

Affirmative Procurement Plan

**Purchasing Environmentally Preferable Products and
Services at the
U.S. Department of Health and Human Services**



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Summary

The U.S. Department of Health and Human Services (HHS) procures a variety of products ranging from office equipment and computers to services such as janitorial and landscaping. This affirmative procurement (“green purchasing”) plan (APP) updates prior versions of the APP and provides guidelines for an effective green purchasing program that encompasses the purchasing and use of designated recycled content, Energy Star®, EPEAT-registered, energy-efficient, biobased, and environmentally preferable products. HHS’ affirmative procurement plan consists of policy, planning, implementation and operation, monitoring, corrective action, and management review.

HHS’ APP has been developed to ensure that green products will be purchased to the maximum extent practicable and fulfills the applicable affirmative procurement requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), Section 104 of the Energy Policy Act of 2005 (EPAct), Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA), Executive Order 13423 (“Strengthening Federal Environmental, Energy, and Transportation Management”), and the **Federal Acquisition Regulation (FAR) Part 23**.

This APP is a “living” document that will be maintained and routinely updated by the HHS Office of Acquisition Management and Policy (OAMP).

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I. Purpose, Authority, and Applicability

A. Purpose

The Department of Health and Human Services has developed this Affirmative Procurement Plan (APP) (also known as the green purchasing plan) for compliance with E.O. 13423 (“Strengthening Federal Environmental, Energy, and Transportation Management”); the White House Council on Environmental Quality’s (CEQ) Implementing Instructions (herein referred to as “Implementing Instructions”) for E.O. 13423; Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976; Section 104 of the Energy Policy Act of 2005 (EPAct); Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA); and Section 612 of the Clean Air Act (CAA) of 1990.

The goal of HHS’ APP is to reduce the adverse environmental impact of our purchasing decisions by buying goods and services from manufacturers and vendors who share our commitment to protect human health and the environment. By including environmental considerations into purchasing decisions, along with the traditional focus on price, quality, performance, and availability, agencies will remain fiscally responsible while promoting practices that improve public health and safety reduce pollution, conserve natural resources, and support manufacturers and vendors that reduce the adverse environmental impact of their production and distribution systems.

This document formally establishes HHS’s APP for EPA-designated recycled content products and provides agency-wide guidance for implementing an effective program. The purpose of federal affirmative procurement programs is to increase and expand markets for recovered materials through greater Government preference and demand for products made with such materials, consistent with the demands of efficiency and cost-effectiveness. Expanding markets will reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

The Department’s green purchasing program is a broad effort to create sustainable practices which includes reducing our demand for energy and petroleum-based products, extending the useful life of products, reusing materials when possible and recycling.

B. Authority

HHS has written this APP as an acquisition guideline in accordance with Section 6002 of RCRA and E.O. 13423 and other existing statutory and regulatory requirements.

- Section 6002 of RCRA – Section 6002 of RCRA (42 U.S.C. 6962), as amended, requires procuring agencies to implement an affirmative procurement program consisting of four elements: 1) a recovered materials preference program; 2) a promotion program; 3) procedures for estimation, certification, and verification; and, 4) procedures for annual review and monitoring of the effectiveness of the procurement program.

- E.O.13423, “Strengthening Federal Environmental, Energy, and Transportation Management” – E.O. 13423, signed January 26, 2007, sets goals for agencies in the areas of environment, energy, and transportation management. E.O. 13423 states:

Sec. 2(d),(f),(h), excerpted: *In implementing the policy set forth in section 1 of this order, the head of each agency shall:*

(d) require in agency acquisitions of goods and services (i) use of sustainable environmental practices, including acquisition of biobased, environmentally preferable, energy-efficient, water-efficient, and recycled-content products, and (ii) use of paper of at least 30 percent post-consumer fiber content;

(f) ensure that (i) new construction and major renovation of agency buildings comply with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings set forth in the Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding (2006), and (ii) 15 percent of the existing Federal capital asset building inventory of the agency as of the end of fiscal year 2015 incorporates the sustainable practices in the Guiding Principles;

(h) ensure that the agency (i) when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic product, unless there is no EPEAT standard for such product;

(ii) enables the Energy Star® feature on agency computers and monitors;

(iii) establishes and implements policies to extend the useful life of agency electronic equipment, and (iv) uses environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life.

Sec. 3(a),(c),(e),(f), excerpted: *In implementing the policy set forth in section 1 of this order, the head of each agency shall:*

(a) implement within the agency sustainable practices for... (iv) acquisition...(v) pollution and waste prevention and recycling... and (ix) electronic equipment management;

(c) establish within the agency programs for (i) environmental management training, (ii) environmental compliance review and audit;

(e) ensure that contracts entered into after the date of this order for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of this order with respect to such facilities or vehicles to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles;

(f) ensure that agreements, permits, leases, licenses, or other legally-binding obligations between the agency and a tenant or concessionaire entered into after the date of this order require, to the extent the head of the agency determines appropriate, that the tenant or concessionaire take actions relating to matters within the scope of the contract that facilitate the agency's compliance with this order.

For additional information regarding E.O. 13423, see http://www.ofee.gov/eo/eo13423_instructions.pdf.

C. Applicability

HHS' APP applies to: a) All agency acquisitions, including micro-purchases and purchase card transactions, in which an EPA-designated item is acquired; b) Contractor Operated, Government-owned (GOCO) HHS facilities; and c) State and local recipients of assistance funding (if applicable) (see <http://www.whitehouse.gov/omb/circulars/a102/a102.html>).

II. Scope of Green Products and Services

A. Recycled Content Products

RCRA, Section 6002 requires federal agencies to procure Environmental Protection Agency (EPA)-designated recycled content items composed of the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition. E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of recycled content products designated in EPA's Comprehensive Procurement Guidelines (CPG).

Recycled content products are products that are made from or contain recovered materials. That means replacing virgin materials with recycled materials, including post-consumer materials. There are currently more than 60 designated products in eight categories: paper and paper products, vehicular, construction, landscaping, park and recreation, transportation, non-paper office, and miscellaneous products. Examples of designated products include structural fiberboard, plastic lumber landscaping timbers and post, printing and writing papers, playground equipment, retread tires, and sorbents. The current list of designated products, EPA's guidance, and related technical information can be found on EPA's web site at <http://www.epa.gov>

There is a certification provision and an estimation clause on recovered material in **FAR 23.406**, the **Recovered Material Certification** provision, at **FAR 52.223-4**, that should be inserted in solicitations that are for, or specify the use of, EPA-designated products containing recovered materials. The **Estimate of Percentage of Recovered Material Content for EPA-Designated products** clause, at **FAR 52.223-9**, should be inserted in solicitations and contracts exceeding \$100,000 that include the Recovered Material Certification provision at **FAR 52.223-4**.

B. Energy-Efficient Products: Energy Star®, FEMP-Designated, and Low Standby Power

EPAct of 2005, Section 104 requires federal agencies to purchase Energy Star® qualified or Department of Energy's (DOE's) Federal Energy Management Program (FEMP)-designated products when procuring energy-consuming products. E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of Energy Star® and FEMP-designated energy-efficient products. The Implementing Instructions state that agencies shall purchase products that use no more than one watt of standby power. If FEMP has not specified a standby power level for a product category, agencies shall purchase products with the lowest standby power consumption available. In addition, E.O. 13221 mandates that each agency, when it purchases commercially available off-the-shelf products that use external standby power devices or contain an internal standby power function, purchase products that use no more than one watt in standby power-consuming mode.

FAR 23.203, Energy-Efficient Products, states that when acquiring energy-consuming products: (i) Agencies shall purchase Energy Star® or Federal Energy Management Program (FEMP)-designated products; and (ii) For products that consume power in a standby mode and are listed on FEMP's Standby Power Devices product listing, agencies shall purchase items that meet FEMP's standby power wattage recommendation or document the reason for not purchasing such items. Contracting Officers are required to insert **FAR 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007)**, in solicitations and contracts when purchasing energy-consuming products.

FAR 23.204, Exemptions, states that agencies are not required to purchase Energy Star® or FEMP-designated products if not available, do not meet performance goals, or are not cost effective over the life of the product taking energy savings into account. The technical requirements that each product must meet to become Energy Star® qualified are available at [ENERGY STAR Qualified Products : ENERGY STAR](#). Information on FEMP-designated products can be found at <http://www.eere.energy.gov/>. Information on low standby power products can be found on FEMP's web site at: <http://www.eere.energy.gov/>.

C. Biobased Products

The procurement of biobased products is established in Section 9002 of FSRIA and E.O. 13423. Biobased products are products determined by the Secretary of Agriculture to be commercial or industrial products (other than food or feed) that are composed in whole, or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials. Examples of USDA-designated biobased products include mobile equipment, hydraulic fluids, roof coatings, diesel fuel additives, penetrating lubricants, water tank coatings, and bedding, bed linens, and towels. USDA is responsible for implementing the BioPreferredSM procurement preference program. Information on these designated products, USDA's guidance, and related documentation can be found at USDA's web site at www.biopreferred.gov/.

FSRIA, Section 9002 states that each federal agency that procures any items designated in such guidelines shall, in making procurement decisions, give preference to such items composed of the highest percentage of biobased products practicable, consistent with maintaining a satisfactory level of competition. E.O. 13423 and the CEQ **Implementing Instructions** require that each agency give preference to the purchase of biobased products designated by the USDA in the BioPreferredSM Program. Recent FAR guidance provides a certification provision in **FAR 23.406**, Biobased Product Certification, at 52.223-1, that should be inserted in solicitations that require the delivery or specify the use of USDA-designated products. **FAR 23.406** states that the **Affirmative Procurement of Biobased Products Under Service and Construction Contracts clause, at FAR 52.223-2**, shall be inserted in service or construction contracts unless the contract does not involve the use of USDA-designated items.

D. Environmentally Preferable Products and Services

Environmentally Preferable Products (EPP) are products or 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. This comparison may consider raw materials acquisition, production,

manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the products or services. Examples of environmentally preferable products include cleaning products that are non-toxic, non-volatile, and biodegradable; paint with no or low volatile organic compounds; and 100 percent post-consumer paper that is not chemically de-inked and is processed chlorine-free. This program is managed by EPA which maintains a database of products and specifications defined by federal, state, and local agencies, and other nations. The database can be found at www.epa.gov/epp.

E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of environmentally preferable products. The Implementing Instructions state that each agency shall purchase EPP, using EPA's **Guidance on the Acquisition of Environmentally Preferable Products** and Services located at <http://www.epa.gov/epp/pubs/index.htm>.

FAR Part 23 states that agencies must maximize the utilization of environmentally preferable purchasing. Contracting Officers shall place in the contract file a written justification if an acquisition of an EPA-designated product does not meet minimum recovered material content by EPA.

Contracting Officers shall insert the provision at **FAR 52.223-4, Recovered Material Certification**, in solicitations that are for, or specify the use of, recovered materials. Contracting Officers shall insert the clause at **FAR 52.223-9, Certification and Estimate of Percentage of Recovered Material Content for EPA-Designated Items**, in contracts exceeding the simplified acquisition threshold that are for, or specify the use of, an EPA-designated item.

E. Electronic Product Environmental Assessment Tool (EPEAT) Products

E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of EPEAT-registered electronic products and when acquiring an electronic product to meet its requirements, meet at least 95 percent of those requirements with an EPEAT-registered electronic product unless there is no EPEAT standard for each product. Agencies are also required to strive to purchase EPEAT Silver-rated electronic products or higher, if available.

EPEAT is intended to help purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes. EPEAT also provides a clear and consistent set of performance criteria for the design of products, and provides an opportunity for manufacturers to secure market recognition for efforts to reduce the environmental impact of its products. The EPEAT website is: <http://www.epeat.net/>.

Contracting Officers shall insert **FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products**, in all solicitations and contracts for: 1) Acquisition of personal computer products; 2) Services that require furnishing of personal computer products for the government; and 3) Services for contractor operation of government-owned facilities. The Implementing Instructions further require agencies to ensure that applicable information technology (IT) contracts will incorporate appropriate language for the procurement of EPEAT-registered equipment and address any future FAR clauses related to EPEAT.

HHS has an Electronics Stewardship Plan (ESP), which is a collaborative effort among HHS' Office of Acquisition Management and Policy, the Chief Information Officer, and the Office of Facilities Management and Policy. The plan states HHS shall purchase 95% of electronic products as EPEAT-registered equipment, for products where EPEAT standards exist. HHS is specifying use of EPEAT-registered products in electronic product acquisitions. HHS will strive to procure EPEAT Silver-rated electronic products or higher, if available. HHS plans to revise the HHSAR to reflect the mandatory purchasing of EPEAT-registered products and Energy Star®. HHS IT solicitations should consider including EPEAT-registered and energy-efficient products as an evaluation factor. HHS will include EPEAT requirements in new contracts when purchasing energy-consuming products.

Tracking of EPEAT and non-EPEAT purchases will be recorded in DCIS.

F. Water-Efficient Products

E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of water-efficient products, including those meeting EPA's WaterSense standards. The Implementing Instructions state that where applicable, agencies should purchase WaterSense labeled products and choose irrigation contractors who are certified through a WaterSense labeled program. **FAR 23.202** states that it is the government's policy to acquire supplies and services that promotes water efficiency. HHS plans to revise its acquisition regulation to reflect the mandatory purchasing of water-efficient products. Examples of products that have met the EPA WaterSense label include: high efficiency toilets, sink faucets, showerheads, urinals, and landscape irrigation systems. Information about the WaterSense Program is available at www.epa.gov/watersense.

G. Non-Ozone Depleting Substances

E.O. 13423 and the CEQ Implementing Instructions require that each agency give preference to the purchase of non-ozone depleting substances, as identified in EPA's Significant New Alternatives Policy (SNAP) program. The Implementing Instructions require that each agency maximize the use of safe alternatives to ozone depleting substances, as approved by the SNAP program. **FAR 23.803** states that agencies shall give preference to the procurement of alternative products that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper stratosphere. It further requires that in preparing specifications and purchase descriptions, and the acquisition of supplies and services, agencies shall comply with the requirements of the Clean Air Act and substitute safe alternatives to ozone-depleting substances.

