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**COMMERCE ACQUISITION MANUAL
1323.70**

DEPARTMENT OF COMMERCE
GREEN PROCUREMENT PROGRAM

COMMERCE ACQUISITION MANUAL 1323.70

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Green Procurement Program

SECTION 1 – OVERVIEW

1.1 Background

As a federal agency in the Executive Branch, the Department of Commerce (DOC) must comply with Federal laws and regulations to purchase “green” products and services wherever possible. As used in this document, “green” procurement is the acquisition of environmentally preferable products and services in accordance with one or more established Federal environmental procurement preference programs. In day-to-day operations, the Department has the obligation to be environmentally and energy responsible in its selection and use of products and services. Acquiring environmentally preferable products and services contributes to the sound management of the Department’s financial resources, natural resources, and energy. Proper attention to environmentally preferable acquisition demonstrates the Department’s commitment to environmental stewardship and sustainability by becoming a model consumer of green products and services.

Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, was signed on January 24, 2007. The order directs Federal agencies to conduct their environmental, transportation, and energy-related activities, in support of their respective missions, in an environmentally, economically and fiscally sound manner that is efficient and sustainable. It is the Department’s policy to specify and acquire, in an environmentally preferable and sustainable manner, products and services that minimize solid waste, prevent pollution, save energy, reduce greenhouse gas emissions, and encourage public support and participation.

1.2 Purpose

The purpose of the Department of Commerce Green Procurement Program (GPP) is to implement Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management; Section 6002 of the Resource Conservation and Recovery Act; Section 9002 of the Farm Security and Rural Investment Act; Section 104 of the Energy Policy Act; Section 612 of the Clean Air Act; Executive Order 13221, Energy Efficient Standby Power Devices; and the Federal Acquisition Regulation. The Green Procurement Program provides Department-wide acquisition guidance for implementing an effective Green Procurement Program and replaces the previous Commerce Acquisition Manual (CAM) 1323.70 Affirmative Procurement Program issued December 2005.

1.3 Applicability

This Green Procurement Program applies to all Department of Commerce operating units and applicable contractors and purchases including those below the micro purchase threshold.

1.4 Policy

It is the policy of DOC to implement green procurement policies to conserve resources, provide good stewardship of the environment and reduce the negative impact on the environment. Green products and services shall be purchased to the maximum extent practicable, consistent with the requirements of the Federal Acquisition Regulation (FAR) and Federal green procurement preference programs. Appendix B provides a summary of green procurement requirements included in the FAR.

1.5 Scope

Programs covered under the policy include:

- Recovered Materials Products;
- Biobased Products;
- Energy Efficient Products;
- Electronic Product Environmental Assessment Tool Products;
- Water Efficient Products;
- Alternative Fuels Vehicles/Alternative Fuels/Hybrids;
- Non-Ozone Depleting Products;
- Environmentally-Preferable Products and Services; and
- Waste Prevention and Recycling.

1.6 Roles and Responsibilities

1.6.1 Senior Agency Official

The Senior Agency Official, with support from Office of Administrative Services (OAS) staff, is responsible for implementing Executive Order 13423; directing and establishing environmental and energy performance measures and data input to meet Office of Management and Budget (OMB) scorecard reporting requirements; providing overall Departmental leadership for the Green Procurement Program; submitting annual environmental reports to the Office of Federal Procurement Policy (OFPP) and Office of the Federal Environmental Executive (OFEE); facilitating environmental programs in the areas of acquisition, facilities management, standards, waste prevention, recycling, and logistics activities; 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; and conducting reviews to determine progress and compliance with Green Procurement Program requirements.

1.6.2 Senior Procurement Executive (SPE)

The Senior Procurement Executive is responsible for providing senior acquisition leadership for implementing the Department's Green Procurement Program; ensuring that green procurement requirements are addressed in DOC acquisition policy and guidance; encouraging acquisition strategies that consider and promote the use of green products and services; establishing requirements for training of acquisition personnel in green procurement; ensuring that Senior Bureau Procurement Officials conduct compliance monitoring of their green procurement data and overseeing corrective actions; and working with the Senior Agency Official and OAS staff to review and analyze green procurement indicators.

