

Affirmative Procurement Plan

**Purchasing Environmentally Preferable Products and Services at the U.S.
Department of Housing and Urban Development**



**Issued by
Office of the Chief Procurement Officer
February 2010**

Summary

The U.S. Department of Housing and Urban Development (HUD) 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) formally establishes HUD guidelines for an effective green purchasing program that encompasses the purchasing and use of designated recycled content, Energy Star®, Electronic Product Environmental Assessment Tool (EPEAT)-registered, energy-efficient, biobased, and environmentally preferable products. HUD’s Affirmative Procurement Plan consists of policy, planning, implementation and operation, monitoring, corrective action, and management review.

The 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 (EPAAct), 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 on the Office of the Chief Procurement Officer’s (OCPO’s) website. The point of contact for this policy is Linda Stivaletti-Petty. Questions related to this policy should be addressed to her by email at: Linda.A.Stivaletti@hud.gov.

Table of Contents

I.	Purpose, Authority, and Applicability.....	6
A.	Purpose.....	6
B.	Authority.....	6
C.	Policy.....	6
	Life Cycle Cost Analysis.....	7
D.	Applicability.....	7
II.	Scope of Green Products and Services.....	7
A.	Recycled Content Products.....	7
B.	Energy-Efficient Products: Energy Star®, FEMP-Designated, and Low Standby Power.....	8
	1. Current HUD Contracts and/or Task or Delivery Orders for Energy-Consuming Products.....	9
	2. Enable Energy Star® Features on Computers and Monitors.....	9
C.	Biobased Products.....	9
D.	Environmentally Preferable Products and Services.....	10
E.	Electronic Product Environmental Assessment Tool (EPEAT) Products.....	10
F.	Water-Efficient Products.....	11
G.	Non-Ozone Depleting Substances.....	11
H.	Alternative Fuel Vehicles and Alternative Fuels.....	11
III.	Roles and Responsibilities.....	12
A.	HUD’s Environmental Executive.....	12
B.	HUD’s Chief Procurement Officer (CPO).....	12
C.	Contracting Officers/Contract Specialists.....	13
D.	Program Offices (Requisitioners/GTRs/GTMs).....	14
E.	Procurement Managers (Assistant Chief Procurement Officers Directors, etc.).....	15
F.	Purchase Cardholders.....	15
G.	Government Purchase Card Program Manager and Approving Officials.....	15
IV.	HUD’s Affirmative Procurement Program.....	16

A.	Hazardous Materials Prohibitions, Identifications, and Requirements.....	16
1.	Chemical Prohibitions.....	16
2.	Hazardous Material Identification and Material Safety Data	16
B.	Implementation of HUD’s Affirmative Procurement Plan	17
1.	Implementation of HUD’s Affirmative Procurement Plan includes all Participants in the Acquisition Process	17
2.	Acquisition Planning and Specifications	17
3.	Source Selection/Evaluation.....	18
C.	Justifications	18
D.	Contractors	19
E.	Solicit Businesses that Adopt Environmentally Sound Policies	19
V.	Promotion Program.....	19
VI.	Training.....	20
VII.	Procedures for Annual Review and Monitoring.....	20
A.	Data Tracking.....	20
B.	Annual Review and Monitoring.....	21
C.	Reports	21
VIII.	Annual Recognition Programs	22
A.	White House Closing the Circle Awards Program	22
B.	Other Environmental Awards	22
IX.	Waste/Pollution Prevention and Recycling Programs.....	23
A.	Waste/Pollution Prevention Programs.....	23
Paper.....		23
B.	Recycling Programs	23
X.	Conservation Measures and “Buying Green”.....	24
A.	Sustainable Building Design Specifications in Contracts	24
B.	Energy Efficiency in Lease Provisions	24
C.	Distributed Generation and Electrical Load Reduction Measures.....	24
D.	Energy-Savings Performance Contracts	24
E.	Goals.....	25

Appendices

Appendix A	Justification Template	27
Appendix B	Required Federal Acquisition Regulation (FAR) Green Purchasing Provisions/Clauses.....	28
Appendix C	Green Purchasing Legal and Other Requirements	30
Appendix D	Balancing Environmental Considerations with Performance, Availability and Cost (Life Cycle Cost Analysis).....	32
Appendix E	Procedures for Vendor Estimation, Certification, and Verification.....	33
Appendix F	Federal Sources of Recycled Content/Environmentally Preferable Products.....	35
Appendix G	Environmental Labeling and Certification Programs.....	38
Appendix H	Sample Contract Language	40
Appendix I	Resources	42
Appendix J	Definitions and Acronyms	46

I. Purpose, Authority, and Applicability

A. Purpose

The Department of Housing and Urban Development (HUD) has developed this Affirmative Procurement Plan (APP) 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 (EPAAct); Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA); Section 612 of the Clean Air Act (CAA) of 1990; and the Federal Acquisition Regulation (FAR) Part 23.