FAR 23.804 states that clause **FAR 52.223-11, Ozone-Depleting Substances**, will be inserted in solicitations and clauses for ozone-depleting substances or for supplies that may contain or be manufactured with ozone-depleting substances. It also requires that clause **FAR 52.223-12, Refrigeration Equipment and Air Conditioners**, be inserted in solicitations and contracts for services when the contract includes the maintenance, repair, or disposal of any equipment or appliance using ozone-depleting substances.

The program reviews alternatives to ozone depleting substances and approves use of alternatives which do not present a substantially greater risk to public health and the environment than the

substances they replace or than other available substitutes. SNAP provides lists of acceptable and unacceptable substitutes in the following sectors: fire suppressants, aerosol solvents and propellants, refrigeration and air conditioning equipments, and adhesives and coatings. SNAP is managed by EPA. Information about the SNAP Program is available on <http://www.epa.gov/ozone/strathome.html>

H. Alternative Fuel Vehicles and Alternative Fuels

The alternative fuel vehicle/alternative fuels federal acquisition program definitions and requirements are established by Title III of the Energy Policy Act (EPAAct) of 1992, as amended by EPAAct of 2005 and the Energy Investment and Security Act of 2007, and E.O. 13423. Under EPAAct, alternative fuel vehicles are defined as any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel.

As defined by EPAAct, alternative fuels are substantially non-petroleum based fuels and include (but are not limited to) the following: ethanol at a 85% blend or higher (E85); liquefied petroleum gas (propane); compressed natural gas (CNG); biodiesel; electricity; hydrogen; and P-series fuels. DOE's FEMP manages this program. Information on these federal fleet requirements can be found at http://www1.eere.energy.gov/femp/about/fleet_requirements.html.

EPAAct requires agencies to acquire 75% of light duty fleet vehicles as alternative fuel vehicles (AFVs) for covered fleets. While the AFV preference program has been very successful, the alternative fuels use requirements have lagged behind. Therefore, E.O. 13423 and the CEQ Implementing Instructions require agencies to increase alternative fuel use by 10% per year beginning in FY 2007 using FY 2005 as the baseline year. Any shortfall in the 10% increase is added to the following year's incremental increase requirement. This requirement, including further definitions and exceptions, is addressed in more detail in the HHS Property Management Regulations, Motor Vehicle Management.

III. Roles and Responsibilities

HHS recognizes that the responsibility of implementing this APP lies with every HHS employee. HHS is actively working to ensure that every person involved in the acquisition process; from the procurement request originators to contracting officials, including purchase cardholders; is aware of the criticality of their role to the success of this program. This section outlines the roles and responsibilities of each office/official.

A. Federal Environmental Executive

E.O. 13423 requires federal agencies to expand waste prevention and recycling programs, implement affirmative procurement programs, and procure environmentally preferable products and services. The E.O. requires the designation of a Federal Environmental Executive (FEE) to take all actions necessary to ensure agencies comply with the requirements of the E.O. The E.O. also requires the FEE to submit a report to the President, not less often than once every 2 years, on the activities of agencies to implement this order.

B. HHS' Environmental Executive

HHS' Environmental Executive, the Assistant Secretary for Administration and Management (ASAM), is responsible for:

- Promulgating and implementing the Department's policies and regulations in conjunction with the Department's Senior Procurement Executive.
- Coordinating education and promotional activities.
- Working in conjunction with the Department's Senior Procurement Executive to review and analyze green procurement indicators, including the preparation of the annual report to the Office of Federal Procurement Policy (OFPP) and the Office of the Environmental Executive (OFEE).
- Implementing Executive Order 13423 "Strengthening Federal Environmental, Energy, and Transportation Management," January 2007
- Coordinating all environmental programs in the areas of procurement and acquisition, standards, specification review, facilities management, waste prevention and recycling, and logistics.

C. HHS' Senior Procurement Executive

HHS' Senior Procurement Executive is responsible for:

- Overseeing HHS' affirmative procurement program.
- Providing program leadership and coordination for HHS' affirmative procurement program pursuant to E.O. 13423.
- Managing development of regulations, policies and guidance on green purchasing programs.
- Consulting with managers on green purchasing requirements.
- Ensuring that green purchasing requirements are addressed in the HHSAR and other policy guidance.
- Coordinating the preparation, review, analysis, and submission of reports on HHS' progress towards meeting the goals of E.O. 13423 to the OMB and OFEE.
- Monitoring Departmental progress in meeting goals and requirements of E.O. 13423 and other related E.O.s.
- Establishing and implementing environmental and energy performance measures and data input to meet E.O. and OMB scorecard reporting requirements.
- Providing oversight of green purchasing training for targeted acquisition and program personnel and purchase cardholders.

D. Division of Acquisition Program Support

The Division of Acquisition Program Support (APS) is responsible for:

- Promulgating and implementing the Department's affirmative procurement policies and regulations.
- Informing HHS OPDIVs and StaffDivs of their responsibilities under HHS' affirmative procurement policy and providing them with information about environmentally preferable products and services.
- Evaluating HHS' EPP practices and providing oversight. Discussing with HHS OPDIVs and StaffDivs opportunities to increase EPP where relevant, and coordinating outreach/training for staff.
- Working with the Agency Environmental Executive (AEE) to review and analyze green purchasing data, including the preparation of the annual RCRA report to OFEE.

E. Contracting Officers/Contract Specialists

Contracting Officers/Contract Specialists are responsible for:

- Reviewing procurement requests to ascertain and validate whether green products or services are involved in the procurement action.
- Ensuring that solicitations and contracts contain the appropriate provisions and clauses to implement affirmative procurement (**FAR Part 23**). See Appendix B.
- Providing guidance and facilitating acquisition planning to program/technical personnel with respect to environmentally preferable goods and services.
- Ensuring that applicable justifications for not purchasing an EPA-designated product containing recovered materials and/or Energy Star® /EPEAT-registered products have been signed by the immediate supervisor and included in the contract file. See template in Appendix A.
- Requiring that vendors certify that the percentage of recovered materials and biobased products to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements as delineated in Section 6002 of RCRA or Farm Security Rural Investment Act (FSRIA) of 2002.
- Employing life-cycle cost analysis, whenever feasible and appropriate, to assist in making product and service selections.
- Ensuring that EPP purchases are recorded accurately and timely in the Departmental Contracts Information System (DCIS).
- Implementing the provisions in the HHS' Affirmative Procurement Plan.
- Ensuring that vendors are familiar with green purchasing requirements contained in their solicitations/contracts.

- Reviewing with appropriate vendors their role in the procurement of green products and services during the initial contract kickoff and reinforcing with the contractor, when appropriate, during contract performance.
- Ensuring that applicable FAR green purchasing language and clauses and APP requirements are included when modifying existing contracts that contain green products.

F. Program Offices

Program Offices (Requirements Officials/Project Managers) are responsible for:

- Identifying and documenting whether green products and services are available and can satisfy requirements for price, availability, and performance.
- Ensuring that relevant green procurement requirements are identified prior to submission to the contracting office or other source of supply so that final/approved purchase requests properly address all relevant green procurement requirements.
- Considering life-cycle cost concepts to determine cost effectiveness of green products and services for use in procurement decisions.
- Including a written justification with the procurement request package for an acquisition that describes why an EPA-designated product containing recovered materials and/or Energy Star® /EPEAT-registered products was not acquired. (See template in Appendix A).
- Consulting early in the procurement process with appropriate parties (e.g., environmental specialists, energy personnel, Contract Specialists/Contracting Officers) to facilitate acquisition planning and to prepare statements of work or specifications which include: elimination of virgin material requirements; reuse of products; use of recovered materials; energy and water efficiency; recyclability; or other environmentally preferable products or services, such as biobased products.
- Monitoring contract performance to ensure compliance with green procurement requirements in accordance with the terms of the contract.
- Implementing the provisions in the HHS' Affirmative Procurement Plan.
- Using boilerplate specifications and model templates for contracts as appropriate.
- Ensuring that specifications require the use of environmentally preferable products and services to the maximum extent practicable.

G. Heads of Contracting Activity (HCA)

- Heads of Contracting Activity are responsible for:
- Ensuring implementation of HHS' APP within his/her OPDIV. (For those OPDIVs that do not have procurement offices, the primary responsibility for making procurements "green" shall be with the servicing contracting office(s). However, the HCA shall ensure that Project Managers include "buying green" provisions in applicable acquisition plans.)
- Designating the APP Program Manager within the OPDIV.
- Implementing an awareness program to promote green purchasing.
- Providing green purchasing consultation support to personnel and organizations involved in the purchasing process, including personnel and organizations that define requirements, write specifications, order, purchase, or contract for products or services.
- Ensuring all appropriate personnel are trained in green procurement and held accountable for complying with green purchasing requirements.
- Recommending personnel for the White House "Closing the Circle" (CTC) Award and other environmental awards.

H. Purchase Cardholders

Purchase cardholders are responsible for:

- Purchasing green products and services when making purchases, including those at or below the micro-purchase threshold in accordance with FAR Subpart 13.201.
- Receiving training on the requirement to purchase green products and services and the common source of supply.
- Implementing HHS' Affirmative Procurement Plan.

I. Government Purchase Card Program Manager and Agency/Organization Program Coordinators (A/OPCs)

Government Purchase Card Program Manager and A/OPCs are responsible for:

- Annual surveillance to ensure cardholders are meeting Government Purchase Card program requirements, including compliance with HHS' APP.
- Implementing the provisions in the HHS' Affirmative Procurement Plan.
- Reviewing cardholder logs to ensure purchases are in compliance with HHS' APP and ensuring that cardholders have noted the appropriate exemptions for non-APP compliant purchases.

J. Environmental Management System (EMS)

Executive Order 13423 (“Strengthening Federal Environmental, Energy, and Transportation Management,” January 2007) section 3(b) mandates that the heads of each agency implement within the agency environmental management systems (EMS) at all appropriate organizational levels to ensure: use of EMS as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions, HHS is implementing EMS at all organizational levels and has formed the Executive Order 13423 requires EMS implementation at all “appropriate organizational levels.”

At HHS, EMS integration is supported by the development of cross-functional teams at all OPDIVS. Cross-functional roles have been designated and staffed at HHS headquarters and each OPDIV to promote and maintain the sustainable practices identified in E.O. 13423. The cross-functional EMS roles include:

- Senior E.O. 13423 Coordinator
- Environmental Compliance Manager
- EMS Manager
- Federal Preservation Coordinator
- Green Procurement Manager
- Energy Manager
- Fleet Manager
- Electronics Stewardship Manager
- Sustainable Green Buildings Manager

HHS is committed to continual growth and improvement and has begun implementation of the “HHS GO Green” initiative in 2009. This initiative will be coupled with additional EMS implementation and include the following:

- HHS Headquarters Higher-tier EMS at headquarters (“HHS Go Green” foundation)
- HHS Headquarters and Non-landholding OPDIVs will come under a single multi-site organizational EMS.
- The CDC, IHS, FDA and NIH, as major landholding OPVIVS have established facility EMS that also incorporate a variety of ‘go green’ promotion and outreach activities.

IV. HHS’ Affirmative Procurement Program

A. Objectives

1. Inform all appropriate HHS employees on the requirements of the federal green procurement preference programs, their roles and responsibilities relevant to these programs and the opportunities to purchase green products and services.

2. Purchase green products and services to the maximum extent practicable, consistent with the demands of mission, efficiency, cost-effectiveness, and performance with continual improvement toward meeting federally established procurement goals.
3. Reduce the amount of solid and hazardous waste generated.
4. Reduce the consumption of energy and natural resources.
5. Expand markets for green products and services.

B. Policy

Section 6002 of RCRA, as amended (42 U.S.C. 6962), requires procuring agencies to implement an APP consisting of four elements: 1) a preference program; 2) a promotion program; 3) procedures for estimation, certification, and verification (for more information, see Appendix D); and 4) procedures for annual review and monitoring.

HHS will provide a preference for recycled content, Energy Star®, FEMP-designated energy-efficient, low standby power, biobased, EPP, EPEAT, water-efficient, non-ozone depleting products and alternative fuel vehicles and alternative fuels. This preference shall be established in all HHS contracts, as appropriate, in accordance with Section 6002 of RCRA, Section 104 of EPAct, Section 9002 of FSRIA, and the FAR. Appendix B provides a cross reference to the FAR green purchasing requirements. In addition, HHS shall design buildings according to a Leadership in Energy and Environmental Design (LEED) Silver rating; LEED has green products criteria in both new construction and existing building standards.

The HHS Sustainable Buildings Implementation Plan (SBIP) (<http://www.hhs.gov/asam/ofmp/HHSSBIP09.doc>) requires all construction projects to incorporate the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (<http://www.wbdg.org/references/mou.php>) into the planning, design, construction, operation, maintenance, and decommissioning processes. The SBIP also includes provisions for improvements to existing facilities and leases and requires third party certification of a multi-attribute green building standard or rating system developed by an ANSI-accredited organization. The LEED Silver rating for either new construction or existing buildings is an example of an acceptable third party certification.

100% of HHS' purchases must meet or exceed EPA guideline standards unless there is written justification approved by the immediate supervisor that the products or services: (a) Are not available competitively or within a reasonable time frame; (b) Do not meet appropriate performance/safety standards; or (c) Are available only at an unreasonable price. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable (See Appendix A for template).

Purchase cardholders are not required to complete a written justification but should document the file accordingly and comply with the “buying green” provisions of this policy. Recycled content products shall be purchased containing the percentages of recovered materials (recycled content)

indicated in EPA's recommended recovered materials minimum content ranges. A complete listing of recycled content products is available at www.epa.gov/cpg.

C. Hazardous Materials Prohibitions, Limitations, and Requirements

1. Prohibitions on EPA Priority Chemicals

FAR 23.703 requires agencies to eliminate or reduce the generation of hazardous waste and promote the use of non-hazardous materials. EPA has defined a priority chemical list to include very specific uses of **cadmium, lead, polychlorinated biphenyls (PCBs), mercury, and naphthalene** as follows:

- Cadmium – electroplating processes
- Lead – soldering processes
- PCBs – when used as insulating material (dielectric fluids in electrical equipment such as transformers and ballasts)
- Mercury - aneroid manometers and temperature measuring devices, electronic thermostats, mechanical switches, and ultrasonic and photoelectric sensors
- Naphthalene – pesticides and pesticide applications

HHS prohibits use of these chemicals in the applications and equipment listed above. As a result, whenever procuring equipment/materials as described above, HHS purchasers must look for alternatives to the five priority chemicals or products containing them.