1.6.3 Environmental Manager

The Environmental Manager, located within OAS, is responsible for managing the Department's environmental programs and identifying Environmental Designees to provide environmental support for acquisitions.

1.6.4 Environmental Designee

Environmental Designees are responsible for promoting green awareness and the Green Procurement Program; advising Requesting Officials, Contracting Officer Representatives and Contracting Officers on sources for environmentally preferable products and services; providing support in areas such as environmentally preferable specifications, statements of work, and current catalogs for green products and services; reviewing and concurring in Requests for Procurement Exceptions; and recommending employees and teams for recognition and awards.

1.6.5 Office of Chief Information Officer (OCIO) Designee

The Office of Chief Information Officer designee is responsible for advising and providing support to Requesting Officials, Contracting Officer Representatives, and Contracting Officers in the appropriate use of specifications and requirements descriptions, in compliance with Federal and Departmental Information Technology (IT) policies; and reviewing and concurring in Requests for Procurement Exceptions for acquisitions involving information technology.

1.6.6 Senior Bureau Procurement Official (BPO)

Senior Bureau Procurement Officials are responsible for implementing procurement best practices in relation to green purchasing; promoting and implementing the Green Procurement Program within their contracting offices; working in partnership with the Environmental Designee to report green procurement data; ensuring that acquisition personnel are trained in green procurement; monitoring and annually reviewing the effectiveness of the green procurement program; responding to reporting requirements in response to annual survey requests; recommending employees and teams for the Department's environmental award; and designating a point of contact to coordinate with the Office of Acquisition Management (OAM) on matters relating to green procurement.

1.6.7 Head of Contracting Office (HCO)

Heads of Contracting Offices are responsible for assisting BPOs in implementing and managing Green Procurement Program requirements; ensuring that acquisition personnel are trained in green procurement; and approving Requests for Procurement Exceptions.

1.6.8 Contracting Officers

Contracting Officers are responsible for complying with requirements of the FAR and the Green Procurement Program; assisting the Requesting Official in acquisition planning and market research to determine availability of environmentally preferable goods and services; ensuring acquisition plans address federal procurement preferences; reviewing procurement requests to ascertain whether green products or services are involved; completing and reporting green procurement training taken to supervisors; recommending green training for Requesting Officials, Contracting Officer Representatives, and project managers, as appropriate; ensuring solicitation and contract documents contain appropriate FAR provisions and clauses to implement the Green Procurement Program; ensuring contract files contain appropriate Requests for Procurement Exceptions and other post-award contract administration plans, actions, and communication that affirm green procurement requirements and product delivery, as applicable; accurately reporting contract actions in the Federal Procurement Data System (FPDS); and meeting with contractors after award to reinforce their role in the procurement of green products and services.

1.6.9 Requesting Officials

Requesting Officials are responsible for reviewing and becoming familiar with the Green Procurement Program; ensuring that relevant green procurement requirements are considered early in the acquisition strategy and identified prior to submission of the procurement request; consulting with contracting, environmental, and information technology personnel to facilitate market research and acquisition planning, and enhance statements of work or specifications that incorporate green procurement requirements; preparing and documenting Requests for Procurement Exceptions; and managing the contract to ensure green procurement requirements are addressed and delivered in accordance with terms of the contract.

