

**GREEN PROCUREMENT PROGRAM (GPP)**

1. **PURPOSE:** To establish responsibilities and procedures required to implement the VA Green Procurement Program mandatory purchasing requirements which are environmentally preferable. Designated mandatory programs include:
  - (a) **Recycled Content Products** as designated Comprehensive Procurement Guideline Items
  - (b) **Biobased Products** as designated by the United States Department of Agriculture
  - (c) **Energy Star®** and energy efficient products; energy efficient standby devices
  - (d) **Alternative fuel vehicles/alternative fuels** and fuel efficient vehicles
  - (e) **Non-ozone depleting products**
  - (f) **EPA Priority Chemicals** –purchasing/use of these chemicals should be avoided including; items containing:
    - Mercury
    - Lead
    - All other chemicals are listed at :  
([http://www.abuse.com/environment/EPA\\_Home/Wastes/Waste\\_Minimization/Priority\\_Chemicals\\_amp\\_Fact\\_Sheets/chemlist.htm](http://www.abuse.com/environment/EPA_Home/Wastes/Waste_Minimization/Priority_Chemicals_amp_Fact_Sheets/chemlist.htm) )
2. **POLICY:** VA employees and contractors engaged in the purchase of products or awarding of VA contracts shall make the maximum effort to purchase and use products which are less harmful/dependent on the environment.
3. **PROGRAM PLANNING AND ACCOUNTABILITY:**
  - A. Contracting Officers, Purchasing Agents, and Purchase Card Holders shall use computer automation to document and report to the maximum extent feasible. Electronic acquisition systems will also foster all purchases of recycled content and preferable products. Under product descriptions provide specifications that reflect cost effective use of recycled products, recovered materials including percents (such as 30% recycled copy paper or 30% re-refined oil), water efficiency devices, re-manufactured products, and energy efficient products, materials, and practices.
  - B. Contracts, grants and cooperative agreements shall include provisions that:
    1. Require vendors to certify the percentage of recovered materials used, when contracts are awarded wholly or in part based on utilization of

- recovered materials. (Appendix B)
2. Assure, when drafting or reviewing specifications for required items that the specifications:
    - (a) Do not exclude the use of recovered materials or Biobased Products;
    - (b) Do not unnecessarily require the item to be manufactured from virgin materials; and
    - (c) Require the use of recovered materials and environmentally sound components to the maximum extent practicable without jeopardizing the intended end use of the items.
  
  3. Procurement and/or purchase of items containing recovered materials designated by the EPA in the Comprehensive Procurement Guidelines (CPG) and Biobased Products will be followed to the maximum extent practicable. **Purchases should meet or exceed EPA guidelines unless providing one or more of the following written justification(s)/ waivers found in Appendix D:**
    - (a) requirement for product produced with recovered or recycled materials results in inadequate competition (Doesn't apply to Biobased Products);
    - (b) not available within a reasonable time frame, resulting in unreasonable delivery delays;
    - (c) does not meet appropriate performance standards as set forth in the specifications;
    - (d) or is only available at an unreasonable price i.e. 10% above the percent of products made with virgin material.
  
  4. The Contracting Officer (CO) will include the certification in the contract file with the purchase request.
    - (a) Purchasing and Contracting (P&C) shall review criteria incorporated into all guide and project specifications developed for new construction and renovation, as well as into product specification language developed for contracts, agreements and/or purchase orders and all other purchasing procedures; however, it is the responsibility of the using service to research and determine if recycled products, energy star products, etc. are available and can be purchased, prior to sending 2237 to Purchase & Contract for purchase.
  
    - (b) With all requests and when items containing recovered materials are available, the CO will maintain this record on file with the contract/purchase order established in Purchase & Contract or

retain record at service level if order placed with credit card under \$2500.00. This information must be sent to P&C for all construction contracts.