The purpose of this APP is to enhance and sustain mission readiness through cost effective acquisitions that achieve regulatory compliance while reducing resource consumption and solid and hazardous waste generation. Affirmative procurement (also referred to as "environmentally preferable purchasing (EPP)" or "green purchasing" is the purchase of environmentally preferable products and services in accordance with one or more of the established federal green procurement preference programs. The APP outlines Department-wide guidance for an effective green purchasing program; and contains a preference program, promotion program, and an annual review and monitoring of the effectiveness of the APP.

B. Authority

Section 6002 of RCRA; FAR Part 23, "Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace;" FAR Parts 7, 8, and 11; E.O.13423, "Strengthening Federal Environmental, Energy, and Transportation Management;" and HUD Acquisition Regulation (HUDAR) Subpart 2423.7 and Handbook Chapter 3-5.

C. Policy

Acquisition personnel (e.g., Contracting staff, Government Technical Monitors (GTM), Government Technical Representatives (GTRs), and Program/Project Managers) should provide a preference for recycled content, Energy Star®, U.S. Department of Energy's Federal Energy Management Program (FEMP)-designated energy-efficient, low standby power, biobased, Environmentally Preferable Purchasing (EPP), Electronic Product Environmental Assessment Tool (EPEAT)-registered, water-efficient, non-ozone depleting products and alternative fuel vehicles and alternative fuels, unless one of the exemptions listed in Section IV(C) applies. This preference will be established in all contracts, as appropriate, in accordance with Section 6002 of RCRA, Section 104 of EPAAct, Section 9002 of FSRIA, and the FAR.

Acquisition personnel should encourage the renovation of 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. However, if this is cost prohibitive, a justification may be prepared in accordance with Appendix A.

As applicable, 100% of HUD's purchases must meet or exceed current Environmental Protection Agency (EPA) guideline standards unless there is written justification, as shown in Appendix A, that the products or services:

- (1) Are not available competitively or within a reasonable time frame;
- (2) Do not meet appropriate performance/safety standards; or
- (3) Are available only at an unreasonable price (purchases of \$3,000 or less, including purchase card purchases, are exempt from written justification).

Recycled content products should 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.

Life Cycle Cost Analysis: Acquisition personnel should 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. When comparing cost, Government Technical Representatives (GTRs)/Government Technical Monitors (GTMs) (Contracting Officer Technical Representatives) and/or procurement request originators and contracting officers 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. Additional information about life cycle cost analysis is available in Appendix C of this document.

D. Applicability

The policies outlined in this APP apply to all HUD purchases (including those at or below the micro-purchase threshold and purchase card transactions) and applicable contractors. Purchases include those made with government purchase cards/fleet cards, and support services contracts under which the designated products will be supplied or used. This APP does not apply to grants or cooperative agreements.

II. Scope of Green Products and Services

A. Recycled Content Products

RCRA, Section 6002 requires federal agencies to procure 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. The objective is to replace virgin materials with recycled materials, including post-consumer materials. There are currently more than 60 designated products in eight categories:

1. paper and paper products,
2. vehicular,
3. construction,
4. landscaping,
5. park and recreation,
6. transportation,
7. non-paper office,
8. 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 (material used to absorb either liquids or gases). The current list of designated products, EPA's guidance, and related technical information can be found on EPA's web site at www.epa.gov/cpg.

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

EPA Act 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 and services. 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 and services. 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 should 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.

When acquiring energy-consuming products and services, FAR 23.203 requires that: (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 (see Section IV (c), Justifications) of this document).

1. Current HUD Contracts and/or Task or Delivery Orders for Energy-Consuming Products

Current HUD contracts and/or task or delivery orders for energy-consuming products or services should be modified by inserting Electronic Product Environmental Assessment Tool (EPEAT) and/or Energy Star®/Energy-Efficient clauses, unless there is written justification that EPEAT or Energy Star®/Energy-Efficient products or services are not available or cost-effective over the life of the product taking into account energy cost savings over the life of the item.

2. Enable Energy Star® Features on Computers and Monitors

When purchasing computer products and services that require the furnishing of computer products, solicitations and contracts should contain language that Energy Star® features are enabled on 100% of computers and monitors.

