Certificate.

This solicitation provision should be used in solicitations that are for, or specify the use of EPA designated products containing recovered material content. This requires the offeror to certify that it will deliver a product with the required recycled content.

FAR 52.223-5, Pollution Prevention and Right to Know Information.

a) Include this clause in solicitations and contracts that provide for performance, in whole or in part, on a Federal facility.

b) Use it with its Alternate I if the contract provides for contractor
1) operation or maintenance of a Federal facility at which the Federal agency has implemented or plans to implement an Environmental Management System (EMS) or
2) Activities and operations that are i) to be performed at a Government operated facility that has implemented or plans to implement an EMS; and ii) That the Agency has determined are covered by the EMS.

c) Use the clause with Alternate II if 1) the contract provides for contractor operation on a Federal facility and 2) the agency has determined that the contractor activities should be within the FCA or an EMS audit.

You will see the acronym FCA used in FAR 23.1005. It stands for Facility Compliance Audits. The term was used in E.O. 13148. Any agency not setting up an established regulatory environmental compliance audit program was required to develop and implement a program to conduct facility environmental compliance audits. DOE has established its regulatory environmental compliance program through DOE O 450.1 and will not be performing FCAs but will instead conduct EMSs.

It is a best practice to include the FAR 52.223-5 clause in any DOE management and operating contract. As a practical matter, however, recognize that it is overridden by DEAR 970.5204-2, Laws, Regulations, and DOE Directives, which incorporates DOE Order 450.1, into DOE management contracts. It is much broader than the FAR clause and includes compliance with Emergency Planning and Community Right to Know Act requirements.

FAR 52.223-6, Drug Free Workplace.

Include this clause in all solicitations and contracts except contracts a) below the simplified acquisition threshold, b) for acquisition of commercial items, c) performed outside the U.S., d) by law enforcement agencies if deemed inappropriate, or e) where application would be inconsistent with international obligations or the laws and regulations of a foreign country.

FAR 52.223-7, Notice of Radioactive materials.

Include this in solicitations and contracts for supplies which are, or which contain, a) radioactive materials requiring specific licensing under regulations issued pursuant to the Atomic Energy Act of 1954; or, b) radioactive material not requiring specific licensing under regulations in which the specific activity is greater than 0.002 microcuries per gram or the activity per gram equals or exceeds 0.01 microcuries.

FAR 52.223-8, Reserved.

FAR 52.223-9, Estimate of Percent of Recovered Material Content for EPA-Designated Products.

Insert this in solicitations and contracts, exceeding \$100,000, that contained the solicitation provision at 52.223-4. This requires a report at the time of contract completion concerning the actual percent of recovered material content. There is an alternate I that can be used if technical personnel advise that estimates can be verified. As a practical matter, the recovered material content cannot be verified after manufacture.

FAR 52.223-10, Waste Reduction Program.

Insert this clause in all solicitations and contracts for contractor operation of Government-owned or Government-leased facilities and all solicitations and contracts for support services at Federal facilities. It requires the contractor, to have a waste reduction program in compliance with the requirements of Section 701 of Executive Order 13101 and Section 6002 of the Resource Conservation and Recovery Act. This clause is similar to DEAR 970.5223-2 except that clause is tailored to DOE's management contract environment and has a reporting requirement.

FAR 52.223-11, Ozone-Depleting Substances.

Insert this in all solicitations and contracts for ozone-depleting substances or supplies or equipment which may contain ozone depleting substances. The most significant of these are halon used in certain fire suppressing equipment and Freon used in refrigeration equipment. The clause requires labeling the equipment if it contains ozone-depleting substances.

FAR 52.223-12, Refrigeration Equipment and Air Conditioners.

Insert this in all solicitations and contracts for services when the contract includes the maintenance, repair, or disposal of any equipment containing ozone-depleting substances as a refrigerant, such as air conditioners, including motor vehicles, refrigerators, chillers, or freezers. The clause prohibits venting ozone-depleting substances into the atmosphere and requires that they be recaptured before equipment disposal.

FAR 52.223-13, Certification of Toxic Chemical Release Reporting.

Insert this provision in all solicitations for competitive contracts exceeding \$100,000 unless determined, in accordance with 23.905(b), that it is not practicable to do so. The offeror certifies that it will file reports required by the Emergency Planning and Community Right to Know Act or that it is exempt.

