

VA GREEN PURCHASING PROGRAM

- 1. REASON FOR ISSUE:** This handbook prescribes the goals and objectives, procedures, and requirements for Administration and staff office green purchasing program management and reporting within the Department of Veterans Affairs (VA).
- 2. SUMMARY OF CONTENTS:** This handbook outlines the procedures, processes, and other key elements necessary to facilitate VA's continual improvement of management and reporting for green purchasing.
- 3. RESPONSIBLE OFFICE:** The Office of the Assistant Secretary for Management/Chief Financial Officer (004), Office of Asset Enterprise Management (044), Green Management Program Service (044E) is responsible for the contents of this handbook.
- 4. RELATED DIRECTIVES:** VA Directive 0057, VA Environmental Management Program; VA Directive 0058, VA Green Purchasing Program.
- 5. RESCISSION:** VA Handbook 0052, dated June 14, 2002.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
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VA GREEN PURCHASING PROGRAM

1. PURPOSE

a. The mission of the Department of Veterans Affairs (VA) is to fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans. The goal of the Green Management Program Service within VA's Office of Asset Enterprise Management (OAEM) is to lead the Department in becoming a fully sustainable organization. This effort supports VA's mission by making more resources available for Veterans' care and optimizing VA stewardship of public resources. The purpose of this handbook is to establish program objectives, strategies, and tools for continual improvement of VA's green purchasing program (GPP).

b. This handbook assists the Administrations and staff offices in implementing the green purchasing requirements of VA Directive 0058. It is designed to help the Administrations and staff offices develop consistent and effective internal procedures.

c. VA recognizes that before a decision is made to purchase a product or service, all efforts should be made to buy only what is needed and reuse products and materials to the maximum extent practicable. This includes maximizing use of the VA Utilization Program as outlined in VA Handbook 7348, Utilization and Disposal of Personal Property. Requirements for source reduction are further explained in VA Handbook 0063, Waste Prevention and Recycling Program.

2. SCOPE

The provisions of this handbook apply to all Administrations and staff offices. Each Administration and staff office shall ensure that all subordinate organizations are aware of and comply with the requirements of this handbook.

3. PROGRAM REQUIREMENTS AND PROCEDURES

a. **Objectives and Targets.** This handbook and the corresponding directive constitute the VA GPP. VA has the following objectives and targets for its GPP:

(1) VA Administrations and staff offices shall give preference in their procurement and acquisition programs to the purchase of:

(a) U.S. Environmental Protection Agency (EPA)-designated Comprehensive Procurement Guideline (CPG) recycled content items;

(b) ENERGY STAR products, Department of Energy (DOE) Federal Energy Management Program (FEMP)-designated energy efficient products, and low standby power products;

- (c) Biobased and U.S. Department of Agriculture (USDA)-designated BioPreferred products;
- (d) Environmentally preferable products (EPP) and services;
- (e) Electronic Product Environmental Assessment Tool (EPEAT)-registered products;
- (f) EPA WaterSense and other water-efficient products;
- (g) Non-ozone depleting substances and/or those covered by EPA's Significant New Alternatives Policy (SNAP) Program;
- (h) Non-toxic or less-toxic alternative products;
- (i) Renewable energy (as identified in VA Directive 0055, VA Energy and Water Management Program); and
- (j) Alternative fuel vehicles and alternative fuels (as identified in VA Directive 0637, VA Vehicle Fleet Management Program).

(2) VA shall purchase green products and services to the maximum extent practicable and advance sustainable acquisition by ensuring that 95 percent of new contract actions (including task and delivery orders) for the supply of products and for the acquisition of services (including construction) meet the requirements of the GPP.

b. **Federal Green Purchasing Program Guide.** Table 1 (p. 10) provides a summary of programs as required in VA's GPP, as well as references and Web tools. GPP requirements and guidelines change frequently and the references/Web tools should be consulted prior to submitting a purchase request to identify the most accurate requirements and guidelines. Note that Website links are subject to change.

c. **Contractor Operation of Government-Owned Facilities or Vehicles.** VA contracts for operation of government-owned facilities or vehicles shall require the contractor to comply with the provisions of VA Directive 0058 with respect to such facilities or vehicles to the same extent as the Administration or staff office would be required to comply if the Administration or staff office operated the facilities or vehicles.

d. **Obligations.** Agreements, permits, leases, licenses, or other legally binding obligations between the Department and a tenant or concessionaire shall require, to the extent the head of the Administration or staff office determines appropriate, that the tenant or concessionaire take actions relating to matters within the scope of the contract that facilitate the Administration or staff office's compliance with VA Directive 0058.

e. **Estimation, Certification, and Verification.** Vendor estimation, certification, and verification apply to the EPA-designated products with recovered-content, and USDA-designated biobased products.