The technical requirements that each product must meet to become Energy Star® qualified are available at www.energystar.gov/products. Information on FEMP-designated products can be found at <http://www1.eere.energy.gov/femp/procurement/index.html>. Information on low standby power products can be found on FEMP's web site at www.eere.energy.gov/femp/procurement.

C. Biobased Products

The procurement of biobased products is established in Section 9002 of the Farm Security and Rural Investment Act of 2002 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/. If purchasing a biobased product, the contract should specify that the product is composed of the highest percentage of biobased material practicable, or USDA's recommended minimum contents standards.

D. Environmentally Preferable Products and Services

Environmentally preferable products 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 process chlorine free (no chlorine or chlorine derivatives were used in the recycling process). 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 should 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>.

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 services that require the furnishing of EPEAT-registered products when acquiring an electronic product to meet its requirements, and meet at least 95 percent of those requirements with an EPEAT-registered electronic product unless there is no EPEAT standard for the product. Agencies are also required to strive to purchase EPEAT Silver-rated electronic products or higher, if available.

EPEAT is an application that helps purchasers acquire electronic products based on their environmental attributes. EPEAT currently registers only desktop computers, laptops, and monitors (includes new purchases and leases), all of which must be Energy Star® qualified to be registered. In the future, EPEAT plans to add other electronics to its registry. The EPEAT Program is sponsored by EPA, and managed by staff contracted from the Green Electronics Council. The EPEAT website is: <http://www.epeat.net/>.

The Implementing Instructions further require agencies to ensure that applicable information technology (IT) contracts incorporate appropriate language for the procurement of EPEAT-registered equipment and address any future FAR clauses related to EPEAT.

HUD issued an Electronics Stewardship Plan in May 2008. This plan is a collaboration between HUD's Assistant Secretary for Administration, the Chief Information Officer,

Chief Financial Officer, and the Chief Procurement Officer. The plan states that HUD should purchase 95% of electronic products as EPEAT-registered equipment, for products where EPEAT standards exist. HUD should strive to procure EPEAT Silver-rated electronic products or higher, if available. HUD should issue IT solicitations that consider including EPEAT-registered and energy-efficient products as an evaluation factor. HUD should also include EPEAT requirements in new contracts when purchasing energy-consuming products covered by EPEAT.

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 Subpart 23.202 requires agencies to acquire supplies and services that promote water efficiency. 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) (<http://www.epa.gov/ozone/snap/lists/index.html>) program. The Implementing Instructions require that each agency maximize the use of safe alternatives to ozone depleting substances, as approved by the SNAP program.

To the maximum extent practicable, HUD should purchase alternatives to hazardous chemicals and ozone-depleting substances (ODS) (as defined by the EPA). 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, HUD should ensure that acquisitions comply with the Clean Air Act and substitute safe alternatives to ozone depleting substances.

H. Alternative Fuel Vehicles and Alternative Fuels

EPAAct requires agencies to acquire 75% of light duty fleet vehicles as alternative fuel vehicles (AFVs) for covered fleets. 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 of 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 HUD's Property Management Regulations, Motor Vehicle Management. FAR 23.403 states: "Acquire items containing recovered materials and biobased products to the maximum extent practicable considering cost, availability, and performance."

The alternative fuel vehicle/alternative fuels federal acquisition program definitions and requirements are established by Title III of the Energy Policy Act (EPA) of 1992, as amended by EPA of 2005 and the Energy Investment and Security Act of 2007, and E.O. 13423. Under EPA, 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 EPA, 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.

III. Roles and Responsibilities

The responsibility of implementing this APP rests with a variety of stakeholders. HUD is actively working to ensure that personnel involved in the procurement process, from the requisitioner in program offices to contracting officials, as well as, purchase cardholders, will be informed of their role in the success of this program. The roles and responsibilities of applicable stakeholders are outlined below.

A. HUD's Environmental Executive

- 1) Promulgate and implement the Department's policies and regulations in conjunction with the Department's Senior Procurement Executive (SPE).
- 2) Coordinate education and promotional activities.
- 3) Work in conjunction with the Department's SPE 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).
- 4) Coordinate all environmental programs in the areas of procurement and acquisition, standards, specification review, facilities management, waste prevention and recycling, and logistics.

B. HUD's Chief Procurement Officer (CPO)

- 1) Develop acquisition policies to comply with FAR Part 23 and E.O.s.