- C. When recovered content product is not available, Appendix D will be completed and submitted to the CO to justify why items containing recovered or recycled materials cannot be purchased. The form shall also be used by purchase card holders to track and explain their transactions when recycled content products are not purchased or not available.
- D. Facility purchases of EPA-designated guideline items should be tracked for reporting purposes (RCN 10.99.904 Waste Mgmt and Compliance Report Part 5). Records shall be provided at least quarterly to the GEMS Coordinator.
- E. **Annual Budget Submission:** High priority is placed for obtaining funding and resources needed for implementation of the Greening the Government Executive Orders. Findings and recommendations from environmental management system audits or facility compliance audits conducted under sections 401 and 402 of E.O. 13148 Sec. 301 will be used to substantiate budget requests.
- F. **Application of Life Cycle Assessment Concepts and Environmental Cost Accounting** principles shall be applied during the purchasing process by member of the GEMS Committee, and, if feasible and cost-effective, providing technical assistance during life cycle assessment and environmental cost accounting principles.
- G. Provide buy-recycled and bio-based training to all applicable IMVAMC personnel via the Computer Based Training system.
- H. Incorporate establishment/measurement of progress toward Green Procurement Program objectives achievement into GEMS program. Progress reports for management review will be provided on an annual basis as part of the GEMS Annual Program Effectiveness Review and Report. Information for this report will be provided in part by the waste minimization report from the GEMS Coordinator and in part by the GEMS compliance audit provided by the VISN on an annual basis. Corrective actions will be tracked for implementation by the GEMS Coordinator.

#### 4. **RESPONSIBILITIES:**

- A. Procurement Request Originator - It is the responsibility of each employee who seeks out to purchase materials for the government to purchase

environmentally preferable products when there are alternatives available that meet their needs.

Employees engaged in procuring certain items designated by the U.S. Environmental Protection Agency as containing recoverable material or individuals responsible for drafting and revising specifications shall ensure specifications:

- (1) Do not contain prohibitions against the use of recovered materials
- (2) Do not require the item to be manufactured from virgin materials
- (3) Require the use of recovered materials to the maximum extent possible
- (4) When items containing recovered materials or meeting the guideline recommendations (e.g., minimum - content standard) are not desired an explanation must be provided to the contracting officer.

B. Contracting/Purchasing Agent - Contracting is responsible for the overall tracking of the Green Procurement Program. This includes tracking and reporting IMVAMC's purchasing of environmentally preferable products, including those items designated by the EPA as preferable under the Comprehensive Procurement Guidelines (CPG) products located at <http://www.epa.gov/cpg/products.htm>, and United States Department of Agriculture (USDA) Biobased Products [http://www.biobased.oce.usda.gov/public/bio\\_items.cfm](http://www.biobased.oce.usda.gov/public/bio_items.cfm). Reporting of the environmentally preferable products will be made quarterly to the IMVAMC GEMS Committee. A yearly report, as Part of the Waste Minimization and Compliance Report will be completed as well.

- (1) Reviewing all procurement requests to ascertain and validate whether green products or services are involved in the procurement action.
- (2) Providing guidance to procurement request originators and facilitating acquisition planning with respect to green products and services.
- (3) Providing and documenting green procurement training in TEMPO for procurement personnel in consultation with appropriate VA and Component acquisition/procurement training sources and environmental management organizations.
- (4) Incorporating appropriate green procurement language and Federal Acquisition Regulation (FAR) clauses in contracts consistent with specifications provided by the customer.
- (5) Gathering, sorting, and reporting of procurement data for the purpose of management evaluation of green procurement performance, when such data is maintained in the Federal

Procurement Data System or other databases operated by procurement organizations.

- (6) Ensuring all contract actions from development through award, execution, and close-out meet relevant FAR requirements for green procurement. Specifically, as required by FAR 23.405, these requirements include placing a written justification in the contract file for acquisitions above the micro-purchase threshold that describes why an EPA-designated product containing recovered materials was not acquired.
- (7) Maintaining required documents in the contract file to include estimates, certifications, and written justifications for exceptions. (See App. E)
- (8) Including environmental considerations (reuse, recycling, waste reduction, and green purchasing) as a selection criterion.
- (9) Complying with procedures for monitoring and annually reviewing the effectiveness of the GPP.

C. **GEMS Coordinator** - The GEMS Coordinator is responsible for assisting the Contracting/Purchasing agent with technical requirements with the GPP program. The GEMS Coordinator will update contracting and purchasing with newly designated items by the EPA and USDA. The GEMS Coordinator is also responsible for reporting to the Environment of Committee on progress of the GPP program and tracking deficiencies to completion via the GEMS Program.