Note: Of the chemicals and uses listed above, mercury in manometers and thermometers is probably the most prevalent across the Department given HHS' strong healthcare and research missions. Information on alternatives to mercury-bearing products is available on the NIH Mercury Elimination Campaign website at: <http://ord.od.nih.gov/nomercurey/alternatives.htm>.

2. Purchase Alternatives to Hazardous Chemicals and Ozone-Depleting Substances

Consistent with **FAR 23.303**, HHS should purchase alternatives to hazardous chemicals and ozone-depleting substances (ODS) (as defined by the EPA) and minimize the acquisition of materials and substances that also contribute to ozone depletion. The EPA Significant New Alternatives Program (SNAP) (<http://www.epa.gov/ozone/snap/lists/index.html>) lists alternatives to ozone-depleting substances. **FAR 23.8** outlines guidance for procurement of items that contain or use ODS. Building construction, renovation and maintenance products; products for metals cleaning, electronics cleaning and precision cleaning; and products used in fire suppression systems might all contain ODS. Thus, in preparing specifications and purchase requests, and in the acquisition of supplies and services, HHS shall ensure that acquisitions comply with the Clean Air Act and use safe alternatives to ozone depleting substances.

HHS shall give preference to the procurement of alternative chemicals, products and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of the ozone in the upper atmosphere.

3. Hazardous Material Identification and Material Safety Data

The Contracting Officer shall obtain information during evaluation of proposals relative to the hazards that may be introduced into the workplace or environment by the supplies being acquired such as:

- (a) Guidelines required by Federal Standard No. 313 (including revisions adopted during the term of the contract) in obtaining hazardous material.
- (b) Supplies identified by a HHS technical representative as potentially hazardous and requiring safety controls.

The successful offeror shall be required to submit Material Safety Data Sheets (MSDS) prior to contract award, unless the offeror certifies that the supplies are not hazardous; and again by the contractor at the time of delivery consistent with **FAR 52.223-3**. The Contracting Officer shall provide a copy of all MSDS received to the safety officer or other designated individual. (Information about MSDS is available at: http://www.eh.doe.gov/chem_safety/Msds.html.)

D. Implementation of HHS' Affirmative Procurement Plan

1. Implementation of HHS' Affirmative Procurement Plan Includes all Parties in the Acquisition Process

The implementation of HHS' APP policy begins with the requirements document/requisition package generally prepared by the requirements official (typically the government technical representative). It is the responsibility of the requirements official to ensure that the goods or services being procured either comply with the EPA's CPG and recommendations concerning EPA's list of designated items, or as appropriate, promote the use of energy-efficient (e.g., Energy Star®), water-efficient, and environmentally preferable products or services.

The process of promoting environmentally preferable products or services is a collaborative one, involving not just the requirements official, but also the Contracting Officers, Program and Project Managers, environmental managers, senior/executive management and other HHS personnel. The requirements official shall review the EPA list of designated items to determine if there is an item available that meets the standards.

2. Acquisition Planning and Specifications

FAR 7.103 now requires agency planners to consider energy-efficient products and services, products containing energy-efficient standby power devices, products containing recovered materials, biobased products, and environmentally preferable products and services.

HHS personnel involved in planning for acquisitions shall consider the use of green products from the initial stages of acquisition planning. Market research must be conducted in accordance with the FAR to determine if the procurement qualifies as a partial or total small business set-aside. Agency program and project offices shall develop, review and revise specifications, product descriptions, and standards during the acquisition planning stage to enhance HHS' procurement of

designated recycled content, Energy Star®, FEMP-designated energy-efficient, low standby power, biobased, environmentally preferable, EPEAT-registered, water-efficient, and non-ozone depleting products. During procurement planning, Contracting Officers must also be involved in the decision making process.

The review must address the following:

- All appropriate solicitation language, FAR and HHSAR clauses, and procedures shall be reviewed to ensure compliance with HHS' APP (See Appendix B).
- All products for which the EPA has developed recycled-content recommendations shall be required to meet or exceed EPA's recommended recycled content percentages unless there is written justification included in the contract file.

Required Clauses: There is a certification provision and an estimation clause on recovered material in FAR 23.406. The **Recovered Material Certification provision, at FAR 52.223-4**, should be inserted in solicitations that are for, or specify the use of, EPA-designated products containing recovered materials. The **Estimate of Percentage of Recovered Material Content for EPA-Designated products clause, at FAR 52.223-9**, should be inserted in solicitations and contracts exceeding \$100,000 that include the Recovered Material Certification provision at FAR 52.223-4.

- **FAR 23.203 – Energy-Efficient Products –** When acquiring energy-consuming products: (i) Agencies shall purchase Energy Star® or Federal Energy Management Program (FEMP)-designated products; and (ii) For products that consume power in a standby mode and are listed on FEMP's Standby Power Devices product listing, agencies shall purchase items that meet FEMP's standby power wattage recommendation or document the reason for not purchasing such items.

Exemptions: Written justifications shall state that energy-efficient products are not available or cost-effective over the life of the product (taking into account the energy cost savings) and provide supporting rationale.

Required Clauses: 1) Insert FAR 52.223-15, **Energy Efficiency in Energy-Consuming Products (DEC 2007)**, in solicitations and contracts when purchasing energy-consuming products; and 2) Insert FAR 52.223-16, **IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products**, in all solicitations and contracts for: (1) Acquisition of personal computer products; (2) Services that require furnishing of personal computer products for the government; and (3) Services for contractor operation of government-owned facilities.

- All products for which USDA has developed biobased recommendations (www.ars.usda.gov/bbcc) shall be required to meet or exceed USDA's recommended biobased percentages, unless there is appropriate justification from the immediate supervisor. The justification must document that the product is not

available competitively within a reasonable time frame, does not meet appropriate performance standards, or is only available at an unreasonable price.

Each federal agency that procures any item designated in such guidelines shall, in making procurement decisions, give preference to items composed of the highest percentage of biobased products practicable, consistent with maintaining a satisfactory level of competition.

Required Provisions and Clauses: 1) Insert the provision at **FAR 52.223-1, Biobased Product Certification**, in solicitations that requires delivery or specifies the use of USDA-designated items or 2) Insert **FAR 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts**, in service or construction solicitations unless the contract will not involve use of USDA-designated items.

- All appropriate solicitations and resulting contracts shall include language notifying vendors that HHS reserves the right to substitute or add EPA-designated recycled content products/environmentally preferable products and services, energy-efficient, and water-efficient if they become available during the course of the contract. The following language (or equivalent) may be used: *“The Department and contractor(s) may negotiate during the contract term to permit the substitution or addition of EPA-designated recycled content products/environmentally preferable products and services when such products and services are readily available at a competitive cost and satisfy the Department’s performance needs.”*
- Current HHS contracts, Task, and Delivery Orders for energy-consuming products shall be reviewed to consider the viability of inserting EPEAT and/or Energy Star®/Energy-Efficient clauses, unless there is written justification that EPEAT or Energy Star®/Energy-Efficient products are not available or cost-effective over the life of the product taking into account energy cost savings over the life of the item.
- All new solicitations and contracts shall include EPEAT and Energy Star® clauses when purchasing energy-consuming products.
- Ensure that applicable IT contracts for leased equipment incorporate language to require that, at the end of the lease period, the equipment is reused, donated, sold, or recycled using environmentally sound management practices.

3. Identifying Potential Qualified Vendors

Program and Project Managers, and Contracting Officers are encouraged to solicit businesses that demonstrate or adopt environmentally sound policies and systems, institute proper environmental management and auditing, disclose environmental information, and conform to environmental laws and regulations.

4. Source Selection/Evaluation

FAR 11.002 now states that executive agencies shall consider maximum practicable use of energy and water-efficient, low standby power, renewable energy technology, biobased, recycled content, and environmentally preferable products and services when developing source selection factors.

When evaluating acquisitions, contracting personnel shall consider including source selection factors in acquisitions that may include:

- Energy efficient items including: EnergyStar products identified by DOE and EPA; FEMP-designated products; and low standby power energy-efficient products
- Water-efficient products, including those meeting EPA's WaterSense standards
- Energy from renewable sources
- Recycled content products designated in EPA's Comprehensive Procurement Guidelines
- Biobased products designated by the U.S. Department of Agriculture in the BioPreferred program
- Environmentally preferable products and services, including EPEAT-registered electronic products
- Alternative fuel vehicles and alternative fuels required by EPCa
- Products with low or no toxic or hazardous constituents
- Non-ozone depleting substances, as identified in EPA's Significant New Alternatives Program

Refer to <http://www.usda.gov> for a Sample Section L, "Instructions to Offerors" and a Sample Section M, "Evaluation Factors for Award" that contain technical and cost source selection factors incorporating green products, or see Appendices H and I for a sample.

5. Balancing Environmental Considerations with Performance, Availability and Cost (Life Cycle Cost Analysis)

HHS will use life-cycle cost analysis in making decisions about investments in products, services, construction, and other projects to lower the Department's costs and to reduce energy and water consumption. Where appropriate, HHS shall consider the life-cycle costs of combinations of projects, particularly to encourage bundling of energy-efficiency projects with renewable energy projects. The design of new buildings and facilities, and the application of energy conservation measures to existing buildings, shall be made using the life-cycle cost methods and procedures of the National Institute of Standards and Technology (NIST) Handbook 135, "Life-Cycle Costing Manual for Federal Energy Management Program". Also see FEMP's website <http://www1.eere.energy.gov/femp/program/lifecycle.html> for additional information how to conduct life cycle cost analysis.

When comparing costs, Program and Project Managers, (designated Contracting Officer Technical Representatives), and/or procurement request originators and Contracting Officers and Contract Specialist should not focus exclusively on the initial price. Instead, they should calculate and compare total costs **over the life of the item**, which includes the initial cost along with maintenance, operating, insurance, disposal, replacement, safety and health, training, hazardous

material management, and potential liability costs. Examining life cycle costs will save money by ensuring the total cost of ownership is quantified before making purchasing decisions.

HHS recognizes that competition exists in pricing, the technical competence of suppliers, in their ability to make timely deliveries, and in the quality and performance, including environmental performance, of their products and services. Balancing these sometimes competing factors means that initial cost is not the only consideration. It also means the government will sometimes pay more for higher performing goods and services, including those with superior environmental performance. Health, safety, and environmental attributes of the product throughout the entire lifecycle should be addressed in the procurement planning phase. The following attributes should be taken into consideration: extending product durability; allowing for easy disassembly, recycling, and remanufacturing; helping prevent pollution; energy efficiency and water efficiency; and resource conservation.

6. Performance Evaluations

In order to ensure accountability, HHS will include implementation of E.O. 13423 in performance standards and performance evaluations (or equivalent) of senior agency officials designated as responsible under E.O. 13423, and relevant agency staff, such as facility managers, environmental and energy Program Managers, vehicle fleet managers, acquisition officials, and other employees as appropriate.

E. Justifications

FAR 23.404 states that agency affirmative procurement programs must require that 100 percent of purchases of EPA or USDA-designated items contain recovered material or biobased content. If a recycled content, biobased, or energy-efficient product (when purchasing energy-efficient items) is not purchased, a written justification providing the basis shall be included in the contract file. The Contracting Officer is also required to keep copies of all justifications in a separate folder.

For Not Procuring Recycled Content Products:

Section 6002 of RCRA and Section 9002 of FSRIA state that the decision not to procure recycled content and biobased products shall be based on a determination that such items: **1)** Are not reasonably available within a reasonable period of time; **2)** Fail to meet the performance standards set forth in the applicable specifications; **3)** Fail to meet the reasonable performance standards of the procuring agencies; or are only available at an unreasonable price. This is reinforced in **FAR 23.4**, which states that the Contracting Officer shall place in the contract file a written justification if an acquisition of EPA-designated recycled content products above the micro-purchase threshold does not meet applicable minimum recovered material content recommended by EPA guidelines.

For Not Procuring Energy-Efficient Products:

Section 104 of EPCRA states that the decision not to procure an Energy Star® or FEMP-designated energy-efficient product shall be based on a determination that an Energy Star® product or FEMP-designated product is not cost-effective over the life of the product taking energy cost savings into account, or not reasonably available to meet the functional requirements of the agency.

The Contracting Officer shall place all written justifications in the contract file. Buyers of purchases “below” the micro-purchase threshold should very briefly document the basis for not acquiring biobased or other environmental products in their logs/systems.

Exemptions:

FAR 23.204 states that an agency is not required to procure an Energy Star® or FEMP-designated product if the head of the agency determines in writing that: 1) No Energy Star® or FEMP-designated product is reasonably available that meets the functional requirements of the agency or 2) No Energy Star® or FEMP-designated product is cost effective over the life of the product taking energy cost savings into account.

F. Contractors

The buy-recycled requirements apply to contractors when they are purchasing or supplying EPA-designated products for use in the performance of a contract. The FAR identifies various standard clauses to support this. These clauses are described in the remainder of this section. The FAR requires Contracting Officers to insert the clause at: a) **FAR 52.211-5, Material Requirements**, in all solicitations and contracts for supplies that are not commercial items; b) **FAR 52.223-10, Waste Reduction Program**, in all solicitations and contracts for contractor operation of government-owned or leased facilities and all solicitations and contracts for support services at government-owned or operated facilities, and c) **FAR 52.223-5, Pollution Prevention and Right-to-Know Information** in all solicitations and contracts.

G. Small Businesses That Provide Green Products

When two or more small businesses exist that are known to provide recycled content, Energy Star®, FEMP-designated energy-efficient, low standby power, biobased, environmentally preferable EPEAT-registered, water-efficient, and non-ozone depleting products, as a prime contractor, the product should be set aside for small business. HHS officials are encouraged to pursue set-asides for small business in support of the Department’s small business goals and the environment. Furthermore, large prime contractors should consider small businesses that can provide these products as subcontractors.

