



Department of Transportation
Office of the Senior Procurement Executive

No. APL-2008-04
Date 04/07/08

DOT ACQUISITION POLICY LETTER

This Acquisition Policy Letter is issued under the authority of the Senior Procurement Executive of the Department of Transportation

Subject: Green Procurement Program

References:

FAR 23	Environment Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
FAR 7.1	Acquisition Plans
TAR 1223	Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
TAM 1223.7	Contracting for Environmentally Preferable Products and Services

When is this Acquisition Policy Letter (APL) Effective?

This APL is effective upon issuance.

When Does This APL Expire?

This APL remains in effect until the resulting policy is incorporated into the Transportation Acquisition Manual (TAM).

Who is the Point of Contact?

Contact Lenita Ahmadi of the Office of the Senior Procurement Executive, Business Policy Division (202) 366-4974 or by email at Lenita.ahmadi@dot.gov.

Visit our website at <http://www.dot.gov/ost/m60/> for additional information on DOT Acquisition Policy Letters and other policy issues.

What is the Purpose of this Acquisition Policy Letter?

The purpose of this Acquisition Policy Letter (APL) is to provide the acquisition community and other stakeholders guidance for broadening the implementation of the Green Purchasing Program (GPP).

Green procurement is the purchase of environmentally preferable products and services in

accordance with one or more of the Federal “green” procurement preference programs. It is the policy of the DOT, TAM 1223.2, “Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace”, and the attached Green Procurement Plan to develop and implement green purchasing policies and affirmative procurement programs in accordance with EO 13423, in order to conserve resources and be good stewards of the environment and to minimize our environmental footprint.

What is the Background?

Executive Order (EO) 13423, Strengthening Federal Environmental, Energy, and Transportation Management, published January 26, 2007, directs Federal agencies to conduct environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. As one of the major procuring agencies in the Federal government, the U.S. Department of Transportation is responsible for complying with Federal requirements to purchase “green” products. The purpose of the GPP is to enhance and sustain DOT’s mission through cost effective acquisition that achieves compliance and reduces resource consumption and solid and hazardous waste generation. The GPP covers procurement of all “green” products including energy star, recycled content, environmentally preferable, biobased and alternative fuel (see Appendix A attached).

What is the Guidance?

Contracting Officer’s should purchase environmentally preferable products and services in accordance with Federally-mandated “green” procurement preference programs to the maximum extent practicable. The purchase of green products applies to all acquisition and contracting mechanisms used by Federal agencies, including service contracts, leases, purchases made with government purchase and fleet cards as well as purchases below the micro-purchase threshold.

Contracting Officers and Purchase Card holders should consult the websites below for designated products lists and other information.

Additional related information can be found on the following websites:

- <http://www.acquisition.gov>
- <http://www.ofee.gov/>
- <http://www.eere.energy.gov/afdc/>
- <http://www1.eere.energy.gov/femp>
- <http://www.epa.gov/ems/>
- <http://www.epa.gov/epaoswer/non-hw/procure/index.htm>
- <http://www.epa.gov/epp/>
- <http://www.epa.gov/ozone>
- <http://www.wbdg.org/>

- <http://www.cere.energy.gov/buildings/highperformance>
- <http://www.epa.gov/watersense>
- <http://www.epeat.net>
- <http://www.energystar.gov>
- <http://www.usda.gov/procurement/business/biopreferred.htm>
- <http://www.biopreferred.gov>

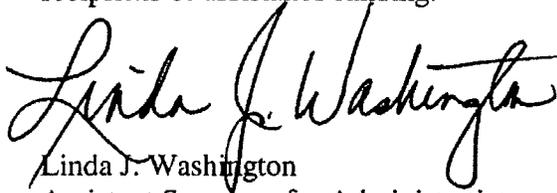


Denise P. Wright
Acting Director,
Office of the Senior Procurement Executive
Attachments

U.S Department of Transportation
Green Procurement Program (GPP)
Executive Summary

As one of the major procuring agencies in the Federal government, the U.S. Department of Transportation (DOT) is responsible for complying with the Federal requirements to purchase “green” products. Therefore, it is DOT’s policy to purchase environmentally preferable products and services in accordance with Federally-mandated “green” procurement preference programs to the maximum extent practicable. This will minimize solid waste, prevent pollution, save energy and other resources, reduce greenhouse gas emissions, and encourage public support and participation.

