

AMS CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 16-53A

Date Received: 9/19/16

Title: Executive Order 13693 (Sustainability) Guidance Changes

Initiator Name: Tim Eckert

Initiator Organization Name / Routing Code: Procurement Policy Branch, AAP-110

Initiator Phone: 202.267.7527

ASAG Member Name: Eugene Scott

ASAG Member Phone: 202.267.3207

Policy and Guidance: (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance

Summary of Change: Update of Policy IAW Executive Order 13693 "Planning for Federal Sustainability in the Next Decade" and administrative updates

Reason for Change: Consistency of AMS with Executive Order and administrative updates

Development, Review, and Concurrence: Office of Environment and Energy (AEE-400), Acquisition Policy, Contracts, and Procurement Legal.

Target Audience: Program Offices and Contracting Personnel

Briefing Planned: July 19, 2016

ASAG Responsibilities: Review and Concurrence

Section / Text Location: T3.6.3

The redline version must be a comparison with the current published FAST version.

- I confirm I used the latest published version to create this change / redline
- or
- This is new content

Links: <http://fast.faa.gov/docs/procurementGuidance/guidanceT3.6.3.pdf>

Attachments: Redline and final documents.

Other Files: None

Redline(s):

Sections Added: 3.6.3 A 10 - BioPreferred and Biobased Designated Products
3.6.3 A 12 - Fuel Efficient Products and Services

Sections Revised: 3.6.3 A 1 – Contracting for Sustainable Products and Services
3.6.3 A 2 – Responsibilities
3.6.3 A 3 – Hazardous Material Identification and Safety Data
3.6.3 A 4 – Notice of Radioactive Material
3.6.3 A 5 – Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons
3.6.3 A 6 – Chemicals Management
3.6.3 A 7 – Energy Conservation and Efficiency
3.6.3 A 8 – Renewable Energy Certificates
3.6.3 A 9 – Water Conservation and Efficiency
3.6.3 A 11 – Preference for Recycled-Content Products
3.6.3 A 13 – Waste Management and Pollution Prevention
3.6.3 A 14 – Energy Savings Performance Contracts
3.6.3 A 15 – Utility Energy Service Contracts
3.6.3 A 16 – Drug Free Workplace
3.6.3 D 1 – Appendix – Definitions
3.6.3 D 2 – Appendix – Rationale for not Complying with the Sustainable Acquisition Requirements

Procurement Guidance (~~7/2016~~ 10/2016)

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace Revised 4/2009
A Environment, Conservation, Occupational Safety, and Drug Free Workplace Revised 4/2009
1 Contracting for Environmentally Preferable and Energy Efficient Products, Services and Facilities Sustainable Products and Services Revised 4/2014 10/2016
2 Responsibilities Revised 4/2013 10/2016
3 Hazardous Material Identification and Material Safety Data Revised 7/2008 10/2016
4 Notice of Radioactive Material Revised 4/2009 10/2016
5 Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons Revised 7/2013 10/2016
6 Chemicals Management Revised 4/2014 10/2016
7 Energy Conservation & Efficiency Revised 4/2015 10/2016
8 Renewable Energy Certificates Revised 4/2015 10/2016
9 Water Conservation and Efficiency Revised 4/2014 10/2016
10 Preference for Recycled Content and Biobased Products Revised 4/2015
11 Waste Management Revised 7/2014

~~12 Energy Savings Performance Contracts~~ 10 BioPreferred and Biobased Designated Products Added 10/2016

~~11 Preference for Recycled-Content Products~~ Revised 10/2016

~~12 Fuel Efficient Products and Services~~ Added 10/2016

~~13 Waste Management and Pollution Prevention~~ Revised 10/2016

~~14 Energy Savings Performance Contracts~~ Revised 4/2014-10/2016

~~1315 Utility Energy Service Contracts~~ Revised 4/2014 10/2016

~~1416 Drug-Free Workplace~~ Revised 4/2014 10/2016

B Clauses

C Forms

D Appendix

~~1 Appendix — Definitions~~ Revised 4/2009 10/2016

~~2 Appendix —FAA Green Procurement Plan— Rationale for not Complying with the Sustainable Acquisition Requirements~~

Revised 7/2013 10/2016

~~3 Appendix —Recovered Materials Determination— Revised 1/2012~~

~~4 Appendix —Justification for not Acquiring EPA Designated Recycled Content Products— Revised 4/2009~~

~~5 Appendix —Sources of Recycled Content and Environmentally Preferable Products— Revised 4/2009~~

T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace Revised 4/2009

A Environment, Conservation, Occupational Safety, and Drug Free Workplace Revised 4/2009

1 Contracting for ~~Environmentally Preferable~~Sustainable Products and Services Revised 4/2014 10/2016

FAA must ensure that sustainable acquisition requirements are included in all applicable procurements in the planning, award and ~~Energy-Efficient Products, Services~~ execution phases of the acquisition to the maximum extent practicable. FAA should ensure requirements are included in the necessary contract documentation, purchase agreements, service agreements, purchase orders, delivery orders and ~~Facilities Revised~~ communications with contractors and subcontractors as appropriate. Environmental performance and sustainability requirements should be included in the statement of work (SOW), statement of objectives (SOO), or ordering documents, or through the inclusion of applicable clauses and provisions.

If a product category is covered under more than one tier (as described below), FAA should aim to procure a product or service that is compliant with all applicable tiers. However, FAA must give preference to products or services within the highest tier (e.g., Tier 1).

(2) ~~(a) Obtaining and using renewable energy technology~~Energy- and water-efficient products and services ~~considered to be environmentally preferable and energy and, such as ENERGY STAR®-~~ qualified and Federal Energy Management Program (FEMP)-designated products, identified by EPA and DOE; and

(3) BioPreferred and biobased designated products designated by the U.S. Department of Agriculture (USDA).

b. Tier 2. Products and Services Identified by EPA Programs. After determining the applicability of statutory requirements, FAA must next give preference to purchasing sustainable products and services identified by EPA programs that include:

(1) Significant New Alternative Policy (SNAP) chemicals or other alternatives to ozone depleting substances and high global warming potential hydrofluorocarbons, where feasible, as identified by SNAP;

(2) WaterSense® certified products and services;

(3) Safer Choice® labeled products (chemically intensive products that contain safer ingredients); and

(4) SmartWay® Transport partners and SmartWay products (fuel efficient products and services).

c. Tier 3. Non-Federal Specifications, Labels and Standards. Where no statutory mandates, EPA programs, or EPA recommended specifications, labels or standards exist, FAA must give

preference to non-federal specifications, standards, or labels to further advance sustainable procurements. To determine whether a specification, label, or standard that is not yet recommended by EPA through its Environmentally Preferable Purchasing (EPP) Program may be used to meet sustainable acquisition goals, FAA must assess whether the process to develop the specification, label or standard conforms to the requirements of OMB Circular A-119, and whether the specification, label or standard conform to the environmental performance standards guidelines contained in Section II of the EPA Draft Guidelines for Product Environmental Performance Standards & Ecolabels for Voluntary Use in Federal Procurement (or subsequent updates) at <https://www.epa.gov/greenerproducts/draft-guidelines-product-environmental-performance-standards-and-ecolabels-voluntary>. The Contracting Officer (CO) should document the basis for the decision and include the documentation in the procurement file.

d. *Exceptions.* Sustainable acquisition requirements are considered practicable unless there is an allowable exception for acquiring a sustainable product or service. An allowable exception is available if any of the following conditions exist:

- Product or service cannot be acquired competitively within a reasonable performance schedule.
- Product or service cannot be acquired that meets reasonable performance requirements.
- Product or service cannot be acquired at a reasonable price. The price shall be deemed unreasonable when the total life cycle costs are significantly higher for the sustainable product or service versus the non-sustainable product or service. Life cycle costs are determined by combining the initial costs of a product or service with any additional costs or revenues generated from that product or service during its entire life.
- An exception is provided by statute, such as the exception to procuring ENERGY STAR or FEMP-designated products under 42 U.S.C. § 8259b(b)(2).

If a product meets any of the aforementioned exceptions, FAA should strive to purchase a comparable product that is still environmentally sustainable (e.g., if a WaterSense product is not available at a reasonable price, FAA should purchase a similar product that is water efficient; and available at a reasonable price). If at any point during the acquisition it is determined that a contract action cannot comply with the sustainable requirements due to an exception, the CO must document, within the contract file, the exception being used and rationale for the exception (Appendix 2).

e. *Life-Cycle Cost Analysis.* FAA shall consider full life-cycle costs and savings in planning and implementing projects and making cost-effectiveness determinations about investments in capital assets and services. To assist in selecting products and services, costs should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, resale value, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

f. *Contractors Use of Sustainable Products and Services.* The requirement to promote sustainable acquisition by ensuring that all of the environmental performance and sustainability factors are

included to the maximum extent practicable applies to contractors when they are purchasing or supplying products or services for use in the performance of a contract. The contractor is required to monitor and report on its procurement activities as well as require its applicable subcontractors to comply with sustainable acquisition requirements.

g. Tracking and Reporting. FAA must track compliance toward 100 percent compliance with sustainable acquisition requirements through quarterly agency contract compliance reviews.

h. Promotion Program. (b) Eliminating or reducing the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, or disposal);

FAA should provide informational materials, statements, and training to program and procurement offices regarding the agency's sustainable acquisition program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

~~(c) Requiring the use of less toxic, non-hazardous materials and non-ozone depleting substances;~~

~~(d) Realizing life-cycle cost savings;~~

~~(e) Promoting cost-effective waste reduction when creating plans, drawings, specifications, standards and other product descriptions authorizing material substitutions, extensions of shelf life, and process improvements;~~

~~(f) Requiring the use of biobased and recovered or recycled products;~~

~~(g) Ensuring the offeror's facility is not on the General Services Administration (GSA) "List of Parties Excluded from Federal Procurement and Nonprocurement Programs"; and~~

~~(h) Requiring contractors to manage the diversion of non-hazardous solid waste and Construction and Demolition (C&D) debris (generated as a result of their work) from municipal landfills or incineration facilities, including management, tracking, and reporting.~~

2 Responsibilities Revised 10/2013 10/2016

a. Program Office Responsibilities.

