



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT POLK
6661 WARRIOR TRAIL, BLDG 350
FORT POLK, LOUISIANA 71459-5339

IMPO-PWE

JUL 18 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Garrison Policy Memorandum # 13 - Compliance with Mandated Federal Green Procurement Program (GPP) Requirements

1. References.

a. Army Installation Green Procurement Program Implementation Guide, Version 2, December 2010.

b. Memorandum, DoD, Under Secretary of Defense (Acquisition, Technology and Logistics), 2 December 2008, subject: Updated Green Procurement Program (GPP) Strategy.

c. Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, 26 January 2007.

d. Memorandum, HQDA, Assistant Secretary of the Army (Installations and Environment), 22 November 06, subject: Establishment of the Army Green Procurement Program.

2. Purpose. This memorandum establishes a commitment to implement a GPP and integrate sustainable practices into Fort Polk's day-to-day course of business and into all decisions pertaining to resource investments that supports the installation's mission. It is my intent to comply with Federal, DoD, and Army green procurement mandates and use 'green' products and services to the maximum extent practicable. This policy reaffirms my intent to achieve 100 percent compliance with Federal laws and Executive Orders that require the purchase of green products and services, and assign green procurement responsibilities to the individuals initiating the procurement action. I hold leaders at every level responsible for ensuring that contract requirement developers, contracting officers, and government purchase card holders comply with this policy.

3. Applicability. This policy is applicable to all military units, garrison directorates and agencies, tenants, and contractors assigned or attached to Fort Polk. This policy applies to all acquisitions including individual purchases and the use and purchase of regulated products in the execution of federally-funded contracts. This policy does not apply to military vehicles and weapon systems, or the procurement of products used for weapons systems maintenance and operations without written authorizations from the

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weapons systems management office. When weapons systems standard documents do not specify products, green products may be procured.

4. Policy. Fort Polk will consider environmental factors in all purchasing decisions and contract actions and will give preference to those products and services designated by or recommended in Federal green procurement preference programs. All installation organizations initiating contracting actions, procurement actions, and credit card purchases will comply with mandatory Federal, DoD, and Army green procurement preference program requirements. All leaders will take an active role in promoting sustainable practices within their organizations and support installation efforts to achieve full compliance with established green procurement and sustainability goals and objectives. It is the responsibility of the individuals initiating the procurement action and developing the contract requirements to ensure compliance with this policy.

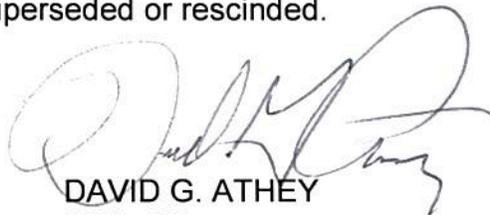
5. Fort Polk will establish installation-wide sustainability and GPP objectives and targets to guide and document the installation's compliance with Federal, DoD, and Army green procurement mandates. To support compliance with this policy, an excerpt from the Army Installation Green Procurement Program Implementation Guide is enclosed as follows: Annex A, "Green Procurement Resources"; Annex B, "Buy Recycled and Biopreferred Programs Requirements"; and, Annex C "Federal Acquisition Regulation Provisions and Contract Clauses". Annex A also contains the list of specific green procurement preference programs and the associated laws and executive orders that are the regulatory drivers.

6. Proponent. The Directorate of Public Works is the proponent for this policy.

7. This policy will remain in effect until superseded or rescinded.

3 Encls

1. Annex A Green Procurement Resources
2. Annex B Buying Program Requirements
3. Annex C Federal Acquisition Regulations Provisions and Contract Clauses



DAVID G. ATHEY
COL, AR
Commanding

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ANNEX A GREEN PROCUREMENT RESOURCES

GENERAL INFORMATION

Defense Environmental Network Information Exchange (DENIX) – the Department of Defense's comprehensive environmental network provides information about the DOD GPP.

