

Date: July 10, 2014

From: Associate Deputy Assistant Secretary for Procurement Policy, Systems and Oversight (003A2) and Deputy Senior Procurement Executive

Subj: **VA PROCUREMENT POLICY MEMORANDUM (PPM) (2014-01)** Compliance with the 95 Percent Sustainable Acquisition Goal under Executive Order 13514 and Federal Acquisition Regulation 23.103 (VAIQ 7478229)

To: SEE DISTRIBUTION

1. **Purpose.** This Procurement Policy Memorandum (PPM) promotes compliance with the 95 percent sustainable acquisition¹ goal set forth in Executive Order (EO) 13514, Federal Leadership in Environmental, Energy, and Economic Performance, and Federal Acquisition Regulation (FAR) 23.103-Sustainable Acquisitions, and implemented by VA Directive 0058, VA Green Purchasing Program.²

2. **Cancellation.** This PPM supersedes Information Letter (IL) 049-07-04, Green Purchasing Program Management Reviews, dated December 5, 2006.

3. **Background.** Federal agencies are required to buy products and services with positive environmental and energy attributes in order to reduce the impacts of purchasing on human health and the environment. Section 2(h) of EO 13514 and FAR 23.103 direct agencies to ensure that 95 percent of new contract actions³ (including task and delivery orders) for products and services (including construction), are: energy-efficient (ENERGY STAR® or Federal Energy Management Program (FEMP)-designated); water-efficient; biobased; environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT) certified); non-ozone depleting; contain recycled content; or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements.

To assess government-wide compliance with the 95 percent sustainable acquisition goal, the Office of Management and Budget (OMB) has directed Federal agencies to review at least five percent of their total applicable contracts on a quarterly basis and to report on progress as part of the semiannual OMB Sustainability/Energy Scorecard and annual agency Strategic Sustainability Performance Plan (SSPP).

¹ The terms “sustainable acquisition” and “green purchasing” are used synonymously.

² VA Directive and Handbook 0058 provide overarching policy and guidance on green purchasing. Taken together, the directive and handbook constitute the VA Green Purchasing Program.

³ As defined in FAR 23.101.

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4. **Applicability.** This PPM applies to all new VA contracts (and task and delivery order placed against them) and new task and delivery orders on existing contracts performed in the United States, unless otherwise provided by VA procedures.

5. **Effective Date:** Immediately.

6. **Expiration Date:** N/A

7. **Action Required.** To promote compliance with the 95 percent sustainable acquisition goal across the Department, and facilitate VA's sustainable acquisition contract reviews:

- a. VA shall review at least five percent of its total applicable contracts⁴ on a quarterly basis for compliance with the 95 percent sustainable acquisition goal. Contract types for which green purchasing requirements are likely applicable include, but are not limited to services contracts (e.g., construction, janitorial, landscaping, maintenance) and commercial commodity/supply contracts.
- b. VA Administrations and appropriate staff offices shall conduct sustainable contract reviews in response to a data call from the Office of Asset Enterprise Management (OAEM/044).⁵
- c. The Heads of the Contracting Activity (HCAs) shall track the results of applicable contracts reviewed within their purview to identify trends related to non-compliance and to initiate corrective action.
- d. HCAs shall disseminate this information to their respective members of the VA acquisition workforce and remind contracting officers (COs) and contracting specialists (CSs) of their responsibilities with regard to green purchasing.
- e. COs and CSs shall:
 - (1) Review all procurement requests to ascertain whether green products or services are or should be involved in the procurement action.

⁴ Applicable contracts are those that require or should require the supply or use of green products or services listed in section 2(h) of EO 13514 (see paragraph 3 of this memorandum).

⁵ OAEM, the Department's policy and program office for sustainability management, reports to OMB on the results of the contract reviews as part of the semiannual OMB Sustainability/Energy Scorecard and annual VA SSPP.

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(2) Provide guidance to program/project management functions (centralized or otherwise), procurement request originators, and others as required, and facilitate acquisition planning with respect to green products and services.

(3) Ensure that all appropriate FAR clauses and provisions for green products and services are incorporated into contract actions and modifications (if necessary), including, but not limited to: solicitations, evaluations, and awards (where and as applicable), and that the statement of work (SOW) and all other pertinent contract sections contain appropriate green purchasing requirements language.⁶

(4) Enter the appropriate information into the green purchasing data fields in the Federal Procurement Data System-Next Generation (FPDS-NG), the VA Electronic Contract Management System (eCMS), and/or other databases operated by procurement organizations.

NOTE: Due to limitations with regard to green procurement data fields in FPDS-NG, relying on FPDS-NG data may not accurately identify many contracts where green purchasing requirements would apply. Therefore, audits shall be conducted by reviewing actual contract files.

(5) Maintain required documents in the contract file (including recovered materials estimates, certifications, and written justifications for exemptions provided under law), and populate the eCMS briefcase with all applicable green requirements documentation (SOW/performance work statement, certifications, etc.).

8. References.

a. Principal Executive Director for Acquisition, Logistics, and Construction (003) [Memorandum](#), Compliance with Green Purchasing Requirements (VAIQ 7461974), dated June 4, 2014.

b. [Executive Order 13514](#), Federal Leadership in Environmental, Energy, and Economic Performance, dated October 5, 2009.

c. [Federal Acquisition Regulation \(FAR\) 23.103](#), Sustainable Acquisitions.

b. [VA Directive and Handbook 0058](#), VA Green Purchasing Program, dated July 19, 2013.

⁶ To further advance sustainability, language should also include environmental considerations such as sustainable packaging; take back of packaging and pallets; "green" transportation.

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9. Resources.

- a. [Table of Green Purchasing FAR Provisions and Clauses](#)
- b. General Services Administration's [Green Procurement Compilation](#)

10. QUESTIONS OR CONCERNS. Please direct questions regarding this PPM to the Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Service (003A2A), via email at VA.Procurement.Policy@va.gov.

/s/

C. Ford Heard III

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