

APD ALERT



SUSTAINABLE ACQUISITION

1. Background

Sustainable acquisition is defined as the purchasing and use of products: With recycled content and that are recyclable; That are energy efficient (ENERGY STAR® labeled; Federal Energy Management Program [FEMP]-designated, and low standby power) Containing the maximum biobased content practicable; That are environmentally preferable; That are Electronic Product Environmental Assessment Tool (EPEAT)-registered; That are water efficient; That do not deplete ozone in the atmosphere; and That are non-toxic or less toxic than their alternatives.

Federal Acquisition Regulation (FAR) 23.103 requires that agencies include sustainable products in 95% of new contract actions for the supply of products and for the acquisition of services (including construction). Sustainable acquisition applies to open market purchases, products supplied in the performance of a contract, micropurchases, simplified acquisitions, and, purchases of multiple award schedule items.

The Department of Agriculture Sustainable Procurement Plan (SPP) was established in July 2006 under Executive Order 13101, Sustainable Acquisition. The SPP has been developed to ensure that sustainable products will be purchased to the maximum extent practicable and to fulfill the applicable affirmative procurement requirements of the Resource Conservation and Recovery Act; Energy Policy Act; Farm Security and Rural Investment Act as amended by the Food, Conservation, and Energy Act; Clean Air Act; Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management;" EO 13221, "Energy Efficient Standby Power Devices;" and EO 13514, "Federal Leadership in Environmental, Energy, and Economic Performance."

2. Eight Sustainable Product Categories

1. Energy Efficient Products (also defined as those in the top 25% of energy efficiency in their category)
2. Biobased Products (additional information Provided on APD Alert 2011-10)
3. Environmentally Preferred Products
4. Water efficient products

5. Recycled Content Products
6. Non-Ozone Depleting Substances
7. EPEAT Products
8. Less Toxic Products

For details on the product categories, see the SPP located at <http://www.dm.usda.gov/GreeningUSDA/docs/SustainableProcurementProgram.pdf>.

3. Procedures

Section 1.3.4 of the SPP requires Contracting Officers (COs) to:

- Implement and monitor the SPP as required by the Federal Acquisition Regulation (FAR) Subpart 23.404;
- Comply with all applicable FAR and AGAR requirements (refer to Appendices D and E);
- Ensure that applicable FAR sustainable acquisition language and clauses on sustainable acquisition and SPP requirements are inserted appropriately in all new solicitations and contracts;
- Ensure that applicable FAR sustainable acquisition language and clauses and SPP requirements are included when modifying existing contracts that contain green products;
- Provide guidance to program/technical personnel on applicable procurement requirements and clauses relative to sustainable products and services;
- Comply with procedures for monitoring and annually reviewing the effectiveness of the SPP;
- Ensure that vendors are familiar with SPP requirements contained in their solicitations/contracts; and,
- Review with appropriate vendors their role in the procurement of sustainable products and services during the initial contract kickoff and reinforce with the contractor when appropriate during contract performance.

FAR Provisions and Clauses - Insert the following clauses, as applicable, into solicitations and contracts:

- 52.223-1 Biobased Product Certification - Insert in solicitations that require the delivery or specify the use of USDA-designated items or include the clause at 52.223-2.
- 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts - Insert in service or construction solicitations and contracts, unless the contract will not involve the use of USDA-designated items at <http://www.biopreferred.gov>. **This clause requires the insertion of the name and contact information for the USDA environmental point of contact (see reporting requirements below).**
- 52.223-4 Recovered Material Certification - Insert in solicitations that require or specify the use of EPA-designated items or include the clause at 52.223-17. (except

commercially off-the-shelf items).

- 52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Items – Insert in solicitations and contracts exceeding \$150,000 that are for, or specify the use of EPA-designated items containing recovered material.
- 52.223-10 Waste Reduction Program - Insert in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.
- 52.223-15 Energy Efficiency in Energy-Consuming Products - Insert in solicitations and contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be (a) Delivered; (b) Acquired by the contractor for use in performing services at a Federally-controlled facility; (c) Furnished by the contractor for use by the Government; or (d) Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.
- 52.223-16 IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products Insert in all solicitations and contracts for (i) Personal computer products; (ii) Services that require furnishing of personal computer products for use by the Government; or (iii) Contractor operation of Government-owned facilities.
- 52.223-17 Affirmative Procurement of EPA-designated Items in Service and Construction Contracts – Insert in service or construction solicitations and contracts unless the contract will not involve the use of EPA-designated items.

Reporting Requirements

FAR Clause 52.223-2 requires:

- The contractor shall report to the environmental point of contact, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the contractor during the previous fiscal year.
- The report must be submitted no later than October 31 of each year during contract performance and at the end of contract performance.
- The environmental point of contact for all USDA Agencies is:

Ron Buckhalt
RonB.Buckhalt@dm.usda.gov
Phone: 202-205-4008

4. Training

USDA has a number of training resources to assist USDA employees in understanding the BioPreferred procurement preference program. The training programs are available in a variety of formats such as web-based training, classroom training, and videos. You may view the list and descriptions of these training programs at http://www.biopREFERRED.gov/AccessTraining_Resources.aspx.

Additional training is available on AgLearn:

- Sustainable Acquisition Training
- Purchasing Green Products Training

5. Resources

P&P 134.2 ARS, Energy, Water, and Sustainability Policy, located at

<http://www.afm.ars.usda.gov/ppweb/PDF/134-02.pdf>

<http://www.dm.usda.gov/GreeningUSDA/docs/SustainableProcurementProgram.pdf>.

<http://www.dm.usda.gov/emd/greening/greenpurchasing/>

USDA Advantage! (<https://usdaadvantage.gsa.gov>)

GSA Advantage! (<https://www.gsaadvantage.gov>)

AbilityOne (<http://abilityone.org/>)

UNICOR (<http://www.unicor.gov/>)

APD Alert 2011-10, Biobased Label and Solicitation Synopsis Biobased Language Requirement

USDA BiopREFERRED Website (<http://www.biopREFERRED.gov>)

USDA Sustainable Procurement Program:

(<http://greening.usda.gov/SPPUSDAfinalJan2011.pdf>)

6. Point of Contact

Acquisition Programs and Oversight Branch, E-mail at APOB@ars.usda.gov or phone at 301-504-1725.

Issue Date: September 2012

APD Alert 2012-17