

## **DOI Contracting Tool**

### **Sustainable Contracting**

The U.S. Department of the Interior (DOI) has adopted The Strategic Plan for Greening the Department of the Interior Through Waste Prevention, Recycling and Federal Acquisition, <.....> to incorporate sustainability into all DOI operations and contracts. To fully implement this plan, we have integrated environmental purchasing features into DOI's Advance Procurement Plan (APP).

As you begin to plan an acquisition, this tool can help you analyze your project's needs and help you incorporate sustainable practices into your contract. You can access essential guidance on sustainable contracting and targeted resources for more detailed information. This tool also walks you through the environmental requirements of the FAR <[www.arnet.gov/far/](http://www.arnet.gov/far/)>, <Link to "Where to Incorporate Environmentally Preferable Purchasing in Your Contract"> and links you to examples of "green" contract language <link to "Links to Green Contract Language" section>.

*Photocopied on paper that is certified 100 percent process chlorine-free containing 60 percent postconsumer fiber.*



## **What Are Sustainable Purchasing Considerations?**

Environmentally preferable purchasing (EPP) is a concept that melds procurement and environmental ethic into a sustainable purchasing strategy. EPP encourages you to consider multiple environmental attributes of products and services before you purchase and use them.

The following are examples of the sustainable considerations you can incorporate into contracts for products or services:

- Maximize the use of environmentally preferable products and services, including the use of energy-efficient products and services.
- Purchase within the upper 25 percent of the most energy-efficient products or products at least 10 percent more efficient than minimum federal energy-efficiency standards.
- Eliminate or reduce hazardous waste generation and the need for special handling, storage, treatment, and disposal.
- Eliminate or minimize the use of toxic products, including products that contain heavy metals, CFCs, organic solvents such as chlorine, carcinogens, bioaccumulative substances, and VOCs, as well as products that are reactive, corrosive, flammable, or have irritation potential.
- Promote the use of nonhazardous and postconsumer recycled-content materials.
- Examine lifecycle costs, not just initial costs, when comparing prices.
- Consider cost-effective waste reduction opportunities when creating plans, drawings, specifications, standards, and other product descriptions.
- Promote cost-effective waste reduction strategies.
- Consider the use of biobased products.
- Eliminate virgin materials requirements.
- Consider using environmentally preferable products that are manufactured and/or are available locally when possible, to reduce the environmental impact and cost associated with shipping products long distances.

## **Why Incorporate Environmental Considerations in Contracts?**

DOI promotes the purchase and use of sustainable and environmentally preferable products and services because they are safer, conserve resources, and often are more cost-efficient than conventional approaches. We also are required to comply with Executive Orders and regulations on sustainable acquisitions. <Link to “Federal Policies, Regulations, and Statutes that Specify Environmental Considerations for Purchases of Products and Services” section>. Sustainable practices and products can be used in most DOI Bureau projects and operations, from building construction, rehabilitation, and maintenance; trail, road, and bridge maintenance; fleet management; custodial services; landscape and grounds management; to office equipment and supply purchases, and more.

## DOI Environmental Purchasing Goals

Consistent with our strategic plan, DOI has chosen the following products and services as initial priorities for environmental purchasing:

- Fleet Management/Vehicle Maintenance
  - Re-refined oil <[www.epa.gov/cpg/products/lubricat.htm](http://www.epa.gov/cpg/products/lubricat.htm)>
  - Retread tires <[www.epa.gov/cpg/products/retread.htm](http://www.epa.gov/cpg/products/retread.htm)>; <DOI Retread Guide>
  - Reclaimed engine coolant <[www.epa.gov/cpg/products/engine.htm](http://www.epa.gov/cpg/products/engine.htm)>
  
- Janitorial Supplies <DOI Green Cleaning Manual>
  - Recycled-content <[www.epa.gov/cpg/products/tissue.htm](http://www.epa.gov/cpg/products/tissue.htm)> and processed chlorine-free bathroom tissue <[www.chlorinefreeproducts.org/endorsed.htm](http://www.chlorinefreeproducts.org/endorsed.htm)>
  - Recycled-content <[www.epa.gov/cpg/products/tissue.htm](http://www.epa.gov/cpg/products/tissue.htm)> and processed chlorine-free paper towels <[www.chlorinefreeproducts.org/endorsed.htm](http://www.chlorinefreeproducts.org/endorsed.htm)>
  - Recycled-content plastic trash bags <[www.epa.gov/cpg/products/trashbag.htm](http://www.epa.gov/cpg/products/trashbag.htm)>
  - Nontoxic cleaning supplies <[www.greenseal.org/recommendations/CGR=GPCleaners.pdf](http://www.greenseal.org/recommendations/CGR=GPCleaners.pdf)>
  
- Office Paper
  - Copy paper containing 30% post-consumer material, <[www.epa.gov/cpg/products/printing.htm#recommended](http://www.epa.gov/cpg/products/printing.htm#recommended)> manufactured without the use of chlorine in deinking and bleaching. <[www.chlorinefreeproducts.org/endorsed.htm](http://www.chlorinefreeproducts.org/endorsed.htm)>
  
- Recycled-Content Carpet (Face Fiber or Backing) or factory-refurbishable carpet. <[www.epa.gov/cpg/products/carpet.htm#recommended](http://www.epa.gov/cpg/products/carpet.htm#recommended)>
  
- Biobased, biodegradable lubricating and hydraulic oils <[www.epa.gov/cpg/products/lubricat.htm#recommended](http://www.epa.gov/cpg/products/lubricat.htm#recommended)> in equipment where

spillage to the environment might occur (e.g., chain saws, marine outboards, lawn mowers, snowmobiles).

