

# SUSTAINABLE ACQUISITION:

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# WHAT IS SUSTAINABLE ACQUISITION?

- AKA “*Green Purchasing*”, “*Sustainable Procurement*”, and/or “*Sustainable Acquisition*”
- Buying products and services with a lesser or reduced effect on human health and the environment
  - More readily recyclable
  - Contain recycled content
  - Less toxic
  - Do not create hazardous waste
  - Biodegradable
  - Contain less packaging
  - More durable
  - Energy and/or water efficient



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# USACE POLICIES

- USACE Acquisition Instruction (UAI)
- Operations Order (OPORD) 2016-21 USACE Sustainability, Internal Operations & Infrastructure, Annex I: Sustainable Acquisitions
- UFC 1-200-02 High Performance Sustainable Buildings Requirements
- ER 200-1-5 Policy for Environmental Operating Principles and Doctrine
- ER 200-2-3: Environmental Compliance -- ERGO Protocols for Green Procurement/Sustainable Acquisition compliance



# ALLOWABLE EXCEPTIONS

- Product or service cannot be acquired competitively within a reasonable performance schedule
- Product or service cannot be acquired that meets reasonable performance requirements
- Product or service cannot be acquired at a reasonable price
- An exception is provided by Statute



# ENVIRONMENTAL CONSIDERATIONS WILL NOT IMPACT MISSION

- **Cost:** Green products use less energy, water, fuel and other resources, saving additional money
- **Quality:** Increased demand & innovation in Green Products has produced quality products
- **Commercial Practices:** Competitive industrial base has created a vibrant commercial marketplace



# SUSTAINABLE ACQUISITION PERFORMANCE

FY16 Q3	USACE	AGC	ERDC	HECSA	HNC	LRD	MVD	NAD	NWD	POD	SAD	SPD	SWD	TAD
Total # of base contract actions	4,897	37	395	168	425	722	648	509	794	107	382	273	423	14
# applicable	319	11	90	41	154	320	253	167	322	25	146	97	163	2
# in sample	16	0	2	0	0	3	2	2	3	2	0	1	1	0
sample size %	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
# compliant	13	0	1	0	0	2	2	1	3	2	3	1	1	0
# non-compliant	3	0	1	0	0	1	0	1	0	0	0	0	0	0
% Compliance	81%	N/A	50%	N/A	N/A	67%	100%	50%	100%	100%	100%	100%	100%	N/A

FY16 Q4	USACE	AGC	ERDC	HECSA	HNC	LRD	MVD	NAD	NWD	POD	SAD	SPD	SWD	TAD
Total # of base contract actions	3,973	24	269	126	346	563	434	419	902	88	254	239	296	13
# applicable	1,127	4	45	28	309	433	321	365	492	69	185	153	178	4
# in sample	56	0	4	0	4	16	8	4	7	2	5	2	5	0
sample size %	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
# compliant	44	0	3	0	1	12	8	3	7	2	2	1	5	0
# non-compliant	12	0	0	0	3	4	0	1	0	0	3	1	0	0
% Compliance	79%	N/A	75%	N/A	25%	75%	100%	75%	100%	100%	40%	50%	100%	N/A

\*Green = 100%

Red = < 100%

\*EO13693 increased the target to 100% starting in FY16



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# FEDERAL ACQUISITION REGULATION (FAR) PART 23

- Outlines the requirements for green purchasing as related to environment, energy, and water
- Requires Federal agencies to ensure that 100% of new contract actions require products that are:
  - ▶ Energy-efficient
  - ▶ Biobased
  - ▶ Non-ozone depleting
  - ▶ Water-efficient
  - ▶ Environmentally preferable (EPEAT registered or non-toxic, less toxic alternatives)
  - ▶ Made with recovered materials





# FEDERAL ACQUISITION GUIDE

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## Sustainable Acquisition Guidance

\*The following Sustainable Acquisition Form (see pg. 2) must be completed for ALL requirements. Additionally, where sustainable opportunities exist, applicable verbiage must be included in the Performance Work Statement (PWS) or Statement of Work (SOW) (see attachment 2)\*

In accordance with (IAW) the USACE Acquisition Instruction (UAI), USACE shall advance sustainable acquisition and the Army Green Procurement Guide by ensuring that all applicable new contract actions include relevant, federally mandated, sustainability requirements.

The Army Green Procurement Guide applies to ALL acquisitions (supplies, services and construction). Examples of services that typically include sustainable opportunities include:

Janitorial/Custodial Services	Grounds Keeping/Landscaping
Construction and Renovation	Vehicle/Fleet Maintenance
Construction – Infrastructure	Computer Related Installation

Visit <https://sftool.gov/greenprocurement> to search a full list of sustainable opportunities.

The responsibility for implementing sustainability lies not within any single organization, but with every person involved in the procurement process.