D. **Manager, Fleet Management** - The Manager of Fleet Management is responsible for procuring vehicles that will meet the requirements *2005 Energy Policy Act (EPA Act)*. EPA Act of 1992 requires all Federal Fleets of 20 vehicles or more located in a Metropolitan Statistical Area (MSA) to obtain at least 75% of annual light duty fleet acquisitions as Alternative Fuel Vehicles (AFVs). AFVs include vehicles which run on ethanol, natural gas, propane, hydrogen, biodiesel, electricity, methanol, and p-series fuels.

E. **Chief, Engineering** - is responsible for ensuring that all phasing out of Class II Ozone Depleting Substance by December, 2010 in accordance with the [EPA's Significant New Alternatives Policy \(SNAP\) Program](#) is completed.

## 5. **PROCEDURES:**

A. **PURCHASER OF A PRODUCT** - The purchaser of a PRODUCT must determine if the product they intend to purchase falls under the Green Procurement Program:

1. If the product to be purchased is a targeted chemical. (Pharmaceuticals and medical products are exempt). The EPA has targeted for reduction the following 17 chemicals: Benzene, Carbon tetrachloride, Chloroform, Dichloromethane, Methyl ethyl ketone, Methyl isobutyl ketone, Tetrachloro-ethylene, Toluene, 1,1,1-Trichloro-ethane, Trichloro-ethylene, Xylenes, Cadmium and cadmium compounds, Chromium and chromium compounds, Cyanide compounds, Lead and lead compounds, Mercury and mercury compounds, Nickel and nickel compounds. All new chemicals or targeted chemicals must be **pre**-approved via the Industrial Hygienist. A Material Safety Data Sheet (MSDS) must be forwarded to the IH/GEMS Coordinator whenever new chemicals are purchased. If the product contains an EPA Priority Chemical, a less harmful alternative should be sought. If no alternative exists, the IH/GEMS Coordinator may approve use of the product.
2. Determine if the product, article, or chemical to be purchased is a designated item via: [www.epa.gov/cpg/products](http://www.epa.gov/cpg/products) or by viewing appendix A. If so then begin the attempt to purchase a product that has recycled or bio-friendly contents with at least the minimum acceptable content listed on the website.
3. Check item for designation as Biobased Product via: <http://www.biobased.oce.usda.gov/Catalog/catalog1.cfm> . Examples include:
  - a. Diesel fuel Additives
  - b. Hydraulic Fluids
  - c. Penetrating Lubricants
  - d. Roof Coatings
  - e. Linen, to include bedding, bed linens and towels. (effective date deferred until multiple sources are available)
  - f. Water Tank Coatings (effective date deferred until multiple sources are available)
  - g. Additional products may become mandated. These products may be found on the USDA website  
<http://www.biobased.oce.usda.gov/fb4p/ProposedAndFinalRegulations.aspx>
4. RCRA 6002 and RCRA 9002 require that a federal agency must purchase environmentally preferable products including biobased and EPA designated products. An exemption can be made if a written justification is made that a product does not meet the following:
  - The agency is unable to secure a satisfactory level of competition (Does not apply to Biobased Products)
  - The item is not reasonably available within a reasonable period of time.
  - The item fails to meet the performance standards set forth in the agency's specification

- The item is available only at an unreasonable price. (costing > 10% more than product containing virgin materials).

If purchasing a product on the designated item listing and it does not contain the minimum content materials or biobased products, then provide justification on complete VA Form 0232 (Appendix D).

## **B. PURCHASER OF EFFICIENT ENERGY-USING PRODUCTS**

1. A purchaser of the following equipment must where life-cycle cost-effective, purchase ENERGY STAR® and other energy efficient products when acquiring energy-using products:

**Office Equipment- Computers and all related equipment (faxes, printers, copiers, etc...**  
**Construction Products- Windows, doors, skylights, etc.**  
**Lighting Products**  
**Heating & Cooling Products**  
**Food Service Equipment- Fryers, cookers, vending machines, etc.**  
**Appliances- Refrigerators, Washers, Dryers, Dishwashers, etc.**  
**Home Electronics- TV's, VCR's, DVD players, etc.**  
*For a full list of designated products see Appendix C*

2. The IH/GEMS Coordinator can be consulted for recommendations regarding purchasing of this type of equipment.

<http://www.eere.energy.gov/femp/procurement/>

[http://www1.eere.energy.gov/femp/pdfs/eep\\_productfactsheet.pdf](http://www1.eere.energy.gov/femp/pdfs/eep_productfactsheet.pdf)

All AHVs are available for review at

<http://www.eere.energy.gov/afdc/afv/models.html>.