## **Opportunities for Including Environmental Considerations in Contracts**

### **EXAMPLE: Building Construction, Renovation, and Maintenance**

Many products and services involve the use of items that are covered by existing federal or third-party environmental purchasing standards. Following is a representative sample of the kinds of products that might be involved in a DOI acquisition in building construction, renovation, and maintenance projects. The links below lead you directly to specific sources of information from EPA's Comprehensive Procurement Guidelines, EPA's Environmentally Preferable Purchasing Program, and Green Seal.

#### **Appliances**

Information on appliances from the EPP site can be found here:

<<http://yosemite1.epa.gov/oppt/epstand2.nsf/Pages/DisplayAisle.html?OpenDocument&Furniture%2FAppliances%20Store&Appliances>>. I also broke out some separate appliances below.

**Dishwashers:** EnergyStar key product criteria:

<[www.epa.gov/nrgystar/purchasing/6ii\\_dwashers.html#specs\\_dwashers](http://www.epa.gov/nrgystar/purchasing/6ii_dwashers.html#specs_dwashers)>

List of EnergyStar-labeled dishwashers:

<[www.energystar.gov/products/search.asp?atype=DW](http://www.energystar.gov/products/search.asp?atype=DW)>

**Refrigerators:** EnergyStar key product criteria:

<[www.epa.gov/nrgystar/purchasing/6mm\\_r\\_freezers.html#specs\\_rf](http://www.epa.gov/nrgystar/purchasing/6mm_r_freezers.html#specs_rf)>

List of EnergyStar-labeled refrigerators and refrigerator freezers:

<[www.energystar.gov/products/search.asp?atype=RF](http://www.energystar.gov/products/search.asp?atype=RF)>

**Room Air Conditioners:** EnergyStar key product criteria:

<[www.epa.gov/nrgystar/purchasing/6xx\\_rac.html#specs\\_rac](http://www.epa.gov/nrgystar/purchasing/6xx_rac.html#specs_rac)>

List of EnergyStar-labeled room air conditioners:

<[www.energystar.gov/products/search.asp?atype=AC](http://www.energystar.gov/products/search.asp?atype=AC)>

#### **Building Insulation**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/building.htm#recommended](http://www.epa.gov/cpg/products/building.htm#recommended)>

Report: *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of building insulation that contains recycled content, pp. 3-10: <[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

### **Carpet (Face Fiber or Backing) or factory-refurbishable carpet**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/carpet.htm#recommended](http://www.epa.gov/cpg/products/carpet.htm#recommended)>

Report: *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of carpet and carpet cushion that contain recycled content, pp. 12-14: <[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

### **Cement and Concrete**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/cement.htm#recommended](http://www.epa.gov/cpg/products/cement.htm#recommended)>

Report: *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of cement and concrete that contain recycled content, pp. 15-21: <[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

### **Floor Tiles and Patio Blocks**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/floor.htm#recommended](http://www.epa.gov/cpg/products/floor.htm#recommended)>

Report, *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of floor tiles that contain recycled content, pp.22-23, and patio blocks that contain recycled content, p. 26:

<[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

### **HVAC**

EnergyStar Central Air Conditioner Information Resources:

<[www.epa.gov/nrgystar/purchasing/6t\\_cac.html#cac\\_ir](http://www.epa.gov/nrgystar/purchasing/6t_cac.html#cac_ir)>

Fact sheet: “How to Buy Energy Efficient Heat Pumps”:

<[www.eren.doe.gov/femp/procurement/commhp\\_tips.html](http://www.eren.doe.gov/femp/procurement/commhp_tips.html)>



Commercial Heat Pump Efficiency Recommendations:

<[www.eren.doe.gov/femp/procurement/commhp.html](http://www.eren.doe.gov/femp/procurement/commhp.html)>

Green Seal Environmental standards for electric chillers:

<[www.greenseal.org/standards/electricchillers.htm](http://www.greenseal.org/standards/electricchillers.htm)>

### **Laminated Paperboard**

CPG-Recommended Recovered Fiber Content Levels for Paperboard:

<[www.epa.gov/cpg/products/paperbrd.htm#recommended](http://www.epa.gov/cpg/products/paperbrd.htm#recommended)>

### **Mats**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/mats.htm#recommended](http://www.epa.gov/cpg/products/mats.htm#recommended)>

Report: *Miscellaneous Products Containing Recovered Materials*, Includes a list of manufacturers and suppliers of mats containing recycled content, pp 13-23:

<[www.epa.gov/cpg/avail.pdf/misc.pdf](http://www.epa.gov/cpg/avail.pdf/misc.pdf)>

### **Modular Threshold Ramps**

Expect final rule Spring 2002 (CPG 4).

### **Nonpressure Pipe**

Expect final rule Spring 2002 (CPG 4).