(1) Program offices are responsible for identifying hazardous materials and any safety controls that may be required in the delivery of supplies, services, or construction to FAA.

(2) When preparing specifications and purchase descriptions or utilizing SOWs for the acquisition of supplies, services, and construction, program offices must:

~~(a) Specify environmentally friendly products and ensure requirements comply with applicable laws and Executive Orders (such as Clean Air Act, Executive Orders 13423 and 13514);~~

~~(b) Consider energy and water conservation and efficiency data in acquisition planning;~~

~~(c) Incorporate FAA and EPA recycled content, biobased, non-ozone depleting, less-toxic, and energy and water efficient product standards into requirements; and~~

(a) Meet sustainable acquisition requirements. Program offices must first meet the statutory mandates for purchasing preference. If statutory mandates do not exist, program offices must then give preference to purchasing sustainable products and services identified by EPA programs. Where no statutory mandates, EPA programs, or EPA recommended specifications, labels, or standards exist, program offices must give preference to non-Federal specifications, standards, or labels to further advance sustainable procurements);

(b) Review and revise specifications or requirements during the planning phase of the acquisition to be in compliance with FAA's procurement of sustainable products and services. Additional information on specific products and services is contained in the sections below. The Green Procurement Compilation at <https://sftool.gov/greenprocurement> is a web-based, centralized resource to assist federal agencies with sustainable acquisition. It is searchable by product or service type and contains information on associated sustainable acquisition requirements as well as where to purchase the products. Also visit the FAA SAVES Program website for sustainable products and services. For construction projects, visit Federal Green Construction Guide for Specifiers at <https://www.wbdg.org/design/greenspec.php>.

~~(d) Incorporate pollution prevention (such as waste reduction and diversion) and electronics stewardship considerations into requirements.~~

~~(3) Program offices are responsible for reviewing and revising specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water efficient, biobased, less toxic, non-ozone depleting, and recycled content products. In addition to the program area specific resources available in AMS Guidance, refer to the [GSA's Green Products Compilation Tool](#) for a listing of products and services for which the EPA, DOE, and USDA have issued designations otherwise provided guidance for sustainability attributes.~~

~~(4) When required by law or FAA policy, program offices are responsible for documenting and certifying compliance with applicable environmental or conservation standards (i.e. the recycled content determination)~~

b. Contracting Officer (CO) Responsibilities.

(1) Pre-Award. The Contracting Officer (CO) must ensure:

(a) ~~That Procurement Request (PR) packages include all required justifications are complete; (i.e. recycled content determination, Energy Star® etc.);~~

(b) The Screening Information Request (SIR) includes all required clauses and provisions to support FAA's procurement of environmentally preferable, sustainable products and services (e.g., energy- and water- efficient, biobased-, less toxic, non-ozone depleting, and, recycled content products and services (i.e. energy efficiency standards for energy consuming products, diverting non-hazardous solid waste, etc.). The GSA Green Products Compilation Tool is a reference as described in (a)(3) above.);

(c) All required certifications are received prior to contract award;

~~(d) (such as Toxic Chemical Documentation in the contract file of any exceptions being used and the rationale for the exceptions (Appendix 2);~~

~~(e) EPA reports (e.g. Toxics Release Inventory Form (Form R) certification or Material Safety Data Sheets (MSDS)) are received prior to contract award are submitted on time; and~~

~~(d) Offeror's facilities are Environmental Protection Agency (EPA) compliant.~~

(f) Notification and coordination with EPA if a CO becomes aware of noncompliance with environmental standards (e.g. Clean Water Act (CWA), Clean Air Act (CAA)) in a prospective or performing contractor's facilities.

(2) Post Award. The CO must:

(a) Ensure that all required post-award certifications ~~(e.g. minimum content standards, Energy Star®, biobased, etc.) or MSDS and estimations~~ are submitted to FAA as required;

(b) Periodically review vendor certification and estimation documents as part of the annual report and monitoring process.

(c) Ensure that such contractors are familiar with all applicable sustainable acquisition requirements contained in contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the sustainable acquisition process.

(d) Monitor contract performance and ensure that contractors are meeting their purchasing and reporting requirements as they relate to sustainable acquisition.

(e) Ensure that contractors notify the FAA prior to delivering hazardous or radioactive material; and.

(e) Cooperate with the Environmental Protection Agency (EPA) and its representatives as required.

(3) Reporting Clean Air or Water Violations. If a CO becomes aware of noncompliance with clean air or water standards in a prospective or performing contractor's facilities, the CO must notify and coordinate the award with EPA.

3 Hazardous Material Identification and ~~Material~~ Safety Data Revised 7/2008 10/2016

a. The ~~CO~~program office should obtain information before award about hazards that may be introduced into the workplace by the supplies being acquired such as:

(1) That required by Federal Standard No. 313 (including revisions adopted during the term of the contract) in obtaining hazardous material; or

(2) That identified by a FAA technical representative as potentially hazardous and requiring safety controls.

b. As required by 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, the successful offeror/contractor is required to submit ~~Material~~ Safety Data Sheets (~~MSDS~~) prior to contract award and with supplies at the time of delivery, unless the offeror/contractor certifies that the supplies are not hazardous. The CO ~~should~~must provide a copy of all ~~MSDSs~~Safety Data Sheets received to the safety officer and program office.

4 Notice of Radioactive Material Revised 4/2009 10/2016

a. The procurement team requires contractors to notify FAA receiving activities prior to delivering radioactive material so FAA can initiate appropriate safeguards. The CO may waive the notification if the contractor certifies that ~~at~~the notification on prior deliveries is still accurate. However, the CO may only waive the notice after consultation with the cognizant contracting technical representatives.

b. The procurement team should require offerors to specify the number of days in advance of delivery that the receiving activity will be notified of an impending delivery. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

5 Alternatives to Ozone Depleting Substances and High Global Warming Potential Hydrofluorocarbons Revised 7/2013 10/2016

a. ~~FAA must minimize procurement of materials and procure SNAP chemicals or other alternatives to ozone-depleting substances (such as those found in refrigerants, foam blowing agents, cleaning solvents, fire suppression, aerosols, sterilants, and adhesives, coatings, and inks) that contribute to depleting the stratospheric ozone. FAA must also give preference to procuring alternative chemicals, products and manufacturing processes that high global warming potential hydrofluorocarbons, where feasible, as identified by SNAP, to reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere.~~

~~b. When preparing specifications and purchase descriptions for supplies and services, program officials must Under SNAP, EPA identifies lists of acceptable and unacceptable substitutes for ozone-depleting substances that include air conditioning and refrigeration; fire suppression; cleaning solvents; foam-blowing agents; aerosols; adhesives, coatings and inks; sterilants; and tobacco expansion. FAA must ensure that each comply with the Clean Air Act and substitute safe alternatives to ozone-depleting substances, the product complies with statutory mandates (e.g., biobased) if applicable to the product category. Products identified under the SNAP program as approved by the EPA's Significant New Alternatives Policy (SNAP) Program.~~

~~e. For contracts calling for the delivery of well as other alternatives to ozone-depleting substances or supplies that may contain or be manufactured with purchased from the Green Procurement Compilation website at <https://sftool.gov/greenprocurement>.~~

~~b. If an exception, as defined in Section 1.d., is met and there are no non-ozone-depleting substances, it options for a particular procurement, then FAA must be specified specify in the Screening Information Request (SIR)/contract that only offerors with the appropriate EPA certifications will be considered for award. Required certifications based on service type (such as Section 608 Certification for stationary refrigeration and air conditioning technicians) can be found under EPA's Ozone Layer Protection Regulatory Programs.~~

~~d. Additional information regarding non-ozone depleting alternatives can be found in the following locations:~~

~~(1) EPA's [SNAP Program website](#); and~~

~~(2) EPA's [Ozone Layer Protection – Regulatory Programs website](#).~~

6 Chemicals Management Revised 4/2014 10/2016

a. ~~To the maximum extent practicable, FAA procurements must 1) purchase Safer Choice labeled products to reduce the overall quantity of chemicals and toxic materials acquired, used, and disposed of; and 2) increase the use of less or non-toxic alternatives.~~

~~(1) FAA must purchase and use less or non-toxic building product alternatives (such as paints, sealants, adhesives, carpet, engineered wood, etc.) wherever practicable. Products should meet the suggested Volatile Organic Compound (VOC) limits set forth in the Whole Building Design Guide's (WBDG) Federal Green Construction Guide for Specifiers.~~

~~(2) (e.g., aircraft cleaning products, deicers, floor care products). Under EPA's Safer Choice Program products are less toxic, and include requirements for performance, packaging, pH and volatile organic compounds. Safer Choice products may be purchased using the Green Procurement Compilation website at <https://sftool.gov/greenprocurement>. FAA must utilize environmentally preferable methods for indoor and outdoor cleaning and ensure that the product complies with statutory mandates (e.g., biobased) if applicable to the product category.~~

Additionally, FAA must implement EPA's Integrated Pest Management (IPM):

~~(a) Cleaning product specifications should align with green cleaning guidelines set forth in EPA's Environmentally Preferable Purchasing Program. For example, preference should be given for cleaning products that:~~

~~(i)b. Have minimal presence of (or exposure to) harmful) Principles and Water-Efficient Landscaping practices to reduce and eliminate the use of toxic and hazardous chemicals (such as corrosives, carcinogens, etc.) and Volatile Organic Compounds (VOCs); and materials.~~

~~(ii) — (ii) Are biodegradable by standard methods and definitions; and~~

~~(iii) — (iii) Contain biobased solvents.~~

~~(b) Indoor and outdoor pest management must be accomplished through an IPM approach that minimizes the use of chemical pesticides.~~

~~(3) FAA must utilize environmentally preferable methods for landscape management wherever practicable. For example:~~