## **6. TRAINING -**

**A. Contracting/Purchasing Agents** - All Contracting/Purchasing Agents must complete the "What is Green Purchasing Anyway" or Online Training Annually or equivalent course. Files must be kept on file by the Contracting Officer and submitted to Employee Education through the TEMPO system. The online training can be completed through registration on the Go Learn website at <http://www.golearn.gov/CourseCatalog/index.cfm?fuseaction=oltooverview&intCourseID=5951&AddPopularity=1> .

**B. Purchase Card Holders** - All purchase card holders are required to take the GSA Smart Pay training, which covers the Green Purchasing Program. This training is available on-line at the link below. Files must be kept on file by the Purchase Card Coordinator and submitted to Employee Education through the TEMPO system.

<http://fss.gsa.gov/webtraining/trainingdocs/smartpaytraining/index.cfm>

7. **REPORTING**

(1) All VA facilities are required to report annually on the progress made with the Green Procurement Program through the Annual Waste Minimization and Compliance Report.

(2) The report shall contain information on VA compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled and environmentally preferable products. The VA Environmental Executive must also justify why designated items have not been purchases or submit a plan for increasing VA purchases for the designated item(s).

(3) Procurement is responsible for tracking these items throughout the year and reporting on these quarterly through the GEMS Committee. **Appendix D, “PROCUREMENT REQUEST FOR ITEMS CONTAINING RECOVERED MATERIALS AND/OR BIOBASED PRODUCTS”**, will be provided to the contracting officer for all purchases when EPA CPG or USDA designated Biobased Products are available. The contracting officer will include the certification in the contract file with the purchase request.

(4) The Chief Facilities Management Service is responsible for ensuring that all sections of the Annual Waste Minimization and Compliance report is completed annually.

8. **REFERENCES:** Executive Order 12873, Federal Acquisition, Recycling and Waste Prevention; Office of Federal Procurement Policy Letter 92-4; VA Handbook 0052

<http://www.ofee.gov/gp/gp.htm>

<http://www.eere.energy.gov/afdc/index.html>

9. **RESCISSION:** None.

10. **REVIEW DATE:** May 2010.

Attachments:

Appendix A- Listing of EPA designated Comprehensive Procurement Items

Appendix B- Listing of USDA’s Biobased Products

Appendix C- ENERGY STAR®-qualified and FEMP-designated Products

Appendix D- PROCUREMENT REQUEST

Appendix E- RCRA 6002 Estimations/Certifications (for procurements of items greater than \$100,000)

Appendix F – Definitions



Appendix A

**Office Products\***

- [Binders, clipboards, file folders, clip portfolios, and presentation folders](#)
- [Office furniture](#)
- [Office recycling containers](#)
- [Office waste receptacles](#)
- [Plastic desktop accessories](#)
- [Plastic envelopes](#)
- [Plastic trash bags](#)
- [Printer ribbons](#)
- [Toner cartridges](#)

**Paper and Paper Products\***

- [Commercial/industrial sanitary tissue products](#)
- [Miscellaneous papers](#)
- [Newsprint](#)
- [Paperboard and packaging products](#)
- [Printing and writing papers](#)

**Construction Products\***

- [Building insulation products](#)
- [Carpet \(polyester\)](#)
- [Carpet cushion](#)
- [Cement and concrete containing:](#)
  - Coal fly ash
  - Ground granulated blast furnace slag
  - Cenospheres
  - Silica fume
- [Consolidated and reprocessed latex paint](#)
- [Floor tiles](#)
- [Flowable fill](#)
- [Laminated paperboard](#)
- [Modular threshold ramps](#)
- [Nonpressure pipe](#)
- [Patio blocks](#)
- [Railroad grade crossing surfaces](#)
- [Roofing materials](#)
- [Shower and restroom dividers/partitions](#)
- [Structural fiberboard](#)

**Landscaping Products\***

- [Compost made from yard trimmings or food waste](#)
- [Garden and soaker hoses](#)
- [Hydraulic mulch](#)
- [Lawn and garden edging](#)
- [Plastic lumber landscaping timbers and posts](#)

**Park and Recreation Products\***

- [Park benches and picnic tables](#)
- [Plastic fencing](#)
- [Playground equipment](#)
- [Playground surfaces](#)
- [Running tracks](#)