<https://www.denix.osd.mil/portal/page/portal/GPP>

EPA Environmentally Preferable Purchasing (EPP) – the Office of Pollution Prevention and Toxics guidance on green purchasing. www.epa.gov/opptintr/epp/

EPA Guidance on Credit Card Purchasing – guidance on purchasing recycled content products and other environmentally preferable products for the credit card user.

<http://www.epa.gov/opptintr/epp/tools/creditcard.htm>

FedCenter – the Federal Facilities Environmental Stewardship and Compliance Assistance Center provides comprehensive tools and information about the Federal GPP. <http://www.fedcenter.gov/>

FedCenter's GreenGov list server – provides an information sharing platform for GP questions, tools, and ideas. To join, send a blank message to: join-greengov-leader@fedcenter.gov.

Federal Acquisitions Regulation (FAR) – access to the FAR for GP requirements. Basic requirements are in FAR Part 23. Provisions and clauses are in FAR Part 52.

<https://www.acquisition.gov/Far/>

U.S. Army Public Health Command (Provisional) (USAPHC (Provisional)) – The Groundwater and Solid Waste Program provides GP training, GP plan development, and GPP reviews for DOD installations. <http://phc.amedd.army.mil/topics/envirohealth/qswsw/pages/greenprocurement.aspx>

PREFERENCE PROGRAMS

ENERGY STAR – a Government-backed program helping businesses and individuals protect the environment through superior energy efficiency. EPA's ENERGY STAR label identifies products that have energy saving qualities. <http://www.energystar.gov/>

EPA Comprehensive Procurement Guidelines (CPGs) – information on designated items made with recovered materials and Recovered Material Advisory Notices (RMANs). www.epa.gov/cpg/

EPA Green Vehicle Guide – provides information about the environmental performance of vehicles and provides the user with side-by-side comparisons for up to three vehicles.

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

EPA Pollution Prevention and Toxics – provides information on toxic chemicals and ways to reduce toxic chemical use. <http://www.epa.gov/oppt/>

EPA WaterSense – an EPA-sponsored partnership program that seeks to protect the future of our nation's water supply by promoting water efficiency and enhancing the market for water-efficient products, programs, and practices. <http://www.epa.gov/watersense/>

Federal Electronics Challenge (FEC) – 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.federalelectronicchallenge.net>

U.S. Department of Agricultural (USDA) BiopREFERRED Program – provides information on the BiopREFERRED Program, and facilitates and promotes new technology, commercialization, and expansion of markets for biobased products. Agricultural and forestry resources provide renewable raw materials for a broad range of nonfood and nonfeed products such as chemicals, fibers, construction materials lubricants, and fuels. <http://www.biopREFERRED.gov/>

PRODUCTS AND SERVICES

AbilityOne Program – generates jobs and training opportunities for people who are blind or who have other severe disabilities through the Federal procurement process. AbilityOne and affiliated organizations are a mandatory source of supply for Federal purchasers. <http://abilityone.org/>

Defense Logistics Agency (DLA) – DLA's Web site provides access to the Environmental Products catalog. <http://www.dscr.dla.mil/userweb/dscrlid/epa/epinfo.htm>. DLA also hosts the DOD Email which provides green products for Federal purchasers (requires registration). <https://dod-email.dla.mil/acct/>

DLA Environmental Reporting Logistics System (ERLS) – Green Procurement Report (GPR) contains database of "green" products purchased by Federal Agencies through DLA and GSA. Database is searchable by installation and DOD Acquisition Activity Code (DODAAC). www.dlis.dla.mil/erls/gpr/

General Services Administration (GSA) Environmental Products and Services Guide – list of environmentally preferable products and services available to Federal Agencies through GSA's Federal Supply Service. Environmental attributes and recovered content levels are noted where applicable. www.gsaadvantage.gov