1.7 Points of Contacts

1.7.1. Environmental Contacts

For questions relating to environmental issues or Environmental Designees contact:

Environmental Manager
Department of Commerce
Office of Administrative Services
Energy Safety and Environment Division
Email: gogreen@doc.gov
Phone: 202-482-2345
Fax: 202-482-1969

A list of Environmental Designees will be available on the OAS Environmental Management Program website at: <http://www.osec.doc.gov/oas/environmental/purchasing.htm>

1.7.2. Office of the Chief Information Officer Contacts

For questions relating to information technology or OCIO Designees refer to the OCIO website at http://home.commerce.gov/cio/CIO_Members.htm

1.7.3. Acquisition Contacts

For questions relating to acquisition please refer to the OAM website at http://oamweb.osec.doc.gov/aboutOAM_organization_Other.html to locate the servicing acquisition office.

or

Department of Commerce
Office of Acquisition Management
Acquisition Workforce and Policy Division
Phone: 202-482-6131
Fax: 202-482-0546

END OF SECTION 1

SECTION 2 – GREEN PREFERENCE PROGRAMS

2.1 Recovered Materials and Biobased Products

2.1.1 Recovered Materials

The procurement of recycled content products is established in section 6002 of the Resource Conservation and Recovery Act (RCRA) and Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management. Recycled content products are products that are made from or contain recovered materials. There are currently more than 60 designated products in eight categories: paper and paper products, vehicular, construction, landscaping, park and recreation, transportation, non-paper office, and miscellaneous products. Examples of designated products include: structural fiberboard, plastic lumber landscaping timbers and post, printing and writing papers, playground equipment, retread tires, and sorbents. Through the Comprehensive Procurement Guidelines, the Environmental Protection Agency (EPA) manages the program. The current list of designated products, EPA's guidance, and related technical information can be found at www.epa.gov/cpg.

The Department shall specify and procure EPA-designated recycled content products unless the item cannot be acquired competitively within a reasonable time frame, meeting reasonable performance standards, or at a reasonable price. Contracting Officers shall ensure that, a preference is included for products and services which meet or exceed the EPA purchasing guidelines as contained in the EPA Recovered Materials Advisory Notices (RMANS) for such solicitations and contracts. Additional information on this program is located at <http://www.epa.gov/cpg/products.htm>.

2.1.1.1 Vendor Certification, Estimation, and Verification

Contracting Officers shall ensure that vendors provide written certifications that their products meet the minimum content in the solicitation document; maintain copies of certification documents; and produce copies of the written certification upon request. For purchases above the simplified acquisition threshold, Contracting Officers shall obtain estimates and certifications of the recycled content in the products to be supplied under a contract and verify those estimates and certifications. Vendor certification documents shall be reviewed as part of the annual review and monitoring process to verify contractor compliance.

2.1.2 Biobased Products

The procurement of biobased products is established in section 9002 of Farm Security and Rural Investment Act (FSRIA) of 2002 and Executive Order 13423. Biobased products are products determined by the Secretary of Agriculture to be commercial or industrial products (other than food or feed) that are composed in whole, or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials. Examples of United States Department of Agriculture (USDA) designated biobased products include mobile equipment hydraulic fluids, roof coatings, diesel fuel additives, penetrating lubricants, water tank coatings, and bedding, bed linens, and towels. Information on these designated products, USDA's guidance, and related documentation can be found at USDA's web site at www.biopreferred.gov/.

The Department shall specify and procure USDA-designated biobased items unless the item cannot be acquired competitively within a reasonable time frame, meeting reasonable performance standards, or at a reasonable price. Preference shall be given to the purchase of USDA designated items composed of the highest percentage of the biobased products practicable, consistent with maintaining a satisfactory level of competition.

2.1.3 Program Priorities

When either a USDA-designated item or EPA-designated item could meet the Department's need, the EPA-designated items shall be specified.

2.2 Energy Efficient Products

the Department shall specify and procure ENERGY STAR® or Federal Energy Management Program (FEMP) designated products when acquiring energy-consuming products. When acquiring products that consume power in a standby mode and are listed on FEMP's Low Standby Power Devices product listing, items shall be purchased that meet FEMP's standby power wattage recommendation. If a FEMP product is listed without a corresponding wattage recommendation, items which use no more than one watt in their standby power consuming mode shall be purchased.