V. Promotion Program

HHS’ Office of the Senior Procurement Executive is responsible for actively promoting both internally and externally HHS’ APP by outreach and training. Internal promotion may include, but is not limited to: articles in newsletters; creating a webpage on green purchasing and electronic stewardship; making suppliers of recycled content products aware of HHS’ APP; educating program and procurement offices about **FAR Part 23** and E.O. 13423 requirements; and participating in pilot projects.

HHS’ Electronics Stewardship Working Group - HHS has formed an in-house Electronic Stewardship Working Group (ESWG). The ESGW is composed of staff members from the Office of Facilities Management and Policy, the Office of the Chief Information Officer, and the Office

of the Senior Procurement Executive. Members of the ESWG are responsible for implementing HHS' ESP and fostering compliance with E.O. 13423.

VI. Training

Training is conducted by a variety of methods, including in-house training sessions, web casts, other federal training sources such as GSA and commercial training. Contracting Officers are trained to comply with the FAR, including buy-recycled requirements. The HHS web site is a primary means of communicating information to the HHS acquisition community.

In accordance with E.O. 13423, each agency shall ensure that all personnel whose actions affected by the E.O. receive initial awareness training as well as necessary refresher training on the goals of the E.O and any related instructions, including the environmental impacts of the employees' actions. Therefore all effected employees should take necessary training as approved by immediate supervisors.

All HHS Contracting Officers/Contract Specialists (GS-1102s), GS-1105s, and GS-1106s, Program and Project Managers, and purchase cardholders should take a course in green purchasing. The Defense Acquisition University has a free online green purchasing course at the following website: <http://clc.dau.mil/>, which satisfies this training requirement. Training records for acquisition personnel and purchase cardholders must be kept for auditing purposes. Green purchasing training materials incorporated into a purchase card training course satisfies the green purchasing training requirement; however, the courses must be approved by the HHS Acquisition Career Manager in concert with the HHS Purchase Card Program Coordinator and HHS' Affirmative Procurement Program Manager. All GS-1102s, GS-1105s, GS-1106s, and Program/Project Managers (Project Managers who are directly involved in monitoring/managing one or more contracts) are required to take a refresher course in "Green Purchasing" every two years and are required to document training received.

VII. Procedures for Annual Review and Monitoring

A. Data Tracking

ASAM/OAMP shall: a) Track HHS' procurement of EPA-designated recycled content products and environmentally preferable products and services through the Federal Procurement Data System Next Generation (FPDS-NG), Department Contracting Information System (DCIS), and vendor generated reporting processes/mechanisms; b) Report to OFEE the Department's purchasing of EPA-designated items and environmentally preferable products and services; c) Report HHS compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products; d) Incorporate environmental considerations into procurement management reviews; and e) Develop corrective action procedures to address deficiencies identified in assessments, reviews, and audits.

B. Annual Review and Monitoring

ASAM/OAMP will: a) Review data on the Department's purchases and purchases by contractors in the performance of their contracts; b) Assess the Department's progress in achieving the federal requirements for purchasing environmentally preferable products and services and assess the progress that HHS is making with compliance to its APP; and c) Incorporate environmental policies and requirements into its Procurement Management Review (PMR) process.

ASAM/OAMP shall review a sample of contracts in order to ensure compliance with Section 6002 of RCRA and develop corrective action procedures to address deficiencies identified in assessments.

C. Reports

OMB Scorecard – OMB uses its Environmental Stewardship Scorecard to track federal agencies' performance in complying with **FAR Part 23**, E.O. 13423, and other environmental regulations. This scorecard has five metrics, including a metric on green procurement. The scorecard employs a simple grading system:

- **Green** for success,
- **Yellow** for mixed results, and
- **Red** for unsatisfactory.

HHS is required to provide biannual updates on its progress to OMB for the scorecard. OMB then assesses agency progress on a case-by-case basis against the deliverables and timelines established for the initiatives that are agreed upon within each agency. As with all OMB scorecards, the agency's grade for the environmental stewardship scorecard is determined by the lowest grade among the five metrics. Therefore, if the agency gets a **Green** on four of the metrics, but a **Yellow** on one metric, then the overall grade is a **Yellow**. HHS' goal and continued focus is to receive a **Green** score on the Environmental Stewardship Scorecard.

Resource Conservation and Recovery Act Report – Section 6002 of the Resource Conservation and Recovery Act of 1976 requires the OFPP to report to Congress biennially on the actions taken by federal agencies and the progress made in the implementation of Section 6002. The OFPP and OFEE submit a data call to agencies annually on their purchasing of recycled content and environmentally preferable products and services. HHS is responsible for tracking the Department's purchasing of designated recycled content products and reporting this information to the OFPP and the OFEE. HHS shall also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of designated recycled content products.

VIII. Annual Recognition Programs

HHS encourages its employees' commitment to environmental stewardship through recognition and awards programs. Any HHS OPDIV/StaffDiv can submit a nomination for the White House "Closing the Circle" (CTC) Awards Program, the Presidential Awards for Leadership in Federal Energy Management. Information on these programs is provided below.

A. White House “Closing the Circle” Awards Program

The White House “Closing the Circle” (CTC) awards program was developed to recognize federal employees and their facilities for efforts resulting in significant positive impact on the environment, in specific categories under E.O. 13423. Each year, this program continues to recognize outstanding affirmative procurement, waste reduction, and recycling success stories that can set the example for other federal employees and facilities to follow. Green purchasing is one of the categories in the CTC Awards. Additional information on the CTC awards program is available at the following website: <http://www.ofee.gov/>.

B. Other Environmental Awards

The Presidential Award for Leadership in Federal Energy Management is given to agency team(s) that excelled in the use of energy efficiency and management tools. Winners of the Presidential Award for Leadership in Federal Energy Management (Presidential Awards) are selected only from the nominations submitted by DOE’s FEMP. One of the categories in the Presidential Award is implementation; this category includes use of the energy efficiency tools such as purchasing energy-efficient products, using sustainable building design, and developing model leases.

FEMP presents annually the Federal Energy and Water Management Awards (Federal Awards) (see <http://www.eere.energy.gov/femp/services/awards.cfm>). Federal awardees are selected from outstanding federal employees and contributors who have demonstrated leadership and exemplary efforts in energy and water management; use of renewable and distributed energy resources; practices that improve energy security; increased efficiency of mobile equipment; and any other area that may merit recognition. Selection criteria definitions include sustainable whole building approach and outreach activities. HHS encourages its employees’ commitment to improving energy efficiency through awards and recognition programs.

C. HHS Green Champions Awards

The HHS Green Champions Awards recognize HHS employees for their outstanding efforts in energy and water conservation and environmental achievements. Individuals, organizations and groups of employees are encouraged to submit nominations in the areas of conservation and efficient use of energy and water, renewable energy sources, alternative financing contracts, waste/pollution prevention, recycling, green purchasing, sustainable design, environmental management systems, alternative fuel/conservation and electronic stewardship. Information on the awards may be obtained from the HHS Energy Officer or the HHS Environmental Manager.

IX. Waste Prevention and Recycling Programs

A. Waste Prevention

Each federal agency is required to initiate a program to promote cost-effective waste prevention and recycling of reusable materials in all its facilities (including the acquisition and management of all leased space and in the construction and improvements of buildings), consistent with applicable state and local recycling requirements. HHS will implement this mandate as follows:

- OPDIV/StaffDiv contracting and program officials shall consider all waste prevention opportunities such as recyclability, reusability, and repairability when acquiring products and services.

- Contracting Officers shall include the provision at **FAR 52.223.10, Waste Reduction Program**, in all solicitations and contracts for contractor operation of government-owned or government-leased facilities, and support services at government-owned or operated facilities.

B. Recycling Programs

HHS facilities shall comply with local or state recycling requirements. At a minimum, HHS facilities shall recycle the following commodities unless significant barriers exist (e.g., lack of markets, cost): white paper; mixed paper/newspaper; cardboard; aluminum; plastic (#1 PET and #2 HDPE); glass; pallets; scrap metal; toner cartridges; and consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, batteries, used oil, antifreeze and tires.

Each OPDIV/StaffDiv shall designate a recycling coordinator for each facility, who is responsible for implementing waste prevention and recycling programs specified in the Department's APP. OPDIVs/StaffDivs shall also consider cooperative ventures with each other and with state and local governments to promote recycling and waste reduction in the community.

X. Conservation Measures and "Buying Green"

A. Sustainable Building Design

As applicable, sustainable development and design principles shall be emphasized in the design and construction process at HHS to ensure new facilities incorporate current energy management technology within budgetary constraints, and meet energy use mandates for new construction or major renovation. The HHS Sustainable Buildings Implementation Plan (SBIP) (<http://www.hhs.gov/asam/ofmp/HHSSBIP09.doc>) requires all construction projects to incorporate the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (<http://www.wbdg.org/references/mou.php>) into the planning, design, construction, operation, maintenance, and decommissioning processes. The SBIP also includes provisions for improvements to existing facilities and leases and requires third party certification of a multi-attribute green building standard or rating system developed by an ANSI-accredited organization. The Leadership in Environmental Design (LEED) Silver rating for either new construction or existing buildings is an example of an acceptable third party certification.

B. Energy Efficiency in Lease Provisions

When entering into leases, including the renegotiation or extension of existing leases, OPDIVs/StaffDivs shall incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost effective. HHS shall comply with the energy conservation guidelines set forth in 10 CFR Part 436 (Federal Energy Management and Planning Programs) and the Energy Independence and Security Act (EISA) of 2007, Section 435, that prohibits Federal agencies, effective December 19, 2010, from leasing buildings that have not earned an ENERGY STAR®

label, unless exempted per EISA criteria. Also, OPDIVs/StaffDivs shall ensure that all new lease contracts are in conformance with the policies prescribed in Section 101-20.107 of the Federal Property Management Regulations. Existing lease contracts shall be administered in accordance with these policies to the maximum extent feasible. A handy checklist for Sustainable Leases is contained in The HHS Sustainable Buildings Implementation Plan (SBIP) (<http://www.hhs.gov/asam/ofmp/HHSSBIP09.doc>)

C. Distributed Generation and Electrical Load Reduction Measures

When life cycle cost effective, HHS shall use solar and other renewable technology where it competes favorably with traditional power systems. The Energy Policy Act of 2005 requires HHS to increase renewable electricity consumption to meet or exceed 3% from fiscal years 2007-2009, with increases to at least 5% in fiscal years 2010-2012 and 7.5% in 2013 and thereafter. In addition, EISA states that 30% of hot water demand in new buildings be met with solar hot water equipment. In addition, OPDIVs/StaffDivs shall coordinate with utility companies to minimize overall use of electricity and manage electricity consumption during emergencies.

D. Goals

HHS shall follow these goals established **in EISA**:

Vehicles: Federal agencies are prohibited from acquiring any light-duty motor vehicle or medium-duty passenger vehicle that is not "a low greenhouse gas emitting vehicle."

Petroleum Conservation: By 2015, reduce annual petroleum consumption by 20% and increase alternative fuel consumption by 10% from a 2005 baseline.

Energy Efficiency: Perform a comprehensive energy and water audit of 25% of facilities each year with each site or facility audited every four years. By 2016, advanced metering in buildings shall include steam and natural gas consumption.

Building Performance: Design new buildings or major renovations to reduce fossil fuel consumption according to the following table as compared to FY 2003

Year	Percentage
2010	55
2015	65
2020	80
2025	90
2030	100

Renewable Energy: Ensure 30% of hot water demand in new buildings be met with solar hot water equipment.

HHS shall follow these goals established **in E.O. 13423**:

Vehicles: Increase purchase of alternative fuel, hybrid, and plug-in hybrid electric vehicles when commercially available.

Petroleum Conservation: Reduce petroleum consumption in fleet vehicles by 2% annually through 2015.

Alternative Fuel Use: Increase alternative fuel consumption at least 10% annually.

Energy Efficiency: Reduce energy intensity by 3% annually through 2015 or by 30% by 2015.

Greenhouse Gases: By reducing energy intensity by 3% annually or 30% by 2015, reduce greenhouse gas emissions.

Renewable Power: At least 50% of current renewable energy purchases must come from new renewable sources (in service after January 1, 1999).

Building Performance: Construct or renovate buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality.

Water Conservation: Reduce water consumption intensity by 2% annually through 2015.

Procurement: Expand purchases of environmentally-sound goods and services, including biobased products.

Pollution Prevention: Reduce use of chemicals and toxic materials and purchase lower risk chemicals and toxic materials from top priority list.

Electronics Management: Annually, 95% of electronic products purchased must meet Electronic Product Environmental Assessment Tool standards where applicable; enable Energy Star® features on 100% of computers and monitors; and reuse, donate, sell, or recycle 100% of electronic products using environmentally sound management practices.

Environmental Management Systems: Executive Order 13423 (“Strengthening Federal Environmental, Energy, and Transportation Management,” January 2007) requires EMS implementation at all “appropriate organizational levels.” Section 3(b) of E.O. 13423 requires that EMS serve as the primary mechanism for achieving compliance with all aspects of the order. At HHS, EMS integration is supported by the development of cross-functional teams at all OPDIVS. Cross-functional roles have been designated and staffed at HHS headquarters and each OPDIV to promote and maintain the sustainable practices identified in E.O. 13423. The cross-functional EMS roles include:

- Senior E.O. 13423 Coordinator
- Environmental Compliance Manager
- EMS Manager
- Federal Preservation Coordinator
- Green Procurement Manager
- Energy Manager
- Fleet Manager

- Electronics Stewardship Manager
- Sustainable Green Buildings Manager

Contact the HHS Environmental Program Manager at (202)619-0788 for more information on these roles or to find the contact for your OPDIV.

Appendix A

Justification for Purchasing Other than an Environmental Protection Agency (EPA)-designated Item

Executive Order 13423 requires that federal agencies expand their waste prevention and recycling programs and implement affirmative procurement programs to procure environmentally preferable products and services. The justification for purchasing other than an EPA-designated item is needed for the following environmentally preferable products and services:

- Energy Star® qualified;
- FEMP-designated;
- biobased;
- EPEAT;
- water-efficient;
- non-ozone depleting;
- or fuel/energy efficient.