### Requirement Generators/Specification Writers Responsibilities:

- Evaluate specifications, Scopes of Work (SOW)/Performance Work Statements (PWS) or product descriptions for applicability of any of the sustainability elements, including mandatory requirements for EPA designated (recycled content), bio based materials, energy efficient and environmentally preferable products.
- Ensure that the PWS or SOW includes the standards/language for each applicable item. (See attachment 2 for applicable verbiage)
- If there is an exception for the use of required sustainable products, a written justification shall be developed by the requirements generator. The written justification must be based on price, performance or availability. (See attachment 3 for Justification Form)

## SUSTAINABLE ACQUISITION FORM

Office Symbol:

Point of Contact:

Date Prepared:

Requirement Description:

### SELECT ALL THAT APPLY

- ☐ 1. This requirement DOES include sustainable opportunities. They are as follows:

Select all that apply:

☐ EPA Designated (CPG)

☐ Environmentally Preferable Programs:

☐ EPEAT

☐ Safer Choice

☐ Water Sense

☐ Bio-Preferred Program

☐ Energy Efficient Programs:

☐ Energy Star

☐ FEMP

- ☐ 2. Based on the selection(s) above, the required sustainable verbiage (See attachment 2) is included in the Performance Work Statement (PWS) or Statement of Work (SOW).

- ☐ 3. This requirement would normally provide the opportunity to procure sustainable products, however there is an exception to price, performance or availability that has been justified in writing. (See attachment 3)

- ☐ 4. This requirement does NOT provide the opportunity to procure sustainable products. I have attached documentation supporting this conclusion (i.e. screen shot of the CPG website showing nothing applies to your requirement).

As the Requirements Generator, I have reviewed the specifications for this requirement and certify the above as accurate and complete to the best of my knowledge and belief.

Requirements Generator



# FEDERAL ACQUISITION GUIDE

## Attachment 2

### Performance Work Statement (PWS)/ Statement of Work (SOW) Verbiage

#### EPA Designated (CPG)

Under the Comprehensive Procurement Guidelines (CPG) program, the Environmental Protection Agency (EPA) designates products that are or can be made with recovered materials, and recommends practices for buying these products. Any designated product that is being offered or supplied under this contract shall meet the minimum recommended content levels as identified under the CPG program. Visit <http://www.epa.gov/epawaste/conserve/tools/cpg/products> for a complete list of designated products and the associated recommended content levels. Offerors must be able to demonstrate that each offered product meets minimum content levels upon request.

#### Safer Choice

The contractor shall provide Safer Choice labeled products under this contract, as applicable. The contractor is encouraged to visit <http://www2.epa.gov/saferchoice/products> for updated lists of qualifying products.

#### Bio-based

The United States Department of Agriculture (USDA) designates certain biobased products for federal procurement and specifies minimum biobased content levels for those products. Any designated product that is being offered or supplied under this contract shall meet USDA BioPreferred's minimum biobased content level. Visit the [BioPreferred](#) web site for the complete list of designated products and the associated minimum biobased content level requirements.

#### Energy Star

As required in clause [52.223-15](#) Energy Efficiency in Energy-Consuming Products, the contractor shall only provide products that earn the ENERGY STAR label and meet ENERGY STAR specifications for energy efficiency. The contractor is encouraged to visit <http://www.energystar.gov> for complete product specifications and updated lists of qualifying products.

## EPEAT

The contractor shall exclusively provide EPEAT-registered products under this contract, as applicable. The Contractor is responsible for ensuring products meet the latest EPEAT requirements at the time of delivery. Visit [www.epeat.net](http://www.epeat.net) for complete product specifications, registration requirements, and updated lists of qualifying products.

### Sustainable Product Reporting

The contractor shall submit a [quarterly/semi-annual/annual] report to the Contracting Officer's Representative quantifying the number of EPEAT-registered products delivered under this contract (by product type and EPEAT rating). The report shall include data for the current quarter, current fiscal year, and total contract period. A sample matrix for this data is shown below.

Product Type	Non-EPEAT Registered	EPEAT Bronze	EPEAT Silver	EPEAT Gold
Computers & Displays				
Imaging Equipment				
Televisions				

### Asset Take-Back

The Contractor shall assess the remaining value of purchased equipment at the end of its useful life based on its current value. The Government may return the equipment to the Contractor and use the assessed value to offset the purchase price of a new device.

As part of the proposal, the Contractor shall clearly identify its approach to device end-of-life management. Unless approved by the Government as a management option, electronic assets shall not be disposed of in a landfill or by incineration.

For any equipment removed by the Contractor and scheduled to be refurbished or recycled, the Contractor is required to demonstrate as part of its management plan that those actions will be handled by a refurbisher or recycler that is third-party certified to one of the known electronics recycling certification programs that is used in the United States, the Responsible Recycling Standard (R2) or the E-Stewards Standard.