- 2) Promulgate and implement the Department's affirmative procurement policies and regulations.
- 3) Provide program leadership and coordination for HUD's affirmative procurement program pursuant to E.O. 13423.
- 4) Coordinate the preparation, review, analysis, and submission of reports on HUD's progress towards meeting the goals of E.O. 13423 to the OMB and OFEE.
- 5) Monitor Departmental progress in meeting goals and requirements of E.O. 13423 and other related E.O.s.
- 6) Provide oversight of green purchasing training for targeted acquisition and program personnel and purchase cardholders.
- 7) Discuss with HUD offices opportunities to increase EPP where relevant, and coordinating outreach/training for staff.
- 8) Work with the agency environmental executive to review and analyze green purchasing data, including the preparation of the annual Sustainable Acquisition Practices: Green Purchasing, Waste Management, and Chemicals Management Report to OFEE.
- 9) Conduct periodic audits/procurement reviews to ensure compliance with FAR Part 23, the E.O.s, the APP, and HUD's Electronic Stewardship Plan (ESP).
- 10) Implement an awareness program to promote green purchasing.

C. Contracting Officers/Contract Specialists

- 1) Review procurement requests to ascertain and validate whether green products or services are involved in the procurement action.
- 2) Ensure that solicitations and contracts contain the appropriate provisions and clauses to implement affirmative procurement (FAR Part 23).
- 3) Provide guidance and facilitate acquisition planning to program/technical personnel with respect to green purchasing.
- 4) Ensure 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 appropriate individual(s) and are included in the contract file.
- 5) Require that vendors certify that the percentage of recovered materials and biobased products to be used in the performance of the contract 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.

- 6) Employ life-cycle cost analysis, whenever feasible and appropriate, to assist in the evaluation of product and service selections.
- 7) Ensure that EPP purchases are recorded accurately and timely in the Department's contract information system and the Federal Procurement Data System-Next Generation (FPDS-NG).
- 8) Comply with the APP.
- 9) Ensure that vendors are familiar with green purchasing requirements contained in their solicitations/contracts.
- 10) Review with vendors their role in the procurement of green products and services during the initial contract kickoff and reinforce with the contractor, when appropriate, during contract performance.
- 11) Ensure that applicable FAR green purchasing language and clauses and APP requirements are included when modifying existing contracts that contain green products, if needed.

D. Program Offices (Requisitioners/GTRs/GTMs)

- 1) Identify and document whether green products and services are available and can satisfy requirements for price, availability, and performance.
- 2) Ensure that relevant green procurement requirements are identified prior to submission to the contracting office so that final/approved purchase requests properly address all relevant green procurement requirements.
- 3) Consider life-cycle cost concepts to determine cost effectiveness of green products and services for use in procurement decisions.
- 4) Include 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 would not meet their need.
- 5) Consult 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.

6) Monitor contract performance to ensure compliance with green procurement requirements in accordance with the terms of the contract.

7) Ensure compliance with HUD's Affirmative Procurement Plan.

8) Use boilerplate specifications and model templates for contracts as appropriate.

E. Procurement Managers (Assistant Chief Procurement Officers, Directors, etc.)

1) Ensure implementation and compliance with HUD's APP within his/her office.

2) Provide 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.

3) Ensure all appropriate personnel are trained in green procurement and held accountable for complying with green purchasing requirements.

4) Recommend personnel for the White House Closing the Circle (CTC) Award and other environmental awards.

F. Purchase Cardholders

1) Purchase green products and services when making purchases, including those at or below the micro-purchase threshold in accordance with FAR Subpart 13.201.

2) Receive training on the requirement to purchase green products and services and the common sources of supply.

3) Ensure compliance with HUD's Affirmative Procurement Plan.

Note: Purchase cardholders are not required to complete a written justification for not purchasing green products and services. At HUD, after making a purchase using the purchase card, the cardholder must register the purchase in the purchase card log (electronic or paper). At a minimum, the log should include the date purchased, a description of the product or service, the merchant name and address, the amount paid, and the date received. The purchase cardholder should maintain a monthly file for receipts and other documentation. The cardholder is highly encouraged to document whether the purchase is green.

G. Government Purchase Card Program Manager and Approving Officials

1) Conduct annual surveillance to ensure cardholders are meeting Government purchase card program requirements, including compliance with the APP.

- 2) Review cardholder logs to ensure that cardholders have noted the appropriate exemptions for non-APP compliant purchases.
- 3) Train purchase cardholders on green procurement or ensure that purchase card holders obtain training through DAU or other commercial source providers.

IV. HUD's Affirmative Procurement Program

A. Hazardous Materials Prohibitions, Identifications, and Requirements

1. Chemical Prohibitions

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

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

HUD prohibits use of these chemicals in applications and equipment listed above. HUD purchasers should look for alternatives.