UNICOR – Federal Prison Industries, Inc. – source of supply for Federal purchasers of office supplies and furniture, industrial equipment, and other products and services. UNICOR provides employment to inmates. www.unicor.gov

REGULATIONS

Code of Federal Regulations (CFR) – online access and search of the CFR to provide the public with enhanced access to codified regulations. <http://www.gpoaccess.gov/cfr/index.html>

Executive Order 13693, Planning for Federal Sustainability in the Next Decade, 25 March 2015 – Full texts of the EO is available through the FedCenter Web site. <http://www.fedcenter.gov/programs/buygreen/>

Federal Acquisition Regulation – provide acquisition requirements for GP with emphasis on recovered materials, biobased products, energy efficiency, and toxic chemical reduction. <https://www.acquisition.gov/Far/>

SUSTAINABLE BUILDINGS

Building for Environmental and Economic Sustainability (BEES) – a software tool that purchasers can use in making environmentally responsible decisions. The Web site provides a free download of software. www.bfrl.nist.gov/oa/software/bees.html

Energy Savings Performance Contracts – EPA provides information about using ESPCs. <http://www.epa.gov/oa/entrnt/energy/espc.htm>

Unified Facilities Guide Specification (UFGS) for use with SPECSINTACT software. The guide specs are used to formulate contracts for construction. Specification 016235 is available to stipulate construction using recycled and recovered materials (CPG products). It also applies to other contracted operations that may use products made with recovered materials. http://www.wbdg.org/ccb/browse_org.php?o=70 then scroll to spec number 016235, Recycled/Recovered Materials.

ANNEX B “BUY RECYCLED” AND “BIOPREFERRED” PROGRAMS REQUIREMENTS

B.1 “BUY RECYCLED” PROGRAM.

B.1.1 List of EPA-Designated Items. The EPA designates items that when purchased or used in contracts must contain recovered material. The designated items (or CPG items) currently fall into eight categories (construction, transportation, park and recreation, paper and paper products, non-paper office products, vehicular, landscaping, and miscellaneous). The CPG items include many of the things purchased every day at Army installations including paper, desk accessories, file folders, envelopes, trash bags, bathroom tissue, printer ribbons, toner cartridges, and award plaques. Designated products such as carpeting, paint, ceiling tile, and insulation are used in construction and building renovations. Many service contracts also involve the use of designated products. Since EPA adds CPG items every few years, the list is not included in this guide but can be found at <http://www.epa.gov/cpg/>.

B.1.2 Recovered Material Advisory Notices (RMANs). The RMANs are companion documents to the CPGs and are published concurrently. The RMANs recommend minimum recovered material content levels and provide guidance for purchasing items with recovered materials for each of the CPG items. A complete list of the RMAN standards may be obtained online at www.epa.gov/cpg/. The RMAN levels are expressed as percentages of post-consumer content and/or total recovered content (see Appendix A for explanation of terms). However, the RMANs apply to specific compositions of the CPG items, and may vary for CPG items made of different materials. For example, the RMAN for binders lists several different recovered material levels depending on the composition of the binder (for example, solid plastic, plastic-coated, or paper-coated).

Note: Recycled content requirements apply only when purchasing a CPG item made of a material specified in the RMAN. The guidelines do not preclude the purchase of an item made from materials other than those specified in the RMAN.

Example: In choosing an office garbage can liner, the buyer must comply with the CPGs only when purchasing a liner made of plastic. The buyer is free to purchase a liner with other environmentally preferable characteristics such as one made of biodegradable cornstarch.

B.2 “BIOPREFERRED” PROGRAM. The USDA is tasked with designating biobased products for purchase by Federal Agencies. There are numerous USDA-designated biobased items including products in the categories of construction and industrial, food service, facility operations and maintenance, janitorial, and miscellaneous. Federal Agencies, to include Army installations, must begin showing preference for biobased products 1 year from item designation. More information about proposed and designated biobased items is available at USDA's Web site <http://biobased.oce.usda.gov/public/categories.cfm>.