~~(a) Preference should be given for snow and ice management methods that promote proactive ice prevention and employ the use of less toxic chemical de-icing alternatives to calcium chloride and sodium chloride.~~

~~(b) Low impact and biodegradable cleaning products should be specified for use on building exterior, sidewalks, pavement, and other hardscapes in a manner that promotes water efficiency and prevents runoff.~~

~~(c) Preference should be shown for organic or natural fertilizers (such as compost, grass clippings) in lieu of chemical fertilizers where their use would be meaningful and consistent with mission needs. Where synthetic fertilizers must be used, preference should be given to slow-release formulations and those which consider appropriate~~

~~nutrient management practices based on local environmental sensitivities and regulations.~~

~~b. Additional information regarding less or non-toxic alternatives can be found at the following locations:~~

- ~~(1) [Federal Green Construction Guide for Specifiers website](#)~~
- ~~(2) [Design for the Environment \(DfE\) website](#)~~
- ~~(3) [EPA Environmentally Preferable Purchasing Program \(EPP\) website](#)~~

7 Energy Conservation and Efficiency Revised 4/2015 10/2016

~~a. Pursuant to EO 13693, the Energy Policy Act of 2005 (EPA Act 2005), the Energy Independence and Security Act of 2007 (EISA 2007), and FAA Order 1053.1B (or the latest version), the FAA procurement team (CO, program official, legal counsel, and others supporting a program) must make energy conservation and efficiency a contracting consideration when procuring products affecting energy consumption. Energy conservation and efficiency data must be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring energy-consuming products:~~

~~(1)a. FAA must procure the most energy efficient products available, where life-cycle cost effective and consistent with the mission need;~~

~~(2)b. FAA must purchase [Energy Star](#) or other energy-efficient items listed with [ENERGY STAR](#) labeled, and FEMP designated products.~~

~~c. FAA must promote electronics stewardship throughout the Department of Energy's (DOE) Federal Energy Management Program (FEMP) acquisition lifecycle and ensure a procurement preference for environmentally sustainable electronic products, such as the [Electronic Product Energy Efficiency Recommendations products list](#); Environmental Assessment Tool (EPEAT). EPEAT is a procurement tool designed to help purchasers evaluate, compare, and select products (e.g., computer desktops, laptops, and monitors) on the basis of their environmental attributes. FAA must purchase electronic products or services that meet or exceed specifications, standards, or labels recommended by EPA (e.g., EPEAT electronic products is the highest rating available in FY 16) and follow the latest version of EPA's [Recommendation of Specifications, Standards and Ecolabels for electronics](#). All EPEAT registered products are ENERGY STAR labeled.~~

~~(3)d. For products that consume power in standby mode and are listed on FEMP's Low Standby Power Devices product listing, FAA must:~~

~~(a1) Purchase items which meet FEMP's standby power wattage recommendation or document why such items were not purchased; or~~

~~(b2) If the FEMP has listed a product without a corresponding wattage recommendation, purchase items which use no more than one watt in standby power consuming mode. If meeting the one watt requirement is impracticable, FAA will purchase items with the lowest~~

standby wattage practicable. This requirement applies only to commercially available, off-the shelf products, where life cycle cost-effective and practicable.

~~(4) FAA must purchase Electronic Product Environmental Assessment Tool (EPEAT) Bronze registered electronic products (such as personal computer products, imaging equipment, televisions) or higher if available (Gold registered products are preferred). All EPEAT registered products are Energy Star® labeled); and~~

~~(5)e.~~ FAA must purchase technologies that utilize renewable energy sources where their application and use would be practicable, life-cycle cost effective, and consistent with mission needs.

~~b. When contracting for service or construction that will include the provision of energy-consuming products, FAA will specify products that comply with the standards outlined above.~~

~~c. FAA is not required to procure Energy Star®, EPEAT registered, or FEMP designated products if it is determined in writing by the program official that:~~

~~(1) An Energy Star ® product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account;~~

~~(2) No Energy Star® or FEMP designated product is reasonably available that meets the functional requirements of FAA, or~~

~~(3) No EPEAT standard for the product exists.~~

~~f. Energy efficient products (i.e., ENERGY STAR, FEMP, and EPEAT) (may be purchased from the Green Procurement Compilation website at <https://sftool.gov/greenprocurement>.~~

~~d. Information regarding EPEAT registered, Energy Star® or FEMP designated products can be found at the following locations:~~

~~(1) Energy Star® website;~~

~~(2) FEMP website or~~

~~(3) EPEAT website~~

8 Renewable Energy Certificates Revised 4/2015 10/2016

~~a. Renewable energy certificates (RECs), also known as renewable energy credits, represent the property rights to the environmental, social, and other non-power qualities of renewable electricity generation. A REC, and its associated attributes and benefits, can be sold separately from the underlying physical electricity associated with a renewable based generation source. FAA has the option of purchasing renewable energy certificates (RECs) to help meet Federal clean energy and renewable energy use requirements. FAA can conduct their own procurement for these RECs or can~~

work with GSA, Defense Logistics Agency (DLA) and Western Area Power Administration (WAPA) to draw on procurement expertise and coordinate bulk purchases with other agencies.

b.

b. Starting in FY 2015, 100 percent of RECs purchased must be from new renewable sources, where “new” renewable sources means sources of renewable energy. In order to count a REC toward the renewable energy target, per EO 13693, the electricity must have been generated by a renewable generator that was placed into service within ten (10) years prior to the start of the fiscal year in which FAA intends to count the REC toward the renewable energy targets. RECs purchased must be from renewable sources of electricity derived from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, geothermal heat pumps, microturbines, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. Municipal solid waste REC purchases are discouraged as this source of renewable energy negatively impacts the FAA’s greenhouse gas emission reduction performance. In addition, RECs must meet “vintage” requirements where “vintage” refers to the period of time during which the energy the RECs represent was generated. Refer to the following table for the vintage requirements for each fiscal year:

<u>Fiscal Year</u>	<u>“Vintage”, i.e., Period of Generation for RECs</u>
<u>FY 2015</u>	<u>01 April 2014 – 31 December 2015</u>
<u>FY 2016</u>	<u>01 April 2015 – 31 December 2016</u>
<u>FY 2017</u>	<u>01 April 2016 – 31 December 2017</u>
<u>FY 2018</u>	<u>01 April 2017 – 31 December 2018</u>
<u>FY 2019</u>	<u>01 April 2018 – 31 December 2019</u>
<u>FY 2020</u>	<u>01 April 2019 – 31 December 2020</u>
<u>FY 2021</u>	<u>01 April 2020 - 31 December 2021</u>
<u>FY 2022</u>	<u>01 April 2021 – 31 December 2022</u>
<u>FY 2023</u>	<u>01 April 2022 – 31 December 2023</u>
<u>FY 2024</u>	<u>01 April 2023 - -31 December 2024</u>
<u>FY 2025</u>	<u>01 April 2024 – 31 December 2025</u>

RECs purchased for a given fiscal year must meet the corresponding vintage requirements in order for them to count towards that fiscal year’s Federal renewable energy requirement.

c. In order to meet REC reporting requirements, FAA must obtain documentation under the contract showing both transference and ownership of the RECs, and it must also include the following information:

- (1) Number of RECs sold in megawatt hours (MWhs);
- (2) Fuel type (renewable fuel used to generate electricity associated with RECs sold);

- (3) Period of generation for RECs sold (month or quarter, and year);
- (4) Cost per REC (or total purchase price);
- (5) Location of the generation facility; and
- (6) Date the generation facility was placed in service;

Optional additional information may include:

- (1) Renewable energy project name;
- (2) Generator ID number; and
- (3) Nameplate capacity.

Usually this documentation is in the form of an attestation from the REC provider and a certificate of transfer, which demonstrates rights to the renewable attributes of the power generated by the renewable resource transfer to the buyer.

9 Water Conservation and Efficiency **Revised 4/2014 10/2016**

~~a.~~ The procurement team (~~Contracting Officer (CO)~~, program official, legal counsel, and others supporting a program) must make water conservation a contracting consideration when procuring products affecting FAA water consumption. Water conservation and efficiency data must be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When Pursuant to EO 13693 and FAA Order 1053.1B (or the latest version), when procuring water consuming products:-

~~(1) FAA must procure the most water efficient products available, where life cycle cost effective and consistent with the mission need.~~

~~(2)a. FAA must purchase WaterSense® labeled products or other water conserving products where available and life cycle cost effective.~~

~~b. When contracting for service or construction that will include the provision of water consuming products, FAA will specify products that comply with the standards outlined above. FAA should choose irrigation contractors that are certified through a WaterSense® labeled program products.~~

~~eb. FAA is not required to~~ must procure WaterSense® labeled certified services.

WaterSense products ~~or other water conserving products if it is determined in writing by~~ may be purchased from the program official that: Green Procurement Compilation website at <https://sftool.gov/greenprocurement>.