(1) Procurement offices will require vendors to provide an estimate of the total recycled content of their products and to certify that the recycled content will meet minimum content standards on EPA CPG-designated items. Contracting officers shall ensure that FAR Clauses 52.223-4 and 52.223-9, Recovered Material Certification and Estimate of Percentage of Recovered Material Content for EPA-Designated Items, respectively, are included in all solicitations that incorporate specifications requiring the use of recovered materials.

(2) Procurement offices will require vendors to certify that biobased products (within categories of products listed by the USDA) to be used or delivered in the performance of the contract comply with applicable specifications or other requirements in the VA contract. Contracting officers shall ensure that FAR Clause 52.223-1, Biobased Product Certification, is included in all solicitations that incorporate specifications requiring the use of biobased products.

f. **Exemptions.** Exemptions from green purchasing requirements for EPA-designated recycled content, USDA-designated biobased, and energy efficient products require written justifications in accordance with the GPP. (For exemptions from other categories of green purchasing requirements, such as water efficient, non-toxic, non-ozone depleting, and EPP, it is strongly recommended that procurement request originators and contracting officers maintain written documentation justifying the exemptions.) Justification form templates can be found in Appendix B of this handbook.

(1) In accordance with FAR Clauses 23.404 and 23.405, EPA-designated recycled content products or USDA-designated biobased items shall be purchased directly or through a service contract unless an exemption applies. Exemptions for EPA and USDA-designated items require that a determination was made that such items cannot be acquired:

- (a) Competitively within a reasonable time frame;
- (b) Meeting reasonable performance standards; or
- (c) At a reasonable price. (When considering price, the lifecycle cost should be taken into account, and not solely the unit price.)

(2) In accordance with FAR Clause 23.204, a decision not to procure ENERGY STAR or FEMP-designated energy efficient products directly or through a service contract requires that the Secretary of Veterans Affairs determine in writing that:

(a) No ENERGY STAR or FEMP-designated product is reasonably available that meets the functional requirements of the agency; or

(b) No ENERGY STAR or FEMP-designated product is cost effective over the life of the product, taking energy cost savings into account.

(3) An exemption from purchasing an EPA-designated product requires the contracting officer to place a written justification in the contract file, in accordance with FAR Clause 23.405. Similarly, the VA GPP requires acquisition personnel to place a signed justification of exemption from purchasing USDA-designated and/or energy efficient products in the contract file.

g. **Environmental Management System (EMS).** All VA facilities with an EMS shall ensure green purchasing is included as a management approach for addressing environmental compliance and the environmental aspects of their operations and activities.

h. **Reviewing and Monitoring.**

(1) The Administrations and staff offices shall periodically review representative samples of contracts and purchase card orders. The reviewers will ensure the inclusion of appropriate green purchasing requirements and clauses and procurement preference for the products and services as identified in section 3 (a) of this handbook. Contracts and purchase card orders shall also be reviewed to confirm whether the required green products and services were actually delivered. The required frequency, nature, and size of the sample may be communicated to the Administrations and staff offices by OAEM to reflect the latest Office of Management and Budget (OMB) and Council on Environmental Quality (CEQ) requirements.

(2) The Administrations and staff offices will document any noncompliance issues identified during the review of the GPP, and develop and implement corrective actions to address noncompliance issues.

(3) Management Reviews. Results of periodic monitoring and reviewing compliance with green purchasing requirements shall be reported to senior facility, Administration, or staff office management as appropriate. The management review will include the number and type of acquisitions reviewed, findings, and any corrective actions proposed and/or taken.