B.3 APPLICABILITY. RCRA and 40 CFR 247 require “procuring agencies” to purchase CPG items composed of the highest percentage of recovered materials practicable, taking into consideration competition, price, performance, and availability. A “procuring agency” is defined as any Federal Agency, or any state or local agency or contractor that uses appropriated Federal funds. 40 CFR 247 states “Federal procuring agencies should note that **the requirements of RCRA Section 6002 apply to them whether or not appropriated Federal funds are used for**

procurement of designated items.” Tenant activities must also comply with Federal GP requirements. Therefore, GP requirements apply to non-appropriated fund (NAF) activities on Army installations. The 2002 Farm Bill requires Federal Agencies to give purchasing preference to items composed of the highest percentage of biobased products practicable, taking into consideration competition, price, performance, and availability. Note that unlike RCRA, the Farm Bill requirements do not apply to contractors or state or local agencies.

Note: In accordance with RCRA, the “buy recycled” and “buy biobased” requirements apply when the purchase price of an item exceeds \$10,000 or when the total cost of such items, or of functionally equivalent items, purchased by the agency during the preceding fiscal year was \$10,000 or more. The Department of Defense (DOD) meets the definition of the term “agency.” Since DOD is assumed to spend more than \$10,000 annually on most of the EPA- and USDA-designated items, the procurement requirements apply to all DOD personnel.

B.4 AFFECTED PROCUREMENT ACTIONS. The requirements to buy recycled content and biopreferred products when purchasing an EPA- or USDA-designated item apply to all purchases regardless of the dollar amount, the purchasing mechanism, or the supply source. All contracts that involve the use or purchase of EPA- or USDA- designated items must specify that GP requirements be met and include required FAR provisions and clauses pertaining to GP (See Annex C for FAR provisions and clauses). Contracts should also include specifications to show preference for the use of other environmentally friendly products and services. Personnel responsible for procuring products used for weapon system maintenance and operation shall not deviate from products specified in standard system documentation without written authorization from the program management office. Standard system documents include technical manuals, depot maintenance work requirements, lube orders, field manuals, military specifications and standards, contract statements of work, and other standardized documentation. These documents sometimes require specific materials, products, or processes to perform maintenance and operating procedures. Unauthorized substitution of green products can lead to reliability, safety, and occupational health problems. These specified requirements are not over-ridden by GP policy or guidance. Where system documents do not specify materials, products, or processes, alternative green products may be procured.

B.5 EXCEPTIONS. RCRA and the Farm Bill allow exceptions to the requirements based on at least one of three conditions. Those conditions are that the recycled content or biobased product is (1) unreasonably priced compared to a comparable product made of virgin or nonbiobased material, (2) will not perform adequately or meet the user’s need, or (3) is not available within a reasonable timeframe or at a sufficient level of competition (for contract actions). The exceptions are commonly referred to as price, performance, and availability and apply to both the “Buy Recycled” and “Biopreferred” programs.

B.5.1 Documenting Exceptions. The purchaser or requirements/specifications generator must prepare and file a record of an exception used for any procurement action above the micropurchase threshold. The documentation must specify which of the exceptions was used and provide an explanation of the basis for using the exception. For contract actions, a copy should be maintained in the official contract file. It is also recommended that documentation of exceptions be centrally maintained by the installation GPP manager. This will allow the GP team to evaluate hindrances, establish blanket exceptions, and evaluate trends in GPP implementation. Installations may develop their own system of documenting exceptions; however, the Army recommends the use of the Army GP Written Justification Form. This will facilitate a standard procedure, enable thorough collection of information, and assist the user by providing a template for recording the necessary information.

