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GREEN PROCUREMENT

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Objective

The objective of this training is to give a high level overview of the Federal Green Procurement Program, to outline FAR requirements and to provides sources to obtain further information.



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PROGRAM SCOPE

- Recycled content products
- Energy- and water-efficient products
 - Standby power devices
 - ENERGY STAR and Federal Energy Management Program (FEMP)-designated products
 - Electronic Product Environmental Assessment Tool (EPEAT)-registered products
 - WaterSense
- Alternative fuel vehicles/alternative fuels
- Biobased products
- Environmentally preferable products
 - Green cleaning products and services
 - Cafeteria ware, especially biobased content products
 - Building products
 - Green meetings and conference services
- Non-ozone depleting substances
- Low or non-toxic or non-hazardous chemicals



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The Federal Green Purchasing Program

- The program components were established as individual programs by various statutes and executive orders.
- The purpose is to create, demonstrate the viability of, and sustain markets for green products and services.



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Legal Basis

Recycled content: Resource Conservation and Recovery Act (RCRA), Section 6002

Biobased content: Farm Security and Rural Investment Act (2002 Farm Bill), Section 9002

Energy efficient products and alternative fuel vehicles: Energy Policy Act of 1992 and 2005

Building energy efficiency: Energy Independence and Security Act of 2007

Non-ozone depleting substances: Clean Air Act

Chemicals: Pollution Prevention Act of 1990

Executive Orders 13423, 13221, and 13514

Federal Acquisition Regulation

CAM 1323.70 Green Procurement Program



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WHY BUY GREEN?

"As the largest consumer of energy in the U.S. economy, the Federal Government can and should lead by example when it comes to creating innovative ways to reduce greenhouse gas emissions, increase energy efficiency, conserve water, reduce waste, and use environmentally responsible products and technologies."

- President Barack Obama, October 5, 2009



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Executive Orders with Buy Green Implications

- E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management, 1/24/07
“The head of each agency shall 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% postconsumer fiber content.”
- E.O. 13514, Federal Leadership in Environmental, Energy, and Economic Performance, 10/5/09
The head of each agency shall advance sustainable acquisition to ensure that 95 percent of new contract actions including task and delivery orders, for products and services include green products



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MYTHS ABOUT BUYING GREEN

- Inconsistent with efforts to be more like corporate America.
- Inconsistent with buying COTS items.
- Inconsistent with requirement to buy from mandatory sources.



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Purchasing Instruments for Buying Green

- Purchase card/fleet card purchases
- Simplified acquisitions (<\$150,000)
- Larger (>\$150,000) purchases of supplies
- Support services contracts
- Detailed scopes of work or performance-based contracting
- Purchases from mandatory sources



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What's in the FAR?

Part 23- Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace

- 23.403 Policy- “Government policy on the use of recovered materials and biobased products considers cost, availability of competition, and performance.” The objective is 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 or biobased materials practicable.



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What's in the FAR?

- 23.202 Policy: “The Government’s policy is to acquire supplies and services that promote energy and water efficiency, advance the use of renewable energy products, and help foster markets for emerging technologies. This policy extends to all acquisitions, including those below the simplified acquisition threshold.”



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What's in the FAR?

- 23.703 Policy: Government policy on the acquisition of environmentally preferable, energy efficient, and water conserving products and services.



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What's in the FAR?

Think green from the start of an acquisition.

- FAR Section 7.105(b)(16) requires written acquisition plans to: “discuss all applicable environmental and energy conservation objectives associated with the acquisition...”



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What's in the FAR?

Incorporate green products when describing agency needs

- FAR Section 11.002(d)(1): “When agencies acquire products and services, various statutes and executive orders require consideration of:
 - Energy-efficient products and services
 - Products and services that utilize renewable energy technologies
 - Products containing energy-efficient standby power
 - Products containing recovered materials
 - Biobased products
 - Environmentally preferable products and services”



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What's in the FAR?

Minimum need for paper

- **FAR Section 4.302** Policy: “A contractor should submit paper documents....printed or copied double-sided on recycled paper whenever practicable. If the contractor cannot print or copy double-sided, it should print or copy single-sided on recycled paper.
- **FAR Section 11.303:** Our minimum need is for 30% postconsumer content printing and office paper:
 - Offer documents
 - Reports and studies
 - Training materials
 - Publications
 - Financial and technical progress reports



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What's in the FAR?

- The green purchasing requirements apply to:
 - Direct purchases of products
 - Products supplied or used in the performance of a contract
 - Micro-purchases
 - Simplified acquisitions
 - Purchases of commercial items



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What's in the FAR?

- When buying green, we can use detailed scopes of work or performance-based contracting.
- Performance-based contracting was used successfully to incorporate green elements into the Pentagon renovations.



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FAR Clauses – Recycled Content

- For recycled content paper:
 - 52.204-4 Printed or Copied Double-Sided on Recycled Paper
- For affirmative procurement:
 - 52.223-4 Recovered Materials Certification
 - 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items
(Use only on contracts exceeding \$150,000)
- For support services and O&M contractors:
 - FAR 52.223-10 Waste Reduction Program



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FAR Clauses – Recycled Content

- 52.223-17 Affirmative Procurement of EPA-Designated Items in Services and Construction Contracts



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FAR Clauses -- Biobased

- 52.223-1 Biobased Product Certification
- 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts



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FAR Clauses – Energy Star and Energy Efficient Products

- 52.213-4(b)(1)(viii) Terms and Conditions – Simplified Acquisitions
- 52.223-15 Energy Efficiency in Energy-Consuming Products

Applies to products delivered, used in the performance of the work, furnished for government use, or specified in the design of a building or work.



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FAR Clauses – EPEAT-Registered Products

- 52.223-16 – basic clause for purchasing EPEAT bronze products
- Alternate I – used for purchasing EPEAT silver products



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EPA's 8 Product Categories

- Vehicles
- Construction
- Transportation
- Parks and Recreation
- Landscaping
- Non-Paper Office Products
- Miscellaneous
- Paper and Paper Products



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What To Buy Green

- Office products
- Printing services
- Fleet maintenance products
- Building construction, renovation, and maintenance (janitorial, landscaping) products
- Traffic control
- Parks and recreation products



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Where to Buy Green

- GSA Advantage! (CPG symbol, recycling symbol)
- DoD EMALL
- AbilityOne
- UNICOR/Federal Prison Industries
- Commercial sources



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Where to Find More Information

- New ENERGY STAR web site for Federal purchasers:
http://www.energystar.gov/index.cfm?c=fed_agencies.fed_ag_index
- For EPEAT-registered products at
www.epeat.net
http://www1.eere.energy.gov/femp/technologies/procuring_ee_products.html
www.energystar.gov
- For Alternative Fuel Vehicle/Alternative Fuel
http://www1.eere.energy.gov/femp/program/fedfleet_management.html



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Where to Find More Information

- For Biobased Products :
 - <http://www.usda.gov/biopreferred>
 - <http://www.usda.gov/procurement/programs/biopreferred.htm>
 - For Environmentally Preferred Product
 - www.epa.gov/cpg
 - For Non-Ozone Depleting Substances
 - www.epa.gov/ozone/snap/lists/index.html
 - Green Products Compilation
 - <http://www.fedcenter.gov/programs/buygreen/>
- Supporting Information and Tools Databases/Software Tools



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Example: Green Scope of Work

The contractor shall meet the goals and objectives of E.O. [13123] and use Energy Star and energy-efficient products in the top 20% of energy efficiency as designated by the Department of Energy.



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For More Information

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