2. Hazardous Material Identification and Material Safety Data

The contracting officer should obtain information on hazards during the evaluation of offerors for the following:

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

The successful offeror should submit Material Safety Data Sheets (MSDS) prior to contract award, unless the offeror certifies that the supplies are not hazardous.

(Information about MSDSs is available at:
http://www.eh.doe.gov/chem_safety/Msds.html).

B. Implementation of HUD's Affirmative Procurement Plan

1. Implementation of the Affirmative Procurement Plan includes all Participants in the Acquisition Process

Implementation of the APP policy begins with the preparation of the requirements document in Program Offices (e.g., GTM/GTR/Project Managers). It is incumbent on the requirements official to ensure that the goods or services being procured either comply with the EPA's Comprehensive Procurement Guidelines 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 personnel, and environmental program managers. The requirements official should 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 Subpart 7.103 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.

HUD personnel involved in acquisition planning should consider the use of green products and services from the beginning of acquisition process. Agency program offices should develop, review and revise specifications, product descriptions, and standards during the acquisition planning stage to enhance HUD's 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.

All appropriate solicitations and resulting contracts should include language notifying vendors that HUD 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 contracting officers 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."

3. Source Selection/Evaluation

Program Offices are encouraged to add source selection factors when evaluating contracts containing recycled content, Energy Star®, FEMP-designated energy-efficient, low standby power, biobased, EPP, EPEAT-registered, water-efficient, non-ozone depleting products, and alternative fuel vehicles and alternative fuels. The program office can build requirements into the performance work statement/statement of work on a pass-fail basis in lieu of making the environmental concerns a trade-off consideration. It is entirely at the discretion of the program office regarding whether to use best value continuum, tradeoff process, or lowest price technically acceptable source selection process.

C. Justifications

FAR Subpart 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 should be included in the contract file. The contracting officer is also required to keep copies of all justifications in a separate folder. A justification template is available in Appendix A.

For Not Procuring Recycled Content and Biobased 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; or
- 3) Are only available at an unreasonable price.

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.

Written justification is not required for purchases below the micropurchase threshold and/or for purchases made with the government purchase card.

Exemptions:

FAR Subpart 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.

D. 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. See Appendix B for a listing of FAR clauses. Clauses should flow down to the subcontractor. Specific language regarding the flow down of clauses should be in the solicitation.

E. Solicit Businesses that Adopt Environmentally Sound Policies

To the maximum extent practicable, it is recommended that purchasers solicit businesses that adopt environmentally sound policies and systems, institute proper environmental management and auditing, disclose environmental information, and conform to environmental laws and regulations. When two or more small businesses exist that can 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. For acquisitions that are not set-aside for small business participation, prime contractors should consider small businesses that can provide these products as subcontractors.

OCPO should not award any contracts to vendors on “The List of Procurement Parties Excluded from Federal Procurement or Nonprocurement Programs (48 CFR 9.404).” This list identifies facilities declared ineligible by the Administrator of EPA to receive federal contracts based on non-compliance with clear air or water standards resulting in a conviction of the Clean Air Act, the Clean Water Act, and Executive Order 11738, “Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to federal contracts, grants, or loans.”

V. Promotion Program

Each HUD procuring office should promote the HUD APP within its operation. The promotional program will include at least the following:

1. Procuring offices should include in their FedBizOpps announcements a statement of the recycling and buying green products and services requirements of the solicitation, if applicable;

2. Contracting officers should promote green products and services at pre-proposal conferences, where applicable;
3. Contracting officers should conduct market research and annotate their source lists with information on vendors offering green products and services.

In addition, OCPO intends to actively promote the APP by outreach and training. Internal promotion may include, but is not limited to: articles in newsletters; creating an OCPO website on green purchasing and electronic stewardship; making suppliers of recycled content products aware of HUD's APP; educating program and procurement offices about FAR Part 23 and E.O. 13423 requirements; and participating in pilot projects.

HUD Electronics Stewardship Working Group - HUD has formed an in-house Electronic Stewardship Working Group (ESWG). The ESWG is composed of staff members from the Office of Administration, the Office of the Chief Information Officer, Office of the Chief Financial Officer, and the Office of the Chief Procurement Officer. Members of the ESWG are responsible for implementing HUD's ESP and fostering compliance with E.O. 13423.