B.5.2 Using Exceptions. The decision to use an exception is normally made early in the acquisition process by the purchaser or requirements generator. However, it is entirely possible that information about the price, performance, or availability of specified products may be revealed during the bidding or vendor/contractor selection process. If this happens, the contracting official should coordinate with the requirements generator to determine if the specifications need to be changed based on new information. Exceptions should be approved at the level of Contracting Officer or above. The level of approving authority should be established in the Installation GP Plan. Valid justifications for using the three exceptions are explained below. It is recommended that an exception more than 2 years old be reevaluated to determine if the cost has decreased, acceptable quality products are now available, or availability issues have changed (based on which exception was used). New and improved technologies continually emerge!

B.5.2.1 Price. It is recommended that price be evaluated from a life-cycle cost perspective. For example, plastic lumber containing recovered material costs more than traditional lumber; however, the maintenance costs are lower and it lasts longer (more durable). Thus, the plastic lumber may be less expensive over a longer term. In addition to cost benefits, it will not splinter and maintains its aesthetic quality longer than wood. The decision to pay more for a recycled content or biobased product will normally lie with the purchaser or requirements generator and be based on life-cycle cost considerations, available funds, and installation or organization policies on GP. The installation can establish a policy as part of its GPP that encourages purchasers to buy green products even if they are more expensive than a comparable virgin product. For certain products, the installation may want to conduct a best value source selection as a way to encourage the purchase of green products. For example, one Army installation has a policy that allows expenditures of up to 15% more for products that meet GP requirements since use of such products improves the overall quality of life and the environment.

B.5.2.2 Performance. The purchaser or procurement official can use an exception to GP requirements if justification is provided that the recycled or biobased product will not meet performance requirements. The decision to use the performance exception should be based on either certification or documentation by a testing, standardizing, or accrediting organization regarding overall performance or performance under certain conditions. It may also be acceptable to document performance shortfalls by in-house testing of the product in question. It is important to realize that a one-time trial of a single product is not sufficient justification for using the performance exception. An example of a performance exception would be an installation with unusually stringent fire codes requiring the use of a specific type of fire retardant carpeting. In this case, carpet with recovered material may not meet this performance standard and an exception is justified. The quality of recycled-content products has improved over time and continues to improve for many of the items. Also, some of the products will vary in quality from one manufacturer to another. If a poor quality recycled-content product is purchased, the user should attempt to find a source that provides a better quality product. This type of information may be available through networking with personnel on your installation or at other installations in your region, or by utilizing the GP list server at join-greengov-leader@fedcenter.gov.

B.5.2.3 Availability or Sufficient Level of Competition. The purchaser or procurement official can use an exception to Affirmative Procurement requirements if the product cannot be procured within a timeframe that meets mission requirements. Also, an exception can be used if including GP requirements in a solicitation results in the inability to meet requirements for sufficient competition.

ANNEX C
FEDERAL ACQUISITION REGULATION PROVISIONS AND CONTRACT CLAUSES

52.204-4 Printed or Copied Double-Sided on Postconsumer Fiber Content Paper.

(Insert the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper, in solicitations and contracts that exceed the simplified acquisition threshold.)

As prescribed in 4.303, insert the following clause:

PRINTED OR COPIED DOUNLE-SIDED ON POSTCONSUMER FIER CONTENT PAPER (May 2011)

(a) *Definitions.* As used in this clause-
"Postconsumer fiber" means-

(1) Paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications.

(b) The Contractor is required to submit paper documents, such as offers, letters, or reports that are printed or copied double-sided on paper containing at least 30 percent postconsumer fiber, whenever not using electronic commerce methods to submit information or data to the Government.

(End of clause)

52.223-1 Biobased Product Certification.

As prescribed in 23.406(a), insert the following provision:

BIOBASED PRODUCT CERTIFICATION (May 2012)

As required by the Farm Security and Rural Investment Act of 2002 and the Energy Policy Act of 2005 (7 U.S.C. 8102(c)(3)), the offeror certifies, by signing this offer, that biobased products (within categories of products listed by the United States Department of Agriculture in 7 CFR part 3201, subpart B) to be used or delivered in the performance of the contract, other than biobased products that are not purchased by the offeror as a direct result of this contract, will comply with the applicable specifications or other contractual requirements.