**Transportation Products\***

- [Channelizers](#)
- [Delineators](#)
- [Flexible delineators](#)
- [Parking stops](#)
- [Traffic barricades](#)
- [Traffic cones](#)

**Vehicular Products\***

- [Engine coolants](#)
- [Rebuilt vehicular parts](#)
- [Re-refined lubricating oils](#)
- [Retread tires](#)

**Miscellaneous Products\***

- [Awards and plaques](#)
- [Bike racks](#)
- [Blasting grit](#)
- [Industrial drums](#)
- [Manual-grade strapping](#)
- [Mats](#)
- [Pallets](#)
- [Signage](#)

\* If a product is located on the list, this is required to be purchased with a minimum recycled content per EPA's Recommended Minimum Content Range. Prior to purchasing check for minimum content values of each designated item at <http://www.epa.gov/cpg/products.htm> .

Appendix B

**LISTING OF USDA DESIGNATED BIOBASED PRODUCTS**

**Current Products**

<b>Biobased Product</b>	<b>Minimum Biobased Content</b>	<b>Definition</b>	<b>Effective Date</b>
Diesel fuel Additives*	90%	(1) Any substance, other than one composed solely of carbon and/or hydrogen, that is intentionally added to diesel fuel (including any added to a motor vehicle's fuel system) and that is not intentionally removed prior to sale or use. (2) Neat biodiesel, also referred to as B100, when used as an additive. Diesel fuel additive does not mean neat biodiesel when used as a fuel or blended biodiesel fuel (e.g., B20).	3/16/2007
Mobile Equipment Hydraulic Fluids *	44%	Hydraulic fluids formulated for general use in nonstationary equipment, such as tractors, end loaders, or backhoes.	3/16/2007
Penetrating Lubricants*	68%	Products formulated to provide light lubrication and corrosion resistance in close tolerant internal and external applications including frozen nuts and bolts, power tools, gears, valves, chains, and cables.	3/16/2007
Roof Coatings*	20%	Coatings formulated for use in commercial roof deck systems to provide a single-coat monolith coating system.	3/16/2007
Linen, to include bedding, bed linens and towels. *	12%	(1) Bedding is that group of woven cloth products used as coverings on a bed. Bedding includes products such as blankets, bedspreads, comforters, and quilts. (2) Bed linens are woven cloth sheets and pillowcases used in bedding. (3) Towels are woven cloth products used primarily for drying and wiping. should be afforded the preference in purchasing.	11/20/2007
Water Tank Coatings*	59%	Coatings formulated for use in potable water storage systems.	11/20/2007

\*For selection of certified products that meet the USDA testing for the biobased category, visit <http://www.biobased.oce.usda.gov/Catalog/catalog1.cfm>

Appendix C

**ENERGY STAR®-qualified and FEMP-designated Products**

**Category/Product**

<b>Lighting:</b>	
Compact Fluorescent Lamps	ENERGY STAR®
<i>Residential Light Fixtures</i>	ENERGY STAR®
Exit Signs	ENERGY STAR®
<i>Ceiling Fans</i>	ENERGY STAR®
Traffic Lights	ENERGY STAR®
Fluorescent Lamps & Ballasts	FEMP
Fluorescent Luminaires	FEMP
Downlight Luminaires	FEMP
Industrial Luminaires	FEMP

**Category/Product**

<b>Office Equipment:</b>	
Computers†	ENERGY STAR®
Monitors†	ENERGY STAR®
Laptops†	ENERGY STAR®
Printers†	ENERGY STAR®
Fax Machines†	ENERGY STAR®
Copiers†	ENERGY STAR®
Scanners†	ENERGY STAR®
<i>Multifunction Devices†</i>	ENERGY STAR®
<i>Mailing Machines</i>	ENERGY STAR®
External Power Adapters	ENERGY STAR®

**Commercial & Industrial Equipment:**

<b>Commercial &amp; Industrial Equipment:</b>	
Unitary (Packaged) Air Conditioners	ENERGY STAR®
Distribution Transformers	ENERGY STAR®
Air-Cooled Electric Chillers	FEMP
Water-Cooled Electric Chillers	FEMP
Air-Source & Water-Source Heat Pumps	FEMP
Ground-Source Heat Pumps	FEMP
Commercial Boilers	FEMP
Electric Motors	FEMP