~~(1) A WaterSense® labeled product or other water conserving product is not cost-effective over the life of the product taking utility cost savings into account; or~~

~~(2) No WaterSense® labeled product or other water conserving product is reasonably available that meets the functional requirements of FAA.~~

~~d. For examples of common off-the-shelf water conserving products and efficiency standards, refer to Department of Energy's (DOE) guidance "[Establishing Baseline and Meeting Water Conservation Goals of Executive Order 13423](#)".~~

~~e. Information regarding WaterSense® labeled products can be found on the [EPA's WaterSense® website](#).~~

10 Preference for Recycled-Content BioPreferred and Biobased Designated Products Revised 4/2015 Added 10/2016

~~a. According to Executive Orders 13423~~

~~Pursuant to EO 13693, the Farm Security and 13514, FAA procurements Rural Investment Act of designated recycled content products in EPA's Comprehensive Procurement Guidelines (CPG) will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For 2002, the Food Conservation and Energy Act of 2008, and the Agricultural Act of 2014, FAA must purchase and use USDA BioPreferred and biobased products. FAA must give preference is given for purchasing to products composed of the highest percentage of biobased products material practicable.~~

~~(1) EPA Designated Products. FAA's Biobased products are derived from plants and other renewable agricultural, marine, and forestry materials and provide an alternative to conventional petroleum derived products. Biobased products may be purchased from the Green Procurement Plan (GPP) (see Appendix Compilation website at <https://sftool.gov/greenprocurement>.~~

11 Preference for Recycled-Content Products Revised 10/2016

~~a. 2) is based on EPA's CPG designations of recycled content products. According to EO 13693, FAA must procure products composed of recycled content, which are produced with waste materials and byproducts recovered or diverted from solid waste. Recycled-content products are designated in EPA's CPG and FAA is required to purchase these products at the highest percentage of recovered content practicable.~~

~~FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, and are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA's CPG website. The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products,~~

Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

~~(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. Contracting Officers should refer to the U.S. Department of Agriculture (USDA) listing of biobased products on the [USDA biopreferred website](#) when purchasing products that contain biobased material or services that could contain products that contain biobased material.~~

~~(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.~~

~~b. *Environmental Substitution Guide for Products.* FAA's GPP provides information and guidance on purchasing and using environmentally preferable products and services. c.~~

~~*Recycled Content Determination or Justification for Exemption.*~~

~~1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.~~

~~(a) *Printing and Writing Paper.* In accordance with Executive Orders 13423 and 13514, FAA must use the following minimum content standards when purchasing uncoated printing and writing papers paper (including office paper products and support services that include the supply of written documents:~~

~~(i) 30 percent post-consumer fiber;~~

~~(ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably available, do not meet reasonable performance requirements, or are only available at an unreasonable price.~~

~~(b) In addition, FAA should purchase uncoated paper containing at least 50 percent post-consumer recycled fiber content whenever practicable.~~

~~(2) Justification for Not Buying EPA-Designated Recycled Content Products.~~

~~(a) FAA justifications not to buy. If not practicable, in accordance with EO 13693, FAA must purchase uncoated printing and writing paper containing at least 30 percent post-consumer recycled content products are to be in writing, and may conclude that recycled content products: or higher.~~

~~(i) Are not available competitively;~~

~~(ii) Are not available within a reasonable time frame;~~

~~(iv) Do not meet reasonable performance standards; or~~

~~(iv) Are only available at an unreasonable price.~~

~~Written justification is not required for purchases below the threshold level of \$10,000.~~

~~(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.~~

~~dc. Recycled-Content CPG Items-Products Threshold.~~ The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. ~~FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$10,000.~~

~~e. Federal Supply Sources for EPA-Designated Products.~~

~~(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), the Defense Supply Center Richmond, and Ability One Program are competitive sources for EPA-designated items and other recycled content products.~~

~~(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with GPP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.~~

~~f. Contractors Use of EPA-Designated Products.~~

~~(1) The requirement to buy recycled content items applies to contractors when they are purchasing or supplying EPA-designated products for use in the performance of a contract. The contractor is required to monitor and report on its GPP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's GPP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include GPP compliance provisions.~~

~~(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable GPP requirements contained in their contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the procurement of recycled content products. COs may, at any time, when appropriate, emphasize to contractors the importance and requirements of Executive Orders 13423 and 13514.~~

~~g. Life Cycle Cost Analysis. FAA is required to use life cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.~~

d. h. Specification Review/Revision.

~~(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of biobased and recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring biobased and recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for biobased and recovered materials to the maximum extent practicable, and allow for the purchase of products containing biobased and recovered material.~~

~~(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider biobased and recovered materials and environmentally preferable purchasing criteria.~~

~~(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds USDA's biobased and EPA's recycled content recommendations.~~

When all sustainable acquisition requirements for toner cartridges cannot be met in the same product, remanufactured and recycled content should receive purchasing priority over biobased toner.

e. Recycled-content products designated in the CPG may be purchased from the Green Procurement Compilation website at <https://sftool.gov/greenprocurement>.

12 Fuel Efficient Products and Services Added 10/2016

FAA must procure SmartWay products, and services from SmartWay Transport partners. The EPA SmartWay program is a public-private partnership to reduce greenhouse gas emissions and air pollution created by freight transportation in supply chains. SmartWay helps companies that transport goods to improve efficiency by measuring, benchmarking and streamlining freight supply chain operations. The program has verified the fuel saving and/or emission reducing benefits of products within the following categories: aerodynamic technologies, idle reduction technologies, low rolling resistance tires, and retrofit technologies.

~~13. *Promotion Program.* FAA is responsible for actively promoting its preference for biobased and recycled content products. This includes making biobased and recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure biobased and recycled content products, and providing FAA employees and contractors with information on sources of biobased and recycled products. FAA should internally and externally promote its desire to buy biobased and recycled products by:~~

~~(1) Including explicit biobased and recovered materials preference standards for USDA-designated biobased products and EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and~~

~~(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's biobased and recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.~~

~~j. *Vendor Procedures.*~~

~~(1) *Certification.* COs should ensure that vendors provide written certification that their products meet the minimum content standards in the SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.~~

~~(2) *Verification.* FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with Executive Orders 13423 and 13514.~~

~~k. *Annual Review and Monitoring.* FAA should take the following actions to track its procurement of USDA-designated biobased products and EPA-designated recycled content products:~~

~~(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each USDA-designated biobased product and EPA-designated recycled-content product that it purchases.~~

~~(2) Assess its progress in achieving FAA goal of ensuring that 95 percent of applicable new contract actions for products and services advance sustainable acquisition, including biobased and recycled-content products acquisition, where such products and services meet FAA performance requirements.~~

~~(3) Determine whether biobased and recycled-content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.~~

~~(4) Determine whether biobased and recycled-content products are not being purchased due to price, performance, or availability constraints.~~

~~(5) Work with vendors, USDA, and the EPA to identify products that meet FAA's needs whenever performance is the constraint.~~

~~(6) Increase its promotion program and work with the USDA and EPA to identify sources whenever availability is the constraint.~~

~~1. Annual Reports:~~

~~(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:~~

~~(a) To increase the procurement of products made from biobased and recovered materials;~~

~~(b) For solid waste prevention and recycling or for solid waste diversion; and~~

~~(c) For increasing the use of environmentally preferable products and services.~~

~~(2) FAA is responsible for tracking its purchasing of USDA-designated biobased products and EPA-Designated items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of biobased, recycled-content and environmentally preferable products.~~

11 Waste Management and Pollution Prevention Revised 7/2014 10/2016

a.- *Non-hazardous Solid Waste.* ~~The~~ FAA must divert at least 50 percent of non-hazardous solid waste, ~~excluding including food and compostable material but not~~ construction and demolition materials and debris, ~~by the end of Fiscal Year 2015~~ annually, in accordance with ~~Executive Order 13514. Pursuant to Executive Order 13423, every new~~ EO 13693. Each contract for contractor operation of or maintenance at a Government owned or leased facility should require contractor programs to promote and implement cost-effective waste reduction and diversion in performing the contract, to the maximum extent practicable. Where economically feasible, existing contracts for contractor operation of or maintenance at Government-owned or leased facilities should be modified to include the promotion and implementation of cost-effective non-hazardous solid waste reduction and diversion in contract performance.

(1) The contractor must track solid waste diversion efforts and provide a Waste Diversion Summary report each month in accordance with AMS clause 3.6.3-7 “Waste Management and Pollution Prevention.”

(2) A sample Solid Waste and Recycling Report Form can be found in the FAA AMS Statement of Work Generator and DID Library under DID FAA-EOSH-002.

b.- *Construction and Demolition (C&D) Waste.*

(1) FAA must divert at least 50 percent of ~~overall non-hazardous~~ C&D ~~waste from landfills or incineration facilities by the end of Fiscal Year 2015~~ materials and debris in accordance with ~~Executive Order 13514~~ EO 13693. Examples of materials to be diverted are as follows:

- (a) Soil;
- (b) Inerts (~~such as e.g.,~~ concrete, masonry, or asphalt);
- (c) Clean dimensional wood and pallet wood;
- (d) Green waste (~~e.g.,~~ biodegradable landscaping materials);
- (e) Engineered wood products (~~such as e.g.,~~ plywood, particle board);
- (f) Metal products (~~such as e.g.,~~ steel, wire, beverage containers);
- (g) Cardboard, paper, and packaging;
- (h) Bitumen roofing materials;
- (i) Plastics (~~such as e.g.,~~ ABS, PVC);
- (j) Carpet and/or padding;
- (k) Gypsum board;

(l) Insulation;

(m) Paint; and

(n) Fluorescent lamps.

(2) For all construction, demolition, or facilities modernization contracts over \$100,000 in awarded value, the contractor must submit a Waste Management Plan to the ~~Contracting Officer (CO)~~ no later than fifteen (15) days after contract award and prior to the start of construction activities in accordance with Clause 3.6.3-22 "Construction Waste Management". The clause also requires the contractor to divert at least 50 percent of the weight of the total non-hazardous solid waste generated by the work from landfills and incinerators (unless a lower percentage is specified in the clause by the CO).

~~(a) (a)~~ The contractor must track C&D waste diversion efforts and provide a Waste Diversion Summary Report each month. in accordance with the above clause.

~~(b) Information regarding C&D waste management may be found at the following websites:~~

~~(i) EPA's Construction and Demolition Materials provides basic information on C&D materials, collection, handling, recycling, reuse, and disposal.~~

~~(ii) California C&D Debris recycling provides useful best practices for managing C&D waste.~~

~~(iii) Whole Building Design Guide provides a Construction Waste Management Database (3) The Whole Building Design Guide (www.wbdg.org) provides a Construction Waste Management Database that contains information on companies that haul, collect, and process recyclable debris from construction projects.~~

c. FAA facilities must comply with the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101-13109).

d. Every FAA contract that provides for performance on a Federal facility must stipulate that the contractor must provide information necessary for FAA to comply with the emergency planning and toxics release reporting requirements of EPCRA and PPA.