For purchases below the micro-purchase threshold, the cardholder is required to include the basis for not buying an EPA designated item in the purchase card file.

For purchases over the micro-purchase threshold (\$3,000), the requirements official and the contracting officer must document the joint determination to purchase other than environmentally preferable products and services and provide a brief written explanation.

Check the applicable justification:

- ___ Products/services are not reasonably available within a reasonable period of time.
- ___ Products/services could not meet the performance standards set forth in the applicable specifications (attach a description of the performance standards and explain why an environmentally preferable product or service or a fuel/energy efficient product will not meet those standards).
- ___ Products/services are only available at an unreasonable price.
- ___ Products/services are not cost-effective over the life of the product (considering energy cost savings).
- ___ Other (please specify)

_____ Requirements Official/Project Officer Name/Title	_____ Date
_____ Contract Specialist/Contracting Officer/Title	_____ Date
_____ Supervisor/Title	_____ Date

In the space provided below, please provide supporting rationale/Justification for Purchasing other than an environmentally preferable product(s) or service(s).

Appendix B

Federal Acquisition Regulation (FAR) Green Purchasing Requirements

Federal Acquisition Regulation (FAR)	Summary
Part 2	Contains definitions for biobased, energy-efficient, energy-efficient standby power device, environmentally preferable, ozone-deleting substances, and recovered material.
Part 7	Requires written acquisition plans to discuss all applicable environmental and energy conservation objectives associated with the acquisition.
Part 11	<p>Requires agencies to consider maximum practicable use of energy and water, low standby power, biobased, recycled content, and environmentally preferable products and services when developing, reviewing, or revising specifications, product descriptions (including commercial item descriptions) and standards, describing government requirements for supplies and services and developing source selection factors.</p> <p>Requires that for high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard must be no less than 30 percent post-consumer materials.</p>
Part 12	May use provisions and clauses contained in Part 23 regarding the use of recovered material and biobased products when appropriate for the commercial item being acquired.
Part 13	Applies procurement requirements in Subparts 23.2, 23.4, and 23.7 to purchases at or below the micro-purchase threshold.
Part 23	States that it is policy to acquire competitively, in a cost-effective manner; products that meet reasonable performance requirements and that are composed of the highest percentage of recovered materials practicable. Part 23 requires that federal agencies purchase, where life-cycle cost-effective and available, energy using products that are Energy Star® labeled or meet the requirements of FEMP product energy efficiency recommendations or FEMP low standby power recommendations. Part 23 also states that agencies must maximize the utilization of environmentally preferable products and services.
FAR Clauses Include (but are not limited to):	<ul style="list-style-type: none"> ▪ 52.211-5 Material Requirements ▪ 52.223-4 Recovered Material Certification ▪ 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items ▪ 52.223-15 Energy Efficiency in Energy-Consuming Products ▪ 52.204-4 Printed or Copied Double-Sided on Recycled Paper ▪ 52.223-10 Waste Reduction Program ▪ 52.223-16 IEEE 1680 Standard for the Environmental Assessment of

	<p>Personal Computer Products</p> <ul style="list-style-type: none">▪ 52.223-1 Biobased Product Certification▪ 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts▪ 52.223-11 Ozone-Depleting Substances▪ 52.223-12 Refrigeration Equipment and Air Conditioners▪ 52.223-3 Hazardous Material Identification and Material Safety Data▪ 52.223-5 Pollution Prevention and Right-to-Know Information▪ 52.223-13 Certification of Toxic Chemical Release Reporting
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Appendix C

Green Purchasing Legal and Other Requirements

Product Category	Legal and Other Requirements
Recycled Content http://www.epa.gov/cpg/about.htm	Section 6002 of the Resource Conservation and Recovery Act (RCRA); E.O. 13423 “Strengthening Federal Environmental, Energy, and Transportation Management”; FAR Parts 7, 11, 23.
Environmentally Preferable http://www.epa.gov/epp/	E.O. 13423, “Strengthening Federal Environmental, Energy, and Transportation Management”; FAR Parts 7, 11, 23.
Energy-Efficient http://www.energystar.gov http://www.eere.energy.gov/femp/procurement/	E.O. 13423, “Strengthening Federal Environmental, Energy, and Transportation Management”; FAR Part 23; E.O. 13221, “Energy-Efficient Standby Power Devices.”
BioPreferredSM http://www.biopreferred.gov	Section 9002 of the 2002 Farm Security and Rural Investment Act; E.O. 13423, ”Strengthening Federal Environmental, Energy, and Transportation Management.”
Alternative Fuel Efficiency http://www.eere.energy.gov/vehiclesandfuels/EPAct/Federal/	The Energy Policy Act of 2005 (EPAct); E.O. 13423, ”Strengthening Federal Environmental, Energy, and Transportation Management.”
Non-Ozone Depleting Substances http://www.epa.gov/ozone/snap/general/index.html	Section 613 of the Clean Air Act
Priority Chemicals http://www.epa.gov	E.O. 13423, ”Strengthening Federal Environmental, Energy, and Transportation Management;” Section 503(b) of Executive Order 13138, "Greening the Government Through Leadership in Environmental Management."

Appendix D

Procedures for Vendor Estimation, Certification, and Verification

EPA recommends that procuring agencies require vendors to provide an estimate of the total recycled content of their products and certify that the recycled content meets the minimum content standards in the agency's solicitation documents. EPA also recommends that agencies establish procedures to verify vendor estimates and certifications. Agencies should verify these estimates and certifications through their normal quality control assurance procedures.

Estimation

HHS Contracting Officers shall insert the clause, **52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products**, in solicitations and contracts exceeding \$100,000 that include the provision, **52.223-4, Recovered Material Certification**. HHS minimum content standards for designated items shall be specified in the statement of work. Vendors responding to solicitations containing EPA-designated items must meet the minimum content standards. Therefore, a separate estimate from the vendor regarding the percentage of recovered materials in the product is not required unless the product exceeds the minimum content standards specified. In the latter case, these estimates can be used as a means of determining whether products are available with higher percentages of recovered materials than specified in an agency's specification. Estimation provisions do not apply below the simplified acquisition threshold. Contractual data reporting shall be specified in accordance with **FAR 52.223-5, Pollution Prevention and Right-to-Know Information**.

Certification

Contracting Officers shall assure that vendors provide written certification in their Online Representations and Certifications (ORCA). Currently, the FAR contains a "Recovered Material Certification" provision (**FAR 52.223-4**) which HHS Contracting Officers shall insert into solicitations for recycled content products and into solicitations that will require the use of EPA-designated products during performance of the contract. This "Recovered Material Certification" provision shall be placed in an ORCA. The provision is as follows: "The offeror certifies, by signing this offer, that recovered materials as defined in **FAR 23.402** will be used as required by the applicable specifications."

Verification

ASAM/OAMP shall periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews shall enable ASAM/OAMP to verify the contractors' compliance with E.O. 13423.

Exclusions

Federal supply sources such as the General Services Administration (GSA), Government Printing Office (GPO), and Defense General Supply Center (DGSC) have established their own estimation, certification, and verification procedures for EPA-designated items. Therefore, program offices procuring designated items through these supply sources are not required to conduct independent estimation, certification, and verification.

Appendix E

Federal Sources of Recycled Content/Environmentally Preferable Products

Thousands of recycled content and environmentally preferable products are available to procuring agencies and their contractors through established federal supply sources, and new items are continuously being added. Federal sources of EPA-designated items, and other recycled content and environmentally preferable products, are listed below.

GSA Federal Supply Service

GSA produces several publications (see below) to assist customers in identifying and requisitioning products.

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.
Environmental Products and Services Guide	A separate listing of hundreds of recycled content and environmentally preferable products.
Customer Assistance Guide	A detailed introduction to the Federal Supply Service. Also contains complete listings of regional customer service directors, customer supply centers, and commodity centers.
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.

In addition, GSA provides GSA Advantage!, an online shopping mall that offers the convenience of purchasing more than one million products and services, including recycled content and environmentally preferable products, to federal employees with the click of a button. The URL is www.gsaadvantage.gov.

HHS has a Strategic Sourcing intranet site which includes Blanket Purchase Agreements (BPA). Please see the following URL site <http://intranet/ssc/>

Retread Tires

The Army's Tank-automotive and Armaments Command (TACOM) now manages the retread tires program formerly managed by GSA. TACOM offers a Military Retread Program for tactical tires, a Cooperative Tire Qualification Program (CTQP) for nontactical tires, and a retread facility inspection program, called the Cooperative Plant Quality Certification (CPQC). The CTQP applies to passenger car tires, light truck tires, truck and bus tires, and off-road low speed tires. As with GSA's program, the CTQP tests tires using an on-vehicle test. A Cooperative Approval Tire List (CATL) is published for government use; it lists all the qualified manufacturers brand names, tread class, and codes by tire group. The current listing of qualified manufacturers and brands can be found on the White House Task Force on Recycling's web site, www.ofee.gov, under Recycled Content. For more information on TACOM, visit <http://www.tacom.army.mil/main/index.html>.

Government Printing Office

A variety of recycled content printing and writing papers are available through GPO. Requirements officials/program officials should work through their agency field printing organizations to request recycled paper for publications produced through GPO. See <http://www.gpo.gov/>.

Unicor – Unicor is a mandatory source of products for federal agencies. Unicor provides everything from computer furniture, circuit board assemblies, and computer demanufacturing to exterior signage, toner cartridges, environmental testing, textiles, printing and laundry services. See <http://www.unicor.gov>.

AbilityOne (formerly Javits Wagner O'Day) (JWOD) – AbilityOne creates jobs and training opportunities for people who are blind or who have other severe disabilities, empowering them to lead more productive and independent lives. Its primary means of doing so is by requiring government agencies to purchase selected products and services from nonprofit organizations employing such individuals. For AbilityOne items, see http://www.arnet.gov/far/current/html/Subpart%208_7.html#wp1103480. (Reference **FAR 8.7**).

Defense Logistics Agency – The DLA has hundreds of environmental products in its supply system ranging from citrus based degreasers to natural conservation products. Examples of green products by DLA category include petroleum, oils, and lubricants; remanufactured/recycled laser printer toner cartridges; reusable batteries and battery accessories; aircraft cleaning compounds; recycled lumber products; natural conservation products. Visit [Defense Supply Center Richmond \(DSCR\)](#)

Small Business Administration (SBA) – Website: http://web.sba.gov/pro-net/search/dsp_dsbs.cfm

Biobased Products Information – Website: <http://www.ars.usda.gov/bbcc>

Appendix F

Environmental Labeling and Certification Programs

In addition to reviewing EPP products through EPA's CPG, there are various certification programs and environmental labeling to review EPP products. Some are listed as follows:

Certified Wood – “Certified wood” is a relatively new option for construction Project Managers. There are no legal requirements for its use, but sustainably grown and harvested wood is considered an environmentally preferable product that would be encouraged for purchase. Construction projects seeking a LEED™ Green Building System rating can get credit for using wood products certified by the Forest Stewardship Council (FSC). The two best-known certification systems for wood products in the United States are the FSC program and the Sustainable Forestry Initiative (SFI). Each program has its own standards and certification processes. Neither system is preferred or endorsed by EPA or any other federal agency. A discussion of various wood certification systems is found at http://www.metafore.org/index.php?p=Forest_Certification_Resource_Center&s=147.

Consumers Union – [GreenerChoices.org | Eco-labels center](http://www.greenerchoices.org/eco-labels-center). Evaluates the growing number of environmental labels against objective criteria to measure the validity of the label and the independence of the standard setting and certification organizations that are developing them.

EnerGuide – <http://oee.nrcan.gc.ca/energuide/> - Establishes energy efficiency guidelines for hundreds of consumer products.

Environmental Choice – www.environmentalchoice.com – Establishes environmental standards and awards its eco-label to products meeting its standards; currently has more than 20 standards and hundreds of certified products.

Forest Stewardship Certification (FSC) – www.fscus.org – Sets standards for “forest friendly” practices and, through independent verifiers, certifies forests that are managed consistent with its standards. Forest-based products that originate from FSC-certified forests are also eligible for FSC-certification.

Forest Stewardship Council Certified Products - FSC-certified products are identified on the ForestWorld web site at <http://www.forestworld.com/> and the Certification Resource Center web site at http://www.metafore.org/index.php?p=Forest_Certification_Resource_Center&s=147.

The GREENGUARD Environmental Institute – The GREENGUARD Environmental Institute is an independent, non-profit organization that oversees the GREENGUARD Certification Program, including the establishment of acceptable standards for indoor products and testing protocols. The Institute's goal is to improve public health and quality of life by helping manufacturers build better and safer products. GREENGUARD has been accredited as an ANSI Standards Developer and will submit the GREENGUARD Certification Standards for Low Emitting Products to be

approved by a consensus body and documented as American National Standards. GREENGUARD develops standards for all facets of indoor air quality including indoor source emissions, indoor pollutant standards, microbial resistance performance, building construction and operations, as well as standards for source emission for vehicles and aircraft. Access to the GREENGUARD Product Guide™, at www.greenguard.org, is provided at no charge.

Green Seal – www.greenseal.org – Establishes environmental standards and awards its “green seal of approval” to products meeting its standards. Green Seal has created environmental standards for more than 30 product categories and regularly publishes its *Choose Green Reports*, which evaluate the environmental impact of products and recommend products that appear to meet its standards.

PowerSmart – www.bchydro.com – Identifies energy-efficient products and strategies to reduce energy consumption.

Scientific Certification Systems – www.scscertified.com – Provides independent verification of environmental claims.

Sustainable Forest Initiative (SFI) Program – SFI was adopted in 1994 by the American Forest & Paper Association (AF&PA), a national trade association for the forest, paper, and wood products industries. The program’s focus is on improving the forestry practices of the U.S. industry and on promoting sustainable forestry among U.S. landowners. Accreditation is by third-party auditors. Annual surveillance audits are required for anyone using their on-product label. http://www.afandpa.org/Content/NavigationMenu/Environment_and_Recycling/SFI/SFI.htm

For additional Labeling and Certification information refer to the following websites:

www.epa.gov

www.abilityone.gov/jwod

<http://www.energystar.gov/>

<http://www.epa.gov/pesticides/regulating/labels/product-labels.htm>

<http://www.epa.gov/EPA-AIR/2005/December/Day-08/a23714.htm>

Appendix G

“Sample” Custodial Statement of Work (SOW) with Biobased Language

This is a sample statement of work that incorporates language on the purchasing of biobased products. The statement of work is provided for informational purposes. It may be revised to reflect additional or unique tasks peculiar to an agency’s custodial operation.