This document replaces the Affirmative Procurement Plan (APP); establishes DOT’s “green” procurement program (GPP); and provides recommendations for implementing a successful program. DOT’s GPP applies to: a) all agency acquisitions, including micro-purchases; b) contractors operating DOT facilities; and c) if applicable, state and local recipients of assistance funding.



Linda J. Washington
Assistant Secretary for Administration

1.0 Purpose, Authority, and Applicability

1.1 Purpose

This document formally establishes U.S. Department of Transportation's (DOT) Green Procurement Plan (GPP) and provides agency-wide guidance for implementing an effective program. The purpose of the GPP is to enhance and sustain the DOT mission through cost effective acquisition that achieves compliance and reduces resource consumption and solid and hazardous waste generation. Green procurement is the purchase of environmentally preferable products and services in accordance with one or more of the established Federal "green" procurement preference programs. The GPP applies to all acquisitions and contracting mechanisms used by Federal agencies, including service contracts, leases, purchases made with government purchase and fleet cards and purchases below the micro-purchase threshold.

DOT's procurement of green products and services contributes to sound management of the Department's financial resources, natural resources, and energy. In its day-to-day operations, DOT has the opportunity and obligation to be environmentally and energy conscious in its selection and use of products and services. Proper attention to green procurement will enhance the Department's credibility and demonstrate DOT's commitment to environmental stewardship by becoming a model consumer of green products and services. Across the government, sound environmental management and procurement are known under a variety of other names such as affirmative procurement (AP) and environmentally preferable purchasing (EPP) to name a few. As the titles suggest, the focus of these programs has been towards procurement organizations. DOT's GPP focuses not only on the procurement function but also on the roles and responsibilities of each member of the Department and recognizes that every person has a role to play.

1.2 Authority

The following documents establish the requirements for DOT's GPP:

- Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended, (42 U.S.C. 6962);
- Energy Policy Act (1992, amended 2005);
- Farm Security and Rural Investment Act (FSRIA), Section 9002 (May 13, 2002);
- Federal Acquisition Regulation (FAR) Part 23 "Environment, Energy, and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace"
- FAR Part 7.1, "Acquisition Plans;"
- Office of Federal Procurement Policy, Policy Letter 92-4, "Procurement of Environmentally Sound and Energy Efficient Products and Services," dated November 2, 1992;
- Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management";

- EO 13150 Federal Workforce Transportation;
- EO 13221, Energy Efficient Standby Power Devices;
- EO 13134 Developing and Promoting Biobased Products and Bioenergy; and
- Code of Federal Regulations (CFR) Part 247, Comprehensive Procurement Guideline for Products Containing Recovered Materials.

1.3 Applicability

DOT's GPP applies to: a) all agency acquisitions, including micro-purchases; b) contractors operating DOT facilities; and c) if applicable, state and local recipients of assistance funding. Therefore, Contracting Officers and Grant Officers must include, in award documents, specific language requiring awardees to comply with the applicable portions of the GPP.

2.0 Responsibility

2.1 Senior Agency Official in charge of implementing EO 13423 (Senior Executive) – Assistant Secretary for Administration

The Senior Executive and associated staff are responsible for:

- Overseeing and facilitating implementation of the DOT GPP;
- Facilitating environmental programs in the areas of acquisitions, facilities management, standards, waste prevention, recycling, and logistics activities as they relate to GPP
- Distributing information on best practices through awareness and outreach programs to facilitate markets for environmentally preferable products, services and new technologies;
- Facilitating and coordinating educational and promotional programs for Department employees and contractors, as appropriate;
- Integrating requirements into Departmental programs and documents;
- Reporting the status of the Department's GPP within the Department and externally to other applicable Federal agencies and offices.

2.2 Senior Procurement Executive

The Senior Procurement Executive and associated staff are responsible for:

- Issuing procurement policies, regulations, contract clauses and grant provisions in consonance with green procurement requirements;

- Sharing best practices;
- Promoting the Department's GPP;
- Ensuring that the Procurement Management Council Executives conduct compliance monitoring of their green procurement data and assist in any necessary corrective actions;
- Working in consonance with the Senior Executive to review and analyze green procurement indicators including the preparation of any required annual reports.