**Home Electronics:**

<b>Home Electronics:</b>	ENERGY STAR®
<i>Televisions (TV)†</i>	ENERGY STAR®
<i>Video Cassette Recorders (VCR)†</i>	ENERGY STAR®
<i>Combination Units (TV + VCR)†</i>	ENERGY STAR®
<i>Digital Video Display (DVD) Products†</i>	ENERGY STAR®
<i>Cordless Telephones</i>	ENERGY STAR®
<i>Answering Machines</i>	ENERGY STAR®
<i>Combination Telephone/Answering Machine</i>	ENERGY STAR®
<i>Home Audio†</i>	ENERGY STAR®

<b>Food Service Equipment:</b>	
Solid Door Refrigerators and Freezers	ENERGY STAR®
Fryers	ENERGY STAR®
Hot Food Holding Cabinets	ENERGY STAR®
Steam Cookers	ENERGY STAR®
Beverage Vending Machines	ENERGY STAR®
Water Coolers	ENERGY STAR®
Gas Griddles	FEMP
Ice Machines	FEMP
Pre-Rinse Spray Valves	FEMP

<b>Appliances:</b>	ENERGY STAR®
Refrigerators	ENERGY STAR®
Freezers	ENERGY STAR®
Dishwashers	ENERGY STAR®
Clothes Washers	ENERGY STAR®
Room Air Conditioners	ENERGY STAR®
<i>Dehumidifiers</i>	ENERGY STAR®
<i>Room Air Cleaners</i>	ENERGY STAR®

<b>Plumbing:</b>	
Faucets	FEMP
Showerheads	FEMP
Urinals	FEMP

<b>Construction Products:</b>	
Residential Windows, Doors and Skylights	ENERGY STAR®
Roof Products	ENERGY STAR®

(† -Standby power requirement)

*Products with no Purchasing Specification are in italics*

Appendix D

PROCUREMENT REQUEST FOR ITEMS CONTAINING RECOVERED MATERIALS  
AND/OR BIOBASED PRODUCTS

1. Does the Statement of Work/Specifications involve the use of items subject to RCRA Section 6002 or 9002?
  - a. Yes \_\_\_\_\_ NO \_\_\_\_\_
  - b. If yes, the items are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The specification for the item(s) complies with the applicable RCRA Section 6002 and/or 9002 Procurement Guideline?
  - a. Yes \_\_\_\_\_ NO \_\_\_\_\_
  - b. If no, check the appropriate box and provide an explanation why items containing recovered materials 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)

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\_\_\_\_\_  
Signature of Requesting Activity Official

\_\_\_\_\_  
Date

## Appendix E

### **ESTIMATION CERTIFICATIONS AND VERIFICATIONS UNDER RCRA 6002 (2)**

Estimation, Certification and Verification is required for procurements of EPA designated products which total in amounts greater than \$100,000. The procedures are listed below:

(1) Estimation: Procurement offices will require vendors to provide an estimate of the total recycled content of their products and certify that the recycled content will meet minimum content standards on EPA designated items. The minimum content standards for designated items shall be specified in the statement of work. Vendors responding to bids for EPA designated items must meet the minimum content standards: therefore, a separate estimate from the vendor regarding the percentage of recovered material in the product is not required unless the product exceeds the minimum content standards specified. Contracting Officers are required to keep estimations for no less than 3 years.

(2) Certification: Vendors are responsible for:

(a) Providing written certification to the contracting officer that their products meet minimum content standards.

(b) Maintaining copies of certification documents.

(c) Producing copies of the written certification upon request by VA

(3) Contracting Officer shall ensure that the Federal Acquisition Regulation clause 52.223-4, Recovered Material Certification, is included in all solicitations that incorporate specifications requiring the use of recovered materials. Additionally, the certification in Percentage of Recovered Materials Supplied (Appendix E) will be included in all solicitations, as applicable.

(4) Verification: The VA Environmental Executive shall periodically review vendor certification documents as part of the annual review and monitoring process to verify compliance.

## **PERCENTAGE OF RECOVERED MATERIALS SUPPLIED CERTIFICATION**

"Designated Item" is an item that has been designated in an EPA procurement guideline as an item that is, or can be, produced using recovered materials. To date, the EPA has identified five items that are, or can be, produced using recovered materials. Those items are paper and paper products, cement and concrete, building insulation, lubricating oils, and tires.