Background

Congress passed a law to encourage the purchase of biobased products: the Farm Security and Rural Investment Act, Section 9002. Federal agencies must purchase designated biobased products and shall establish agency preferential procurement programs for such products. Benefits of biobased products are to: enhance the nation’s energy security by substituting domestically produced biobased products for fossil fuel based products derived from imported oil and natural gas; improve demands for biobased products to increase demand for agricultural commodities, which are the feedstock of biobased products; spur the development of value added agricultural processing and manufacturing in rural communities, which would create new jobs and income in rural regions; and establish a healthier environment for users.

Supplies, Materials, and Equipment to be Provided by the Contractor

Unless otherwise specified herein, the contractor shall furnish all supplies, materials, and equipment necessary for the performance of work under this contract. All supplies and materials shall be of a type and quality that conform to applicable federal specifications and standards... All supplies, materials, and equipment to be used in the performance of work described herein are subject to the approval of the Contracting Officer’s Technical Representative (COTR).

The contractor must submit to the COTR a list of products to be utilized in the performance of its work. The contractor shall not use any materials, chemicals, or compounds that the COTR determines to be unsuitable to perform the required work. The contractor shall utilize products and material made from biobased materials (e.g., biobased cleaners, biobased degreasers, biobased laundry detergent) to the maximum extent possible. For the biobased content products evaluation, products proposed for use under this contract must conform to USDA’s Designated Biobased Products List (DBPL). If requested in the contract, contractors shall provide data for their biobased solvents and cleaners to document the level of biobased content. Any biobased product that the COTR suspects does not meet HHS specifications or standards shall be tested at the Contractor's expense by an independent laboratory qualified to perform such tests. A copy of the laboratory report of findings shall be submitted to the COTR. These products shall meet the requirements established by applicable federal specifications and standards or be considered unacceptable for use.

Biobased Products To Be Provided by the Contractor

The following is a list of products HHS requires for custodial purposes. Each product submitted must be identified with one of these categories. It is desirable that vendors be able to supply the greatest number of biobased products listed meeting the health and environmental specifications. Labeling should be printed on all containers.

All purpose cleaner	Degreaser/cleaner
Heavy duty cleaner	Deodorizer
Carpet shampoo	Floor finish
Gum Remover	Floor finish restorer
Disinfectant sanitizer	Floor sealer
Extraction fluid	Furniture polish
Floor stripper	Glass cleaner
Neutral cleaner (liquid)	Grout sealer
Spot and stain remover	Lime and scale remover (tub and tile cleaner)
Air freshener including dispenser	Liquid hand soap including dispenser
Bathroom cleaner	Stainless steel polish
Brass polish/cleaner	Toilet bowl cleaner
Chrome polish/cleaner	White board cleaner
Cream cleaner	Wood floor cleaner
Solvent spotter	Laundry detergent

In addition, trash bags shall be used. They must contain at least 25% recycled post-consumer content and also be biodegradable material. Products which do not meet the mandatory specifications or for which the appropriate information has not been submitted will be disqualified from further consideration.

Required Submittals and Reports

All offerors shall submit with their initial proposal a complete list of products that are to be used in carrying out the requirements of the contract. Additionally, the winning contractor on each anniversary date of the contract shall submit a complete list of products purchased to carryout the contract requirements. The products list shall be organized into the following categories: Designated Biobased products, Non-designated Biobased products, and all other “Green” products (e.g. recycled content products, energy- and water-efficient products, products using renewable energy, and alternatives to hazardous or toxic chemicals). The offeror shall list volume to be used and total cost for each individual product in each category. This information will be used for reporting purposes and to determine the reasonableness of cost.

Once a biobased item is designated as part of the existing contract, the contractor may utilize the remainder of the biobased products that was originally purchased to carryout the requirements of the contract. Once the product has been completely consumed, the contractor shall replace that product with a product that meets the requirements and specifications of the designated Item.

The Contracting Officer shall inform the contractor and COTR when an item has been designated. Additionally, the contractor will provide supporting documentation if there is an upward cost impact so that contract pricing can be adjusted accordingly. Likewise, the contract will be adjusted downward if so warranted. To the greatest extent feasible, the contractor shall also use biobased products.

a. Cleaning Operations and Stewardship Plan. “The plan” must be reviewed and updated annually, and as required by the Contracting Officer. The plan must contain and define the following elements:

- 1) The Contractor’s written policy stating its commitment to the use of biobased products, employee health and safety, and sound environmental management practices;
- 2) Proposed biobased cleaning-products that must be selected in accordance with the criteria included in this solicitation. At a minimum, the plan must identify products by brand name for each of the above product types;

NOTE: Contractors may propose more than one product within a designated item and/or propose a product or products addressing more than one designated item.

- 3) Once this list of products has been approved by the Contracting Officer, the contractor is responsible for using only those approved cleaning chemical products in the building. If, for some reason, the product is found later to be ineffective, or the Contractor would otherwise like to propose an alternative product, either the Contractor or Contracting Officer may propose for consideration an “equal” product. The Contracting Officer is the final decision-maker for such substitutions and must approve each in writing;

- 4) Product Use and Cleaning Guides that define standard operating procedures for instructing staff in the following areas: the proper use, storage, and disposal of cleaning products; proper cleaning procedures; proper operation of equipment; and other procedures/instructions to accomplish work under this contract; and

- 5) The contractor shall define proper procedures for the storage of hazardous materials in conformance with good housekeeping practices, the National Fire Prevention Association (NFPA) Code, and applicable federal and municipal regulations. The plan also must define proper procedures for the identification and disposal of hazardous wastes in accordance with federal RCRA regulations and the District of Columbia Municipal Regulations (DCMR), Title 20, Subpart E prior to use with personnel.

b. Affirmative Procurement Program The contractor must implement the requirements of the agency’s comprehensive Affirmative Procurement Program for the purchasing of biobased products to the maximum extent possible. The contractor shall detail how it intends to keep abreast of the development and increasing availability of biobased products and how any new or improved products will be incorporated on an ongoing basis into contract performance.

Product Demonstration, Employee Training and Technical Assistance

HHS believes that a demonstration of how to use the products, an effective training program for the products selected, and technical assistance are central to the selection and eventual success of purchasing and using designated biobased products. HHS will look for vendors who will: 1) Demonstrate their products; and 2) When selected, offer effective training to all of our custodial staff and be available with technical assistance to trouble shoot problems.

Quality Control Program

The contractor shall institute a complete quality control program to ensure that the products required by this contract are supplied or used, as specified. The overall goal of the program should be to identify and correct any problems that may exist before they are identified by or reported to the COTR and/or the building-management staff. As a minimum, the program shall include:

- a. An inspection system covering all the services required with a comprehensive checklist to be used to inspect contract performance during scheduled and unscheduled inspections, and the name(s) of the individuals who will be performing the inspections.
- b. A system for identifying and correcting deficiencies and/or a pattern of deficiencies in the quality or quantity of services provided before the level of performance becomes unacceptable and/or government inspectors point out the deficiencies.
- c. A file of all inspections conducted by the contractor and corrective actions taken. This should include follow-up inspections to ensure that corrective action was appropriate, complete, and timely. This documentation shall be organized in a logical manner, kept current, and made available to the COTR and the Contracting Officer during the term of the contract.

Appendix H

Sample Section L, Instructions to Offerors for Purchase of Biobased Products

Sample Section L – Instructions to Offerors

This is a sample Section L that incorporates language on the purchasing and use of biobased products. This is provided for informational purposes only. It may be revised to reflect additional or other instructions peculiar to an agency's operation.

In the technical proposal, the offeror shall identify the biobased products to be purchased and used under this contract. For each biobased product, the offeror shall specify the percentage of biobased content, and for the USDA-designated biobased content products, the offeror shall demonstrate that the products to be used under this contract will contain the percentage specified in the USDA recommendations or the highest level of biobased material practicable, consistent with USDA's recommended percentages of biobased content.

The offeror shall document prior experience in specifying, purchasing, using, and installing biobased products. The offeror shall provide a list for all relevant contracts over the past two years involving the specification, purchase, and/or use of biobased products. The offeror shall include a list of the biobased products specified, purchased, used, and installed.

The following is sample language that may be used for Section L of RFPs, as modified appropriately to suit your unique needs and requirements:

Item 1: Proposed Technical Approach towards Cleaning Projects using Biobased Products (See Section M.1)

The government will evaluate the offeror's proposal based on the degree to which the offeror demonstrates the acquisition, installation, and commitment to use biobased products in the performance of cleaning in this cleaning effort. Offerors with the most aggressive but realistic approaches to cleaning with biobased products will receive additional point consideration.

Item 2: Experience using Biobased Products in Cleaning Projects (See Section M.2)

The government will evaluate the degree of the offeror's demonstrated experience in the use of biobased products in cleaning over the last two years from the date of RFP issuance. Offerors with greater quantities and uniqueness in the use of biobased products will receive additional point consideration.

The government will evaluate the offeror's past Biobased Project Management Experience in the following areas: contracts performed using biobased products, dollar amount, and formal and informal communications methods used to share information and data about biobased products between team members and between organizational entities (i.e., manufacturers, suppliers and other vendors or subcontractors).

Item 3: Past Performance and Customer Satisfaction (See Section M.3)

The government will evaluate the offeror's past performance and customer satisfaction with biobased cleaning products. Offerors demonstrating exceptional past performance and customer satisfaction with an emphasis on "biobased practices" will receive additional point consideration.

a. **Past Performance** (See Section M.3.a)

Offerors shall provide 5 to 10 examples of "relevant" past performance over the last two years from the date of RFP issuance. The past performance examples must be similar in scope and size to this requirement.

b. **Customer Satisfaction:** (See Section M.3.b)

Offerors shall submit at least three references related to their past performance submissions/examples provided for this solicitation. Offerors shall provide the following contact information: Name of Contract, Vendor Name, Address, Phone Number, Email Address and Contract Number.

NOTE: Offerors with no relevant past performance will receive a "neutral" rating for past performance so its proposal will not be advantaged or disadvantaged in accordance with the FAR. In the context of this RFP, if an offeror does not have any relevant past performance, then the section will not be scored and the points deducted from the total possible technical points of 100 (i.e., 100 points minus 15 points, totaling a maximum possible technical evaluation score of 85 points).

Item 4: Management Approach (See Section M.4)

Offerors shall submit a management plan (not to exceed 20 pages) that describes in detail how it intends to carry out the requirements set forth in the Statement of Work, with a particular emphasis on the use of biobased products and environmentally friendly solutions, approaches, methods, and techniques.

Item 5: Cost/Price/Business Management Proposal (See Section M.5)

Offerors must provide detailed cost/pricing information for each product/service with supporting documentation such as copies of invoices, catalogues, receipts, supplier/vendor quotations, etc. Offerors must provide a narrative section explaining all proposed costs to ensure that such costs/prices are fair and reasonable to the government.

Cost/Price Proposal information must include a sufficient level of breakdown and show all calculations in an excel spreadsheet format provided on a CD to allow for and facilitate the government review and understanding.

Include the following general format to be inserted in Section B of the resultant contract as proposed by the Offeror following negotiations, if any:

CLIN	Description	Unit Price	Units	Total	Deliverable Due Date
0001	Deliverable #1	\$ _____	XX	\$ _____	xx/xx/20xx
0002	Deliverable #2	\$ _____	XX	\$ _____	xx/xx/20xx
0003	Deliverable #3	\$ _____	XX	\$ _____	xx/xx/20xx

etc.

Firm-Fixed-Price: \$ _____

Appendix I

Sample Section M, Evaluation Factors for Award for Purchase of Biobased Products

Sample Section M – Evaluation Factors for Award

This is a sample Section M that incorporates evaluation factors that include the offeror’s technical and management approach, cost, and past performance associated with biobased products. This is provided for informational purposes only. It may be revised to reflect additional or other factors peculiar to an agency’s operation.

The major evaluation factors for this solicitation include technical, management, cost, and past performance. Offerors are advised that award will be made to the offeror whose proposal provides the best overall value to the government.

The evaluation will be based on the demonstrated capabilities of the prospective contractors in relation to the requirements of the work.

M.1 Technical Approach towards Cleaning with Biobased Products (25 points)

The government will evaluate the offeror’s technical approach for fulfilling the cleaning services, with an emphasis on the following elements:

- a. Identification of all biobased products to be acquired, used, and installed in the performance of the project. (15 points)
- b. The Offeror’s proposed use and installation of biobased products. (10 points)

M.2 Experience using Biobased Products in Cleaning Projects (25 points)

The government will evaluate the offeror’s demonstrated experience using biobased products.

M.3 Past Performance and Customer Satisfaction (25 points)

- a. The government will evaluate the offeror’s past performance in the successful completion of similar work either for the government or other clients. The government will place special emphasis on the contractor’s past performance in the acquisition, use, installation, and commitment to biobased products in the performance of cleaning projects. The government will evaluate the offeror’s client satisfaction with its cleaning practices. (15 points)
- b. The government will evaluate customer satisfaction based upon the degree to which the offeror provided quality service to its clients. (10 points)

M.4 Management Approach (25 points)

The government will evaluate the overall quality and reasonableness of the offeror's management plan to use biobased products and environmentally friendly solutions, approaches, methods and techniques.

M.5 Cost/Price/Business Management Proposal (No point value assigned)

The government will evaluate the offeror's cost/price/business management proposal as part of its overall Best Value Determination and will not apply points to this section of the offeror's proposal. The government will evaluate the realism of proposed prices in meeting RFP requirements.

Appendix J

Resources

Agency for Toxic Substances and Disease Registry (ATSDR) - Hazardous substances listing.
<http://www.atsdr.cdc.gov/>

Alternative Fuels Data Center (AFDC) – The AFDC is a comprehensive resource for alternative fuel and vehicle information needs. Available at: <http://www.eere.energy.gov/afdc/>.