# FEDERAL ACQUISITION GUIDE

## FEMP

As required in clause 52.223-15 Energy Efficiency in Energy-Consuming Products, the contractor shall only provide products that meet Federal Energy Management Program (FEMP) purchasing specifications for energy efficiency under this contract, as applicable. Covered product categories and the applicable energy efficiency requirements can be found at <http://energy.gov/eere/femp/covered-product-categories>.

## WaterSense

The contractor shall provide WaterSense labeled products under this contract, as applicable. The contractor is encouraged to visit <http://www.epa.gov/watersense> for complete product specifications and updated lists of qualifying products.

## ATTACHMENT 3 SUSTAINABILITY EXCEPTIONS - JUSTIFICATION FORM

*For Documenting Exceptions to the Purchase of EPA-Designated Products made with Recovered Materials or USDA-Designated Biobased Products*

Office Symbol: [REDACTED]

Point of Contact: [REDACTED]

Date Prepared: [REDACTED]

Requirement Description: [REDACTED]

Applicable Exception (check one):

- ☐ Price
- ☐ Performance
- ☐ Availability

Data supporting the use of the exception (attach additional pages, as necessary):

*Supporting data may include a cost comparison of several products/services, timeframe required by the user and expected delivery date, number of competitive sources for the product/service, and/or documentation of product/service performance.*

[REDACTED]

[REDACTED]

Requirements Generator

[REDACTED]

Requirements Reviewer  
(One level above Requirements Generator)

[REDACTED]

Contracting Officer

# THE SFTOOL

## ■ GSA's Sustainable Facilities Tool – Green Procurement Compilation

### Green Procurement Compilation

Find the environmental requirements of your next purchase...

Search

Products

Services

Viewing **Federal-wide**



Requirements



#### Appliances

Commercial and residential appliances, such as clothes washers, ovens, and refrigerators. Products in this category may also apply to the acquisition of janitorial, laundry, construction, and cafeteria & food services.

22 PRODUCTS



#### Biomedical Equipment and Supplies

Equipment and supplies that assist with activities and applications of clinical medicine.

17 PRODUCTS



#### Building Finishes

Building interior products that provide finishing touches, such as carpeting, wallboards, paint and stains, and signage. Products in this category may also apply to the acquisition of construction and cafeteria & food services.

47 PRODUCTS

### Bathroom Tissue

Last Updated: 1/14/2015 3:47:00 PM

#### Procurement Info



20-100% recovered fiber; including 20-60% postconsumer fiber



#### Where to Buy

Schedule 75 SIN 75 85

Schedule 51 V SIN 105 001

Schedule 51 V SIN 105 002

[Buy on GSA Advantage!](#)

[AbilityOne](#)

[GSA Global Supply](#)

[FSSI Office Supplies](#)

[FSSI JanSan](#)

Legal Requirements

Guiding Principles

#### Legal Requirements

[FAR Subpart 23.4 Use of Recovered Materials and Biobased Products](#)

[FAR Subpart 23.1 Sustainable Acquisition Policy](#)

\* Federal agencies are required to purchase products as designated or specified under this program.

# ADDITIONAL TRAINING OPPORTUNITIES

- Defense Acquisition University – Sustainable Procurement Program (CLC 046)  
[http://icatalog.dau.mil/onlinecatalog/courses.aspx?crs\\_id=497](http://icatalog.dau.mil/onlinecatalog/courses.aspx?crs_id=497)
- FedCenter Acquisition Training <https://www.fedcenter.gov/training/#acquisition>
- GSASmartPay® Purchase Card Training  
[http://www.gsa.gov/Portal/gsa/ep/contentView.do?PCX5&contentId=13034&contentType=GSA\\_BASIC](http://www.gsa.gov/Portal/gsa/ep/contentView.do?PCX5&contentId=13034&contentType=GSA_BASIC)
- Office of the Federal Environmental Executive  
<http://www.ofee.gov/gp/training.asp>
- Federal Acquisition Institute recorded webinar (EPEAT)  
<http://www.fai.gov/drupal/training/fai-video-library#DETAIL>



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# ADDITIONAL RESOURCES

- DoD Sustainable Products Center <http://www.denix.osd.mil/spc/>
- EPA - Environmentally Preferable Purchasing <http://www.epa.gov/epp/>
- EPA Comprehensive Procurement Guidelines  
<http://www3.epa.gov/epawaste/consERVE/tools/cpg/index.htm>
- Energy Star [www.energystar.gov](http://www.energystar.gov)
- BioPreferred Program  
<http://www.biopreferred.gov/BioPreferred/faces/Welcome.xhtml>
- DOE EERE FEMP Covered Product Categories  
<http://www.eere.energy.gov/femp/technologies/eeppurchasingspecs.html>
- SNAP <http://www.epa.gov/ozone/snap/>
- WaterSense <http://www.epa.gov/watersense/>
- Safer Choice <http://www2.epa.gov/saferchoice>
- Smart Way <http://www.epa.gov/smartway/>



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# QUESTIONS