### **Paint**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/paint.htm#recommended](http://www.epa.gov/cpg/products/paint.htm#recommended)>

Report, *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of paint that contains recycled content, pp. 29-30:

<[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

Green Seal environmental standards for anti-corrosive paints:

<[www.greenseal.org/standards/anti-corrosivepaints.htm](http://www.greenseal.org/standards/anti-corrosivepaints.htm)>

## **Plumbing Fixtures**

FEMP Faucet Efficiency recommendation:

<[www.eren.doe.gov/femp/procurement/faucet.html](http://www.eren.doe.gov/femp/procurement/faucet.html)>

Also from FEMP: “Where to find water-saving faucets (this also includes a cost-effectiveness example):

<[www.eren.doe.gov/femp/procurement/faucet\\_find.html](http://www.eren.doe.gov/femp/procurement/faucet_find.html)>

FEMP Showerhead efficiency recommendation:

<[www.eren.doe.gov/femp/procurement/shower.html](http://www.eren.doe.gov/femp/procurement/shower.html)>

Also from FEMP: “Where to find water-saving showerheads (this also includes a cost-effectiveness example):

<[www.eren.doe.gov/femp/procurement/shower\\_find.html](http://www.eren.doe.gov/femp/procurement/shower_find.html)>

Nordic Swan Ecolabelling for Closed Toilet Systems (this is a 41-page report):

<[www.ecolabel.no/PDF/052E.pdf](http://www.ecolabel.no/PDF/052E.pdf)>

FEMP Toilet Efficiency Recommendation:

<[www.eren.doe.gov/femp/procurement/toilet.html](http://www.eren.doe.gov/femp/procurement/toilet.html)>

Also from FEMP: “Where to find water-saving replacement toilets (this also includes a cost-effectiveness example):

<[www.eren.doe.gov/femp/procurement/toilet\\_find.html](http://www.eren.doe.gov/femp/procurement/toilet_find.html)>

FEMP Urinal Efficiency Recommendation:

<[www.eren.doe.gov/femp/procurement/urinal.html](http://www.eren.doe.gov/femp/procurement/urinal.html)>

Also from FEMP: “Where to find water-saving replacement urinals (this also includes a cost-effectiveness example):

<[www.eren.doe.gov/femp/procurement/urinal\\_find.html](http://www.eren.doe.gov/femp/procurement/urinal_find.html)>

## **Roofing**

EnergyStar key product

criteria:<[www.epa.gov/nrgystar/purchasing/6qq\\_roof.html#specs\\_roof](http://www.epa.gov/nrgystar/purchasing/6qq_roof.html#specs_roof)>

EnergyStar program requirements for roof products:

<[estar4.energystar.gov/estar/espartnerlogos.nsf/pdf/files/\\$file/roofprogreq.pdf](http://estar4.energystar.gov/estar/espartnerlogos.nsf/pdf/files/$file/roofprogreq.pdf)>

Roofing materials are a proposed CPG product at this time (3/19/02).

## **Shower and Restroom Dividers**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/shower.htm#recommended](http://www.epa.gov/cpg/products/shower.htm#recommended)>

Report: *Construction Products Containing Recovered Materials*: Includes a list of manufacturers and suppliers of shower and restroom dividers that contain recycled content, pp. 31-32: <[www.epa.gov/cpg/avail.pdf/construc.pdf](http://www.epa.gov/cpg/avail.pdf/construc.pdf)>

## **Structural Fiberboard**

CPG-recommended recovered materials content ranges:

<[www.epa.gov/cpg/products/fiberbrd.htm#recommended](http://www.epa.gov/cpg/products/fiberbrd.htm#recommended)>

## **Sustainable Wood**

EPA Region 10 Contract Language for Interior Remodeling Specifications for Woodwork (from EPP site):

<<http://yosemite1.epa.gov/oppt/epstand2.nsf/ContLang/85813141056120788525696C0068C12A?Open&EPA%20Region%2010%20%2D%20Interior%20Remodeling%20Specifications&Hardware%20Store&Green%20Building&Woodwork%20%28architectural%29>>

Hardwood/softwood flooring products, Canada Environmental Choice standard:

<[www.environmentalchoice.com/Company.cfm?group=32&cat=36](http://www.environmentalchoice.com/Company.cfm?group=32&cat=36)>

(There is some Nordic ecolabelling standards for wood floors; do you want to include that?: <[www.svanen.nu/DocEng/029E.pdf](http://www.svanen.nu/DocEng/029E.pdf)>

## **Windows**

EnergyStar-labeled windows home page: <[www.energystar.gov/products/windows/](http://www.energystar.gov/products/windows/)>

EnergyStar key product requirements:

<[www.epa.gov/nrgystar/purchasing/6rr\\_windows.html#specs\\_windows](http://www.epa.gov/nrgystar/purchasing/6rr_windows.html#specs_windows)>

## **Waste Prevention Categories**

**Salvaged Wood and other materials**

Information from the EPP site on using wood chips as temporary road surface:

<<http://yosemite1.epa.gov/oppt/epstand2.nsf/ContLang/70B4123840F37A718525696C0068C45B?Open&King%20County&Hardware%20Store&Green%20Building&Temporary%20Road%20Surface%20%28from%20wood%20waste%29>>

### **Minimizing Construction & Demolition Debris Waste**

From the EPA Office of Federal Activities: “Pollution Prevention/Environmental Impact Reduction Checklist for Building/Housing Construction”:

<<http://es.epa.gov/oeca/ofa/pollprev/build.html>>

## **A Walk Through the Sustainable Acquisition Process**

### **Determine Contract Type**

Before beginning your efforts to incorporate environmental attributes, consult with your Contracting Officer or Specialist to determine the procurement method, whether the procurement will be set aside for small business, the pricing type, and the required criteria for award. These factors will help you determine the most effective way to incorporate green procurement features and what are the clauses required.

If you do not go through an existing GSA schedule contract or another Government Wide Agency Contract (GWAC), your procurement will be handled according to specific sections of the Federal Acquisition Requirements (FAR) and DOI FAR Supplement (DIAR).

The major FAR procurement categories are Construction, Architect/Engineer, Research and Development, Commercial, Supplies, and Services. Significant estimated dollar value thresholds fall at \$2,500; \$10,000; \$100,000; and \$5 million (for commercial items). Your Contracts Specialist/Officer will need to know type and estimated dollar value in order to assist you.

