

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Sustainable Operation and Maintenance Requirements for Certain Water-Related Contracts
<b>Purpose:</b>	To set forth the minimum contractual requirements for addressing sustainable operation and maintenance of Federal buildings by non-Federal parties. The benefit of this Directive and Standard is to comply with contracting requirements and continue to effectively pursue sustainability goals set forth in the authorities cited below.
<b>Authority:</b>	The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto (Federal reclamation law); the Clean Water Act of 1948, as amended (33 U.S.C. § 1251, et seq.); the Clean Air Act of 1955, as amended (42 U.S.C. § 7401, et seq.); Executive Order 13693 of March 19, 2015, <i>Planning for Federal Sustainability in the Next Decade</i> .
<b>Approving Official:</b>	Director, Policy and Administration
<b>Contact:</b>	Reclamation Law Administration Division, 84-55000

1. **Introduction.** Executive Order 13693 (EO 13693)<sup>1</sup> requires Federal agencies to meet certain sustainability goals and targets. Section 7(d) requires that contracts transferring responsibility for operation of Federal buildings to non-Federal parties include responsibility for pursuing these goals and targets.<sup>2</sup> In accordance with Section 7(d) of EO 13693, this Directive and Standard (D&S) sets forth minimum requirements for Bureau of Reclamation water-related contracts<sup>3</sup> under which a non-Federal party will be responsible for the operation and maintenance (O&M) of Federal buildings. For details of the requirements associated with sustainable<sup>4</sup> O&M of Federal buildings and related matters, see Reclamation Manual (RM) Policy, *The Bureau of Reclamation's Commitment to Environmental Stewardship* ([ENV P05](#)), RM Policy, *Sustainable Buildings* (ENV P08), and RM D&S, *Environmental Management System (EMS) Implementation* ([ENV 05-01](#))
2. **Applicability.** This D&S applies to Reclamation personnel involved in proposing, approving, negotiating, and executing water-related contracts that establish responsibilities

<sup>1</sup>EO 13693 in 2015 revoked Executive Orders 13514 and 13423, which formerly articulated the goals, targets, and requirements for sustainable operation and maintenance of Federal "facilities". The language of EO 13693 narrows the sustainability responsibilities of lessors or contractors to the operation of Government-owned "buildings or vehicles", in contrast to the previously specified "facilities".

<sup>2</sup>Section 7(d) of EO 13693 directs agencies to "ensure, as soon as practicable after the date of this order, that leases and contracts entered into after the date of this order for lessor or contractor operation of Government-owned buildings or vehicles facilitate the agency's compliance with this order."

<sup>3</sup>The term "water-related contracts" refers to contracts authorized by the Federal reclamation law or the Water Conservation and Utilization Act of 1939 (WCUA). This D&S applies only to those water-related contracts described under Paragraph 2.

<sup>4</sup>The term "sustainable" is used herein as defined at Paragraph 3.F. of ENV P05.

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for performance of the O&M of Federal buildings by non-Federal parties. The requirements of this D&S will be applied prospectively to such contracts executed, renewed, amended, or supplemented after its issuing date.

3. **Definitions.** The definitions appearing below or under Paragraph 3 of ENV P05 or Paragraph 3 of ENV 05-01 apply to the defined terms where used in this D&S.
  - A. **Sustainability Goal.**<sup>5</sup> A general goal associated with the sustainable O&M of Federal buildings that reflects the requirements and goals set forth in EO 13693.<sup>6</sup>
  - B. **Sustainability Target.** A specific performance threshold defining the accomplishment of an established sustainability goal, as defined above.<sup>7</sup>
4. **Responsibilities.**
  - A. **Director, Policy and Administration (Director).** The Director is responsible for establishing sustainability D&Ss for water-related contracting, and for ensuring that proposed water-related contract actions to be approved by the Commissioner meet these D&Ss.
  - B. **Regional Directors.** Regional directors are responsible for ensuring that this D&S is implemented within their jurisdictions.
5. **Minimum Requirements for Environmental Stewardship Article.** Reclamation must include provisions in contracts that are subject to this D&S, as specified above in Paragraph 2, that:
  - A. incorporate the requirement stated under section 7(d) of EO 13693 (quoted above in footnote 2);
  - B. state the parties' responsibilities for developing and/or implementing sustainability goals and targets<sup>8</sup>; and

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<sup>5</sup>Agency-wide sustainability goals are addressed under Section 3 of EO 13693. The Department of the Interior has developed its Strategic Sustainability Performance Plan (SSPP) with internal targets and strategies, which are available to the public at [http://www.doi.gov/archive/greening/sustainability\\_plan/index.html](http://www.doi.gov/archive/greening/sustainability_plan/index.html).

<sup>6</sup>Such as promoting building energy conservation, increasing reliance on clean and renewable energy sources, improving agency water use efficiency and management (including stormwater management), expanding green purchasing as defined at Paragraph 3.D. of ENV P05, etc..

<sup>7</sup>Such as a stated percentage reduction in energy or water use by a given date (e.g., 26 percent by 2020) or a stated percentage of increase of green purchasing over conventional purchasing or reliance on renewable over conventional energy by a given date. See the Department's SSPP, referenced in footnote 5 above, for examples of environmental targets.

<sup>8</sup>EO 13693 addresses agency-wide sustainability goals and targets; it does not establish environmental performance targets for particular facilities. How the agency-wide objectives may be best pursued at individual buildings depends on variable factors, such as the size and type of buildings involved, the size and type of organization responsible for operating those buildings, and existing equipment, systems, and practices at those buildings.

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- C. establish requirements for the contractor to periodically report progress toward meeting the established sustainability goals and targets.

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Because the appropriate goals and targets vary among buildings, they need to be determined on a case-by-case basis, where they have not already been established.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

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All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_