

SAMPLE CONTRACT LANGUAGE FOR INFORMATION TECHNOLOGY USING ENERGY-EFFICIENT PRODUCTS

Section C – Performance Work Statement/Descriptions, Specifications

The Contractor shall comply with Sections 524 and Sections 525 of the Energy Independence and Security Act of 2007; Section 104 of the Energy Policy Act of 2005; Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance,” dated October 5, 2009; Executive Order 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” dated January 24, 2007; Executive Order 13221, “Energy-Efficient Standby Power Devices,” dated August 2, 2001; and the Federal Acquisition Regulation (FAR) to provide ENERGY STAR[®], FEMP designated, low standby power, and Electronic Product Environmental Assessment Tool (EPEAT) registered products in providing information technology services.

The Contractor shall ensure that information technology services are performed with products that meet and/or exceed ENERGY STAR, FEMP designated, low standby power, and EPEAT guidelines. The Contractor shall provide products that earn the ENERGY STAR label and meet the ENERGY STAR specifications for energy efficiency.

The Contractor shall utilize ENERGY STAR products, as specified at www.energystar.gov/products, for complete product specifications and updated lists of qualifying products.

The Contractor shall utilize the purchasing specifications specified for FEMP designated products at www.femp.energy.gov/procurement. The Contractor shall utilize low standby power products as specified at www.femp.energy.gov/procurement.

The Contractor shall utilize EPEAT registered products as specified at www.epeat.net.

The Contractor shall use these products to the maximum extent possible without jeopardizing the intended end use or detracting from the overall quality delivered to the end user.

The following is a list of information technology products for which ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products are available. It is not all inclusive and is evolving.

- Copiers
- Computers
- Disk Drives
- Facsimile (FAX)
- Laptops
- Monitors
- Multimedia Projectors
- Notebooks
- Printers
- Scanners
- Workstations

The Agency believes that a demonstration of how to use ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products; creation of an effective training program for the products selected; and technical assistance are central to the selection and eventual success of purchasing and using ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products. The Agency will look for Contractors who will (1) demonstrate their products, and (2) when selected, offer effective training to the staff and technical assistance to trouble shoot problems.

The Contractor shall comply with the clause at FAR 52.223-15, Energy Efficiency In Energy-Consuming Products.

The Contractor shall comply with the clause for EPEAT registered products at 52.223-16, IEEE Standard for the Environmental Assessment of Personal Computer Products.

The Contractor shall report quarterly on the purchases of ENERGY STAR qualified and FEMP designated products in the performance of this contract. The report shall include the following:

- (1) A list of all energy consuming products purchased during the past quarter.
- (2) A list of all ENERGY STAR and FEMP designated products purchased during the past quarter.
- (3) For each ENERGY STAR or FEMP designated product purchased, include the savings in dollars and Btus due to the purchase of the product
- (4) Percentage of purchased products that are ENERGY STAR and FEMP designated against the total number of energy consuming products purchased.
- (5) Total value of the purchased products that are ENERGY STAR and FEMP designated against the dollar value of all energy consuming products purchased.

The Contractor shall repeat quarterly on the number of EPEAT registered products purchased under this information technology contract using the following format:

- Product Type
- Unregistered
- Bronze
- Silver
- Gold

The Contractor shall add the following service, surveillance methodology, and performance threshold to the present Performance Requirements for Information Technology:

- (1) Required Service - Performance Objective/Standard – Ensure the mandatory purchasing of ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products.
- (2) Surveillance Methodology/Method of Assessment – Random Sampling.
- (3) Performance Threshold – Up to 100 compliance.