FAR 52.224-14, Toxic Chemical Release Reporting.

When the solicitation contains the provision at FAR 52.223-13, Certification of Toxic Chemical Release Reporting, the resulting contract shall contain the clause at FAR 52.223-14 if the contract is to exceed \$100,000. The contractor agrees that, unless it is exempt, it will file specified reports required by various environmental statutes and regulations.

DEAR 952.223-71, Integration of Environment, Safety and Health into Work Planning and Execution.

As prescribed in DEAR 923.7002, insert this clause in all contracts and subcontracts for, and to be made applicable to, work to be performed at a Government-owned facility where the Department has elected to assert its statutory authority to establish and enforce occupational safety and health standards applicable to the work conditions of contractor and subcontractor employees, and to the protection of public health and safety.

DEAR 952.223-72, Radiation Protection and Nuclear Criticality.

As prescribed in DEAR 923.7002, insert this clause in contracts or subcontracts for, and be made applicable to, work to be performed at a facility where DOE does not elect to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees but does need to enforce radiological safety and health standards pursuant to provisions of the contract or subcontract rather than by reliance upon the Nuclear Regulatory Commission licensing requirements (including agreements with states under section 274 of the Atomic Energy Act).

DEAR 952.223-75, Preservation of Individual Occupational Radiation Exposure Records.

This clause is to be used in contracts containing the clause at 952.223-71 or 952.223-72.

DEAR 952.223-76, Conditional Payment of Fee or Profit – Safeguarding Restricted Data and Other classified Information and Protection of Worker Safety and Health.

Include this clause in all contracts that contain both the Security clause, 952.204-2, and the Nuclear Hazards Indemnity Agreement clause, 952.250-70.

DEAR 952.223-77, Conditional Payment of Fee or Profit – Protection of Worker Safety and Health.

Include this clause in contracts that do not contain the Security clause, 952.204-2, but do require Nuclear Hazards Indemnity Agreement clause, 952.250-70.

DEAR 970.5223-1, Integration of Environment, Safety, and Health into Work Planning and Execution.

Include this clause in management contracts at a facility where DOE will exercise its statutory authority to enforce occupational Safety and health standards for contractor and subcontractor employees at the facility.

DEAR 970.5223-2, Affirmative Procurement Program.

Include this clause in contracts for the management of DOE facilities including national laboratories.

DEAR 970.5223-3, Agreement Regarding Workplace Substance Abuse Programs at DOE Facilities.

Include this provision in solicitations that contemplate contractor management of a DOE facility.

DEAR 970.5223-4, Workplace Substance Abuse Programs At DOE Sites.

Include this clause in all contracts for management of a DOE site.

DEAR 970.5223-5, DOE Motor Vehicle Fleet Fuel Efficiency.

Include this clause in all contracts that include motor vehicle fleet management.

What Tools Are Available to Help Us?

There are numerous information tools available on the Internet to assist you. There is a listing of these at Attachment 3.

The Office of Procurement and Assistance Management maintains an *Acquisition and the Environment* Home Page at <http://professionals.pr.doe.gov> .

SAMPLE GREEN ACQUISITION ADVOCATE ACTIVITIES

Ensure that personnel at the contracting activity are aware of products designated in the EPA Comprehensive Procurement Guidelines for procurement with recycled content, as well as the ENERGY STAR® and Federal Energy Management Program products. Ensure that personnel at the contracting activity are aware of the Environmental Leadership and Fuel Efficiency Executive Orders and the required solicitation provisions and contract clauses. EPA designated products are listed at www.doe.epa/cpg while USDA items are listed at <http://www.biobased.ocs.usda.gov/public/index.cfm>

Ensure that Purchase Card Program training includes awareness of and support for the Affirmative Procurement Program and the ENERGY STAR® and Federal Energy Management Program initiatives. Promote use of the Online Affirmative Procurement Training for Purchase Card Users module available at the *Acquisition and the Environment* Home Page.

Support program initiatives to promote employee support of the environmental and energy efficiency initiatives through informational displays and promotional activities.