2.3 Operating Administration Senior Executives in charge of implementing EO 13423 (OA Senior Executives)

Each of the OA Senior Executives and their respective staffs are responsible for:

- Implementing an awareness program to promote GPP;
- Advising the Request Originators and Contracting Officers on sources for environmentally preferable products and services, including any update to the list of EPA/s designated products;
- Reviewing and approving the Request for Waiver documentation, if required, and providing Life Cycle Cost Analysis assistance to the request originators;
- Submitting the Operating Administration's green procurement data for compilation and distribution by the Senior Executive.

2.4 Procurement Management Council Executives

Procurement Management Council Executives and their respective staffs are responsible for:

- Providing guidance and facilitating acquisition planning with respect to environmentally preferable goods and services including those available through Federal sources of supply;
- Assisting in any market research necessary to determine the availability of environmentally preferable good and services;
- Ensuring that solicitations and contracts contain the appropriate provisions and FAR clauses to implement the GPP (FAR Part 23);
- Performing annual compliance monitoring on their Operating Administration's green procurement data and taking corrective action when necessary;

- Working in consonance with the OA Senior Executive to provide their Operating Administration's green procurement data for compilation and distribution by the Senior Executive.

2.5 Request Originators

The Request Originators are responsible for the following:

- Consulting early in the procurement process with appropriate parties (e.g., environmental specialists, contracts specialist) to facilitate the process of procurement planning, including Life-Cycle Cost Analysis;
- Utilizing statements of work or specifications which eliminate virgin material requirements, promote the reuse of products, require the use of alternative fuels and alternative fueled vehicles, products containing recovered materials (e.g. EPA-designated produces), products that are energy star or energy efficient, products that are water efficient, biobased products, products that are environmentally preferable, EPEAT certified products, and non-ozone depleting products;
- Preparing any Request for Waiver or justification documentation.

3.0 Implementation

3.1 Planning

DOT personnel involved in planning for acquisitions will consider environmental and energy factors from the beginning of acquisition planning in order to save money, increase efficiency, and reduce pollution in procurements. Their actions shall be consistent with the "waste management hierarchy"; reduce, reuse, and recycle, in that order.

The OA Senior Executives and Procurement Management Council Executives shall jointly review the annual Acquisition Forecast and its semi-annual update, and other appropriate data, to identify target procurements for early intervention, in accordance with FAR 7.103 (n).

3.2 The Acquisition Process

3.2.1 Requirement Document

The primary implementation of this GPP begins with the requirement document generally prepared by the Procurement Request Originator. The Request Originator must ensure that the goods and services being procured comply with specific requirements regarding environmental attributes (see 3.2.1.1). The process of acquiring green products or

services is a collaborative one, beginning with the Request Originator, with assistance and consultation from their Procurement Office and Environmental Management Office.

3.2.1.1 Environmental Attributes

These "specific requirements regarding environmental attributes" include:

- Alternative fuels and alternative fuel vehicles (<http://www.eere.energy.gov/vehiclesandfuels>)
- Biobased products (<http://www.biobased.oce.usda.gov> and www.ofee.gov/gp/bioprod.html)
- Energy Star and Energy efficient products (<http://www.energystar.gov>)
- Environmentally preferable (<http://www.epa.gov/epp>)
- Electronic Environmental Assessment Tool (EPEAT) registered electronics (<http://www.epeat.net>)
- Priority Chemicals (<http://www.epa.gov/epaoswer/hazwaste/minimize/chemlist.htm>)
- Non-ozone depleting substances (<http://www.ofee.gov/gp/snap.html>)
- Recovered material (<http://www.epa.gov/cpg>)
- Renewable Energy (<http://www.eere.energy.gov/femp>)
- Water efficient products (<http://www.epa.gov/watersense>)

3.2.2 Statement of Work (SOW)/Specifications/Purchase Requisition

The Request Originator shall review the SOW or specifications with respect to the specific requirements regarding environmental attributes. If the product or service involves the use of these materials, the SOW, specifications, and/or purchase requisition must be reviewed and modified (as appropriate).