(4) Specifications Review. The Administrations and staff offices will review and revise current contract specifications, product descriptions, and standards during the acquisition planning stage to meet or exceed mandates and requirements for purchasing recycled, biobased, energy efficient, and other products and services in the VA GPP. Contracts, standards, or specifications that present barriers to the procurement of these products or services shall be

revised or eliminated, unless such revisions or eliminations adversely affect the integrity (e.g., safety, performance) of the product or service and/or VA's mission.

i. **Training.** Per VA Directive 0058, the VA Chief Acquisition Officer is responsible for identifying training needs and providing access to training programs to support implementation of the GPP, while the Deputy Assistant Secretary for Finance has similar responsibilities specifically regarding purchase card holders, coordinators, and approving officials. The heads of Administrations and staff offices are also responsible for developing and implementing green purchasing training and awareness programs to ensure their employees are aware of their responsibilities under the GPP and that they have received training to fulfill those responsibilities competently. The Administrations and staff offices shall:

(1) Tailor GPP awareness training to the nature and quantity of purchases made by the organization;

(2) Include initial and routine refresher GPP training for all personnel involved in the procurement process from requirements generation to contracting, purchase card, or other purchase actions;

(3) Incorporate GPP awareness training into established training programs for management and staff, such as contracting officer's representative training, purchase card training, new employee orientation, environmental awareness training, and office staff training; and

(4) Establish a process to identify training requirements for each position, and document initial and follow-up training for each individual with responsibilities under the GPP.

4. REPORTING

a. VA Administrations and appropriate staff offices shall respond to OAEM data calls to provide information needed for Department-level consolidated reports related to GPPs, including, but not limited to, data calls originating from the OMB, CEQ, Office of the Federal Environmental Executive (OFEE), EPA, and other applicable entities.

b. The Green Management Program Service (GMPS), by the direction of the VA Senior Sustainability Officer, will disseminate, distribute, and coordinate electronically all requested data calls received from OMB, CEQ, OFEE, EPA, and other applicable entities to the appropriate VA Administrations and staff offices in a timely manner. GMPS will consolidate Administration and staff office reports into one VA report and submit to the requesting entity.

5. STRATEGIES AND TOOLS

a. **Training.** Table 2 (p. 13) provides a list of potential sources for green purchasing training. Note that Website links are subject to change.

b. **Resources.** Table 3 (p. 14) provides additional resources to assist in the implementation of a GPP. Note that Website links are subject to change.

6. REFERENCES¹

a. **Public Laws and Regulations.** There are a multitude of green purchasing-related laws and regulations that apply to facilities, operations, and locations within VA. Federal laws and regulations are available through Web-based resources such as Government Printing Office (GPO) Access, <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>. Specifically, green purchasing-related laws and regulations include:

(1) Resource Conservation and Recovery Act of 1976 (RCRA), Section 6002
<http://epw.senate.gov/rcra.pdf>

(2) EPA Act 2005, Section 104
<http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf>;

(3) Energy Independence and Security Act of 2007
<http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>;

(4) Farm Security and Rural Investment Act of 2002 (FSRIA), Section 9002
<http://www.biopreferred.gov/files/TITLEIX.pdf>;

(5) Food, Conservation and Energy Act of 2008, Section 9002
http://www.biopreferred.gov/files/FarmBill_2008.pdf; and

(6) Federal Acquisition Regulations Title 48 of the Code of Federal Regulations, especially Part 23 http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=d2a301f7cb47bf3c6c6bc72735bbd73f&c=ecfr&tpl=/ecfrbrowse/Title48/48cfrv1_02.tpl.

b. **Executive Orders (EO).** There are several EOs with significant implications to green purchasing in effect at the time this directive was drafted. A complete list of all environmental EOs can be found through the National Archives accessible at: <http://www.archives.gov/federal-register/executive-orders/disposition.html>. EOs with key green purchasing requirements include:

(1) EO 13514: Federal Leadership in Environmental, Energy, and Economic Performance;

¹ Website links are subject to change.

(2) EO 13423: Strengthening Federal Environmental, Energy, and Transportation Management; and

(3) EO 13221: Energy Efficient Standby Power Devices.

c. VA Directives.