Support program initiatives to include Affirmative Procurement Program, ENERGY STAR®, and Federal Energy Management Program, Environmental Leadership, and Alternative Fuels accomplishments in local Home Pages, Intranet sites, newsletters, et cetera.

Support initiatives to promote participation in OFPP or other agency sponsored pilot acquisitions of environmentally preferable, including energy efficient, products.

Promote a team approach among the component members of the local acquisition community including procurement, property, environment, program, supply, facilities, construction, etc.

Promote consideration of a broad range of environmental factors in developing plans, drawings, work statements, specifications, or other product descriptions for use at the facility. Include such factors as elimination of virgin material requirements, use of biobased products, use of recovered materials, reuse of products, life cycle cost, recyclability, use of environmentally preferable products, waste prevention (including toxicity reduction or elimination) and ultimate disposal.

Coordinate with the Recycling Coordinator to ensure that local procedures provide for purchase cardholders to report their Affirmative Procurement Program transactions pursuant to that Program's reporting requirements.

Review justifications to acquire other than an EPA designated item because it is impossible to acquire the item

1. Competitively within a reasonable time frame; or,
2. Meeting appropriate performance standards; or,
3. At a reasonable price

GREENING THE GOVERNMENT CONTRACTING CHECKLIST

Ensure that all acquisitions of items designated in the EPA Comprehensive Procurement Guidelines have the EPA recommended content level as provided in EPA's Recovered Materials Advisory Notices (RMANs) for the items.

In conjunction with requirements personnel, consider aggregating purchases of EPA designated, environmentally preferable, or energy efficient items to the extent that such action will promote economy or efficiency.

Ensure that contracts for operation of a Federal facility, and support service contracts to be performed at a Federal facility, include the clause at FAR 52.223-10, Waste Reduction Program, as required by FAR 23-705.

Ensure that management and operating contracts include the environmental preference clause of DEAR 970.5223-2 and that management contractor personnel are aware of the program and their responsibilities under the Affirmative Procurement Program.

Ensure that the clause at FAR 52.223-11, Ozone-Depleting Substances is inserted in solicitations and contracts for ozone-depleting substances or supplies that may contain ozone-depleting substances as required by FAR 23.804(a).

Ensure that the clause at FAR 52.223-12, Refrigeration Equipment and Air Conditioners, is inserted in solicitations and contracts for services when the contract includes the maintenance, repair, or disposal of any equipment or appliance using ozone-depleting substances as a refrigerant, such as air conditioners, including motor vehicles, refrigerators, chillers, or freezers as required by FAR 23.804(b).

Ensure that competitive solicitations exceeding \$100,000, except those for commercial items, contain the solicitation provision at FAR 52.223-13 Certification of Toxic Chemical Release Reporting as required by FAR 23.906(a). Ensure that competitive contracts exceeding \$100,000 contain the clause at FAR 52.223-14, Toxic Chemical Release Reporting, if the solicitation contained the preceding solicitation provision and the contractor did not certify that its facilities were exempt from reporting. See the instruction at FAR 23.906(b)

Ensure that all management and operating contracts contain the clause at 52.223-5, Pollution Prevention and Right to Know Information, as required by FAR 23.1005.

Ensure that management and operating contracts that include motor vehicle fleet management responsibilities include either a special provision ensuring that the contractor will comply with the goals and requirements of Executive Order 13149 or the clause at DEAR 970.5223-5.

Ensure that Federal Procurement Data System contract coding, regarding the procurement of EPA designated products, or services including EPA designated products, (blocks 26 and 27), is entered correctly and consistent with the instructions provided by Attachment 4.

When developing acquisition plans, ensure that Greening the Government requirements are addressed. Include such factors as elimination of virgin material requirements, use of biobased products, use of recovered materials, reuse of products, life cycle cost, recyclability, use of environmentally preferable products, water savings, waste prevention (including toxicity reduction or elimination) and ultimate disposal. Consider whether ENERGY STAR® products or products designated in the upper 25% of energy efficiency by the Federal Energy Management Program are available.

Review procurement requests to ensure that, when acquiring items designated in the EPA Comprehensive Procurement Guidelines, recovered content requirements are specified or that a written justification is provided as required by FAR 23.404(b)(3).

A copy of the justification should be furnished to the DOE Environmental Executive. This may be accomplished by forwarding a copy to the Affirmative Procurement Program Office, EH-4. A copy should be maintained at the site.