VI. Training

All HUD contracting officers/contract specialists, GTRs/GTMs, and purchase cardholders are required to receive green purchasing training every 3 years. The Defense Acquisition University offers a free, on-line Green Procurement Course, CLC 046, Green Procurement. It is available on DAU's continuous learning site at <https://learn.dau.mil/html/clc/Clc1.jsp?cl>

There are other green purchasing training opportunities available, such as the Department of Interior University's course entitled "Greening the Procurement Cycle: The Benefits and Requirements of Greening for the Government Procurement Officers."

The OFEE offers free classroom-style green purchasing training to federal agencies. The training addresses each component of the federal green purchasing program, although more in-depth training on purchasing Energy Star, energy efficient, and biobased products is or will be available from EPA, DOE, and USDA, respectively. In addition, OCPO plans to conduct green purchasing training at least once annually. Employees involved in the acquisition process may also seek green training from commercial sources. Training records for acquisition personnel and purchase cardholders should be kept for auditing purposes.

VII. Procedures for Annual Review and Monitoring

A. Data Tracking

OCPO plans to:

- 1) Track HUD's procurement of EPA-designated recycled content products and environmentally preferable products and services through the Federal Procurement Data System Next Generation (FPDS-NG);
- 2) Report to OFEE the Department's purchasing of EPA-designated items and environmentally preferable products and services;
- 3) Report HUD's compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products;
- 4) Incorporate environmental considerations into procurement management reviews; and develop corrective action procedures to address deficiencies identified in assessments, reviews, and audits.

B. Annual Review and Monitoring

OCPO intends to 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.

OCPO will:

- 1) Review data on the Department's contracts and subcontracts to ensure compliance;
- 2) Assess the Department's progress in achieving the federal requirements for purchasing environmentally preferable products and services; and
- 3) Include environmental considerations in its procurement management reviews.

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.

OCPO 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 time lines 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. HUD's goal and continued focus is to receive a green score on the Environmental Stewardship Scorecard for each six-month period.

Sustainable Acquisition Practices: Green Purchasing, Waste Management, and Chemicals Management Report – Section 6002 of the Resource Conservation and Recovery Act of 1976 requires the OFPP to report to Congress biannually 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. OCPO is responsible for tracking the Department's purchasing of designated recycled content products and reporting this information to the OFPP and the OFEE. OCPO will 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

OCPO encourages its employees' commitment to environmental stewardship through recognition and awards programs. Any HUD office can submit a nomination for the White House Closing the Circle (CTC) Awards Program or 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 seek and 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 (Presidential Award) is given to agency team(s) that excelled in the use of energy efficiency and management tools. Winners of the Presidential Award 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. HUD encourages its employees' commitment to improving energy efficiency through awards and recognition programs.

IX. Waste/Pollution Prevention and Recycling Programs

A. Waste/Pollution Prevention Programs

HUD promotes 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). Contracting and program officials should consider all waste prevention opportunities such as recyclability, reusability, and repairability when acquiring products and services. To promote waste prevention throughout the Department, employees are strongly encouraged to use such techniques as electronic transfer and double-sided copying on all documents. It is HUD policy that a contractor submitting paper documents relating to an acquisition should, if possible, submit those documents double-sided and on recycled paper (see FAR 4.303).

Paper. In accordance with RCRA, Section 6002, HUD or HUD contractors should purchase printing and writing paper (e.g., copier, computer, and office paper) that meets or exceeds 30 percent post-consumer material content. If paper containing 30 percent postconsumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, then HUD should purchase paper containing no less than 20 percent postconsumer material.

B. Recycling Programs

HUD should 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). At a minimum, HUD facilities should recycle the following commodities unless significant barriers exist (e.g., lack of markets, cost): white paper; mixed paper/newspaper; cardboard; aluminum; plastic - #1 polyethylene terephthalate (PET) and #2 high density polyethylene (HDPE); glass; pallets; scrap metal; toner cartridges; and consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, batteries, used oil, antifreeze and tires, and electronics).

HUD will follow the Federal Management Regulations for the donation, sale, and recycling of electronic equipment no longer needed by the Federal Government. HUD will make maximum use of its program to donate used electronics through the General Services Administration's (GSA) Computers for Learning program. When electronics are unable to be reused, HUD will dispose of them through the Federal Prison Industries electronics recycling program, GSA Bulletins, Recycling Electronics and Asset Disposition (READ) Services Contract, or other environmentally responsible recyclers such as the EPA's Plug-In to eCycling. HUD will ensure due diligence to ensure that products that have reached the end of their useful life are recycled using environmentally sound management practices.