(1) VA Directive 0057, VA Environmental Management Program, establishes VA environmental policies. It sets forth a comprehensive Department-wide environmental management policy to comply with Federal mandates and achieve internal goals. It provides direction to the Administrations and staff offices for developing and administering their specific environmental programs. The directive establishes policy in the areas of environmental compliance, green purchasing, chemicals management and pollution prevention, electronics stewardship, waste prevention and recycling, and EMSs. It also includes reporting requirements and roles and responsibilities. VA Directive 0057 can be found at: <http://www.va.gov/vapubs/>.

(2) VA Directive 0058, VA Green Purchasing Program, establishes VA green purchasing policies. It sets forth green purchasing requirements and roles and responsibilities. VA Directive 0058 can be found at: <http://www.va.gov/vapubs/>.

d. Presidential Memorandum -- Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement. This Presidential memorandum aims to ensure that agencies effectively execute Federal procurement requirements for biobased products, including those requirements identified in the EO 13514 and prescribed in the 2002 Farm Bill, as amended by the 2008 Farm Bill. It directs agencies to significantly increase Federal procurement of biobased and other sustainable products. This memorandum can be found at <http://www.whitehouse.gov/the-press-office/2012/02/21/presidential-memorandum-driving-innovation-and-creating-jobs-rural-ameri>.

e. VA Handbooks. Requirements for purchasing alternative fuel vehicles, alternative fuels, and renewable energy can be found in VA Handbook 0637, Vehicle Fleet Management Program, and VA Handbook 0055.1, Energy and Water Management. These handbooks can be found at: <http://www.va.gov/vapubs/>.

f. VA Financial Policies and Procedures. Volume XVI Chapter 1, Government Purchase Card, dated February 2011, establishes VA financial policies and procedures regarding the Government Purchase Card Program. (Policy related to green purchasing is referenced in section 010203 on page 2.) This document can be found at: <http://www.va.gov/finance/docs/VA-FinancialPolicyVolumeXVIChapter01.pdf>.

g. **VA Information Letters (ILs).** VA issues ILs to provide guidance on mandatory policies and procedures. These ILs are subject to changes and updates as needed. VA ILs can be found at: <http://www.va.gov/oal/library/ils.asp>.

(1) IL 049-07-04: Green Purchasing Program Management Reviews, 2007;
and

(2) IL 049-02-07: EO 13221, Energy Efficient Standby Power Devices, 2002.

TABLE 1: FEDERAL GREEN PURCHASING PROGRAM GUIDE²

Program or Initiative	Program Description and Types of Products Covered
Green Products Compilation	A compilation of the products for which the EPA, DOE, and USDA have issued designations or otherwise provided guidance for environmental or energy attributes. http://www.gsa.gov/portal/content/198257
CPG recycled content*	This program designates products with the highest recovered material content level practicable in accordance with Federal Acquisition Regulation (FAR) 23.4. These products contain materials recovered from solid waste collected in recycling programs – to be used again in the manufacture of new products. This program covers products in the following categories: • Construction • Landscaping • Nonpaper Office • Paper • Park and Recreation • Transportation • Vehicular • Miscellaneous. www.epa.gov/cpg www.epa.gov/epawaste/conserve/tools/cpg/products/index.htm
BioPreferred biobased*	This program designates biobased products (in accordance with FAR 23.4) that are composed in whole or in significant part of biobased products, forestry materials, or renewable domestic agricultural materials. This program covers products in categories that include but are not limited to: • Cafeteria and Food Service • Construction and Road Maintenance • Facilities and Maintenance • Furniture and Furnishings • Housewares and Cleaning Supplies • Industrial Supplies • Landscaping and Agriculture • Office Supplies • Personal Care and Toiletries • The Great Outdoors • Utilities

² Website links are subject to change.