Your market research (industry members and practices), the type of work (construction, R&D, etc.), estimated dollar value of your contract, and recommendations of your agency's competition advocate will determine which contractors comprise your set of potential bidders and the type of contract(s) the FAR determine are suitable.

### **Draft RFQs, Requests for Information, and Pre-Bid Conferences:**

By publishing a draft requirement synopsis describing the desired environmental features and seeking the input of potential suppliers, or by inviting potential offerors to a pre-bid conference, you will be able to review the range of environmental options you have and the range of potential contractors. At this point, you can evaluate if it is preferable to make environmental attributes a condition of award or a contract requirement, or simply

offer an incentive for environmental features over and above the requirements. You can expand the bidder's list to include recycled product manufacturers.

Publishing a draft requirement is a technique usually used with larger purchases that will use full and open competition, where contractors are motivated to expend Bid & Proposal funds to respond.

## **A Hypothetical Example of Environmental Contracting**

### **Contracting for Restroom Renovations**

Assume you are soliciting bids to renovate the restrooms at your facility. Opportunities for specifying sustainable features and products include:

Recycled-content roofing

Recycled-content thermal insulation

Low-VOC and/or recycled-content latex paint

Recycled-content non-pressure pipe

Cement and concrete made with recovered materials

Recycled-content floor tiles

Recycled-content door mats

Recycled-content restroom dividers/partitions

Recycled-content toilet tissue and paper towel

Recycled-content waste receptacles and trash bags

Energy-efficient and/or alternative lighting

Energy-efficient and/or alternative HVAC system

Water-conserving toilets and sinks

## Before You Begin

Incorporating sustainability into purchasing involves changing some of the ways you've always done things. A wealth of information is available to help you make the transition and to save you time and money.

In all acquisitions, you use your professional judgement and common sense when assessing a product's or service's performance, cost, or availability. Similarly, when applying EPP principles, you need to know the level of effort you should use to determine whether a product or service is environmentally preferable. For example, you might not need to conduct an extensive lifecycle assessment to purchase rubber bands.

In determining environmental preferability, you also might need to compare the various environmental impacts among competing products or services. For example, would the reduced energy requirements of one product be more important than the water pollution reductions associated with the use of a competing product? The ideal option would be a product that optimizes energy efficiency and reduces water pollution. But when this is not possible, you will need to prioritize among the attributes.

Before you begin your acquisition planning, please visit the following key sites for general information about environmental purchasing:

- DOI's new Greening the Department of the Interior Web site <INSERT URL>
- The Office of the Federal Environmental Executive <[www.ofee.gov](http://www.ofee.gov)> helps the federal community in waste prevention, recycling, and purchasing recycled and environmentally preferable products and services.
- Various U.S. Environmental Protection Agency Web sites <[www.epa.gov](http://www.epa.gov)> include tools for the government green purchaser, including:
  - Comprehensive Procurement Guidelines <[www.epa.gov/cpg](http://www.epa.gov/cpg)>
  - Environmentally Preferable Purchasing <[www.epa.gov/oppt/epp](http://www.epa.gov/oppt/epp)>



- FirstGov <[www.firstgov.gov](http://www.firstgov.gov)> provides hundreds of tools and resources for environmentally preferable purchasing within the U.S. government. Prototype environmentally preferable procurement examples are provided that can give you guidance as to what others have found in doing EPP.
- U.S. General Services Administration (GSA) Databases (GSA Advantage <[www.gsaadvantage.gov](http://www.gsaadvantage.gov)> and E-buy <[http://vsc.fss.gsa.gov/ebuy\\_login.cfm](http://vsc.fss.gsa.gov/ebuy_login.cfm)>) already incorporate many environmentally preferable features and information to help with market research and selection. “Green” vendors have green leaf symbols by their descriptions, and you can search for specific environmental features you want to incorporate. In addition, GSA publishes an Environmental Products Guide on its “Buying Through GSA” Web site <[www.gsa.gov/Portal/browse/channel.jsp?channelId=-13977&channelPage=/channel/default.jsp&cid=2](http://www.gsa.gov/Portal/browse/channel.jsp?channelId=-13977&channelPage=/channel/default.jsp&cid=2)>.
- A tremendous variety of environmental products and services are available through GSA’s Federal Supply Schedules (FSS) <[www.fss.gsa.gov/schedules/](http://www.fss.gsa.gov/schedules/)>. GSA has already determined that these firms are qualified. These contracts already meet publication requirements and price reasonableness determinations, so you need only choose from among the listed suppliers. Using a GSA schedule order is quick and easy. Specific environmental clauses you wish to incorporate may be added to the orders provided they do not contradict the underlying GSA schedule contract.
- The Department of Energy’s Federal Energy Management Program <[www.doe.gov/femp](http://www.doe.gov/femp)> lists qualified Energy Service Companies (ESCOs) qualified by DOE as offering energy-saving products.
- The Small Business Administration (SBA) provides a listing of “Buy Green” NAICS codes <<http://pro-net.sba.gov/pro-net/search.html>>.
- EnergyStar <[www.energystar.gov](http://www.energystar.gov)> guidance on environmentally preferable products and services, including product recommendations.
- JWOD <[www.jwod.gov](http://www.jwod.gov)> includes a list of some environmentally preferable products manufactured by individuals with severe disabilities, thus creating employment opportunities for these individuals.
- The USDA Biobased Industry Products Web site <[www.usda-biobasedproducts.net](http://www.usda-biobasedproducts.net)> provides information to purchasing professionals and organizations on biobased products and categories.