"Minimum-Content Standard" is the minimum amount of recovered material that a designated item must contain.

"Procurement Guidelines" are guidelines issued by the EPA pursuant to Section 6002 of RCRA that identify items that are, or can be, produced with recovered materials and where procurement of such items will advance the objectives of the Act. EPA has published five guidelines to date.

Statement of Certification: "For each designated item supplied under this contract, the offeror/bidder will identify the percentage of recovered material contained in each".

DESIGNATED ITEM (S)  
MATERIALS

PERCENTAGE OF RECOVERED

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## **DEFINITIONS:**

**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)** - a program assuring CPG items composed of recovered materials will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations.

**Biobased Product** – a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials. **The 2002 Farm Bill mandated that biobased products also be included in Federal APPs.**

**Case-by-Case Procurement** - open competition for contract awards among products made of virgin and recovered materials with preference being given to the latter (vice identifying minimum content standards required).

**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 waste and recycled material contained in the major constituents of the product.

Components of the Federal Green Procurement Preference Program:

- Recovered material
- Environmentally preferable
- Energy efficient (Energy Star and Energy Efficient Stand-by Power Devices)
- Biobased products
- Alternative fuels and fuel efficiency
- Non-ozone depleting substances

**Cost-Effective Procurement Preference Program** - a procurement program favoring more environmentally-sound or energy-efficient products and services than other competing products and services, where price and other factors are equal.

**Designated Item** - an available EPA CPG item or category of items, made with recovered material, advancing the purpose of RCRA when purchased.

**Energy-efficient Product** – a product in the upper 25 percent of efficiency for all similar products or, if there are applicable Federal appliance or equipment efficiency standards, a product that is at least 10 percent more efficient than the minimum Federal standard.

**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.



**Environmentally-Sound** - a product or service less damaging to the environment when used, maintained, and disposed of in comparison to a competing product or service.

**Estimation** - 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. EPA recommends procuring agencies maintain records of these documents for 3 years by product type, quantity purchased, and price paid.

**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 DoD.

**Federal Supply Source** - any supply source managed by a Federal agency such as the GSA, Government Printing Office, or Defense General Supply Center.

**Green Products/Services** - For the purposes of this document, Green Products and Services are defined as products and services meeting the requirements of one or more of the components of Federal green procurement preference programs: the RCRA Section 6002; EOs 13101 (including traditional Affirmative Procurement and Environmentally Preferable Products), 13134, 13221, 13123, 13148, 13149 and 13150; Electronic Stewardship requirements; the Buy-Bio requirements of the 2002 Farm Bill (Public Law 107-171); and any Federal procurement preference programs implemented after the date of this document.

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

**Life Cycle Assessment** - the comprehensive examination of a product's environmental and economic aspects and potential impacts throughout its lifetime, including raw material extraction, transportation, manufacturing, use, and disposal.

**Minimum Content Standard** - the minimum recovered material content specifications set to assure the recovered material content required is the maximum available without jeopardizing the intended item use or violating the limitations of the minimum content standards set forth by EPA's guidelines.

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

**Pollution Prevention** - "source reduction" as defined in the Pollution Prevention Act of 1990, 42 U.S.C. 13102, and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

**Postconsumer Material** - a material or finished product whose life as a consumer item has concluded, after having served its intended use and being discarded for disposal or recovery. "Postconsumer material" is a part of the broader category of "recovered materials."

**Postconsumer Waste** - a material or product discarded for disposal after passing through the hands of a final user, having served its intended purpose. Postconsumer waste is part of the broader category "recycled material."

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

**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.

**Preference Standard** - the highest practicable minimum content standard for products. When minimum content is impractical to calculate, preference is for the presence of a recovered material or an environmentally-preferable trait (i.e., retread tires).

**Procurement Guidelines** - regulations issued by EPA pursuant to section 6002 of RCRA: (1) identifying items produced (or can be produced) with recovered materials and where procurement of such items will advance the objectives of RCRA; and (2) providing recommended practices for the procurement of such items.

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

**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.

**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.

**Recyclability** - the degree to which a product or material may 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 consisting of materials derived from postconsumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacture.

**Recycling** - the series of activities, including collection, separation, and processing, by which 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).

**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.

**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.

**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.)

**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.

**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.