(End of provision)

52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

As prescribed in 23.406(b), insert the following clause:

AFFIRMATIVE PROCUREMENT OF BIOBASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACTS (Sept 2013)

(a) In the performance of this contract, the contractor shall make maximum use of biobased products that are United States Department of Agriculture (USDA)-designated items unless—

- (1) The product cannot be acquired—
 - (i) Competitively within a time frame providing for compliance with the contract performance schedule;
 - (ii) Meeting contract performance requirements; or
 - (iii) At a reasonable price.
 - (2) The product is to be used in an application covered by a USDA categorical exemption (see 7 CFR 3201.3(e)). For example, all USDA-designated items are exempt from the preferred procurement requirement for the following:
 - (i) Spacecraft system and launch support equipment.
 - (ii) Military equipment, *i.e.*, a product or system designed or procured for combat or combat-related missions.
 - (b) Information about this requirement and these products is available at <http://www.biopreferred.gov>
 - (c) In the performance of this contract, the Contractor shall—
 - (1) Report to <http://www.sam.gov>, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the Contractor during the previous Government fiscal year, between October 1 and September 30; and
 - (2) Submit this report no later than—
 - (i) October 31 of each year during contract performance; and
 - (ii) At the end of contract performance.
- (End of clause)**

52.223-4 Recovered Material Certification.

(The following FAR provision, "Recovered Material Certification" (52.223-4), shall be inserted into solicitations having specifications requiring the use and/or procurement of recovered materials, except for the acquisition of commercially available off-the-shelf items.)

As prescribed in 23.406(c), insert the following provision:

RECOVERED MATERIAL CERTIFICATION (MAY 2008)

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i)), the offeror certifies, by signing this offer, that the percentage of recovered materials content for EPA-designated items to be delivered or used in the performance of the contract will be at least the amount required by the applicable contract specifications or other contractual requirements.

(End of provision)

52.223-9 Estimate of Percentage of Recovered Material Content for EPA- Designated Products.

(The following FAR provision "Estimate of Percentage of Recovered Material Content for EPA Designated Products" (52.223-9) shall be inserted solicitations and contracts exceeding \$150,000 that include the provision at 52.223-4, except for the acquisition of commercially available off-the-shelf items. If it is practical to verify the estimate, use the clause with is Alternate I.)

As prescribed in 23.406(d), insert the following clause:

ESTIMATE OF PERCENTAGE OF RECOVERED MATERIAL CONTENT FOR EPA-DESIGNATED ITEMS (MAY 2008)

(a) *Definitions.* As used in this clause—"Postconsumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." "Recovered material" means waste materials and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(b) The Contractor, on completion of this contract, shall—

(1) Estimate the percentage of the total recovered material content for EPA- designated item(s) delivered and/or used in contract performance, including, if applicable, the percentage of post-consumer material content; and

(2) Submit this estimate to ___ [*Contracting Officer complete in accordance with agency procedures*].

(End of clause)

Alternate I (May 2008). As prescribed in 23.406(d), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)):

CERTIFICATION

I, ___ (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated items met the applicable contract specifications or other contractual requirements.

[Signature of the Officer or Employee]

[Typed Name of the Officer or Employee]

[Title]

[Name of Company, Firm, or Organization]

[Date]

(End of certification)

52.223-10 Waste Reduction Program.

(Insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.)

As prescribed in 23.705(a), insert the following clause:

Waste Reduction Program (May 2011)

(a) *Definitions.* As used in this clause-

"Recycling" means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.

"Waste prevention" means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

"Waste reduction" means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 3(e) of Executive Order 13423, the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, *et seq.*) and implementing regulations (40 CFR Part 247).