1214 Energy Savings Performance Contracts Revised -4/2014 10/2016

a.- An Energy Savings Performance Contract (ESPC) is a contract that allows the FAA to accomplish energy projects for its facilities with little or no upfront capital costs. Under an ESPC, a contractor

(i.e., an Energy Savings Company (ESCO)) finances the up-front cost of the project, guarantees the project improvements will generate enough energy and water cost savings to pay for the project over the contract period, and is paid back from the resultant energy and water savings over the contract period. Financed project costs may include ESCO services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair of an identified energy conservation measure or series of measures at one or more FAA facilities. If sufficient appropriated funding to cover the entire project is not available, or is not expected to be available in a reasonable time frame, FAA may award ESPCs to accomplish energy savings projects at FAA. FAA may contract with an ESCO for a period not to exceed 25 years.

b. *-Procedures.* To solicit and award an ESPC, the CO must use the procedures, selection method, and terms and conditions provided in 10 CFR Part 436, Subpart B, at the ~~Department of Energy (DOE)~~ ~~Federal Energy Management Program (FEMP)~~ ~~FEMP website~~ ~~website at~~ <http://energy.gov/eere/femp/energy-savings-performance-contracts-federal-agencies> and must use the “Qualified List” of ESCOs established by the DOE. The resulting award would be processed as an order under the applicable DOE contract consistent with AMS guidance on interagency procurement.

c. *-Training.* All COs responsible for negotiating ESPCs must take DOE FEMP-sponsored contracting training for ESPCs (ESPC Contracting and Negotiations Webinar).

d. *-All ESPCs must comply with the National Energy Conservation Policy Act (42 U.S.C 8287) as set forth in the DOT Limited Delegation of Authority of July 11, 2012 until such time as the DOE statute or implementing regulations are revised.*

~~1315~~ Utility Energy Service Contracts Revised ~~4/2014~~ 10/2016

a. *- Under a Utility Energy Service Contract (UESC), FAA may contract with a local servicing utility for technical services and/or up-front project financing for energy efficiency, water conservation, and renewable energy investments at one or more FAA facilities. The utility finances the capital costs of the project with little or no up-front capital costs to the FAA, and the utility is then repaid over the contract term from the cost savings generated by the project. If sufficient appropriated funding to cover the entire project is not available, or not expected to be available in a reasonable time frame, FAA may award UESCs at FAA facilities. Unlike a Energy Savings Performance Contract, a UESC is not required to include performance guarantees. Because of this, it is highly recommended that performance guarantees or assurances be incorporated into these contracts to reduce FAA risk. Performance assurances do not guarantee energy savings; however, they provide assurance that equipment installed will perform as expected. A UESC should also include measurement and verification of savings through equipment commissioning, recommissioning or retro-commissioning.*

b. *-Planning.* Acquisition planning for a UESC should include the following:

- (1) Inclusion of applicable performance assurance criteria in the SIR and contract;

- (2) Analysis that shows that the planned energy conservation measures are cost effective; and
- (3) A competition or alternatives analysis as part of the selection process.

c. *Procedures.* To solicit and award a [UESC](#), the CO must use the procedures, selection method, and terms and conditions provided on the Department of Energy ~~Federal Energy Management Program (FEMP) website.~~ [FEMP website at http://energy.gov/eere/femp/utility-energy-service-contracts-federal-agencies.](http://energy.gov/eere/femp/utility-energy-service-contracts-federal-agencies)

d.- All UESCs must comply with the Energy Policy Act of 1992 (42 USC 8256).

1416 Drug Free Workplace Revised -4/2014 10/2016

a. *Applicability.* Drug-free workplace requirements apply to all contracts except those performed outside of the United States, its territories, and its possessions; or when application would be inconsistent with international obligations of the U.S. or foreign laws or regulations.

b. *Attestation.* The firm or individual attests to providing a drug-free workplace by their signature on the contract.

c. *Penalties.* After determining in writing that adequate evidence to suspect the specific cause identified exists, the CO may elect to suspend contract payments or to terminate the contract.

- (1) The specific cause for suspension of contract payments, termination of a contract, or suspension and debarment is that such a number of contractor employees have been convicted of violations of criminal drug statutes occurring in the workplace to indicate that the contractor has failed to make a good-faith effort to provide a drug-free workplace.

- (2) A determination to suspend contract payments, terminate a contract, or debar or suspend a contractor may be waived for a particular contract, only if such waiver is necessary to prevent a severe disruption of FAA's operation to the detriment of the Federal Government or the general public.

B Clauses

[view contract clauses](#)

C Forms

[view procurement forms](#)

D Appendix

1 Appendix ~~—~~ Definitions Revised 4/2009 10/2016

~~a. "Biobased product" means a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine) or forestry materials.~~

~~b. "Consumer product" means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) that consumes energy and is distributed in commerce for personal use or consumption by individuals.~~

~~c. "Covered product" means a consumer product of one of the following types:~~

~~—— (1) Central air conditioners.~~

~~(2) Clothes dryers.~~

~~(3) Clothes washers.~~

~~(4) Dishwashers.~~

~~(5) Freezers.~~

~~(6) Furnaces.~~

~~(7) Home heating equipment, not including furnaces.~~

~~(8) Humidifiers and dehumidifiers.~~

~~(9) Kitchen ranges and ovens.~~

~~(10) Refrigerators and refrigerator freezers. /2016~~

~~Alternative (11) Room air conditioners.~~

~~(12) Television sets.~~

~~(13) Water heaters.~~

~~(14) Any other type of product that the Secretary of Energy classifies as a covered product under 42 U.S.C. 6292(b).~~

d. *"Energy efficiency standard"* means a performance standard that prescribes a minimum level of energy efficiency for a covered product, determined by test procedures prescribed under 42 U.S.C. 6293; and includes any other requirements that the Secretary of Energy may prescribe under 42 U.S.C. 6295(e).

e. *"Energy use and efficiency label"* means a label provided by a manufacturer of a covered product under 42 U.S.C. 6296.

f. *"EPA designated item"* means an item that is or can be made with recovered **Energy**. Energy generated from technologies and approaches that advance renewable heat sources, including biomass, solar thermal, geothermal, waste heat, and renewable combined heat and power processes; combined heat and power; small modular nuclear reactor technologies; fuel cell energy systems; and energy generation, where active capture and storage of carbon dioxide emissions associated with that energy generation is verified.

Biobased. Products derived from plants and other renewable agricultural, marine, and forestry materials and is listed by EPA in a provide an alternative to conventional petroleum derived products.

BioPreferred. A U.S. Department of Agriculture (USDA) program that increases the purchase and use of biobased products. There are two major parts of the program: (1) mandatory purchasing requirements for federal agencies and their contractors; and (2) a voluntary labeling initiative for biobased products.

Clean Energy. Renewable electric energy and alternative energy.

Comprehensive Procurement Guidelines (CPG). EPA's guidelines to promote the use of materials recovered from solid waste. These guidelines ensure that recycled-content products collected in recycling programs are used again in the manufacture of new products. EPA is required to designate products that are or can be made with recovered materials, and to recommend practices for buying these products. Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable. Currently there are 61 products designated in eight categories.

Electronic Product Environmental Assessment Tool (EPEAT). A procurement guideline (40 CFR, chapter 1, subchapter D) tool designed using a grant from the EPA and managed by the Green Electronics Council (GEC) to help purchasers evaluate, compare, and select products (e.g., computer desktops, laptops, and monitors) on the basis of their environmental attributes. EPEAT-registered products must

meet environmental performance criteria that address: materials selection, design for product longevity, reuse and recycling, energy conservation, end-of-life management, and corporate performance.

g. "Environmentally preferable" means products or **ENERGY STAR**. A joint EPA and DOE program that identifies and promotes energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of or other forms of communication about products and buildings that meet the highest energy efficiency standards.

Environmentally Preferable Purchasing Program (EPP). An EPA program that helps federal agencies to procure greener products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose and harness federal purchasing power to green markets. Environmentally preferable product categories items include:

(1) Building and Construction

(2) Carpets

(3) Cleaning

(4) Electronics

(5) Fleets

(6) Food Service

(7) Landscaping

(8) Meetings and Conferences

(9) Office Supplies

(10) Paper

h. "Manufacture" means to manufacture, produce, assemble, or import.

i. "Manufacturer" as used in this part, means any business that, or person who, manufactures a consumer product.

j. "Post-consumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Post consumer material is a part of the broader category of "recovered material content."

~~k. "Recovered material content" means waste materials and by-products which have been recovered or diverted from solid waste including post consumer material, but such term does not include those materials and by-products generated from, and commonly reused within, an original raw materials, manufacturing process, packaging, distribution, use, reuse, operation, maintenance, and disposal.~~

~~l. "Recycled content products" means recovered material consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN).~~

~~2 Appendix – FAA Green Procurement Plan Revised 7/2013~~

~~1. Purpose~~

~~a. The purpose of the Green Procurement Plan (GPP) is to enhance and sustain the FAA mission through cost-effective acquisition that complies with applicable requirements, reduces resource consumption, and minimizes waste generation. Green procurement is purchasing environmentally preferable products and services according to one or more of the established Federal "green" procurement preference requirements. This plan supplements requirements in the FAA Strategic Sustainability Performance Plan, FAA's Acquisition Management System (AMS), and FAA Order 1050.10C, *Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities*.~~

~~b. FAA's GPP supports acquiring products and services through the use of sustainable environmental practices, including procuring biobased, environmentally preferable, low or non-toxic, energy-efficient, water-efficient, and recycled-content products.~~

~~Below are goals, objectives, and sustainable practices that FAA's GPP impacts either directly or indirectly:~~

~~1.1. Sustainable Acquisition~~

~~Ensure that 95% of new contracts, task orders, and delivery orders for products and services are energy-efficient (ENERGY STAR® or Federal Energy Management Program (FEMP) designated), water-efficient, biobased, environmentally preferable, Electronic Product Environmental Assessment Tool (EPEAT) certified, non-ozone depleting, contain recycled content, or non-toxic or less toxic alternatives when such products and services meet agency performance requirements, as applicable.~~

~~1.2. Pollution Prevention and Waste Reduction~~

~~a. Reduce using chemicals and toxic materials and purchase lower risk chemicals and toxic materials;~~

~~b. Minimize generating waste and pollutants through source reduction (i.e., purchasing less); and~~

e. Reduce printing paper use and acquire uncoated printing and writing paper containing at least 30% post-consumer fiber.