X. Conservation Measures and "Buying Green"

A. Sustainable Building Design Specifications in Contracts

As applicable, sustainable development and design principles should be emphasized in the design and construction process at HUD to ensure new facilities incorporate current energy management technology within budgetary constraints. Acquisition personnel should ensure compliance with the Energy Star® Building Design, and/or Laboratories for the 21st Century (LABS21) approach, and/or design for, at a minimum, a Leadership in Energy and Environmental Design (LEED) Silver rating in the design and construction or major renovation of HUD-owned buildings.

B. Energy Efficiency in Lease Provisions

When entering into leases in OCPO contracts, including the renegotiation or extension of existing leases, contracting officers should incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost effective. HUD will ensure compliance with the energy conservation guidelines set forth in 10 CFR Part 436 (Federal Energy Management and Planning Programs). Also, HUD will 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 should be administered in accordance with these policies to the maximum extent feasible.

C. Distributed Generation and Electrical Load Reduction Measures

When life cycle cost effective, HUD intends to use solar and other renewable technology where it competes favorably with traditional power systems. Specifically, HUD should incorporate solar and/or wind power to run pumps and exhaust fans. In addition, HUD should coordinate with utility companies to minimize overall use of electricity and manage electricity consumption during emergencies.

D. Energy-Savings Performance Contracts

In accordance with FAR 23.205, acquisition personnel should make maximum use of the authority provided in the National Energy Conservation Policy Act (42 U.S.C. 8287) to use an energy-savings performance contract (ESPC), when life-cycle cost-effective, to reduce energy use and cost in the agency's facilities and operations.

E. Goals

OCPO intends to pursue the following goals established in E.O. 13423 in all contracts, purchase orders, and interagency agreements, where applicable:

1. **Vehicles:** Increase purchase of alternative fuel, hybrid, and plug-in hybrid electric vehicles when commercially available.
2. **Petroleum Conservation:** Reduce petroleum consumption in fleet vehicles by 2% annually through 2015.
3. **Alternative Fuel Use:** Increase alternative fuel consumption at least 10% annually.
4. **Energy Efficiency:** Reduce energy intensity by 3% annually through 2015 or by 30% by 2015.
5. **Greenhouse Gases:** By reducing energy intensity by 3% annually or 30% by 2015, reduce greenhouse gas emissions.
6. **Renewable Power:** At least 50% of current renewable energy purchases should come from new renewable sources (in service after January 1, 1999).
7. **Building Performance:** Construct or renovate buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality.
8. **Water Conservation:** Reduce water consumption intensity by 2% annually through 2015.
9. **Procurement:** Expand purchases of environmentally-friendly goods and services, including biobased products.
10. **Pollution Prevention:** Reduce use of chemicals and toxic materials and purchase lower risk chemicals and toxic materials from top priority list.
11. **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.

12. Environmental Management Systems (EMS): Implement 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.

Appendix A

Justification Template

1. The [insert requiring office name] has a need for the following items/services [insert description of the item].

2. This office has determined that it cannot purchase the item/service in accordance with HUD's Affirmative Procurement Program because [check appropriate block(s)]:

_____ The price of the item/service is unreasonable (taking into account life cycle cost analysis)

_____ There is no product/service that is available that meets the functional requirements (performance or safety) of the agency

_____ The product/service is not available competitively or within a reasonable time frame

_____ There are no measurable standards by which energy performance can be evaluated.

3. Provide information, documentation, etc. to substantiate the reason(s) indicated above. Attach additional information, documentation (e.g., life cycle cost analysis, quotes), as necessary.

Date:

Name:

Title:

Requiring Office:

Contracting Office:

APPROVED BY: (if an energy-consuming product, this shall be approved by the Senior Procurement Executive).

Date:

Contracting Officer

Note: If approved, the Contracting Officer shall maintain the original justification in the contract file and immediately forward a copy to the requiring office. **All approvals shall be completed before contract award.**

Appendix B

Required Federal Acquisition Regulation (FAR) Green Purchasing Provisions/Clauses

For Recycled Content Products:

There is a certification provision and an estimation clause on recovered material in FAR Subpart 23.406, the **Recovered Material Certification** provision, at **52.223-4**, that is 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 **52.223-9**, is inserted in solicitations and contracts exceeding \$100,000 that include the Recovered Material Certification provision at 52.223-4.

For Energy-Consuming Products:

Contracting officers are required to insert **FAR clause 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007)**, in solicitations and contracts when purchasing energy-consuming products.

Insert FAR clause **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.

For Biobased Products:

Contracting officers shall: 1) Insert the provision at **52.223-1, Biobased Product Certification**, in solicitations that: (a) Require delivery or specify the use of USDA-designated items; or (b) Include the clause at 52.223-2.; 2) Insert the clause at **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.