Program or Initiative	Program Description and Types of Products Covered
	• Safety Products • Vehicle and Equipment Maintenance. www.biopreferred.gov www.biopreferred.gov/bioPreferredCatalog/faces/jsp/catalogLanding.jsp
ENERGY STAR and FEMP designated energy efficient and low-standby power	This program designates energy efficient products that meet the ENERGY STAR standard, or are in the upper 25th percentile of efficiency for all similar products as designated by FEMP in accordance with the Energy Policy Act of 2005 (EPAct) and FAR 23.2. Electronic products should also meet FEMP low-standby power requirements. This program covers purchases of energy-consuming products, and contracts that will require energy-consuming products to be delivered, acquired or furnished by the contractor during contract performance, or are part of the contract specifications. Energy-consuming products include but are not limited to: • Appliances • Building Products • Computers and Electronics • Heating and Cooling • Lighting and Fans • Plumbing • Food Service Equipment. www.energystar.gov www.energystar.gov/products www1.eere.energy.gov/femp/technologies/procuring_eeproducts.html http://www1.eere.energy.gov/femp/technologies/standby_power.aspx
EPEAT	This program specifies that at least 95 percent of annual acquisitions for electronic product types covered by EPEAT are EPEAT-registered products in accordance with FAR 23.7. EPEAT products meet ENERGY STAR requirements by default, and also meet other criteria, such as environmentally sensitive materials reduction and end of life management. This program covers purchases of electronic products, contracts that will require electronic products to be delivered or furnished by the contractor during contractor performance, and contracts for contractor operation of government facilities. Covered electronic products** include but are not limited to: • Desktop Computers • Monitors • Laptops • Imaging Equipment (e.g., printers, copiers) • TVs. www.epeat.net
EPP	EPP products and services are those that have a lesser or reduced effect on human health and the environment when compared with similar related products or services. EPP emphasizes the consideration of multiple attributes of a product or service, such as life cycle costs, energy and water efficiency, low toxicity, biobased, recovered content, and recyclability. This program identifies environmental attributes for products and services that include but are not limited to:

Program or Initiative	Program Description and Types of Products Covered
	• Meetings and Conferences • Buildings • Construction • Carpets • Cleaning • Electronics • Fleets • Food Service • Landscaping • Office Supplies • Paper. www.epa.gov/epp www.epa.gov/oppt/greenmeetings
WaterSense water efficient	This program specifies water-efficient, high-performing products and services. This program covers purchases of water-efficient products and services, including: • Toilets and Urinals • Faucets • Showerheads • Landscape Irrigation Services • New Home Design. www.epa.gov/watersense
SNAP	This program specifies substitutes for items that contain, use, or are manufactured using ozone-depleting substances. This program covers purchases of: • Refrigeration and Air Conditioning • Foam Blowing Agents • Cleaning Solvents • Fire Suppression and Explosion Protection • Aerosols • Sterilants • Adhesives, Coatings, and Inks. www.epa.gov/ozone/snap
Priority Chemicals	This program specifies solutions to eliminate or substantially reduce the use of 31 priority chemicals in production of products and wastes, or to recover or recycle these chemicals where they cannot easily be eliminated or reduced at the source. www.epa.gov/epawaste/hazard/wastemin/priority.htm
* According to FAR 23.405, when both USDA-designated BioPreferred and EPA-designated CPG item will be used for the same purposes, and both meet the agency's needs, the agency shall purchase the EPA-designated CPG item.	

TABLE 2: TRAINING³

DAU course CLC 046	The Defense Acquisition University's (DAU) course on Green Procurement identifies the objectives and background of the Department of Defense (DoD)'s Green Procurement Program.
	http://icatalog.dau.mil/onlinecatalog/courses.aspx?crs_id=497 Information about this course is also available via VA's Talent Management System (TMS), including contact information for the Federal Acquisition Institute (FAI) Help Desk: log into TMS at https://www.tms.va.gov/plateau/user/login.jsp , then search the catalog for "Green Procurement."
FAI course FAC 018	The FAI's course on Green Purchasing for Civilian Acquisition offers federal acquisition professionals an overview of the policies, requirements, and best practices for purchasing sustainable products and services.
	http://icatalog.dau.mil/onlinecatalog/courses.aspx?crs_id=1857
General Services Administration (GSA) Smart Pay	Training for GSA SmartPay purchase card holders. This training program teaches cardholders how to use the charge card responsibly.
	https://training.smartpay.gsa.gov/
VHA GEMS training	The guidebook for Green Environmental Management Systems (GEMS) at Veterans Health Administration facilities nationwide.
	http://www.fedcenter.gov/gems/gems.htm
OFEF Green Purchasing Training	OFEF's presentation on requirements, regulations, and examples of Federal green purchasing.
	http://www.fedcenter.gov/Documents/index.cfm?id=14261&pge_prq_id=8375&pge_id=1820
DOE FEMP Energy Efficient Products Training	FEMP offers online, "on demand" training courses regarding Federal requirements for purchasing energy efficient products.
	http://apps1.eere.energy.gov/femp/training/
USDA BioPreferred - Federal Biobased Procurement Program	This awareness training defines and outlines BioPreferred, the procurement preference program designed to increase the purchase and use of biobased products by Federal agencies.
	http://www.dm.usda.gov/procurement/programs/biobased/training/aware/USDA_Biobased_Awareness.htm
FedCenter Green Trainings, Presentations, and Briefings	A list of training resources for Federal green procurement programs.
	http://www.fedcenter.gov/programs/buygreen/#briefings