(End of clause)

52.223-11 Ozone-Depleting Substances.

(Except for contracts that will be performed outside the United States and its outlying areas, insert the clause at: 52.223-11, Ozone-Depleting Substances, in solicitations and contracts for ozone-depleting substances or for supplies that may contain or be manufactured with ozone-depleting substances.)

As prescribed in 23.804(a), insert the following clause:

Ozone-Depleting Substances (May 2001)

(a) *Definition.* "Ozone-depleting substance," as used in this clause, means any substance the Environmental Protection Agency designates in 40 CFR Part 82 as- (1) Class I, including, but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or

(2) Class II, including, but not limited to, hydrochlorofluorocarbons.

(b) The Contractor shall label products which contain or are manufactured with ozone-depleting substances in the manner and to the extent required by 42 U.S.C. 7671j (b), (c), and (d) and 40 CFR part 82, Subpart E, as follows:

Warning Contains (or manufactured with, if applicable) * ____, a substance(s) which harm(s) public health and environment by destroying ozone in the upper atmosphere.

* The Contractor shall insert the name of the substance(s).
(End of clause)

52.223-12 Refrigeration Equipment and Air Conditioners.

As prescribed in [23.804\(b\)](#), insert the following clause:

REFRIGERATION EQUIPMENT AND AIR CONDITIONERS (MAY 1995)

The Contractor shall comply with the applicable requirements of Sections 608 and 609 of the Clean Air Act ([42 U.S.C. 7671g](#) and [7671h](#)) as each or both apply to this contract.

(End of clause)

52.223-13 Acquisition of EPEAT®-Registered Imaging Equipment.

As prescribed in [23.705\(b\)\(1\)](#), insert the following clause:

ACQUISITION OF EPEAT®-REGISTERED IMAGING EQUIPMENT (JUN 2014)

(a) *Definitions.* As used in this clause—

“Imaging equipment” means the following products:

(1) *Copier*-A commercially available imaging product with a sole function of the production of hard copy duplicates from graphic hard-copy originals. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as copiers or upgradeable digital copiers (UDCs).

(2) *Digital duplicator*-A commercially available imaging product that is sold in the market as a fully automated duplicator system through the method of stencil duplicating with digital reproduction functionality. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as digital duplicators.

(3) *Facsimile machine (fax machine)*-A commercially available imaging product whose primary functions are scanning hard-copy originals for electronic transmission to remote units and receiving similar electronic transmissions to produce hard-copy output. Electronic transmission is primarily over a public telephone system but also may be via computer network or the Internet. The product also may be capable of producing hard copy duplicates. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as fax machines.

(4) *Mailing machine*-A commercially available imaging product that serves to print postage onto mail pieces. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as mailing machines.

(5) *Multifunction device (MFD)*-A commercially available imaging product, which is a physically integrated device or a combination of functionally integrated components, that performs two or more of the core functions of copying, printing, scanning, or faxing. The copy functionality as

addressed in this definition is considered to be distinct from single-sheet convenience copying offered by fax machines. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as MFDs or multifunction products.

(6) *Printer*-A commercially available imaging product that serves as a hard-copy output device and is capable of receiving information from single-user or networked computers, or other input devices (e.g., digital cameras). The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as printers, including printers that can be upgraded into MFDs in the field.

(7) *Scanner*-A commercially available imaging product that functions as an electro-optical device for converting information into electronic images that can be stored, edited, converted, or transmitted, primarily in a personal computing environment. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as scanners.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for Contractor use at a Federally controlled facility, only imaging equipment that, at the time of submission of proposals and at the time of award, was EPEAT® bronze-registered or higher.

(c) For information about EPEAT®, see www.epa.gov/epeat.

(End of clause)

52.223-14 Acquisition of EPEAT®-Registered Televisions.