For Non-Ozone Depleting Substances:

FAR Subpart 23.804 states that clause **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 **52.223-11, Refrigeration Equipment and Air Conditioners**, will 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.

For Waste/Pollution Prevention:

Contracting officers shall insert the clause at **52.211-5, Material Requirements**, in all solicitations and contracts for supplies that are not commercial items. Contractual data reporting shall be specified in accordance with **FAR 52.223-5, Pollution Prevention and Right-to-Know Information**.

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.

Contracting officers shall insert **FAR 52.204-4, Printing/Copying Double-Sided on Recycled Paper**, in solicitations and contracts greater than the simplified acquisition threshold.

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/EPAAct/Federal/	The Energy Policy Act of 2005 (EPAAct); 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	E.O. 13423, "Strengthening Federal Environmental,

<http://www.epa.gov/epaoswer/hazwaste/minimize/chemlist.htm>

Energy, and Transportation Management;" Section 503(b) of Executive Order 13138, "Greening the Government Through Leadership in Environmental Management."

Appendix D

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

HUD should 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, HUD should 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 on how to conduct life cycle cost analysis.

When comparing cost, Government Technical Representatives (GTRs)/Government Technical Monitors (GRMs) (Contracting Officer Technical Representatives) and/or procurement request originators and contracting officers 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.

HUD recognizes that competition exists not only in prices, but also in 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 never 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.

GTRs/GTMs and contracting officers should solicit businesses that adopt environmentally sound policies and systems, institute proper environmental management and auditing, disclose environmental information, and conform to environmental laws and regulations.

Appendix E

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.

Program and procurement offices should adopt the following procedures:

Estimation

HUD 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**. HUD's 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 should ensure that vendors:

- 1) Provide written certification that their products meet the minimum content standards in the solicitation documents;
- 2) Maintain copies of certification documents; and
- 3) Produce copies of the written certification upon request by HUD. Currently, the FAR contains a "Recovered Material Certification" provision (FAR 52.223-4) which HUD 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 Online Representations and Certifications (ORCA) with the rest of the contractor's representations and certifications. The provision is as follows: "The offeror certifies, by

signing this offer, that recovered materials as defined in Section 23.402 of the FAR will be used as required by the applicable specifications.”

Verification

OCPO should periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews will enable HUD 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 Supply Center Richmond (DSCR) 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 F

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.

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.abilityone.gov/jwod/p_and_s/p_and_s.htm.

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

Small Business Administration (SBA) – Website: <http://www.pro-net.sba.gov>

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

Appendix G

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 – www.eco-label.org. 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 as 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

Appendix H

Sample Contract Language

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

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.

Here is some sample language for Section L:

Item 1: Experience with Cleaning Projects Using Biobased Products

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. Offerors possessing past performance experience in the area of cleaning with biobased products will receive greater consideration than others.

Item 2: Use of Biobased Products in Cleaning Projects

The government will evaluate the degree of the offeror's experience in the use of biobased products in cleaning. Offerors demonstrating the greater quantity and uniqueness in the use of biobased products will receive greater consideration.

Item 3: Project Management Biobased Experience

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.

Item 4: Client Satisfaction

The government will evaluate the offeror's client satisfaction with biobased cleaning products. Offerors demonstrating client satisfaction with an emphasis on "biobased practices" shall receive greater consideration than others.

Appendix I

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/oa/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/DCMPPage.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) EnerGuide - <http://www.oeenrcan.gc.ca/energguide/index.cfm>. 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>

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.federalelectronicschallenge.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.

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

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

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/404error.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 J

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 EPAAct of 2005.

Biobased Product – The procurement of biobased products is established in Section 9002 of FSRIA 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 postconsumer 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. CFCs 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 – 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 who 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.

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

Postconsumer 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. Postconsumer recycled content includes materials (such as paper, bottles, and cans) collected for recycling.

Postconsumer Waste - A material or product discarded for disposal after passing through the hands of a final user, having served its intended purpose. Postconsumer 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 postconsumer 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 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).

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.

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.

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>

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.

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, and all contract specification writers/reviewers.

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.

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.

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 at HUD As GTR or GTM).
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
GTM	Government Technical Monitor (also known as COTR)
GTR	Government Technical Representative (also known as COTR)
HUDAR	HUD 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
OCPO	Office of the Chief Procurement Officer
ODS	Ozone Depleting Substances
OFEE	Office of the Federal Environmental Executive
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
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
USDA	U.S. Department of Agriculture
USPS	U.S. Postal Service
VMF	Vehicle Maintenance Facility