1.3. Sustainable Buildings

a. Construct or renovate buildings according to sustainability strategies, including resource conservation, reduction, use, siting and indoor environmental quality;

b. Enhance indoor environmental quality through purchasing low-emitting materials; and

e. Reduce environmental impact of materials and construction waste; purchase recycled content, biobased and non-ozone depleting products.

2. Roles and Responsibilities

This section outlines the roles and responsibilities in developing requirements for commodity purchases to meet GPP goals and objectives.

2.1. FAA Acquisition Executive (FAE)

The FAA Acquisition Executive (FAE) and associated staff are responsible for:

a. Overseeing and facilitating implementation of FAA's GPP;

b. Issuing procurement policies, guidance, and contract clauses and provisions consistent with green procurement requirements;

e. Ensuring Contracting Officers conduct compliance monitoring for their contract's consistency with green procurement requirements, and assist in any necessary corrective actions; and d. Reviewing contracts for quarterly data requests.

2.2. Office of Environment and Energy (AEE)

The Office of Environment and Energy (AEE), coordinating with the FAE, is responsible for:

a. Facilitating environmental programs in the areas of acquisitions, facilities management, standards, waste prevention, recycling, and logistics activities as they relate to GPP;

b. Distributing information on best practices through awareness and outreach programs to facilitate markets for environmentally preferable products, services, and new technologies;

e. Facilitating and coordinating educational and promotional programs for agency employees and contractors, as appropriate;

~~d. Promoting internally and externally FAA's GPP. This includes making recycled content suppliers aware of the FAA's preference program, educating program and acquisition offices about requirements to procure recycled content products, and providing FAA employees and contractors with information on sources of recycled products; and~~

The Office of Environment and Energy (AEE), in coordination with AFN Contracting Officers, is responsible for:

~~e. Annually, the organizations will establish and document collaborative methods for setting, maintaining, and annually reviewing and updating objectives and targets for GPP performance that are appropriate for the nature and quantity of purchases made.~~

2.3. Contracting Officers

Contracting Officers (COs) are responsible for:

~~a. Ensuring contractor and program office awareness of GPP requirements applicable to their contracts;~~

~~b. Reviewing and approving the Request for Procurement Exemption, if required, and providing Life Cycle Cost Analysis assistance to the program offices, if necessary;~~

~~c. Providing guidance and facilitating acquisition planning for environmentally preferable goods and services including those available through Federal sources;~~

~~d. Assisting in any market research necessary to determine the availability of environmentally preferable good and services;~~

~~e. Ensuring that solicitations and contracts contain the appropriate FAA AMS clauses and provisions;~~

~~f. Ensuring contractual record keeping and reporting requirements for contractors and all subcontractors are incorporated into evaluation factors for contract award, if applicable;~~

~~g. Ensuring all contract actions from development through award, execution, and close out meet GPP requirements, when appropriate;~~

~~h. Working with program offices to provide contractual green procurement data for compilation and distribution; and~~

~~i. Maintaining required documents in the contract file to include estimates, certifications, and written justifications for exceptions when required.~~

2.4. Program Offices

Program offices (including requisitioners) are responsible for the following:

- ~~a. Reviewing and revising procurement specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water-efficient and recycled-content products. If the product or service involves the environmental attributes identified in Section 5. Environmental Attributes, then the specifications, and/or purchase requisition will be reviewed for conformance, and modified, as appropriate;~~
- ~~b. Eliminating requirements for virgin materials, express preference for recovered materials to the maximum extent practicable, and maximize the purchase of products containing recovered material;~~
- ~~c. Identifying and documenting whether recycled content, biobased content, and energy and water-efficient products, alternative fuel vehicles, and products containing non-ozone-depleting substances are not readily available;~~
- ~~d. Determining if recycled content and biobased products satisfy local requirements for price, availability, and performance and if FEMP-designated or ENERGY STAR® products are life-cycle cost effective and reasonably available;~~
- ~~e. Consulting early in the procurement process with appropriate parties (e.g., environmental specialists, contracts specialist) to facilitate the process of procurement planning, including Life-Cycle Cost Analysis;~~
- ~~f. Utilizing statements of work (SOWs) or specifications which eliminate virgin material requirements, promote the reuse of products, require the use of alternative fuels and alternative fueled vehicles, products containing recovered materials (e.g. U.S. Environmental Protection Agency (EPA) or U.S. Department of Agriculture (USDA) designated products), products that are ENERGY STAR® or energy-efficient, products that are water-efficient, biobased products, products that are environmentally preferable, low or non-toxic products, EPEAT-certified products, and non-ozone-depleting products;~~
- ~~g. Preparing any Request for Procurement Exemption or justification documentation; and~~
- ~~h. Providing oversight of contract execution to ensure green procurement requirements are addressed in accordance with the terms of the contract.~~

3. Requirements

- ~~a. The scope of FAA's GPP covers all agency acquisitions, including purchase card transactions. The GPP applies to contractors that construct/operate FAA facilities (see circular).~~
- ~~b. The following requirements establish the framework for FAA's GPP:
 - ~~1. Resource Conservation and Recovery Act (RCRA) Section 6002, as amended, (42 U.S.C. 6962)~~~~

- ~~2. Farm Security and Rural Investment Act (FSRIA) of 2002, Section 9002~~
- ~~3. The Energy Policy Act (EPAAct) of 2005~~
- ~~4. Food, Conservation, and Energy Act (FCEA) of 2008~~
- ~~5. Executive Order (EO) 13150, Federal Workforce Transportation~~
- ~~6. EO 13221, Energy Efficient Standby Power Devices~~
- ~~7. EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management~~
- ~~8. Instructions for Implementing Executive Order 13423~~
- ~~9. EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance~~
- ~~10. 40 Code of Federal Regulations (CFR) Part 247, Comprehensive Procurement Guideline for Products Containing Recovered Materials~~
- ~~11. FAA's Acquisition Management System (AMS):~~
 - ~~(i) Policy 4.8: Environmental, Occupational Safety and Health, and Energy Considerations~~
 - ~~(ii) Policy 3.6.3: Environment, Conservation, Occupational Safety, and Drug Free Workplace~~
 - ~~(iii) Guidance T3.6.3: Environment, Conservation, Occupational Safety, and Drug Free Workplace~~

4. Implementation

~~FAA personnel involved in acquisitions will consider environmental and energy factors from requirement identification through the life cycle acquisition process. This will enable FAA to reduce costs, improve efficiency, and reduce environmental impacts resulting from agency-procured products and services. Their actions will be consistent with the "waste management hierarchy:" reduce, reuse, and recycle, in that order.~~

5. Environmental Attributes

~~Through the acquisition process, the following environmental attributes should be considered, as a result of the potentially significant environmental impacts:~~

- ~~1. Alternative fuels and alternative fuel vehicles~~
- ~~2. Biobased products~~

~~3. Energy Star® and energy-efficient products~~

~~4. Environmentally preferable products~~

~~5. EPEAT-registered electronics~~

~~6. Priority Chemicals~~

~~7. Non-ozone-depleting substances~~

~~8. Recovered material~~

~~9. Renewable energy~~

~~10. Water-efficient products~~

~~11. Use of green meetings and conferences~~

~~For additional information, see Section 13. Information Resources.~~

6. Federal Supply Sources

~~a. Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Government Printing Office (GPO), Ability One Program, Defense General Supply Center (DGSC), and UNICOR are competitive sources for green products and services. Procuring environmentally preferable products and services through these sources offers the following advantages:~~

~~1. Products have been competitively bid;~~

~~2. Products meet or exceed EPA minimum content standards for recovered materials; and~~

~~3. Electronic catalogs identifying green products.~~

~~b. For items not available through federal supply sources, GPP requirements will be incorporated during the acquisition planning phase. In developing plans, drawings, statements of work, specifications or other product descriptions, Program Offices will consider the following factors: energy efficiency, elimination of virgin material requirements, use of recovered materials or biobased components, reuse of product, life-cycle cost, recyclability, use of environmentally preferable products, waste prevention (including reduction or elimination of hazardous waste), and ultimate disposal.~~

7. Procurement Exemption

~~a. AMS Procurement Guidance T3.6.3A.7 requires 100 percent of purchases of EPA or USDA-designated items contain recycled content, unless the items:~~

- ~~1. Are not available competitively;~~
- ~~2. Are not available within a reasonable time frame;~~
- ~~3. Do not meet reasonable performance standards; or~~
- ~~4. Are only available at an unreasonable price.~~

~~b. The program office and/or CO as appropriate are responsible for documenting the decision not to buy recycled content products. The requisitioner is responsible for submitting a copy of the form to the responsible program manager. Written justification is not required for purchases below the threshold level of \$10,000.~~

8. Life-Cycle Cost Analysis

~~A life-cycle cost analysis, wherever feasible and appropriate, is used to assist in selecting products and services. Whenever possible, cost will be calculated applying life-cycle cost concepts to determine cost effectiveness of green alternatives over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as maintenance costs, installation costs, operational costs, and disposal costs over the lifetime of the product will be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.~~

9. Promotion Program

~~FAA will promote the purchase of environmentally preferable products by:~~

- ~~a. Including explicit recovered materials preference standards for EPA or USDA-designated items in appropriate specifications, solicitations and contract language; and~~
- ~~b. Providing informational materials, vendor and product information, and training to program and procurement offices regarding FAA's recovered materials preference program through: electronic media such as FAA websites, memos, publications, newsletters, and at appropriate conferences, workshops, and meetings.~~