³ Website links are subject to change.

TABLE 3: RESOURCES⁴

Green Products Compilation	A compilation of the products for which the EPA, DOE, and USDA have issued designations or otherwise provided guidance on environmental or energy attributes.
	http://www.gsa.gov/portal/content/198257
FedCenter	The Federal government's home for comprehensive environmental stewardship and compliance assistance information.
	http://www.fedcenter.gov/
FedCenter Acquisition	FedCenter's guide to executive orders (EO), regulations, tools, lessons, conferences, and events for Federal green procurement.
	http://www.fedcenter.gov/programs/buygreen/
Veterans Affairs Green Purchasing	VA's promotion of the Federal GPP. Resources for various products and links to related Internet sites.
	http://www.green.va.gov/environment/greenPurchasing.asp
Veterans Affairs Green Purchasing Brochure	Background, guiding principles, and EOs pertaining to the VA's GPP.
	http://www.green.va.gov/docs/VA_GreenPurchasingBrochure.pdf
BioPreferred Procurement Tools and Contract Templates	BioPreferred tools for procurement personnel, including product catalogs and guidelines.
	http://www.dm.usda.gov/procurement/programs/biobased/procurementtools.htm
CEOSH	The Internet site for VA's Center for Engineering, Occupational Safety and Health (CEOSH).
	http://vawww.ceosh.med.va.gov/01EE/Pages/enviromentalengineering.shtml
GSA Advantage! Environmental Aisle	A variety of products and services are available through the GSA Advantage! environmental program aisle, created to assist Federal agencies in meeting their environmental purchasing goals.
	https://www.gsaadvantage.gov/advantage/search/specialCategory.do?cat=ADV.ENV
GSA Global Supply Green Products	A list of green items available through GSA's Global Supply network. Click "Browse Products" on the home page, and select "Green" Items" on the top menu.
	https://www.gsaglobalsupply.gsa.gov/
DoD EMALL	DoD's online purchasing program.
	https://dod-emall.dla.mil/acct/
Veteran Owned Businesses	VA's registry of service-disabled Veteran-owned small businesses and Veteran-owned small businesses.
	http://www.vetbiz.gov/
UNICOR	The Web site for Federal Prison Industries.
	http://www.unicor.gov/
AbilityOne	The Web site for the Federal initiative for employment of blind and disabled persons.
	http://www.abilityone.org/

⁴ Website links are subject to change.

APPENDIX A. DEFINITIONS

a. **Acquisition:** the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated and evaluated.

Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

b. **Affirmative Procurement Program:** a program to ensure that EPA-designated CPG items, which are composed of recovered materials, will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations.

c. **Biobased Product:** a product determined by the USDA to be a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials.

d. **BioPreferred:** the USDA BioPreferred program includes a preferred procurement program for Federal agencies and their contractors. Under the procurement program, BioPreferred designates categories of biobased products that are required for purchase by Federal agencies and their contractors. As a part of this process, the minimum biobased content is specified.

e. **Certification:** written documentation provided by offerors/bidders/vendors certifying that the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multicomponent or multimaterial products should verify the percentage of post-consumer waste and recycled material, and/or biobased material contained in the major components of the product.

f. **Components of the Federal Green Purchasing Program:**

(1) EPA-designated recycled content products (Comprehensive Procurement Guideline items);

(2) EPEAT-registered electronic equipment;

(3) Environmentally preferable products and services;

(4) ENERGY STAR and FEMP-designated energy efficient products, and low standby power products;

- (5) EPA WaterSense and other water-efficient products;
- (6) USDA-designated biobased products (BioPreferred);
- (7) Non-ozone depleting substances;
- (8) Low or non-toxic and hazardous substances or products containing low or non-toxic constituents; and
- (9) *Alternative fuel vehicles and alternative fuels required by EPA Act;
- (10) *Renewable energy.