Alternative Fuel Vehicles – <http://www.fueleconomy.gov/>

Biobased Contract Templates – USDA has developed sample biobased language for contract templates available at:
<http://www.usda.gov/procurement/programs/biobased/contracttemplates.htm>

Biobased Manufacturers Association - Look for the “Biobased Supercenter” information.
<http://www.biobased.com/>

BioPreferredSM - The procurement of biobased products is established in Section 9002 of FSRIA and E.O. 13423. www.biopreferred.gov/.

Building for Environmental and Economic Sustainability (BEES) - BEES is a tool that helps in the selection of building materials which take into account environmental and economic considerations. This software program is available free of charge on compact disc from the Pollution Prevention Information Clearinghouse at 202-566-0799, or as a free download from NIST’s Building and Fire Research Laboratory web site.
<http://www.bfrl.nist.gov/oae/software/bees/>

Central Contractor Registration (CCR) - A database at <http://www.ccr.gov> can be used to locate small businesses that provide green products. On the main web page, choose the link to “Dynamic Small Business Search,” then search for “Buy Green NAICS codes.”

Cleaning Product Attributes Ranking Tool - An interactive tool which helps the user choose a greener cleaning product by prioritizing environmental attributes (e.g., skin irritation potential, VOCs, recycled packaging).
<http://www.epa.gov/epp/index.htm>

Consumer’s Choice Council – An association of environmental, consumer, and human rights groups from 25 countries that supports ecolabeling and seeks to ensure that consumers have the information they need to purchase greener, more socially just products. –
<http://www.celb.org/xp/CELB/partners/org/consumerschoice.xml>

Defense Energy Support Center (DESC) - DESC supplies federal agencies with alternative fuels, including biodiesel (B20) and ethanol (E85).
<http://www.desc.dla.mil/DCM/DCMPage.asp?PageID=591>

DOE Biomass Program – DOE’s Biomass Program develops technology for conversion of biomass (plant-derived material) to fuels, chemicals, materials and power, so as to reduce dependence on foreign oil and foster growth of biorefineries. Today's biomass uses include ethanol, biodiesel, biomass power, and industrial process energy.

<http://www1.eere.energy.gov/biomass/>

EPA/DOE Fuel Economy web site - The Fuel Economy Guide and other tools for finding fuel-efficient, environmentally preferable vehicles are available at

<http://www.epa.gov/greenvehicles/Index.do;jsessionid=8230dc59c6072012566d> Users can find and compare cars by gas mileage, greenhouse gas emissions, air pollution ratings, and safety information. The site also provides information regarding gas mileage tips, gas prices, advanced technology, and the importance of fuel economy.

EPA's Green Vehicle Guide – EPA’s Green Vehicle Guide is a tool for choosing the cleanest and most fuel-efficient vehicle that meets your needs. This guide provides information about the environmental performance of vehicles based on emissions levels, air pollution, fuel economy values and global warming impacts. It does not account for other environmental factors, such as recyclability of the vehicle, or other consumer preferences such as safety, cost, or driving performance. Users of the Green Vehicle Guide can look up ratings for specific vehicles, or view a list of the ratings for all current year vehicles.

<http://www.epa.gov/greenvehicles/Index.do>

Defense Logistics Agency (DLA)

<http://www.dlis.dla.mil/green/> or <http://www.dscr.dla.mil/catalogs/catalog.htm>

Department of Defense (DoD) EMall - The DoD EMALL allows DoD and other federal customers to find and acquire off-the-shelf, finished good items from the commercial marketplace. The DoD EMALL offers cross catalog shopping for the purpose of comparison pricing and best value decision making. http://www.defenselink.mil/dbt/cse_email.html

Department of Energy’s “Buying Energy-Efficient Products” – <http://www.eere.energy.gov/>

Electronic Product Environmental Assessment Tool (EPEAT) - EPEAT is a tool for evaluating the environmental performance of electronic products throughout their life cycle. The tool was developed to meet the growing demand by large institutional purchasers to buy greener electronic products. It is expected to gain wide acceptance in IT (information technology) purchasing by federal and state government. Available at: <http://www.epeat.net/>

Energy Conservation websites - 1) [Energy Guide EnerGuide](#) This website establishes energy-efficient guidelines for hundreds of consumer products; 2) PowerSmart - <http://bchydro.com> - This website identifies energy-efficient products and strategies to reduce energy consumption; 3) Energy Star® - Energy Star® products are available at the following website: www.energystar.gov; 4) FEMP – <http://www.eere.energy.gov/femp/procurement> - This website provides information on the Federal Energy Management Program.

Environmentally Preferable Purchasing (EPP) information from EPA

<http://www.epa.gov/epp>

EPA's Comprehensive Procurement Guidelines (CPG) – This is EPA's Recycled content database - <http://www.epa.gov/cpg>

EPA Database of Environmental Information for Products and Services - Includes information on products that avoid the five priority chemicals. <http://yosemite1.epa.gov/oppt/epstand2.nsf>

EPA's Greenscapes - Guidance on environmentally preferable landscaping <http://www.epa.gov/epaoswer/non-hw/green/howto.htm>

EPA's Green Building Site - <http://www.epa.gov/oppt/greenbuilding/>

EPA Green Meetings - <http://www.epa.gov/oppt/greenmeetings/>

EPA's Green Power Partnership - Provides assistance and recognition to organizations that demonstrate environmental leadership by choosing green power. - <http://www.epa.gov/greenpower/>

EPA's Power Profiler - Electricity is generated in many different ways with a wide variation in environmental impact. EPA's Power Profiler calculates how clean is the energy that is provided in your area, compared to national averages. <http://www.epa.gov/cleanenergy/energy-and-you/how-clean.html>

EPA's Smartway Transport Program - Challenges companies shipping products and the truck and rail companies delivering these products to improve the environmental performance of their freight operations. <http://www.epa.gov/smartway>

EPA WasteWise Update #18 - Explores the connection between solid waste and climate change, and describes the "WARM" model for calculating the cooling effects of waste reduction. <http://www.epa.gov/epaoswer/non-hw/reduce/wstewise/pubs/wwupdate18.pdf>

Federal Electronics Challenge - A voluntary partnership program that encourages federal facilities and agencies to purchase greener electronic products, reduce impacts of electronic products during use, and manage obsolete electronics in an environmentally safe way. - <http://www.federalectronicchallenge.net/>

Federal Green Construction Guide for Specifiers – Address the need for a comprehensive approach for procuring green building products and construction services within the Federal Government. The guide will help federal agencies meet their project-specific environmental goals. Available at: <http://fedgreenspecs.wbdg.org>.

Federal Logistics Information System (FLIS) – <http://www.dlis.dla.mil/hcflisv3.asp>. A database of more than 7 million supply item developed by the Defense Logistics Agency. This database educates consumers about the specific environmental attributes of a product. In keeping with EPP guidelines, products are assigned up to three environmental attributes.

Federal Trade Commission's (FTC) Green Guides - The FTC, in cooperation with the EPA, has developed guidelines for advertisers to ensure that their environmental advertising and labeling

claims (such as "environmentally preferable") comply with the law and do not mislead the consumer. The guide can also be used by consumers to understand different types of environmental labeling. <http://www.ftc.gov/bcp/grnrule/guides980427.htm>

Financial Value Calculator – The Energy Star® website offers a Financial Value Calculator spreadsheet to present a compelling business case for energy investments to senior management. http://www.energystar.gov/index.cfm?c=assess_value.financial_tools

General Services Administration (GSA) Environmental Programs – <http://www.gsa.gov> (Select “Products” and “Services.”)

Global Ecolabeling Network – A non-profit network of ecolabeling organizations worldwide. - <http://www.gen.gr.jp>

Greenhouse Gas Emissions Calculator – Is available online from EPA. This interactive calculator helps estimate the greenhouse gas emissions of human activities, convert carbon emissions to equivalent units, and identifies and compares emissions reduction options. http://www.epa.gov/climatechange/emissions/ind_calculator.html

Green Purchasing Training – 1) The Energy Star® program offers online training sessions on such topics as Energy Star® Purchasing and Procurement; Energy Star® -- An Overview; New Building Design; Benchmarking Tool/Portfolio Manager; Money for Your Energy Upgrades; The Five-Stage Approach to Building Upgrades; and Monitor Power Management. To see the schedule or to register for a session, visit http://www.energystar.gov/index.cfm?c=business.bus_internet_presentations 2) Office of the Federal Environmental Executive offers slides for green purchasing overview training to agency contracting, environmental, and facilities staff. The training primarily addresses purchasing of recycled content, biobased, and environmentally preferable products and also touches on purchasing of energy efficient products. <http://ofee.gov/gp/gp.asp> 3) Additional GPP training sources are listed on the Pollution Prevention (P2) Technical Library’s Green Procurement web page. http://p2library.nfesc.navy.mil/topics/gp_training.html.

Green Seal Organization
<http://www.greenseal.org/>

GSA Advantage
<http://www.gsaadvantage.gov>

GSA’s Vehicle Leasing Program – Offers AFVs as part of their service.
http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=FFFS&contentId=8060&contentType=GSA_OVERVIEW

Guide to Resource Efficient Building Elements - <http://www.crbt.org/handcrafted2.asp>

Hospitals for a Healthy Environment - <http://www.h2e-online.org/>

INFORM – A research organization that provides information on ways to reduce the environmental impacts of the U.S. economy through improved product design and greener purchasing. - <http://www.informinc.org/>

Low Standby products – Low standby products are those that use one watt of power or less during standby (“sleep”) mode. Examples of these products include scanners, copiers, and fax/printers. DOE’s FEMP manages this program.

http://www1.eere.energy.gov/femp/procurement/eep_standby_power.html

National Institute of Health's Mercury Free NIH web site. Information on alternatives to mercury-bearing products is available at <http://www.ors.od.nih.gov/>

National Corn Growers Association – Has a database of information on availability of corn-based products for industrial and consumer use.

http://lepton.marz.com/ncga/comm_dev_center/index_PG.asp

North American Commission for Environmental Cooperation, Trade in Environmentally Preferable Goods and Services Project – Aims to build North American markets for renewable energy and other green products and facilitates green trade through ecolabeling and green purchasing. – http://www.cec.org/files/pdf/ECONOMY/121-03-05_en.pdf

Non-Ozone Depleting Substances – <http://www.epa.gov/ozone/snap/lists/index.html>

Ocean Blue Foundation for Green Meetings - <http://bluegreenmeetings.org>

Office of the Federal Environmental Executive (OFEE) – This site contains federal agency EPP links. - <http://www.ofee.gov/>

"Paper Calculator" – The “Paper Calculator” calculates the U.S. average energy and wood consumption and environmental releases summed across the full "life cycle" of each of five major grades of paper and paperboard. For a given grade, it allows the user to compare the environmental impacts of papers made with different levels of post-consumer recycled content, ranging from 0% (i.e., virgin paper) to 100%. <http://www.ofee.gov/gp/papercal.asp>

Promising Practices Guide for "Greening" Contracts - A series of short case studies highlighting successful strategies for incorporating environmental factors into a variety of product and service contracts. Several DoD facilities, including the Pentagon, are highlighted.

<http://www.epa.gov/epp/pubs/casestudies.htm>

Purchasing for Pollution Prevention Project. INFORM. -

http://www.informinc.org/p3_00.php

Sample Biobased Contract Language -

<http://www.usda.gov/procurement/programs/biobased/procurementtools.htm>

Sample solicitation “green” language for an IT hardware procurement -

<http://www.blm.gov/natacq/IT/>

Searchable database of vendors who sell or distribute CPG-designated products with recycled content - <http://www.epa.gov/cpg/database.htm>

Significant New Alternative Policy (SNAP) Program - <http://www.epa.gov/ozone/snap/lists/index.html>. Alternatives to ozone-depleting substances

Supplier Database for Recycled Content (CPG Designated) Products, EPA - <http://www.epa.gov/cpg/database.htm>

Tips for Buying "Green" with the Government Credit Card - Tips to help government purchase cardholders holders make "greener" choices when buying products, such as office supplies. <http://www.epa.gov/opptintr/epp/tools/creditcard.htm>

Tips on "Greening" Conferences - A one-stop shop for Green Conference information including a checklist of opportunities to minimize the environmental impacts of holding meetings and conferences; contract language for obtaining "greener" conference planning/support services; and links to information on other related initiatives. <http://www.epa.gov/epp/index.htm>

UNICOR is another mandatory source of supply - UNICOR's product categories include: Clothing & Textiles, Graphics, Office Furniture, Fleet Management and Vehicular Components, Electronics, Industrial Products, Recycling Activities, and Services. Their web site describes UNICOR's green product initiatives. http://www.unicor.gov/about/environmental_sensitivity/index.cfm

United Soybean Board - Offers a products guide that lists consumer and industrial products. <http://www.soynewuses.org/>

Water-Efficiency Program, EPA - <http://www.epa.gov/owm/water-efficiency/index.htm>

Whole Building Design Guide - The Whole Building Design Guide (WBDG) is a comprehensive, internet-based portal to a wide range of federal and private sector, building-related guidance, criteria and technology, including guidance and resources on sustainable design. <http://www.wbdg.org/>

Appendix K

Definitions and Acronyms

Acquisition - Acquiring by contract using appropriated funds for supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, or demonstrated and evaluated. Acquisition begins when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, contract award and financing details, contract performance and administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Affirmative Procurement Program (APP) - Agency program assuring that EPA-designated recycled content products will be purchased to the maximum extent practicable, consistent with federal law and procurement regulations.

Alternative Fuel Vehicle – Alternative fuel vehicles (AFVs) are defined as any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel as defined in Section 301 of EPOA of 2005.

Biobased Product – The procurement of biobased products is established in Section 9002 of FSRFA and E.O. 13423. A commercial or industrial product (other than food or feed) that utilizes biological products or renewable animal, marine, or forestry materials. The 2002 Farm Bill requires that biobased products be included in federal APPs. USDA-designated biobased products include mobile equipment hydraulic fluids, roof coatings, diesel fuel additives, penetrating lubricants, water tank coatings, and bedding, bed linens, and towels.