If the product availability suggests a waiver of EPA CPG requirements may be appropriate (e.g. cost, availability, performance), follow the Request for Waiver Process (section 3.2.4, below).

3.2.2.1 Conflicting Requirements

In certain circumstances, specific requirements regarding environmental attributes may conflict practically (e.g., choice between recycled-content product and EnergyStar®)

product). In these circumstances, the OA Senior Executive may prioritize or "weight" the evaluation factors regarding the conflicting requirements, and shall coordinate the weighted evaluation factors with the contracting officer.

3.2.2.2 Mandatory Sources

These requirements are not in conflict with "mandatory source" procurement provisions. Once the specifications (including specific requirements regarding environmental attributes) are finalized, mandatory sources are considered to determine if they can provide the specified product. If they cannot provide the product, the procurement proceeds to commercial sources, in accordance with FAR Part 8.

3.2.2.3 Federal Supply Sources

Established Federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O' Day (JWOD) Program, the Defense General Supply Center (DGSC), and UNICOR are competitive sources for EPA-designated items and other recycled content products. Procuring environmentally preferable content products through these sources offers the following advantages:

- Products have been competitively bid;
- Products meet or exceed EPA minimum content standards for recovered materials; and
- Electronic catalogs identifying green products.

These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with affirmative procurement requirements.

3.2.2.4 Contractors

This guidance applies to all DOT operations. Operating Administration's contracting officers shall ensure that the FAR clauses at 52.211-5, Material Requirements, and 52.223-10, Waste Reduction Program, are inserted appropriately in all applicable solicitations and contracts. Once appropriate provisions are included in the contract the contractor shall comply with DOT's GPP as if the contractor were a DOT entity. Accordingly, the contractor shall be required to monitor and report on its GPP-related procurement activities as well as require its applicable sub-contractors to comply with DOT's GPP. It is the responsibility of each Operating Administration to ensure: (1) appropriate existing contracts are revised to include GPP compliance provisions and (2) appropriate new contracts contain GPP compliance provisions.

3.2.2.5 Assistance Agreements

The Office of the Senior Procurement Executive will publish clauses/provisions, for inclusion in contracts/grants, which implement the following: State and local agencies purchasing more than \$10,000 worth of an EPA-designated item in a year, and using some Federal funds for these purchases, are required to establish a GPP for those particular items.

For example, State and local agencies may use some funds from the Federal Highway Grants Program to purchase an EPA designated item. If the agency, or the agency's contractors, purchase more than \$10,000 worth of the item in a year and use some Federal funds for these purchases, then they are required to purchase the product containing recovered materials.

3.2.2.6 Life-Cycle Cost Analysis

The Office of Federal Procurement Policy's (OFPP) Policy Letter 92-4 requires Federal agencies to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost shall be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc., must be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

3.2.3 Simplified Acquisitions/Micro-purchases

The requirement to purchase Federally-mandated green products applies to all purchases, including those at or below the micro-purchase threshold (\$3,000). However, written justifications are not required for not buying these products.

3.2.4 Procurement Exemption

FAR 23.4, the requirement to purchase Federally-mandated green products applies to all purchases, including those at or below the micro-purchase threshold. An agency is not required to procure an Energy STAR or FEMP designated product if the head of the agency determines in writing that (a) no Energy STAR or FEMP designated product is cost-effective over the life of the product taking energy cost savings into account or (2) no Energy STAR or FEMP designated product is reasonably available that meets the functional requirements of the agency.

The procurement originator shall document the decision not to buy Federally-mandated green products. The contracting officer shall forward a copy of the written justification to the DOT Senior Executive.

4.0 Promotion Program

Operating Administrations must actively promote their green procurement programs. Promotion should be internal as well as external. Internal promotion can consist of activities such as wide distribution of copies of the DOT GPP, articles in newsletters, workshops to educate employees, and using logos/recycling statements on official stationary and publications. Most importantly, the message must reach field operations, procurement officials, supply and requirements personnel and individuals who purchase material or products with a government credit card.