* Note: These two program components, in (9) and (10) above, are implemented under the Federal fleet and energy management programs, respectively.

g. **Contract Action:** any oral or written action that results in the purchase, rent, or lease of supplies or equipment, services, or construction using appropriated dollars, including purchases below the micro-purchase threshold. Contract action does not include grants, cooperative agreements, other transactions, real property leases, requisitions from Federal stock, training authorizations, or other non-FAR based transactions.

h. **Energy Efficient:** a product that meets DOE and EPA criteria for use of the Energy Star trademark label; or is in the upper 25th percentile of energy efficiency for all similar products as designated by DOE FEMP.

i. **Environmentally Preferable:** products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, product, manufacturing, packaging, distribution, reuse, operation, maintenance, and/or disposal of the product or service.

j. **EPA-designated Item:** a product that is or can be made with recovered material, is listed by EPA in its procurement guidelines, and for which EPA has provided purchasing recommendations in a Recovered Materials Advisory Notice.

k. **Estimation:** a quantitative determination made by vendors of the total percentage of recovered material contained in offered products. Estimations should be based on historical or actual percentages of recovered materials in products sold in substantial quantities to the general public or on other factual basis. The EPA recommends that procuring agencies maintain records of these documents for 3 years by product type, quantity purchased, and price paid.

l. **Green Purchasing Program (GPP):** an acquisition program that implements sustainable acquisition requirements and assures the purchase of

environmentally preferable products and services in accordance with Federally mandated “green” purchasing preference programs to the maximum extent possible.

m. **Green Products/Services:** products and services meeting the requirements of one or more of the components of the Federal GPP as defined in RCRA Section 6002; FSRIA section 9002; EPAAct; EOs 13514, 13423, and 13221.

n. **Life Cycle Cost:** the sum of the present value of capital costs, installation costs, operating costs, maintenance costs, and disposal costs over the lifetime of the project, product, or measure.

o. **Minimum Content Standard:** the minimum recycled content or biobased content set in specifications, standards, contract scopes of work or other documents specifying the government’s minimum needs. Minimum content standards are based on the recycled content levels recommended by the EPA or the minimum biobased content levels recommended by the USDA, and are set to ensure that the recycled content or biobased content required is the maximum available without jeopardizing the item’s intended use or violating the limitations of the minimum content standards set forth by EPA and USDA guidelines.

p. **Performance Specification:** a specification stating a product’s desired operation, function, or design, but not specifying its materials.

q. **Postconsumer Material:** a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of “recovered materials.” For paper and paper products, postconsumer material means “postconsumer fiber.”

r. **Practicable:** capable of being used consistent with: performance in accordance with applicable specifications, availability at a reasonable price, and availability within a reasonable period of time.

s. **Procurement Guidelines:** regulations issued by the EPA pursuant to section 6002 of RCRA and USDA pursuant to section 9002 of FSRIA which (1) identify items produced (or can be produced) with recovered materials or biobased materials, respectively, and where procurement of such items will advance the objectives of RCRA or FSRIA; and (2) provide recommended practices for the procurement of such items.

t. **Procurement Request Originators:** the individual or organization responsible for defining the requirements for a purchase. This term includes, but is not limited to, engineers, acquisition personnel, program managers, purchase card holders, and all contract specification writers/reviewers.

u. **Recovered Material:** waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from and commonly reused within an original manufacturing process.

v. **Recycled Material:** a material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from post-consumer waste, industrial scrap, agricultural waste, and other items, all of which can be used in new product manufacture.

w. **Specification:** a description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met. In general, specifications are in the form of written designations, industry standards, and other descriptive references.

x. **Sustainable:** to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations.

y. **Sustainable Acquisition:**

(1) Federal agencies shall advance sustainable acquisition by ensuring that 95 percent of new contract actions for the supply of products and for the acquisition of services (including construction) require that the products are:

(a) Energy-efficient (ENERGY STAR or Federal Energy Management Program (FEMP)-designated);

(b) Water-efficient;

(c) Biobased;

(d) Environmentally preferable (*e.g.*, EPEAT-registered, or non-toxic or less toxic alternatives);

(e) Non-ozone depleting; or

(f) Made with recovered materials.