10. Procedures for Vendor Certification, Estimation, and Verification

~~COs should ensure that vendors (1) provide written certification that their products meet the minimum requirements in the solicitation documents; (2) maintain copies of certification documents; and (3) produce copies of the written certification upon request by the FAA. RCRA Section 6002 requires procuring agencies to obtain estimates and certifications of the recycled content in the products to be supplied under a contract, and to verify those estimates and certifications.~~

11. Compliance Monitoring

a. ~~The Resource Conservation and Recovery Act of 1976 and the Farm Security and Rural Investment Act of 2002 require Federal agencies to establish affirmative procurement programs for purchasing EPA and USDA designated recycled content and biobased products, respectively. One required element of these programs is annual review and monitoring of the program (i.e., compliance monitoring).~~

b. ~~FAA will review and evaluate the effectiveness of the GPP annually. FAA will take the actions to track its procurement of recycled content products consistent with AMS T3.6.3A.7.~~

~~See additional information on compliance monitoring options already in use within the federal government.~~

e. ~~FAA will review new contracts, task orders, and delivery orders to ensure that, when applicable, 95% include products and services that are energy efficient (ENERGY STAR® or Federal Energy Management Program (FEMP) designated), water efficient, biobased, environmental preferable, Electronic Product Environmental Assessment Tool (EPEAT) certified, non-ozone depleting, contain recycled content, or non-toxic or less-toxic alternatives where such products and services meet agency performance requirements.~~

12. Data Tracking and Reporting

~~The FAA will establish compliance monitoring procedures, in accordance with Department of Transportation (DOT) specifications and Office of Management and Budget (OMB) scorecard requirements, to ensure that green purchasing activities are consistent and that data are accurate. Corrective actions will be implemented, as necessary to improve the data quality that will be used in the OMB scorecard and annual reports. The FAA Procurement Policy Team (AAP-110) will track the Agency's purchasing of items within the scope of this GPP, and report this information to AEE, at established intervals. AEE will report on FAA's compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of environmentally preferable products.~~

13. Information Resources

a. ~~The Acquisition section of the Federal government's comprehensive environmental stewardship and compliance assistance web site is the portal for federal green purchasing programs. This site provides links to, and highlights from, programs which enable agencies to meet green procurement goals, including but not limited to: Environmentally Preferable Purchasing (EPP), Comprehensive Procurement Guidelines (CPG), the ENERGY STAR® Program, and FEMP.~~

b. ~~Routinely used Government supply sources have green products, but these products must be sought and specifically requested. Products are available through supply catalogs published by the GSA and local contractors serving as AbilityOne Program distributors.~~

~~e. GSA offers a variety of environmental products and services to its Federal customers to assist them in their efforts to comply with procurement responsibilities outlined in Federal environmental laws and regulations. Environmental products can be viewed and purchased from the GSA Advantage! and GSA Global Supply online purchasing systems.~~

~~d. EPA's Database of Environmental Information for Products and Services provides a quick reference guide to the various programs and products. The EPA database provides links to contract language, specifications, and policies; environmental standards and guidelines; vendor lists of product brands; and other useful sources of information (e.g., fact sheets, guidance, case studies).~~

~~e. EPA maintains a list of designated recycled content products and recommends the percentages of recycled content that the products must contain. Agencies can refer to EPA for a complete list of designated products, EPA's recommendations, and additional information.~~

~~f. USDA designates biobased products and provides guidance to assist agency purchasing of these products.~~

~~g. EPA's "Buying "Green" with the Government Credit Card" factsheet provides tips when using the Government purchase card that focus on buying products with recycled content, buying products with reduced packaging; looking for the ENERGY STAR® label; asking if the product contains hazardous materials or toxic chemicals; and looking for other information on the environmental features of products.~~

~~h. Appendix B of OMB Circular A-123, Chapter 10 Environmental Requirements, prescribes policies and procedures to agencies regarding how to maintain internal controls that reduce the risk of fraud, waste, and error in Government charge card programs. The requirement for compliance with OMB Circular A-123, Appendix B is contained in the Management Plan for the FAA Purchase Card Program.~~

~~i. EPA's ENERGY STAR® Program provides a current list of qualified products.~~

~~j. EPA Priority Pollutant List provides a current list of regulated chemical pollutants.~~

~~k. EPA information on resource conservation for construction and demolition.~~

~~l. FEMP products and requirements.~~

~~m. FedCenter provides a compilation of the products for which EPA, DOE, and USDA have provided environmental or energy attribute recommendations.~~

~~n. The Defense Logistics Agency (DLA) provides a catalog with environmental products.~~

~~o. The GSA Green Products Compilation Web Tool facilitates the procurement of green/sustainable products and services. The products listed are those for which the U.S.~~

Environmental Protection Agency, U.S. Department of Energy, or U.S. Department of Agriculture has issued designations or otherwise provided guidance for environmental or energy attributes.

14. Definitions

Federal Energy Management Program (FEMP) Designated Products. Products designated under DOE FEMP

Alternative Fuel—Fuel defined by Section 301 of the Energy Policy Act of 1992, as modified periodically by the Secretary of Energy by rule.

Biobased Product—A product determined by the Secretary of Agriculture to be a commercial or industrial product (other than food or feed) that is composed, in whole or in part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials.

Certification—Provided by offerors/bidders/vendors, it is written documentation certifying the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multi-component or multi-material products should verify the percentage of post-consumer materials and recovered material contained in the major constituents of the product. [US Environmental Protection Agency (EPA) Guidelines]

Comprehensive Procurement Guidelines—Regulations issued by EPA pursuant to Section 6002 of RCRA, as amended, (42 U.S.C. 6962) identifying items produced (or which can be produced) with recovered materials. [EO 13101 and Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]

Designated Item—A product or category of products designated by EPA in the Comprehensive Procurement Guideline and whose procurement by government agencies will help to create markets for materials recovered from solid waste.

Energy-Efficient or FEMP-designated Product—a product designated by the Federal Energy Management Program, Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

ENERGY STAR® Product—A product that is rated for energy efficiency under an ENERGY STAR® Program established by Sec. 324A of the Energy Policy and Conservation Act.

Environmentally Preferable Products and Services—Products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services, serving the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or product or service disposal.

Electronic Product Environmental Assessment Tool (EPEAT)—A procurement tool designed to help institutional purchasers in the public and private sectors evaluate, compare and select electronic

products based on their environmental attributes. The first EPEAT standard applies to computer desktops, laptops and monitors.

~~**EPEAT-Registered Products**—Products which meet the and Electrical Engineers (IEEE) 1680-2006 Standard for the Environmental Assessment of Personal Computer Products, and products registered under similar standards developed after the date of this Policy Letter, and are listed on the EPEAT Product Registry located at www.epeat.net.~~

~~**Green Hierarchy**—The logical order by which waste prevention and effective environmental practices are applied.~~

~~**Greenhouse Gases**—Carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.~~

~~**Green Products/Services**—Products and services meeting the requirements of one or more of the components of federal green procurement preference programs as defined in RCRA Section 6002; FSRIA (“Farm Bill”) section 9002; the Energy Policy Act of 2005 (EP Act 2005); and 13150; Electronic Stewardship requirements; and any federal Green Procurement Program implemented after the date of this document.~~

~~**Life-Cycle Assessment**—The comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal.~~

~~**Life-Cycle Cost**—The amortized annual cost of a product, including costs associated with capital, installation, operations, maintenance, and disposal, discounted over the lifetime of the product.~~

~~**Ozone-depleting Substances**—Any substance designated as a Class I or Class II substance by the Environmental Protection Agency in 40 CFR Part 82.~~

~~**Postconsumer Material**—A material or finished product that has served its intended use and has been discarded for disposal or recovery having completed its life as a consumer item. “Postconsumer material” is a part of the broader category of “recovered materials.”~~

~~**Preference**—When two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally sound or energy efficient product.~~

~~**Procurement Preference Program**—The first element of an agency affirmative procurement program, in which an agency expresses a preference for purchasing recycled content products designated by EPA. [Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]~~

~~**Recovered Material**—Waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from, and commonly reused within, an original manufacturing process.~~

Recyclability—The ability of a product or material to be recovered or otherwise diverted from the solid waste stream for the purpose of recycling.

Recycled Material—A material utilized in place of raw or virgin material in product manufacturing (See “Recovered Material.”)

Recycling—The series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use as raw materials in the manufacture of new products (other than fuel for producing heat or power by combustion).

Green Procurement Compilation (GPC). A comprehensive green purchasing resource developed by the U.S. General Services Administration (GSA) designed for federal contracting personnel and program managers. It identifies applicable green purchasing requirements by consolidating and organizing information from federal environmental programs in one place. The GPC allows users to quickly identify federal green purchasing requirements for the products and services bought; to search by keyword or browse by category to find products and services; to determine procurement options available to federal buyers, including applicable GSA Multiple Award Schedules, Federal Strategic Sourcing Initiative solutions, and GSA Global Supply; to learn more about federal environmental programs and other EPA recommended standards and labels; and to discover optional environmental programs and additional procurement guidance to help sustainability goals.

Hydrofluorocarbons (HFC). Compounds containing only hydrogen, fluorine, and carbon atoms. They were introduced as alternatives to ozone depleting substances in serving many industrial, commercial, and personal needs. HFCs are emitted as by-products of industrial processes and are also used in manufacturing. They do not significantly deplete the stratospheric ozone layer, but they are powerful greenhouse gases with global warming potentials ranging from 140 (HFC-152a) to 11,700 (HFC-23).

Integrated Pest Management (IPM). The implementation of diverse methods of pest controls, paired with monitoring to reduce unnecessary pesticide applications. In IPM, pesticides are used in combination with other crop management approaches to minimize the effects of pests while supporting a profitable system that has negligible negative effects.

Low Standby Power Devices. Products with low standby power – the level of power consumption that occurs when a device is in the lowest power-consuming mode—typically when the product is switched off or not performing its primary purpose. Federal agencies are required to purchase energy-consuming products with a standby power level of one (1) watt or less when compliant models are available on the market. If a product with a standby power level of one (1) watt or less is not currently available, a product with the lowest possible standby power level in the product category should be purchased.