- FTC Guides for the Use of Environmental Marketing Claims <[www.ftc.gov/bcp/grnrule/guides980427.htm](http://www.ftc.gov/bcp/grnrule/guides980427.htm)> provide specific guidance on environmental advertising and marketing claims.
- The National Institute of Standards and Technology (NIST) <[www.nist.gov](http://www.nist.gov)> develops and promotes measurements, standards, and technologies to improve products and services.
- Heather Davies' Manual for Credit Card Holders <URL...> includes tips and ideas to help you make “greener” choices when you buy products using your credit card.

## Helpful Hints

Keep the following in mind when you solicit and contract for your effort, large or small:

- The federal government has already done a great deal to support environmental objectives in procurement. Using existing government contract vehicles (GSA Schedules, GWACs, etc.) and other tools will save you time and effort.
- The market research that the Federal Acquisition Regulation (FAR) requires of agencies can be expensive and time-consuming. Offering opportunities for contractor input on environmentally preferable options will expedite this process.
- New technologies and processes for creating sustainable products and services are continually coming into the marketplace. Structure your contract with sufficient flexibility to encourage use of these updates and to motivate the contractor to incorporate them.
- Your Contracting Officer can guide you as to the type of contract appropriate to your work and any requirements the FAR may dictate, so consult with him/her early in the process to understand these parameters. Your Contracting Officer also can offer insight as to how to achieve your technical and environmental objectives within the context of the selected type of contract.
- With only a few exceptions, FAR requires that all purchases of EPA-designated items of \$10,000 or more (fiscal year aggregate) must contain recovered materials.
- Compare relevant environmental impacts when selecting products and services, including whether the impact on the environment is reversible, the geographic scale of environmental impact, the product's environmental performance, and whether the product protects or increases the risk to human health.

## **Where to Incorporate Environmentally Preferable Purchasing in Your Contract**

Once you have determined the type of procurement you will use, you can establish where in the procurement process to introduce requirements or incentives for environmental attributes. Various options are listed below by the corresponding section of the Uniform Contract Format (UCF) in which they would naturally fall. (Note: Sections A-J appear in both the solicitation and the awarded contract. Sections K-M appear only in the solicitation.):

**Section B – Supplies or Services and Prices:** In addition to listing items or services you are procuring in Section B, you can require one or more data deliverables pertaining to environmentally preferable purchasing. For example, on larger projects, you might require an EPP plan, to be followed up with compliance status reports. These items can be priced, or not separately priced (NSP).

**Section C – Descriptions/Specifications:** If your procurement process is streamlined (i.e., simplified acquisition, sealed bid), you will need to choose and specify desired environmental attributes in your solicitation. These may be articulated in a standard specification or may need to be laid out in detail for a particular procurement. Revising product specifications to include environmental attributes often is all that is necessary for “green” procurement.

For standard products and services, mandating the desired attributes is the most expeditious method and is suitable for most short-term purchases. For a procurement process that is longer in duration, you may want to add some flexibility for innovation and incorporation of new technologies.

The Product Description or Scope of Work of more complex procurement processes is the most common place to incorporate environmental standards and objectives. This can be done by referencing particular quality standards or systems (i.e., ISO 14001 <[www.iso.ch](http://www.iso.ch)>, ASTM <[www.astm.org](http://www.astm.org)>, Green Seal <[www.greenseal.org](http://www.greenseal.org)>), by

specifying a recycled-content percentage, or by stating the desired environmental outcome of the project. EPA's Comprehensive Procurement Guidelines (CPG) <[www.epa.gov/cpg](http://www.epa.gov/cpg)> provide excellent and specific guidance to help you establish recycled-content standards suitable for incorporation in this section.

**Section H – Special Contract Requirements:** As part of the required Past Performance evaluation, you can include questions about environmental attributes or performance standards. These questions are not yet part of most standard government past performance databases, but if your past performance evaluation includes contacting individual references, you can garner information from past clients pertaining to a contractor's ability to furnish environmentally preferable products or services.

**Section J – List of Documents, Exhibits, and Other Attachments:** Detailed product specifications or descriptions may be incorporated into the contract in this section.

**Section L – Instructions, Conditions, and Notices to Bidders:** To encourage innovation or find out the most recent environmentally preferable developments, you can state in the solicitation that, in addition to the specified proposal, alternate proposals will be evaluated for products/services that exceed the stated environmentally preferable characteristics and provide a better value to the government.

FAR 23.706 adds a new requirement for support service contractors at a government owned or operated facility to develop programs for waste reduction and affirmative procurement.

**Section M – Evaluation Factors for Award:** If you specifically address environmental criteria or designate environmental certifications (ISO 14001 <[www.iso.ch](http://www.iso.ch)>, ASTM <[www.astm.org](http://www.astm.org)>, Green Seal <[www.greenseal.org](http://www.greenseal.org)>) in your solicitation and assign them evaluation points, contractors will highlight their environmentally preferable qualifications in proposals, and, over time, will enhance their purchasing and operations to better address those criteria. As a condition of award, you may want require

contractors to submit a plan detailing how environmentally preferable purchases and practices will be implemented in the proposed work. An example of this is the DOI custodial contract <URL...> that assigned 30 percent of its overall evaluation on a wide range of environmental considerations.

Depending on the structure of your evaluation criteria, you might choose to designate certain environmental criteria as “mandatory,” where contractors are judged on a pass/fail basis. Not meeting a mandatory standard would classify the contractor’s proposal as nonresponsive. Other environmental criteria may be classified as “desirable”, and contractors may be allocated additional evaluation points for meeting them. (Example: DOI Green Cleaning Study <URL>)

If possible, include in the evaluation panel an EPP expert from your agency, to help you evaluate the merit and validity of contractors’ proposals. If you require contractors to submit an EPP plan at the proposal stage, include regular status reports as part of the contract deliverables to ensure that the plan is implemented and progress monitored.