Section H – Special Contract Requirements

H-xx. Green Purchasing under Information Technology Contracts
Pursuant to Executive Order 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” and Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance,” the Contractor shall exert its best efforts to provide its services in a manner that will promote the natural environment and protect the health and well being of Federal employees and contract service providers. Green purchasing contracting has several interacting initiatives, which are described at the following Government or Industry Internet sites:

- Recycled products: www.epa.gov/cpg
- Biobased products: www.biopreferred.gov/
- ENERGY STAR products: www.energystar.gov/
- FEMP designated and low standby power products: www.femp.energy.gov/procurement
- EPEAT computers: www.epeat.net
- Non-Ozone Depleting Alternative Products: www.epa.gov/ozone/strathome.html

- Water-efficient plumbing products: www.epa.gov/watersense

To the extent that information technology services provided by the Contractor require provision of any of these types of products, the Contractor is expected to provide the green type of product unless that type of product is not available competitively within a reasonable time, at a reasonable price, is not life cycle cost efficient in the case of energy consuming products, or does not meet reasonable performance standards. The clauses at FAR 52.223-2, Affirmative Procurement of Biobased Products under Service and Construction Contracts, 52.223-15, Energy Efficiency in Energy Consuming Products, 52.223-16, IEEE Standard for the Environmental Assessment of Personal Computer Products and 52.223-17 Affirmative Procurement of EPA-Designated Items in Service and Construction Contracts, require the use of products that have biobased content, are energy efficient, or have recycled content.

Section I – Contract Clause

52.223-15 ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)

(a) Definition. As used in this clause--

"Energy-efficient product"--

(1) Means a product that--

(i) Meets Department of Energy and Environmental Protection Agency criteria for use of the ENERGY STAR trademark label; or

(ii) Is in the upper 25 percent of efficiency for all similar products as designated by the Department of Energy's Federal Energy Management Program.

(2) The term "product" does not include any energy-consuming product or system designed or procured for combat or combat-related missions (42 U.S.C. 8259b).

(b) The Contractor shall ensure that energy-consuming products are energy-efficient products (i.e., ENERGY STAR products or FEMP designated products) at the time of contract award, for products that are--

(1) Delivered;

(2) Acquired by the Contractor for use in performing services at a Federally-controlled facility;

(3) Furnished by the Contractor for use by the Government; or

(4) Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.

(c) The requirements of paragraph (b) apply to the Contractor (including any subcontractor) unless--

(1) The energy-consuming product is not listed in the ENERGY STAR Program or FEMP; or

(2) Otherwise approved in writing by the Contracting Officer.

(d) Information about these products is available for--

(1) ENERGY STAR at www.energystar.gov/products; and

(2) FEMP at www.femp.energy.gov/technologies/eep_fedrequirements.html

(End of Clause)

52.223-16 IEEE 1680 STANDARD FOR THE ENVIRONMENTAL ASSESSMENT OF PERSONAL COMPUTER PRODUCTS (DEC 2007)

(a) Definitions. As used in this clause—

“Computer monitor” means a video display unit used with a computer.

“Desktop computer” means a computer designed for use on a desk or table.

“Notebook computer” means a portable-style or laptop-style computer system.

“Personal computer product” means a notebook computer, a desktop computer, or a computer monitor, and any peripheral equipment that is integral to the operation of such items. For example, the desktop computer together with the keyboard, the mouse, and the power cord would be a personal computer product. Printers, copiers, and fax machines are not included in peripheral equipment, as used in this definition.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Bronze registered or higher. Bronze is the first level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

(c) For information about the standard, see www.epeat.net.

(End of clause)

Alternate I (Dec 2007). As prescribed in 23.706(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Silver registered or higher. Silver is the second level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

Section L – Instructions to Offerors

In the technical proposal, the offeror shall identify the ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT registered products to be purchased and used under this contract. The Offeror shall demonstrate that these products to be used under this contract comply with the ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT guidelines.

The Offeror shall document prior experience in specifying, purchasing, and using ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT registered products. The Offeror shall provide a list of all relevant contracts over the past two years involving the specification, purchase, and use of ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT registered products.

The Offeror shall document prior experience with conducting ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT products training for their employees or for client's employees

If Offeror is going to subcontract any work, state sub's experience in the purchasing and use of ENERGY STAR qualified, FEMP designated, low standby power, and EPEAT registered products.

Section M – Evaluation Factors for Award

Technical Approach/ Technical Evaluation Factor

The Government will evaluate the Offeror's technical approach for fulfilling information technology work with an emphasis of the following areas:

- (1) Identification of all ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products to be used and installed in the performance of this information technology contract; and
- (2) The Offeror's proposed past performance experience with the use of ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products in information technology.