When procuring paper products, comply with Section 505 of the Executive Order which mandates a minimum recycled content of 30% (this may be reduced to 20% only if the 30% content product is not reasonably available, does not meet reasonable performance requirements, or is unreasonably priced).

When procuring lubricants, coolants or tires, purchase re-refined, bio-based, reclaimed or retread products.

When issuing contracts for vehicular or heavy equipment maintenance, specify that re-refined or bio-based lubricants, reclaimed coolants, and retread tires will be used whenever practical.

When procuring electricity, consider the purchase of electricity from clean energy sources including 1) renewable energy sources; 2) less greenhouse intensive, non petroleum energy sources such as natural gas; and 3) clean, more efficient fossil energy technologies.

INTERNET INFORMATION RESOURCES

DOE Internet Resources

<http://professionals.pr.doe.gov> is the Office of Procurement and Assistance Management information site which includes hyperlinks to all of the sites listed here. Click on “Procurement” then “Regulations and Guidance” and then “*Acquisition and the Environment.*”

<http://www.eh.doe.gov/p2/epp> is the EH page dealing with Executive Order 13101. The page contains an extensive listing of DOE and contractor personnel with recycling duties and experience which can serve as an information network tool.

<http://energystar.gov> is the ENERGY STAR[®] information site.

<http://www.eere.energy.gov/femp/> is the Federal Energy Management Program information site.

http://www.eere.energy.gov/femp/program/equip_procurement.cfm contains FEMP product energy information and standby power device information

<http://www.eere.energy.gov/femp/financing/index.cfm> contains extensive Energy Savings Performance Contract information

<http://www.eere.energy.gov/vehiclesandfuels/index.shtml> contains information on alternate fuel vehicles and alternate fuels

EPA Internet Resources

<http://www.epa.gov/cpg> is EPA’s Comprehensive Procurement Guidelines information site. It describes EPA’s designated products, their specifications, their sources of supply and other useful information.

<http://www.epa.gov/opptintr/epp> is an EPA training site for Environmentally Preferable Purchasing

<http://www.epa.gov/epahome/lawregs.htm> contains most environmental laws and regulations

USDA Internet Resource

<http://www.biobased.oce.usda.gov/public/index.cfm>

Other Information Resources

<http://www.ofee.gov> is the Home Page of the Office of the Federal Environmental Executive. This page has copies of all the Greening Executive Orders.

<http://www.hnd.usace.army.mil> is the Huntsville, AL Office of the Army Corps of Engineers information site. They also award ordering agreements for Energy Savings Performance Contracts.

ATTACHMENT 4

Coding Procurements Involving Affirmative Procurement Program Items

Beginning in Fiscal Year 2002, the Federal Procurement Data System began collecting information regarding the acquisition of Affirmative Procurement Program Items, also known as products with recovered material content, or EPA-designated items. The FPDS-NG still collects this information. USDA-designated items are being added to the Affirmative Procurement Program but there is no FPDS-NG reporting requirement for those products.

Question. What are Affirmative Procurement Program items?

Answer. They are products with recycled content which Federal agencies and Contractors operating Government- owned facilities are required to purchase with the requisite recycled content. They are designated in the Comprehensive Procurement Guidelines, 40 CFR 247, by the Environmental Protection Agency. The Product Categories are:

- Construction Products
- Landscaping Products
- Nonpaper Office Products
- Paper Products
- Parks and Recreation Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

You may review the list and more detailed information about the products, including recommended recycled content, at the Internet address shown below. A listing of the products is also included in this attachment. The following instructions relate to the EPA designated questions.

ITEM USE OF EPA DESIGNATED PRODUCTS

The Resource Conservation and Recovery Act (RCRA), Section 6002, and Executive Order 13101 require the purchase of Environmental Protection Agency (EPA) designated products with a required minimum material content as described in an agency's Affirmative Procurement Program (APP). This list of EPA-designated products is available at <http://www.epa.gov/cpg>. This requirement applies to all contracts that require EPA-designated products. When purchasing a product or products on this list without the required minimum recovered material content, a written justification based on exception codes B, C, or D below is required by FAR 23.405(c). If more than one exception applies or more than one justification was completed, report the predominant exception code or the code for the highest cost EPA-designated product for which a justification was completed. Select one of the following:

CODE DESCRIPTION

A EPA-designated product or products were purchased and all contained the required minimum recovered material content.

B EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) competitively within a reasonable time pursuant to FAR 23.405(c)(1).

C EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) at a reasonable price pursuant to FAR 23.405(c)(2).

D EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) to reasonable performance standards in the specifications pursuant to FAR 23.405(c)(3).

E No EPA-designated products were required.

ITEM 27 USE OF RECOVERED MATERIALS CLAUSES

A Use this code if the contract contains any of these provisions or clauses, FAR 52.223-4, Recovered Material Certification, FAR 52.223-9, Estimate of Recovered Material Content for EPA-Designated Products, or FAR 52.223-10, Waste Reduction Program.

B Use this code if the contract contains none of the provisions or clauses at A above.

The Detailed List of EPA Designated Products - Consult the EPA Home Page for recovered material content

Construction Products

- Building Insulation Products
- Carpet
- Carpet Cushion
- Cement and Concrete containing:
 - Fly Ash
 - Ground Granulated Blast Furnace Slag
- Consolidated/Reprocessed Latex Paint
- Floor Tiles
- Flowable Fill
- Laminated Paperboard
- Patio Blocks
- Railroad Grade Crossing Surfaces
- Shower and Restroom
 - Dividers/Partitions
- Structural Fiberboard

Landscaping Products

- Garden and soaker hoses
- Hydraulic Mulch
- Landscaping timbers and posts (plastic lumber)
- Lawn and garden edging
- Yard Trimmings and/or Food Waste Compost

Non-Paper Office Products

- Binders
 - Office Recycling Containers
 - Office Waste Receptacles
- Plastic Clip Portfolios
 - Plastic Clipboards
 - Plastic Desktop Accessories
 - Plastic Envelopes
- Plastic File Folders
 - Plastic Presentation Folders
- Plastic Trash Bags
- Printer Ribbons

Solid Plastic Binders

- Toner Cartridges

Paper and Paper Products

- Bristols
- Coated Printing Papers
- Commercial/Industrial Sanitary Tissue Products
- Miscellaneous Paper Products (Tray Liners)
- Newsprint
- Paperboard and Packaging Products
- Uncoated Printing and Writing Papers

Park and Recreation Products

- Park Benches and Picnic Tables Containing Recovered Aluminum, Steel, Concrete or Plastic
- Plastic Fencing
- Playground Equipment Containing Recovered Plastic, Steel, or Aluminum
- Playground Surfaces
- Running Track

Transportation Products

- Channelizers
- Delineators
- Flexible Delineators
- Parking Stops
- Traffic Barriers
- Traffic Cones

Vehicular Products

- Re-refined Lubricating Oil
- Reclaimed Engine Coolant
- Retread Tires

Miscellaneous Products

Awards and Plaques

Industrial Drums

Mats

Pallets

Signage

Sorbents

Strapping and Stretch Wrap

LIST OF USDA-DESIGNATED PRODUCTS

These Products were designated in a final rule published in the
March 16, 2006 Federal Register, 71 FR 13686

Mobile Equipment Hydraulic Fluids

Roof Coatings

Water Tank Coatings*

Diesel Fuel Additives

Penetrating Lubricants

Bedding, Bed Linens, and Towels*

*These products will not require preference until USDA locates 2 or more suppliers and USDA publishes a Federal Register notice advising the Federal agencies of the date by which preference is required.

Attachment 7

ENERGY STAR Qualified and FEMP Designated Products***Lighting:***

Compact Fluorescent Lamps
Residential Light Fixtures
Fluorescent Tube Lamps
Fluorescent Ballasts
Fluorescent Luminaires
Downlight Luminaires
Industrial Luminaires
Exit Signs
Ceiling Fans
Traffic Lights

Commercial & Industrial Equipment:

Unitary (Packaged) Air Conditioners
Air-Cooled Electric Chillers
Water-Cooled Electric Chillers
Air-Source Heat Pumps
Ground-Source Heat Pumps
Commercial Boilers
Electric Motors
Distribution Transformers

Food Service Equipment:

Solid Door Refrigerators and Freezers
Gas Griddles
Fryers
Hot Food Holding Cabinets
Steam Cookers
Beverage Vending Machines
Water Coolers
Ice Machines
Pre-Rinse Spray Valves

Office Equipment:

Computers
Monitors
Laptops

Printers
Fax Machines
Copiers
Scanners
Multifunction Devices
Mailing Machines
External Power Adapters

Home Electronics:

Televisions (TV)
Video Cassette Recorders (VCR)
Combination Units (TV + VCR)
Digital Video Display (DVD) Products
Cordless Telephones
Answering Machines
Combination Telephone/Answering Machine
Home Audio

Appliances:

Refrigerators
Freezers
Dishwashers
Clothes Washers
Room Air Conditioners
Dehumidifiers
Room Air Cleaners

Residential Equipment:

Central Air Conditioners
Air-Source Heat Pumps
Ground-Source Heat Pumps
Gas Furnaces
Residential Boilers
Electric Water Heaters
Gas Water Heaters
Ventilation Fans
Programmable Thermostats

Plumbing:

Faucets
Showerheads
Urinals

Construction Products:

Residential Windows, Doors and Skylights
Roof Products

Green Acquisition Advocates

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**Subject: Greening the Government Requirements
in the FAR and the DEAR**

References	Title
Executive Order 13101	Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition
Executive Order 13123	Greening the Government Through Efficient Energy Management
Executive Order 13148	Greening the Government Through Leadership in Environmental Management
Executive Order 13149	Greening the Government Through Federal Fleet and Transportation Efficiency
Executive Order 13221	Energy Efficient Standby Power Devices
FAR 23.2	Energy Conservation
FAR 23.4	Use of Recovered Materials and Biobased Products
FAR 23.7	Contracting for Environmentally Preferable and Energy Efficient Products and Services
FAR 23.8	Ozone-Depleting Substances
FAR 23.9	Contracting Compliance with Toxic Chemical Release Reporting
FAR 23.10	Federal Compliance with Right to Know Act and Pollution Prevention Requirements
FAR 52.223-3	Hazardous Material Identification and Material Safety Data
FAR 52.223-4	Recovered Material Certification
FAR 52.223-5	Pollution Prevention and Right to Know Information
FAR 52.223-9	Estimate of Percentage of Recovered Material Content for EPA Designated Products
FAR 52.223-10	Waste Reduction Program
FAR 52.223-11	Ozone-Depleting Substances
FAR 52.223-12	Refrigeration Equipment and Air Conditioners
FAR 52.223-13	Certification of Toxic Chemical Release Reporting
FAR 52.223-14	Toxic Chemical Release Reporting
DEAR 923.4	Use of Recovered Materials
DEAR 923.5	Workplace Substance Abuse Programs
DEAR 923.7	Contracting for Environmentally Preferable and Energy –Efficient Products and Services

DEAR 923.70	Environmental, Conservation, and Occupational Safety Programs
DEAR 952.223-71	Integration of Environment, Safety, and Health into Work Planning and Execution
DEAR 952.223-72	Radiation Protection and Nuclear Criticality
DEAR 952.223-75	Preservation of Individual Occupational Radiation Exposure Records
DEAR 952.223-76	Conditional Payment of Fee or Profit – Safeguarding Restricted Data and Other Classified Information and Protection of Worker Safety and Health
DEAR 952.223-77	Conditional Payment of Fee or Profit – Protection of Worker Safety and Health
DEAR 970.2303	Hazardous Materials Identification and Material Safety
DEAR 970.2304	Use of Recovered/Recycled Materials
DEAR 970.2305.	Workplace Substance Abuse Programs – Management and Operating Contracts
DEAR 970.2307	Contracting for Environmentally Preferable and Energy Efficient Products and Services
DEAR 970.5223-1	Integration of Environment, Safety, and Health into Work Planning and Execution
DEAR 970.5223-2	Affirmative Procurement Program
DEAR 970.5223-3	Agreement Regarding Workplace Substance Abuse Programs at DOE Facilities
DEAR 970.5223-4	Workplace Substance Abuse Programs at DOE Sites
DEAR 970.5223-5	DOE Motor Vehicle Fleet Fuel Efficiency
DEAR 970.5223-2	Acquisition and Use of Environmentally Preferable Products and Services