**Performance Standards:** Performance-based contracting requires that you state your contract objectives in terms of measurable standards used to evaluate how well the contractor meets or exceeds those standards. Environmental attributes are often fairly simple to incorporate as performance standards (such as pounds of waste generated, percentage of materials reused, etc.). These standards may be inserted in Sections C, E (Inspection and Acceptance), H, or J.

**Incentives:** Monetary or other incentives can be used to motivate the contractor to exceed the performance standards or stated specifications or to incorporate technology developments and improved methods into contract use. An excellent example is found in DoD’s Parking Lot Repair and Maintenance Contract <[www.epa.gov/oppt/epp/pdfs/eppdod1.pdf](http://www.epa.gov/oppt/epp/pdfs/eppdod1.pdf)>.

If incorporation of new technology also reduces life cycle cost to the Government, you can invite Value Engineering Change Proposals (VECP) as described in FAR 48, where contractors share in current and future savings with the Government.

**Required Clauses:** The FAR contains a matrix at the end of part 52 that shows all clauses are required for particular contract types (i.e, supply, service, constructions), pricing types (i.e., fixed price, cost plus fixed fee,) and dollar values. The following FAR clauses pertaining to environmental preferability are required in the situations described:

**Required in Section K (Representations, Certifications, and Other Statements of Bidders) of the solicitation:**

FAR 52.223-4 Recovered Material Certification (23.406a) – required in all solicitations that are for, or specify use of, recovered materials.

FAR 23.404b Agency Affirmative Procurement Programs – requires 100 percent of purchases for EPA-designated products contain recovered materials and written determination for acquisition of EPA-designated items that do not meet these standards.

FAR 52.223-13 Certification of Toxic Chemical Release Reporting (23.907a) – required in all competitive solicitations and competitive 8(a) solicitations over \$100,000.

**Required in Section I (Contract Clauses) of the solicitation and contract:**

52.223-3 Hazardous Material Identification and Material Safety Sheet (23.303) – required when delivery of hazardous materials, or items containing hazardous materials, is called for by the contract.

Alternate I (23.303b) – required for non-DoD contracts only.

52.223-5 Pollution Prevention and Right-to-Know Information (23.1005) – required when performance, in whole or part, will take place on a Federal facility.

52.223-7 Notice of Radioactive Materials (23.602) – required when delivery of radioactive materials, or items containing radioactive materials, is called out by the contract.

52.223-9 Estimate of Percentage of Recovered Material Content for EPA Designated Products (23.406b) – required for procurements over \$100,000 that include 52.223-4.

Alternate I (23.406b) – required if estimate of recovered material can be verified.

52.223-10 Waste Reduction Program (23.705) – required for contracts requiring operation of, or support services at, government owned or leased facilities.

52.223-11 Ozone-Depleting Substances (23.804a) – required for contracts where ozone-depleting substances, or items containing ozone-depleting substances, are to be delivered.

52.223-12 Refrigeration Equipment and Air Conditioners (23.804b) – required for service contracts for maintenance, repair or disposition of any equipment or appliances using ozone-depleting substances.

52.223-14 Toxic Chemical Release Reporting (23.907b) – required for all competitive contracts, including competitive 8(a) contract, over \$100,000 where 52.223-13 is included, except contracts for commercial items and contracts performed outside the United States.

**Monitoring post-award compliance:** If you have specified particular EPP standards in your contract, several methods may be used to assure that the contractor is complying with those requirements:

- Inspection by the government or a third party.
- Contractor certification (which carries legal responsibilities and obligations for the contractor).
- Status reports.



If contractors are motivated by contract incentives to try new EPP products and processes, a close working relationship between the government team and the contractor is necessary to explore the benefits and ramifications to the project.

**Sample model contract formats may be found at EPA's EPP Case Studies Web site**  
<[www.epa.gov/oppt/epp/doccase.htm](http://www.epa.gov/oppt/epp/doccase.htm)>.

## Links to Green Contract Language

The EPP Database <<http://yosemite1.epa.gov/oppt/epstand2.nsf>> is a tool that makes it easier to purchase products and services with reduced environmental impacts. The database is organized like a giant shopping mall, with environmental information for selected products and services located within each store. The database will help you buy greener products and services by linking you to contract language and specifications created and used by federal and state governments and others to buy environmentally preferable products and services. Below are samples of just a few of the contracts listed:

### ***Model Contracts from EPP Database:***

King County, Washington, Recycled Paper Contract:

<[http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/0fe95f6fb9c8ba1d8525696c0068c460/\\$FILE/kcpaper.pdf](http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/0fe95f6fb9c8ba1d8525696c0068c460/$FILE/kcpaper.pdf)>

EPA Energy Star, Procurement language for computers:

<[www.epa.gov/nrgystar/purchasing/6a\\_c&m.html#pl\\_cm](http://www.epa.gov/nrgystar/purchasing/6a_c&m.html#pl_cm)>

EPA Region 10, Carpet contract (link is to EPP-specific language of contract):

<[http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/dd602b019a3518f98525696c0068c240/\\$FILE/carpet1.PDF](http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/dd602b019a3518f98525696c0068c240/$FILE/carpet1.PDF)>

U.S. DOI, Cleaning Products (link is to EPP-specific language of contract):

<[http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/bee2507c25228f0e8525696c0068c30a/\\$FILE/doi2clean.pdf](http://yosemite1.epa.gov/oppt/epstand2.nsf/ef1431c4615697008525676100775eca/bee2507c25228f0e8525696c0068c30a/$FILE/doi2clean.pdf)>

EPP's *Promising Practices Guide* <[www.epa.gov/oppt/ep/ppg/toc.htm](http://www.epa.gov/oppt/ep/ppg/toc.htm)> includes 16 success stories highlighting how federal government agencies have successfully incorporated environmental concerns into the purchasing process. Most of the contracts or specifications are not available online, but the site includes a detailed description of each program and contacts for each case study.