DOT's Senior Executive is responsible for actively promoting the Agency's preference for green products. This includes making green products suppliers aware of DOT's preference program, educating program and procurement offices about requirements to procure green products, and providing DOT employees and contractors with information on sources of green products. DOT will internally and externally promote its desire to buy green products by:

- Including explicit preference for green products in appropriate solicitation and contract language, specifications, drawings, plans, statements of work, and during contract negotiations.
- Providing informational materials, statements, and training to program and procurement offices regarding DOT's green products preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.
- Providing vendor and product information from established Federal supply sources and outside vendors to program and procurement offices through: electronic media such as DOT's procurement office web site and other appropriate systems; and internal documents and publications; newsletters; and at appropriate conferences, workshops, and meetings.

5.0 Procedures for Vendor Certification, Estimation, and Verification

5.1 Certification

Contracting officers shall assure that vendors (1) provide written certification that their products meet the minimum content in the solicitation documents; (2) maintain copies of certification documents; and (3) produce copies of the written certification upon request by DOT.

DOT contracting officers will insert the provision 52.223-4, "Recovered Material Certification," in solicitations that are for, or specify the use of, recovered materials.

5.2 Estimation

RCRA Section 6002 requires procuring agencies to obtain estimates and certifications of the recycled content in the products to be supplied under a contract and to verify those estimates and certifications. The estimation requirement applies only to purchases above the simplified acquisition threshold. The estimates can be used as a means of determining whether products are available with higher percentages of recovered materials than specified in an agency's specifications. Agencies can use this information to revise their content standards.

DOT contracting officers will insert the clause, 52.223-9, "Estimate of Percentage of Recovered Material Content for EPA Designated Products," in solicitations and contracts exceeding \$100,000 that include the provision, 52.223-4, "Recovered Material Certification."

5.3 Verification

DOT's Senior Procurement Executive shall periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews shall enable DOT to verify the contractors' compliance with the DOT GPP.

6.0 Data Tracking and Reporting

6.1 Data Tracking

Operating Administration Procurement Officers are responsible for establishing internal controls to ensure that all of the requirements of RCRA, EPAct, and the Farm Bill are followed in their purchasing and contracting practices. Contracting Officers are responsible for ensuring that all applicable clauses, provisions, and certifications are included in solicitations and contracts, as required by the FAR. They are also responsible for ensuring contractors complete the certifications, and that the certifications are reviewed by the responsible technical program office that prepared the purchase description or statement of work.

6.2 Compliance Monitoring

Operating Administration Procurement Officers are responsible for establishing compliance monitoring to ensure that the green procurement data is accurate. They are also responsible for taking any corrective actions necessary to improve the data quality which will be used in the annual reports.

6.3 Annual Reports

Section 6002 of RCRA, as amended, (42 U.S.C. 6962) and Section 9002 of FSRIA require OFPP to report to Congress biennially on agency implementation of the Federally-mandated green purchasing programs. EO 13423 requires Executive Agencies

to report progress towards achieving waste prevention and recycling goals to the Federal Environmental Executive (FEE). The FEE and OFPP jointly request purchasing data annually for these reports.

Agencies are encouraged to establish goals to increase the procurement of products made from recovered materials; for solid waste diversion; and for increasing the use of environmentally preferable products and services.

DOT's Senior Executive is responsible for tracking the Department's purchasing of statutorily required items and reporting this information to the OFPP and the FEE. DOT's Senior Executive must also report on DOT's compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of environmentally preferable products. DOT's Senior Executive will justify why designated items have not been purchased, or submit a plan for increasing DOT's purchases of the EPA-designated item(s).

7.0 Additional Requirements

7.1 Goals

Agencies are required to establish solid waste diversion and sustainable acquisition goals. DOT's Senior Executive established the following goals:

Sustainable Acquisition:

By FY 2008, contracts for construction, transportation, janitorial services, and other operations and maintenance shall include sustainability factors and objectives

By FY 2015, all service contracts shall contain requirements on sustainability

Increase direct purchase of statutorily mandated and environmentally preferable products annually relative to FY 2005 purchasing levels

Waste diversion:

By FY 2010, 40% waste diversion. This means that at least 40% of DOT's waste stream will either be reused or recycled.