As prescribed in [23.705\(d\)\(1\)](#), insert the following clause:

ACQUISITION OF EPEAT®-REGISTERED TELEVISIONS (JUN 2014)

(a) *Definitions.* As used in this clause—

“Television” or “TV” means a commercially available electronic product designed primarily for the reception and display of audiovisual signals received from terrestrial, cable, satellite, Internet Protocol TV (IPTV), or other digital or analog sources. A TV consists of a tuner/receiver and a display encased in a single enclosure. The product usually relies upon a cathode-ray tube (CRT), liquid crystal display (LCD), plasma display, or other display technology. Televisions with computer capability (e.g., computer input port) may be considered to be a TV as long as they are marketed and sold to consumers primarily as televisions.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for Contractor use at a Federally controlled facility, only televisions that, at the time of submission of proposals and at the time of award, were EPEAT® bronze-registered or higher.

(c) For information about EPEAT®, see www.epa.gov/epeat.

(End of clause)

52.223-15 Energy Efficiency in Energy-Consuming Products.

As prescribed in [23.206](#), insert the following clause:

ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)

(a) *Definition.* As used in this clause— “Energy-efficient product”—

(1) Means a product that—

(i) Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label; or

(ii) Is in the upper 25 percent of efficiency for all similar products as designated by the Department of Energy’s Federal Energy Management Program.

(2) The term “product” does not include any energy-consuming product or system designed or procured for combat or combat-related missions (42 U.S.C. 8259b).

(b) The Contractor shall ensure that energy-consuming products are energy efficient products (*i.e.*, ENERGY STAR® products or FEMP-designated products) at the time of contract award, for products that are—

(1) Delivered;

(2) Acquired by the Contractor for use in performing services at a Federally- controlled facility;

(3) Furnished by the Contractor for use by the Government; or

(4) Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.

(c) The requirements of paragraph (b) apply to the Contractor (including any subcontractor) unless—

(1) The energy-consuming product is not listed in the ENERGY STAR® Program or FEMP; or

(2) Otherwise approved in writing by the Contracting Officer. (d) Information about these products is available for—

(1) ENERGY STAR® at <http://www.energystar.gov/products>; and

(2) FEMP at http://www1.eere.energy.gov/femp/procurement/eep_requirements.html.

(End of clause)

52.223-16 IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

As prescribed in 23.706(b)(1), insert the following clause:

IEEE 1680 STANDARD FOR THE ENVIRONMENTAL ASSESSMENT OF PERSONAL COMPUTER PRODUCTS (DEC 2007)

(a) *Definitions.* As used in this clause—

“Computer monitor” means a video display unit used with a computer. “Desktop computer” means a computer designed for use on a desk or table. “Notebook computer” means a portable-style or laptop-style computer system. “Personal computer product” means a notebook computer, a desktop computer, or a computer monitor, and any peripheral equipment that is integral to the operation of such items. For example, the desktop computer together with the keyboard, the mouse, and the power cord would be a personal computer product. Printers, copiers, and fax machines are not included in peripheral equipment, as used in this definition.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Bronze registered or higher. Bronze is the first level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

(c) For information about the standard, see www.epeat.net.

(End of clause)

Alternate I (Dec 2007). As prescribed in 23.706(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Silver registered or higher. Silver is the second level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

52.223-17 Affirmative Procurement of EPA-designated Items in Service and Construction Contracts.

As prescribed in 23.406(e), insert the following clause:

AFFIRMATIVE PROCUREMENT OF EPA-DESIGNATED ITEMS IN SERVICE AND CONSTRUCTION CONTRACTS (MAY 2008)

(a) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—

(1) Competitively within a timeframe providing for compliance with the contract performance schedule;

(2) Meeting contract performance requirements; or

(3) At a reasonable price.

(b) Information about this requirement is available at EPA's Comprehensive Procurement Guidelines Web site, <http://www.epa.gov/cpg/>. The list of EPA-designated items is available at <http://www.epa.gov/cpg/products.htm>.

(End of clause)