



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE CHIEF FINANCIAL OFFICER

Senior Procurement Executive

**MEMORANDUM**

DATE: May 12, 2010

TO: Department of Education Acquisition Workforce

FROM: Hugh J. Hurwitz

SUBJECT: Using the BioPreferred Program, Government-wide Initiative to Increase the Purchase and Use of Renewable, Environmentally-Friendly Biobased Products

In support of its BioPreferred Program, the U.S. Department of Agriculture (USDA) designated a total of 42 biobased items and 5,600 products for procurement. By law, the Federal government (agencies, contractors, and the military) must give products in these categories preferred purchasing preference. The USDA has developed several tools as well as contract language to assist us with implementing the BioPreferred Program. These tools can be found at <http://www.biopreferred.gov>.

Federal agency participation in this program is mandated by law and the Federal Acquisition Regulation. Section 9002 of the Food, Conservation, and Energy Act of 2008, Public Law 110-234, obligates Federal agencies to increase procurement preference to designated items composed of biobased products. Using the BioPreferred Program will also assist in creating new green jobs and new markets for vendors, manufacturers, and farmers.

Further requirements for using the BioPreferred Program can be found in President Obama's October 5, 2009 Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance." The Executive Order is available at [http://en.wikisource.org/wiki/Executive\\_Order\\_13514](http://en.wikisource.org/wiki/Executive_Order_13514).

As the Senior Procurement Executive, I strongly support the BioPreferred Program. By participating in this program, the U.S. Department of Education can address three important efforts including: (1) climate change impact reduction; (2) energy and environmental security; and (3) economic development.

The responsibility for implementing the BioPreferred preference program belongs to everyone in the procurement process including program officials, contracting officials, and purchase card holders. BioPreferred product usage requirements exist throughout the current FAR. The acquisition team shall comply with those requirements including, for example, FAR 11 when describing agency requirements, FAR 23 when qualifying products are available, and FAR 42 when monitoring contractor compliance with biobased product requirements. FAR 23.4 requires that qualifying biobased products be purchased when they (1) are reasonably available, (2) meet performance standards, and (3) are reasonably priced. Contracting Officers shall ensure that all ED solicitations contain biobased language and provisions. Effective immediately, I expect all acquisition staff to support the BioPreferred Program.

If you have any questions, please contact Roscoe Price at (202) 245-6222.