Ozone-Depleting Substances (ODS). Compounds that contribute to stratospheric ozone depletion. ODS include chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, methyl bromide,

tetrachloride, hydrobromofluorocarbons, chlorobromomethane, and methyl chloroform. ODS are generally very stable in the troposphere and only degrade under intense ultraviolet light in the stratosphere. When they break down, they release chlorine or bromine atoms, which then deplete the ozone.

Recycled-Content Products. Items produced with waste materials and byproducts recovered or diverted from solid waste.

Renewable Energy—~~Energy.~~ Electric energy produced by solar, wind, biomass, landfill gas, hydrokinetic, ocean (including tidal, wave, current, and thermal), geothermal, geothermal heat pumps, microturbines, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

~~**Scope 1**—Direct greenhouse gas emissions from sources that are owned or controlled by the federal agency.~~

~~**Scope 2**—Indirect greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a federal agency.~~

~~**Scope 3**—Indirect greenhouse gas emissions from sources not owned or directly controlled by a federal agency but related to agency activities such as vendor supply chains, delivery services, and employee travel and commuting.~~

~~**Solid Waste**—Garbage, refuse, sludge, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities. This excludes solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flow, etc.... [RCRA, Section 1004]~~

~~**Specification**—A clear and accurate description of the technical requirements for materials, products, or services including the minimum requirement for materials' quality and construction and any equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references. [EPA Guidelines]~~

~~**Sustainable**—To create~~

Renewable Energy Certificates (REC). The technology and environmental (non-energy) attributes that represent proof that one (1) megawatt-hour (MWh) of electricity was generated from an eligible renewable energy resource, that can be sold separately from the underlying generic electricity with which they are associated, and that were produced by sources of renewable energy placed into service within ten (10) years prior to the start of the fiscal year. RECs are also referred as renewable energy credits.

Safer Choice (Formerly known as Design for the Environment). An EPA program that helps consumers, businesses, and purchasers find products that perform well and are safer for human health and the environment. Safer Choice products are less toxic, and also include requirements for performance, packaging, pH, and volatile organic compounds.

Significant New Alternative Policy (SNAP). An EPA program that identifies and promotes alternatives to ozone depleting substances in the following sectors: adhesives, coatings, and inks; aerosols; cleaning solvents; fire suppression and explosion protection; foam blowing agents; refrigeration and air conditioning; sterilants; and tobacco expansion.

SmartWay. An EPA public-private initiative to reduce greenhouse gas emissions and air pollution created by freight transportation in corporate supply chains. SmartWay aims to accelerate the availability, adoption and market penetration of advanced fuel efficient technologies and operational practices in the freight supply chain, while assisting companies with fuel savings, lowering costs and reducing adverse environmental impacts.

Solid Waste. Non-hazardous solid waste, including food and compostable material but not construction and demolition materials and debris.

Sustainable Acquisition. An acquisition of goods and services in order to create and maintain conditions, under which humans and nature can exist in productive harmony, ~~that, and~~ permit ~~fulfilling~~fulfillment of the social, economic, and other requirements of present and future generations.

~~**Verification**—Procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material contained in the products supplied to them or to be used in the performance of a contract. [EPA Guidelines]~~

~~**Virgin Material**—A mined or harvested raw material to be used in manufacturing.~~

~~**Waste Prevention**—Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their toxicity before they become municipal solid waste. Waste prevention also refers to the reuse of products or materials.~~

~~**Waste Reduction**—Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.~~

Water-Efficient Product or Service—A product or service **Landscaping**. An approach that uses ~~less~~utilizes designs and plants suited to local conditions and saves water than competing products or, prevents pollution and protects the environment while producing attractive landscapes.

WaterSense. An EPA program that seeks to help consumers to identify and promote high-performance products and programs that help preserve the Nation's water supply. Products and services that serve the same purpose, including those meeting EPA's WaterSense standards have earned the WaterSense label have been certified to be at least 20 percent more efficient without sacrificing performance.

32 Appendix –~~Recovered Materials Determination~~– Rationale for not Complying with the Sustainable Acquisition Requirements Revised 1/201210/2016

The statement of work/specifications covering this procurement is subject to the FAA's Green Procurement Plan (GPP) for EPA-designated recycled content products. The items being procured are *(list items purchased under the listed categories)*:

~~_____ Paper and Paper Products~~

~~_____ Vehicular Products~~

~~_____ Construction Products~~

~~_____ Transportation Products~~

~~_____ Park and Recreation Products~~

~~_____ Landscaping Products~~

~~_____ Non-paper Office Products~~

~~_____ Miscellaneous Products~~

~~I hereby certify that the statement of work/specifications for the requisition of materials/services listed above complies with applicable FAA preference standards for recycled/recovered materials.~~

~~_____ Procurement Originator _____ Date~~

4 Appendix – Justification for not Acquiring EPA-Designated Recycled Content Products Revised 4/2009

Procurement Request No. ~~_____.~~ ~~_____~~

~~Products containing recovered materials and meeting FAA's preference standards for: (list product(s) was/were not obtained because: (check appropriate reason):~~

~~Products did not meet the FAA's Sustainable acquisition requirements are considered practicable unless there is an allowable exception for acquiring a sustainable product or service. An allowable exception is available if any of the following conditions exist (check the one that applies):~~

~~Product or service cannot be acquired competitively within a reasonable performance standards (attach a description of the schedule.~~

~~Product or service cannot be acquired that meets reasonable performance need and explain why a recycled content requirements.~~

~~Product or service cannot be acquired at a reasonable price. The price shall be deemed unreasonable when the total life cycle costs are significantly higher for the sustainable product will not meet that need, including a brief discussion or service versus the non-sustainable product or service. Life cycle costs are determined by combining the initial costs of research conducted a product or service with any additional costs or revenues generated from that product or service during its entire life.~~

~~An exception is provided by statute, such as the exception to demonstrate that recycled content procuring ENERGY STAR or FEMP-designated products will not meet the need.) under 42 U.S.C. § 8259b(b)(2).~~

~~___ Products not readily available.~~

~~___ Products not available at a reasonable price.~~

~~Justification for Not Procuring Designed Recycled Content Products:~~

~~_____~~

~~_____~~

~~Rationale for Not Complying with the Sustainable Acquisition Requirements:~~

~~_____~~

Signature of Procurement Originator _____ Date _____

Contracting Officer _____ Date _____

~~5 Appendix – Sources of Recycled Content and Environmentally Preferable Products~~ ~~Revised 4/2009~~

~~General~~

~~Recycled content and environmentally preferable products are available to procuring agencies and their contractors through established supply sources. Table D.1, entitled "Supply Sources of Environmentally Preferable Products", provides an overview of EPA's Comprehensive Procurement Guidelines.~~

~~GSA Advantage:~~

~~GSA Advantage provides direct access to environmentally preferable products that comply with all Federal environment regulations. See GSA Advantage's environmental catalog.~~

~~Defense Supply Center Richmond:~~

~~The Defense Logistics Agency's (DLA) Defense Supply Center in Richmond, Virginia, has hundreds of available environmentally preferable products in its supply system. See the products listed in DLA's Environmental Product Catalog.~~

~~Government Printing Office:~~

~~The Government Printing Office (GPO) Online Paper Store offers 30 percent post consumer waste copier paper (in white and six colors) to Federal organizations. The environmentally friendly xerographic copier paper is available from GPO's web-based online system website.~~

~~AbilityOne Program (formerly the Javits-Wagner O'Day (JWOLD) Program)~~

The AbilityOne Program provides environmentally preferable products available from its website.

SAVES Program:

General office supplies are contractually available to FAA through the SAVES Program. This program especially annotates environmentally preferable products with symbols to indicate items containing recycled material content, for example. Ordering details for each SAVES contract are located on the FAA Employee website (FAA only).

Table D.1 Supply Sources of Environmentally Preferable Products

Products	GSA Advantage	Defense Supply Center Richmond	Government Printing Office	AbilityOne Program	SAVES Program
Paper & Paper Products	X		X (printing and writing papers only)	X	X
Vehicular Products	X	X			
Construction Products	X	X			
Transportation Products (traffic control)	X				
Park and Recreation Products	X				
Landscaping Products	X	X			
Non-Paper Office Products	X	X		X	X

Miscellaneous Products	X	X		X	X
Environmentally Preferable Products	X	X	X (soy-based inks)	X	X

See the Energy Star Program and BioPreferred Program websites for additional sources of other environmentally preferable products.

GSA Federal Supply Service

GSA produces several publications (Table D.2) to assist customers to identify and requisition products.

Table D.2 GSA Federal Supply Service Publications

Publication	Description
GSA Supply Catalog	Contains information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products (highlighted in green for easy identification). Also includes information on requisitioning these products through GSA.
GSA Marketips	A bimonthly bulletin frequently containing information about new recycled content and environmentally preferable products being introduced. Includes customer training seminars scheduled through GSA's regional offices.

Government Printing Office

A variety of recycled content printing and writing papers are available through GPO. Procurement originators should work through their Agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices, which are listed in Table D.3.

Table D.3 GPO Regional Printing & Procurement Offices

Regional Office	Location	Phone Number
Atlanta	Atlanta, GA	404-605-9160
Boston	Boston, MA	617-720-3680
Charleston	N. Charleston, SC	843-743-2036
Chicago	Chicago, IL	312-353-3916
Columbus	Columbus, OH	614-488-4616
Dallas	Dallas, TX	214-767-0451
	Oklahoma City Satellite Office	405-610-4146
	San Antonio Satellite Office	210-675-1480
Denver	Denver, CO	303-236-5292
Hampton	Newport News, VA	757-873-2800
Los Angeles	Lakewood, CA	619-497-6050
New York	New York, NY	212-264-2252
Philadelphia	Southampton, PA	215-364-6465
San Francisco	San Francisco, CA	415-677-0340
San Diego	San Diego, CA	619-209-6178
Seattle	Seattle, WA	206-764-3726