EPA's Environmental Building Specifications <[www.epa.gov/rtp/new-bldg/environmental/specs.htm](http://www.epa.gov/rtp/new-bldg/environmental/specs.htm)> for "green" buildings summarize the detailed

environmental requirements contained elsewhere in the technical provisions of the construction contract for the new EPA Facility. These specification sections include:

Environmental Requirements; Environmental Impact of Materials; Testing for Indoor Air Quality, Baseline IAQ, and Materials; Sequence of Finishes Installation; and Waste Materials Management and Recycling.

## **Links to Third Party or Non Government Web Sites**

Certified Forest Product Council <[www.certifiedwood.org](http://www.certifiedwood.org)>

The mission of the Certified Forest Products Council (CFPC) is to conserve, protect and restore the world's forests by promoting responsible forest products buying practices throughout North America.

Green Seal <[www.greenseal.org](http://www.greenseal.org)>

Green Seal is an independent, nonprofit organization that works to identify and promote products and services that cause less toxic pollution and waste, conserve resources and habitats, and minimize global warming and ozone depletion.

Scientific Certification Systems (SCS) <[www.scs1.com](http://www.scs1.com)>

SCS is a neutral, third-party testing and certification organization that evaluates a wide variety of environmental claims.

EPA Region 9 Green Cleaning: Janitorial Products Pollution Prevention Project  
<[www.westp2net.org/janitorial/jp4.htm](http://www.westp2net.org/janitorial/jp4.htm)>

Information on using less toxic products in janitorial services.

Chlorine Free Products Association <[www.chlorinefreeproducts.org](http://www.chlorinefreeproducts.org)>

The Chlorine Free Products Association is a trade association representing companies dedicated to implementing advanced technologies and supporting products free of chlorine chemistry.

Center for Renewable Energy and Sustainable Technology (CREST) <[www.crest.org](http://www.crest.org)>

CREST provides information on renewable energy, energy efficiency and sustainability issues.

ISO <[www.ISO.ch](http://www.ISO.ch)>

ISO is the source of ISO 9000 and more than 13,000 international standards for business, government, and society.

Conservatree <[www.conservatree.org](http://www.conservatree.org)>

Conservatree is a nonprofit organization dedicated to converting paper markets to environmentally preferable papers.

SmartWood <[www.smartwood.org](http://www.smartwood.org)>

SmartWood focuses on the certification of medium and large operations, targeting forest management and chain-of-custody certifications of influential companies.

Forest Stewardship Council <[www.fscoax.org/principal.htm](http://www.fscoax.org/principal.htm)>

The Forest Stewardship Council is an international nonprofit organization that supports environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

BuildingGreen <[www.buildinggreen.com](http://www.buildinggreen.com)>

BuildingGreen publishes *Environmental Building News*, which focuses on energy-efficient, resource-efficient, and healthy building practices. This site also links to the *GreenSpec Binder*, a guide to green building products and materials, and the *GreenSpec Directory*, more than 145 pages of manufacturers' product literature, organized in a 3-ring binder.

Whole Building Design Guide <[www.wbdg.org](http://www.wbdg.org)>

Provides information on integrated, "whole building" design techniques and technologies.

Green-e <[www.green-e.org](http://www.green-e.org)>

Green-e is a voluntary certification program for renewable electricity products. The Green-e Program sets consumer protection and environmental standards for

electricity products and verifies that Green-e certified products meet these standards.

National Pollution Prevention Roundtable <[www.p2.org/about](http://www.p2.org/about)>

The mission of the Roundtable is to provide a national forum for promoting the development, implementation, and evaluation of efforts to avoid, eliminate, or reduce pollution at the source.

## **Federal Policies, Regulations, and Statutes that Specify Environmental Considerations for Purchases of Products and Services**

Over the course of the past decade, the federal government has instituted a number of policies to promote and mandate the purchase and use of environmentally preferable products and services by its agencies. The list below includes links to these.

### **Office of Federal Procurement Policy, Policy Letters**

**Policy Letter 92-4 (November 2, 1992)**

**Procurement of Environmentally Sound and Energy-Efficient Products and Services**

### **Executive Orders**

**Executive Order 13101 - Greening the Government Through Waste Prevention, Recycling, and Acquisition (September 14, 1998)**

**Executive Order 13123 - Greening the Government Through Efficient Energy Management (June 3, 1999)**

**Executive Order 13134 - Developing and Promoting Biobased Products and Bioenergy (August 12, 1999)**

**Executive Order 13148 - Greening the Government Through Leadership in Environmental Management (April 21, 2000)**

**Executive Order 13149 - Greening the Government Through Federal Fleet and Transportation Efficiency (April 21, 2000)**

## Office of Federal Procurement Policy, Policy Letters

### **Policy Letter 92-4 (November 2, 1992)**

#### **Procurement of Environmentally-Sound and Energy-Efficient Products and Services**

This Policy Letter <[www.arnet.gov/Library/OFPP/PolicyLetters/Letters/PL92-4.html](http://www.arnet.gov/Library/OFPP/PolicyLetters/Letters/PL92-4.html)> provides Executive branch policies for the acquisition and use of environmentally-sound (including recycled-content and water-conserving) and energy-efficient products and services.