Biodegradable – Biodegradable means the ability of a substance, material, or product ingredient to readily decompose by the action of microbes.

Carcinogen - A substance known to cause cancer in humans.

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.

Chlorofluorocarbon (CFC) – CFC refers to the family of compounds of chlorine, fluorine, and carbon. CFC's contribute to the depletion of stratospheric ozone layer, and have been used as an ingredient for refrigerants, solvents, and for blowing plastic-foam insulation and packaging.

Chronic Toxicity - Capable of producing illness from repeated exposure

Components of the Federal Green Procurement Preference Program - Recovered material; environmentally preferable; energy-efficient (Energy Star® and energy-efficient stand-by power

devices); biobased products; alternative fuels and fuel efficiency; and non-ozone depleting substances.

Comprehensive Procurement Guidelines - Regulations issued by EPA pursuant to Section 6002 of RCRA identifying items produced (or which can be produced) with recovered materials.

Cost-Effective Procurement Preference Program - A procurement program favoring more environmentally-sound or energy-efficient products and services than other competing products and services, where price and other factors are equal.

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

Energy-Efficient Product - A product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level meeting U.S. Federal Government standards.

“Energy Star certified” – “Energy Star® certified” means a product meets the energy efficiency standards set forth by the United States Environmental Protection Agency for compliance with its Energy Star® program. These products use less energy to perform the same operation or function as a comparable piece of equipment. Examples of Energy Star® products include computers, copiers, clothes washers, dishwashers, light fixtures, and compact fluorescent light bulbs.

Environmentally Preferable - 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. Examples of environmentally preferable products include a printer that is Energy Star® compliant, prints on recycled paper and also has a two-sided copying capability, paint with no or low volatile organic compounds, and 100 percent post-consumer paper that is not chemically de-inked and is process chlorine free.

EPA-designated Item – An EPA-designated item means a product or category of products containing recovered materials that has been designated by the EPA in the Comprehensive Procurement Guidelines.

Estimation - Quantitative determination made by vendors of the total percentage of recovered material contained in offered products.

Environmental Management System (EMS) – An EMS is a set of processes and practices that enables an organization to increase its operating efficiency, continually improve overall environmental performance and better manage and reduce its environmental impacts, including those environmental aspects related to energy and transportation functions. EMS implementation reflects accepted quality management principles based on the “Plan, Do, Check, Act” model found in the ISO 14001:2004(E) International Standard and using a standard process

to identify and prioritize current activities, establish goals, implement plans to meet goals, evaluate progress, and make improvements to ensure continual improvement.

Executive Agency or Agency - An Executive agency is defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Federal Energy Management Program (FEMP)-Designated Products – FEMP-designated energy-efficient products are designated the Federal Energy Management Program of the Department of Energy. These products are among the highest 25 percent of equivalent products for energy efficiency. For each product, FEMP identifies the efficiency levels needed to meet the requirements for procurement of energy-efficient products. Examples of FEMP-designated products include electric and gas water heaters, ice machines, boilers and chillers.

Federal Supply Source - Any supply source managed by a Federal agency such as the General Services Administration, Government Printing Office, or Defense Logistics Agency.

Green Building Practices – “Green Building Practices” means the incorporation of environmental, health, and waste prevention criteria in building design, site-planning and preparation, materials acquisition, construction or remodeling, deconstruction, and waste disposal.

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

Greenhouse Gases - Any of several dozen heat-trapping trace gases in the earth's atmosphere that absorb infrared radiation. The two major greenhouse gases are water vapor and carbon dioxide; lesser greenhouse gases include methane, ozone (O₃), CFCs, and nitrogen oxides.

Green Products/Services - For the purposes of this document, Green Products and Services are defined as products and services meeting the requirements of one or more of the components of federal green procurement preference programs: the RCRA Section 6002; E.O. 13423; biobased product requirements of the 2002 Farm Bill, and **FAR Part 23**.

“Hazardous materials” – Hazardous materials means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant threat or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Integrated Pest Management – “Integrated Pest Management” means use of a combination of pest control methods including improved sanitation, mechanical, physical, biological, or chemical means.

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

Lubricants – The definition of “lubricants” is motor oil (refined motor oil) and refined lubricants such as hydraulic and transmission fluids and similar oils.

Manufacture – “Manufacture” means to produce, assemble, or import a consumer product.

Manufacturer – A manufacturer means any business that, or person who, manufactures a consumer product.

Material Safety Data Sheet (MSDS) - Written or printed material about a product that includes information on the product's physical and chemical characteristics; physical and health hazards; exposure limits; whether the product contains carcinogenic ingredients above a certain threshold; precautions for safe handling and use; control measures; emergency and first aid procedures; the date of preparation of the MSDS or the last change to it; and the name, address, and telephone number of the manufacturer.

Minimum Content Standard - The minimum recovered material content of a product. The standard must be high enough to assure the recovered material content required is the maximum available without jeopardizing the intended item use of the product.

Model Facility – A “model facility” is an organization or activity that has made an outstanding contribution to waste prevention, recycling, and affirmative procurement through its leadership, investment in resources, and change in culture.

Ozone-Depleting Substance – Any substance designated as a class I or Class II substance by the EPA in 40 CFR Part 82.

Performance Specification - A specification stating the desired product operation or function but not specifying its construction materials

Persistent Bioaccumulative Toxics (PBTs) - Toxic chemicals that persist in the environment and increase in concentration through food chains as larger animals consume PBT-laden smaller animals. They transfer rather easily among air, water, and land, and span boundaries of programs, geography, and generations. As a result, PBTs pose risks to human health and ecosystems. They are associated with a range of adverse human health effects, including effects on the nervous system, reproductive and developmental problems, cancer, and genetic impacts. They include heavy metals and chemicals such as mercury, dioxins, and PCBs (polychlorinated biphenyls).

Pilot Project – A pilot project means a trial of waste prevention, recycling or affirmative procurement practice.

Pollution Prevention – Pollution prevention means “source reduction” as defined in the Pollution Prevention Act of 1990 (42 U.S.C. 13102), and other practices that reduce or eliminate the

creation of pollutants through: a) Increased efficiency in the use of raw materials, energy, water, or other resources; or b) Protection of natural resources by conservation.

Post-consumer 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 “recovered material.” “Post-consumer material” is a part of the broader category of “recovered materials.”

Post-consumer Recycled Content - Percentage of a product made from materials and byproducts recovered or diverted from the solid waste stream after having completed their usefulness as consumer items and used in place of raw or virgin material. Post-consumer recycled content includes materials (such as paper, bottles, and cans) collected for recycling.

Post-consumer Waste - A material or product discarded for disposal after passing through the hands of a final user, having served its intended purpose. Post-consumer waste is part of the broader category "recycled material."

Practicable - Capable of performing in accordance with applicable specifications, available at a reasonable price and within a reasonable period of time, and while a satisfactory level of competition with other products is being maintained.

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.

Preference Standard - The highest practicable minimum content standard for products. When minimum content is impractical to calculate, preference is for the presence of a recovered material or an environmentally preferable trait. (i.e., retread tires).

Price Preference – Price preference means a percentage of increase in price that an entity will pay to obtain a designated product or service.

Processed-Chlorine Free Paper – Processed-Chlorine free paper refers to paper that is manufactured using a percentage of post-consumer recycled paper fiber (that may contain residues of chlorine) and is whitened without adding chlorine or chlorine derivatives.

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.

Procurement Request Originator – The individual or organization responsible for defining the requirements for a purchase or acquisition program. This term includes, but is not limited to, engineers, acquisition Program Managers, and all contract specification writers/reviewers.

Procuring Agency - Any federal or state agency, or agency of a state’s political subdivision using appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract.

Product Lifecycle - The attributes that affect a product over its life span, including raw material acquisition, manufacturing, distribution, use, maintenance, and ultimate disposal of the product. (Compare with Lifecycle Cost.)

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.

Recovered Materials Advisory Notice (RMAN) - Guidance issued by EPA which recommends the range of recycled content that should be in products designated in the Comprehensive Procurement Guideline. RMAN also contains other EPA recommendations pertinent to purchasing recycled content products, such as reference to specifications established by government agencies or standards setting organizations.

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

Recyclable materials – Materials that are capable of being recycled and which would otherwise be processed or disposed as solid waste.

Recycled Material - A material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from post-consumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacture. (See “Recovered Material”)

Recycled Oil – Recycled oil means used oil that has been prepared for reuse as a petroleum product by refining, reclaiming, reprocessing or other means provided that the preparation or use is operationally safe, environmentally sound and complies with all laws and regulations.

Recycled Products – Goods that contain materials that have been diverted from the solid waste stream, including post-consumer materials and materials generated in industrial processes.

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).

Refurbished Product - A product that has been completely disassembled and restored to its original working order while maximizing the reuse of its original materials.

Remanufactured Products – Products or equipment partially or fully manufactured from existing product materials where such materials are cleaned, repaired, rebuilt or restored, and reused in the new product or equipment.

Renewable Materials - Materials made from plant-based feedstock capable of regenerating in less than 200 years such as trees and agricultural products. Rapidly renewable resources, such as grain-based feedstocks, regenerate in fewer than 2 years.

Requirements Official – The individual or organization responsible for defining the requirements for a purchase or acquisition program. This term includes, but is not limited to, acquisition Program Managers, GTRs/GTMs/COTRs, and all contract specification writers/reviewers.

Resource Conservation and Recovery Act (RCRA) Section 6002 – RCRA Section 6002 requires EPA to issue Comprehensive Procurement Guidelines that list designated items that are or can be made with recovered materials. See <http://www4.law.cornell.edu/uscode/42/ch82.html>

Retreaded Tire – A retreaded tire means any tire that uses an existing casing for the purpose of vulcanizing new tread to such casing that meets all performance and quality standards in the Federal Motor Vehicle Safety Standards determined by the U.S. Department of Transportation.

Reusable Product – A reusable product means a product, such as a washable food or beverage container or a refillable ballpoint pen, than can be used several times for an intended use before being discarded.

Solid Waste - Garbage, refuse, sludges, 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 waste water effluents, dissolved materials in irrigation return flow, etc.

Requirements Official – The individual or organization responsible for defining the requirements for a purchase or acquisition program. This term includes, but is not limited to, acquisition Program Managers, GTRs/GTMs/COTRs, and all contract specification writers/reviewers.

Source Reduction (also see “pollution prevention”) – Source reduction is defined as any practice: (i) Reducing the amount of hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (ii) Reducing the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

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.

Sustainable - An action is sustainable if it satisfies present needs without compromising the ability of future generations to meet their needs.

Sustainable Products/Materials - Products or materials that a life cycle analysis determines is ecological, economical, and equitable.

United Soybean Board (USB) – The USB has prepared a “Biobased Products Best Practices Guide.” The guide is available at <http://www.soybased.org/bestpractices/>.

Unreasonable Price – An unreasonable price occurs when recycled product cost is greater compared to virgin material cost. (Unreasonable price is not a factor when minimum content standards are specified in the statement of work/procurement request, because price estimates will only be obtained from vendors who can supply products meeting recovered material content requirements).

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.

Virgin Material - A mined or harvested raw material to be used in manufacturing. Previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or any undeveloped resource that is, or with new technology will become, a source of raw materials.

Volatile Organic Compound (VOC) – A VOC means an organic compound characterized by a tendency to readily evaporate into the air, contributing to indoor air pollution and photochemical smog.

Waste Paper – 1) All post-consumer materials (such as discarded copy paper); 2) manufacturing wastes generated after the completion of the paper making process; and 3) Finished paper and paper board from obsolete inventories.

Waste Prevention - (Also known as "source reduction") 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 - A product that is in the upper 25% of water efficiency for all similar products, or that is at least 10% more efficient than the minimum level meeting U.S. Federal Government standards.

Acronyms

AEE	Agency Environmental Executive
AF	Alternative Fuel
AFV	Alternative Fuel Vehicle
APP	Affirmative Procurement Program
BPA	Blanket Purchase Agreement
CAA	Clean Air Act
CATL	Cooperative Approval Tire List
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CID	Commercial Items Descriptions
CMLS	Centralized Mailing List Service
CNG	Compressed Natural Gas
CO	Contracting Officer
CPG	Comprehensive Procurement Guideline
COTR	Contracting Officer Technical Representative (also known as Project Manager)
CPQC	Cooperative Plant Quality Certification
CTC	Closing the Circle
CTQP	Cooperative Tire Qualification Program
DAU	Defense Acquisition University
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
ECRC	Electronic Commerce Resource Center
EMS	Environmental Management System
E.O.	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
EPEAT	Electronic Product Environmental Assessment Tool
EPP	Environmentally Preferable Purchasing
FAC	Federal Acquisition Circular
FAI	Federal Acquisition Institute
FAR	Federal Acquisition Regulation
FedBizOpps	Federal Business Opportunities
FEE	Federal Environmental Executive
FEMP	Federal Energy Management Program
FPDS-NG	Federal Procurement Data System-Next Generation
FR	Federal Register
FSRIA	Farm Security and Rural Investment Act of 2002
FSS	Federal Supply Service
FY	Fiscal Year (October 1 through September 30)
GAO	Government Accountability Office
GPO	Government Printing Office
GPRA	Government Performance and Results Act
GSA	General Services Administration

HHSAR	HHS Acquisition Regulation
IT	Information Technology
JWOD	Javits-Wagner-O'Day (now called AbilityOne)
LEED	Leadership in Energy and Environmental Design
M&O	Management and Operating (Contractor)
NIST	National Institute of Standards and Technology
NRC	National Recycling Congress
OCIO	Office of the Chief Information Officer
ODS	Ozone Depleting Substances
OFEE	Office of the Federal Environmental Executive
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
OPDIV	Operating Division
P.L.	Public Law
PVC	Polyvinyl Chloride
RCRA	Resource Conservation and Recovery Act
RFP	Request for Proposal
RMAN	Recovered Materials Advisory Notice
SBA	Small Business Administration
SBIR	Small Business Innovative Research
SNAP	Significant New Alternative Policy
StaffDiv	Staff Division
UNICOR	Federal Prison Industries, Inc.
USDA	U.S. Department of Agriculture
USPS	U.S. Postal Service
VMF	Vehicle Maintenance Facility