(2) The required products in the contract actions for services include products that are:

- (a) Delivered to the Government during performance;
- (b) Acquired by the contractor for use in performing services at a Federally-controlled facility; or

- (c) Furnished by the contractor for use by the Government.

(3) The required products in the contract actions must meet agency performance requirements.

(4) For purposes of meeting the 95 percent sustainable acquisition requirement, the term “contract actions” includes new contracts (and task and delivery orders placed against them) and new task and delivery orders on existing contracts.

z. **Unreasonable Price:** a cost of a recycled product that is significantly greater than the equivalent virgin material's cost. Unreasonable price is not a factor when minimum content standards are specified in the statement of work/procurement request, as price estimates will only be obtained from vendors who can supply products that meet the recovered material content requirements.

aa. **USDA-designated Items:** are products that are or can be made with biobased materials, are listed by USDA in its procurement guidelines, and for which USDA has provided purchasing recommendations.

bb. **Verification:** procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material contained in the products supplied to them or to be used in the performance of a contract.

cc. **Virgin Material:** previously unused raw material, including previously unused copper, aluminum, lead, zinc, iron, other metal or metal ore; or any undeveloped resource that is, or with new technology will become, a source of raw materials.

APPENDIX B. JUSTIFICATION FORMS FOR EXEMPTIONS

***GREEN PURCHASING PROGRAM EXEMPTION FOR ITEMS CONTAINING
RECOVERED MATERIALS AND/OR BIOBASED PRODUCTS***

This form is to be used for purchases (e.g., statements of work, contract acquisitions, or specifications) involving the use of items subject to the Resource Conservation and Recovery Act of 1976 (RCRA) Section 6002 or Farm Security and Rural Investment Act of 2002 (FSRIA) 9002.

1. Please list the items subject to RCRA Section 6002 and/or FSRIA Section 9002 for which you are requesting exemption:

2. Do the specifications/requirements for the item(s) comply with the applicable RCRA Section 6002 and/or FSRIA Section 9002 Procurement Guideline?

- a. Yes ____ No ____
- b. If No, check the appropriate box and explain why items containing recovered materials or biobased content and meeting guideline recommendations (e.g., minimum-content standards) were not used.

- (1) ____ Recovered/biobased items do not meet all reasonable performance specifications.
- (2) ____ Obtaining designated items results in unusual and unreasonable delays.
- (3) ____ The price is unreasonable.
- (4) ____ *Applying minimum-content standards results in inadequate competition.

*Note: This justification does not apply to biobased products.

(Explanation may be provided in a separate attachment.)

Signature of Procurement Request Originator/Contracting Officer

Date

GREEN PURCHASING PROGRAM EXEMPTION FOR ENERGY CONSUMING PRODUCTS

This form is to be used for purchases (e.g., statements of work, contract acquisitions, or specifications) involving the use of items subject to the Energy Policy Act of 2005 (EPAAct) and the Federal Acquisition Regulation (FAR) 23.2.

1. Please list the items subject to EPAAct and FAR 23.2 for which you are requesting exemption:

2. Do the specifications/requirements for the item(s) comply with the applicable ENERGY STAR or Department of Energy's Federal Energy Management Program (FEMP) designated product standards?

a. Yes ____ No ____

b. If No, check the appropriate box and explain why items containing recovered materials and meeting guideline recommendations (e.g., ENERGY STAR qualified product) were not used.

(1) _____ ENERGY STAR/FEMP products are not cost effective over the life of the product after taking energy savings into account.

(2) _____ ENERGY STAR/FEMP products that meet functional requirements are not reasonably available.

(Explanation may be provided in a separate attachment.)

Signature of Procurement Request Originator/Contracting Officer Date

Signature of the Secretary of Veterans Affairs Date