### **Executive Orders**

#### **Executive Order 13101 - Greening the Government Through Waste Prevention, Recycling, and Acquisition** (September 14, 1998) [<[www.ofee.gov/](http://www.ofee.gov/)>, then Click on “EO 13101,” then Click on “Executive Order 13101 Text”]

This Executive Order expands, strengthens, and promotes the Federal Government's commitment to recycling, waste prevention and the acquisition of recycled content items, and environmentally preferable products, including biobased products. Another key component of the Executive Order directs EPA to monitor compliance with the buy-recycled requirement when it conducts compliance audits of Federal facilities. (Revokes 12873)

#### **Executive Order 13123 - Greening the Government Through Efficient Energy Management** (June 3, 1999) [<[www.eren.doe.gov/femp/aboutfemp/exec13123.html](http://www.eren.doe.gov/femp/aboutfemp/exec13123.html)>]

This Executive Order promotes energy efficiency and water conservation, the use of renewable energy products, and markets for emerging technologies. It establishes goals for energy reduction in federal facilities of 30 percent by 2005 and 35 percent by 2010, and promotes increased use of renewable energy technologies, including the installation of 20,000 solar energy systems at federal facilities by 2010. It also contains provisions to increase the use of Energy Savings Performance Contracts (ESPCs) and EnergyStar and energy-efficient product purchasing. (Revokes EO 12759, 12845, 12902)

#### **Executive Order 13134 - Developing and Promoting Biobased Products and Bioenergy** (August 12, 1999) [<<http://es.epa.gov/oeca/fedfac/cfa/eo13134.htm>>]



This Executive Order makes it a national objective to triple the use of bioenergy and biotechnology by 2010. It is anticipated that meeting this objective will reduce greenhouse gas emissions by 100 million tons. Through the coordination of federal efforts, technology will be developed that converts trees, plants, and other organic material into energy, replacing petroleum-based products will be increasingly replaced. Biomass can be used as fuel to power vehicles, to replace petroleum in making products, and to generate electricity, while bioenergy is seen as a way to power homes, vehicles, and businesses with virtually no emissions of gases that contribute to global warming. (Partially revoked by EO 13225)

**Executive Order 13148 - Greening the Government Through Leadership in Environmental Management** (April 21, 2000)

[<<http://ceq.eh.doe.gov/nepa/regs/eos/eo13148.html>>]

The head of each Federal agency is responsible for ensuring that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions. Consequently, environmental management considerations must be a fundamental and integral component of Federal government policies, operations, planning, and management. The head of each Federal agency is responsible for meeting the goals and requirements of this order. (Revokes EOs 12843, 12856, 12969)

**Executive Order 13149 - Greening the Government Through Federal Fleet and Transportation Efficiency** (April 21, 2000)

[<<http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html>>]

The purpose of this order is to ensure that the Federal government exercises leadership in the reduction of petroleum consumption through improvements in fleet fuel efficiency and the use of alternative fuel vehicles (AFVs) and alternative fuels. (Revokes/supersedes 12844, 13031)

## **Glossary of Terms**

**Biobased product:** A commercial or industrial product (other than food or animal feed) that uses biological products or renewable domestic agricultural (plant, animal, or marine) or forestry materials.

**Comprehensive Procurement Guideline (CPG):** Listing of EPA-designated items that must contain recycled content when purchased by federal agencies, other agencies, or government contractors using appropriated federal funds. By purchasing these “designated items,” government agencies help create markets for materials recovered from solid waste.

**Energy efficiency standard:** A performance standard that assigns a minimum level of energy efficiency for a covered product and includes any other requirements that the secretary of energy might impose.

**Environmentally preferable:** Products or services that have a lesser or reduced effect on human health and the environment compared to their counterparts. Factors that can be considered include production, packaging, reuse, operation, maintenance, or disposal of product or service.

**Lifecycle Assessment:** The comprehensive examination of a product’s environmental and economic effects throughout its lifetime, including new material extraction, transportation, manufacturing, use, and disposal.

**Lifecycle Cost:** The cost of acquiring, installing, operating, supporting, and disposing of an item.

**Ozone-depleting substance:** Any substance EPA designates in 40 CFR part 82.

**Pollution prevention:** A practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering a waste stream; reduces hazards to public health and the environment associated with such hazardous substances, pollutants, or contaminants; reduces or eliminates the creation of pollutants through increased resource efficiency; protects natural resources through conservation.

**Postconsumer material:** A material or finished product that has served its intended use and has been discarded for disposal or recovery.

**Process chlorine free:** Paper manufacturing that does not use chlorine in the deinking and bleaching process.

**Recovered materials (paper and paper products):** Defined by EPA in its Comprehensive Procurement Guidelines (CPG) as “recovered fiber” and means the following materials: postconsumer fiber; manufacturing wastes; dry paper and paperboard generated after papermaking process; repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, printers, or others.

**Remanufactured:** Factory rebuilt to original specifications.

**RMAN:** Recovered Materials Advisory Notices (RMANs) provide purchasing guidance and recommend recovered and postconsumer material content levels for designated items. RMAN recommendations are guidance and therefore are not codified in the Code of Federal Regulations.

**Virgin material:** Previously unused raw material or any undeveloped resource that is, or with the help of new technology, will become, a source of raw materials.

**Waste prevention:** 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. Also refers to the reuse of products or materials.

**Waste reduction:** Preventing or decreasing waste generation through waste prevention, recycling, or purchasing recycled and environmentally preferable products.