7.2 Awards

7.2.1 DOT Environmental Achievement Awards

DOT has established an annual awards program to recognize successful and innovative waste prevention, recycling, and affirmative procurement programs throughout the Department. The program is administered by DOT's Office of the Secretary, Office of Real and Personal Property and Asset Management as part of the environmental policy

program. Award winners are eligible to compete in the White House Closing the Circle Awards Program and other applicable public and private awards programs.

The Environmental Achievement Awards Program covers all DOT personnel, and all DOT programs, which directly address recycling, waste prevention, green procurement and pollution prevention. This includes, but is not limited to, research and development which lead to pollution prevention, as well as development and implementation of procedures which reduce the use of environmentally hazardous systems or materials, increase recycling rates and/or increase the purchase of environmentally preferable products. Awards will be given for excellence of performance in the following categories: Waste/Pollution Prevention, Recycling, Green Purchasing, Environmental Management Systems, Sustainable Design/Green Buildings, Alternative Fuels/Fuel Conservation and Electronics Stewardship. Individuals and team awards will be given in each category.

The awards program process shall be conducted in a manner that recognizes the broadest number of people and organizations possible while maintaining the fairness and integrity of the process. This awards program uses a self-nomination process.

The Awards Program Manager, appointed by the DOT Senior Executive, shall issue a call for nominations to all the Administrators no later than October 1 of each year. This call shall then be distributed as appropriate within each organization. This call shall include the awards criteria as developed by the Awards Program Manager in conjunction with the Awards Program Committee.

Nominations must be submitted to the Office of Administration by December 15 of the same year. The nominations will be given to the Awards Program Committee, a panel comprised of Office of Real and Personal Property and Asset Management personnel. The committee will evaluate the nominees against award criteria and select one individual and one team to receive each award. The Awards Program Committee shall complete this process by January 15 of each year.

The Awards Program Manager shall acquire additional information on the nominees and prepare selection/briefing packages on the nominees, if requested by the Awards Program Committee. The Awards Program Manager shall ensure that no adverse actions or performance issues are pending against any of the nominees. The DOT Senior Executive, M-1, shall approve the final selection of the award recipients and shall notify each award recipient as soon as possible following the selection.

7.2.2 White House Closing the Circle Awards Program

The White House Closing the Circle Awards program was developed to recognize Federal employees and their facilities for efforts, which resulted in significant impact on the environment in specific categories under EO 13423. Every year this program continues to seek and recognize outstanding affirmative procurement, waste reduction, and recycling success stories that can set the example for other Federal facilities to

follow. The existing categories are: Waste/Pollution Prevention, Recycling, Green Purchasing, Environmental Management Systems, Sustainable Design/Green Buildings, Alternative Fuels/Fuel Conservation and Electronics Stewardship

Each category recognizes efforts made by either an individual Federal employee ("individual award") or teams/groups of Federal employees (including teams made of Federal and contract employees) at government facilities ("team/project award"). Each category has subsets for military and civilian nominations.

Only the winners of the DOT Environmental Achievement Awards will be submitted to the White House Task Force on Recycling for consideration in the White House Closing the Circle Awards Program.

7.4 Waste Prevention and Recycling Programs

7.4.1 Waste Prevention Opportunities

- To promote waste prevention, DOT strongly encourages the electronic transfer of documents and double-sided printing and copying.
- Agency contracting and program officials shall consider all waste prevention opportunities such as recyclability, reusability, and repairability when acquiring products and services.
- Solicitations and contracts, exceeding the simplified acquisition threshold, shall include the provision at FAR 52.204-4, "Printed or Copied Double-Sided on Recycled Paper," requiring documents to be printed double-sided on recycled paper containing 30 percent postconsumer fiber.
- DOT will utilize electronic acquisition systems to the maximum extent practicable.
- Contracting Officers will include the provision at FAR 52.223.10, "Waste Reduction Program," in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and in all solicitations and contracts for support services at Government-owned or operated facilities.
- DOT vehicle maintenance facilities shall acquire and use engine coolant recycling equipment.
- DOT vehicle maintenance facilities shall utilize the Defense Supply Center Richmond's used oil recycling/re-refined lubricating oil supply contract.

7.4.2 Recycling Programs

All DOT facilities must comply with local or state recycling requirements. Each Operating Administration shall implement or maintain waste prevention and recycling programs at their facilities, where practicable.

7.5 Training

Green Procurement

On-line Green Purchasing Training. "What is Green Purchasing, Anyway?" is an on-line green purchasing training course for contracting personnel, purchase card holders, facility personnel, and product specifiers. Designed in modules, it can be used both for introductory training and for refresher training. It is available on the Office of Personnel Management's GoLearn e-learning center, www.golearn.gov

EPA Training. <http://www.epa.gov/oppt/epp/tools/gentt/textver/index.html>

Federal Energy Management Program. <http://www.femplights.com>

Exhibit 1

Request for Waiver Form

Instructions: This form is needed only if the item(s) being procured are subject to DOT's Green Procurement Program (GPP).

This form is to be completed by the requirements official (program official) and the contracting officer (CO), as appropriate, when items subject to DOT's GPP are not procured.

The requirements official and CO must check the appropriate justification(s), provide a written explanation, and sign and date the form.

The original form is maintained in the contracting office contract file.

The requirements official must submit a copy of the form to the responsible operations program official.

The contracting officer is responsible for forwarding a copy of each waiver form to the Agency's Environmental Executive (M-1) within 30 days after contract award.

Procurement Request No. _____

1. To Be Completed By Contracting Officer

Products containing recovered materials and meeting DOT's preference standards for the following designated items:

Were not obtained because (FAR 23.405):

_____ _____ _____	Items/products could not be competitively acquired within a reasonable time. Items/products could not be obtained at reasonable prices. Items/products did not meet all reasonable performance standards i specifications.
-------------------------	--

Contracting Officer

Date

2. To Be Completed By Requirements Official

Products containing recovered materials and meeting DOT's preference standards for the following designated items:

Were not obtained because (FAR 23.405):

_____ _____ _____	Items/products could not be competitively acquired within a reasonable time. Items/products could not be obtained at reasonable prices. Items/products did not meet all reasonable performance standards i
-------------------------	--

specifications.

Requirements Official's Signature

Date

Exhibit 2
Definitions and Acronyms

Acquisition - acquiring by contract using appropriated funds for 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, or demonstrated and evaluated. Acquisition begins when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, contract award and financing details, contract performance and administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Affirmative Procurement Program (APP) - agency program assuring that EPA-designated recycled content products will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations. [Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]

Alternative Fuel – fuel defined by Section 301 of the Energy Policy Act of 1992, as modified periodically by the Secretary of Energy by rule.

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

Certification - provided by offerors/bidders/vendors, it is written documentation certifying 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 multi-component or multi-material products should verify the percentage of postconsumer materials and recovered material contained in the major constituents of the product. [EPA Guidelines]

Comprehensive Procurement Guidelines - regulations issued by EPA pursuant to Section 6002 of RCRA, as amended, (42 U.S.C. 6962) identifying items produced (or which can be produced) with recovered materials. [EO 13101 and Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]

Designated Item - a product or category of products designated by EPA in the Comprehensive Procurement Guideline and whose procurement by government agencies will help to create markets for materials recovered from solid waste.

Energy Efficient or FEMP-designated Product means a product designated by the Federal Energy Management Program, Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

Energy Star® Product means a product that is rated for energy efficiency under an Energy Star® program established by Sec. 324A of the Energy Policy and Conservation Act.

Environmentally Preferable - products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services, serving the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or product or service disposal.

Electronic Product Environmental Assessment Tool (EPEAT) is a procurement tool designed to help institutional purchasers in the public and private sectors evaluate, compare and select electronic products based on their environmental attributes. The first EPEAT standard applies to computer desktops, laptops and monitors.

EPEAT-registered products are those products which meet the Institute of Electronic and Electrical Engineers (IEEE) 1680-2006 Standard for the Environmental Assessment of Personal Computer Products, and products registered under similar standards developed after the date of this Policy Letter, and are listed on the EPEAT Product Registry located at www.epeat.net.

Estimation - quantitative determination made by vendors of the total percentage of recovered material contained in offered products. [EPA Guidelines]

Executive Agency or Agency - an Executive agency as defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

Federal Supply Source - any supply source managed by a Federal agency such as the General Services Administration, Government Printing Office, Defense Logistics Agency, or Javits-Wagner -O' Day Program. [FAR Guidance]

Green Hierarchy - the logical order by which waste prevention and effective environmental practices are applied.

Life-Cycle Assessment - the comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal.

Life-Cycle Cost - the amortized annual cost of a product, including costs associated with capital, installation, operations, maintenance, and disposal, discounted over the lifetime of the product.

Minimum Content Standard - the minimum recovered material content of a product. The standard must be high enough to assure the recovered material content required is the

maximum available without jeopardizing the intended item use of the product. [Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]

Ozone-depleting substances means any substance designated as a Class I or Class II substance by the Environmental Protection Agency in 40 CFR Part 82.

Performance Specification - a specification stating the desired product operation or function but not specifying its construction materials.

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."

Practicable - capable of performing in accordance with applicable specifications, available at a reasonable price and within a reasonable period of time, and while a satisfactory level of competition with other products is being maintained. [EPA Guidelines]

Preference - when two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally-sound or energy-efficient product. [OFPP Policy Letter 92-4]

Procurement Preference Program - the first element of an agency affirmative procurement program, in which an agency expresses a preference for purchasing recycled content products designated by EPA. [Section 6002 of RCRA, as amended, (42 U.S.C. 6962)]

Procuring Agency - any Federal or State agency, or agency of a state's political subdivision using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract. [RCRA, Section 1004]

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.

Recovered Materials Advisory Notice (RMAN) - guidance issued by EPA which recommends the range of recycled content that should be in products designated in the Comprehensive Procurement Guideline. RMAN also contain other EPA recommendations pertinent to purchasing recycled content products, such as reference to specifications established by government agencies or standards setting organizations. [EPA Guidelines and OFPP Policy Letter 92-4]

Recovered Content Products means products containing recovered materials designated for Federal preferred procurement by the Environmental Protection Agency (EPA) in its Comprehensive Procurement Guidelines under section 6002 of the Resource

Conservation and Recovery Act. The products are also known as CPG items, EPA-designated items, or EPA-designated recycled content items, and are found at www.epa.gov/cpg.

Recyclability - the ability of a product or material to be recovered or otherwise diverted from the solid waste stream for the purpose of recycling.

Recycled Material - a material utilized in place of raw or virgin material in product manufacturing (See "Recovered Material.")

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

Renewable Energy means energy produced by solar, wind, biomass, landfill gas, hydrokinetic, ocean (including tidal, wave, current and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

Solid Waste - garbage, refuse, sludges, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities. This excludes solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flow, etc. [RCRA, Section 1004]

Specification - a clear and accurate description of the technical requirements for materials, products, or services including the minimum requirement for materials' quality and construction and any equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references. [EPA Guidelines]

Sustainable means 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 of Americans.

Unreasonable Price - when recycled product cost is greater compared to virgin material cost. (Unreasonable price is not a factor when minimum content standards are specified in the statement of work/procurement request, because price estimates will only be obtained from vendors who can supply products meeting recovered material content requirements.) [EPA Guidance]

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. [EPA Guidelines]

Virgin Material - a mined or harvested raw material to be used in manufacturing.

Waste Prevention - (also known as "source reduction") 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. Waste prevention also refers to the reuse of products or materials.

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

Water Efficient Product or Service means a product or service that uses less water than competing products or services that serve the same purpose, including those meeting EPA's WaterSense standards.

Comment [USTD1]:

Acronyms

APP	Affirmative Procurement Program
CFR	Code of Federal Regulations
CO	Contracting Officer
CPG	Comprehensive Procurement Guideline
EO	Executive Order
EPA	Environmental Protection Agency
FAR	Federal Acquisition Regulation
FEE	Federal Environmental Executive
FR	Federal Register
FY	Fiscal Year (October 1 through September 30)
GPO	Government Printing Office
GSA	General Services Administration
JWOD	Javits-Wagner-O'Day
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
RCRA	Resource Conservation and Recovery Act
RMAN	Recovered Materials Advisory Notice