2.2.1 ENERGY STAR®

ENERGY STAR® products are products that are rated for energy efficiency under the ENERGY STAR® program. These products use less energy to perform the same operation or function as a comparable piece of equipment. Examples of ENERGY STAR® products include computers, copiers, clothes washers, dishwashers, light fixtures, and compact fluorescent light bulbs. Additional information on ENERGY STAR® products is located at <http://www.energy.gov/energyefficiency/energystar.htm>.

2.2.2 Federal Energy Management Program

Federal Energy Management Program designated products are among the highest 25 percent of equivalent products for energy efficiency. Examples of FEMP-designated products include electric and gas water heaters, ice machines, boilers, and chillers. Information on FEMP-designated products can be found on <http://www1.eere.energy.gov/femp/procurement/index.html>.

2.2.3 Low Standby Power

Low standby power products are products that use one watt of power or less during standby ("sleep") mode. Examples of these products include scanners, copiers, and fax/printers. FEMP provides information on products that use low amounts of power in standby mode, and maintains an on-line database of lower standby power products. Information on low standby power products can be found on FEMP's web site at www.eere.energy.gov/femp/procurement.

2.3 Electronic Product Environmental Assessment Tool (EPEAT) Products

The procurement of Electronic Product Environmental Assessment Tool products is established in Executive Order 13423. EPEAT is an application that helps purchasers acquire electronic products based on their environmental attributes. EPEAT currently registers only the Personal Computer Products category, e.g., desktop computers, monitors and notebooks, all of which must be ENERGY STAR® qualified. Additional Information on EPEAT is available at www.epeat.net.

The Department shall specify and procure EPEAT-registered electronic products unless an exception is approved. The 1EEE standard shall apply to personal computer products and applicable contracts shall incorporate appropriate language and clauses for EPEAT-registered products. At a minimum, EPEAT Bronze-level products shall be specified. However, Silver-rated electronic products are encouraged to be specified if available. All requirements for electronic products shall be fulfilled with EPEAT-registered products where an EPEAT standard exists.

2.4 Water Efficient Products

The procurement of water efficient products is established in Executive Order 13423. WaterSense is a program that identifies and promotes water efficient products that meet criteria for water efficiency and performance. Examples of products that have met the EPA WaterSense label include: high efficiency toilets, sink faucets, showerheads, urinals, and landscape irrigation systems. Additional information on the WaterSense Program is available at <http://www.epa.gov/watersense>.

Preference shall be provided to the purchase of water efficient products, including those meeting EPA's WaterSense standards. The purchase of WaterSense labeled products and the use of contractors who are certified through a WaterSense labeled program shall be acquired, where applicable.

2.5 Alternative Fuel Vehicles/Alternative Fuels/Hybrids

The alternative fuel vehicle/alternative fuels/hybrids program requirements are established by Title III of the Energy Policy Act (EPA) of 1992, as amended, the Energy Independence and Security Act of 2007, and Executive Order 13423. The statutory requirement for the acquisition of alternative fuel vehicles is that 75% of light duty vehicle acquisitions in covered fleets must be alternative fuel vehicles. Alternative fuel vehicles are defined as any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel. Alternative fuels are fuels that are substantially non-petroleum based fuels and include, but are not limited to, the following: ethanol at an 85% blend or higher; liquefied petroleum gas (propane); compressed natural gas; biodiesel; electricity; hydrogen; and P-series fuels. Information on Federal fleet requirements are available at <http://www1.eere.energy.gov/vehiclesandfuels/epact/index.html>.

2.6 Non-Ozone Depleting Products

The procurement of non-ozone depleting substances is established in section 612 of the Clean Air Act and Executive Order 13423. The Significant New Alternative Policy (SNAP) is a program for evaluating alternatives to ozone depleting substances. The program reviews alternatives to ozone depleting substances and approves use of alternatives which do not present a substantially greater risk to public health and the environment than the substances they replace or than other available substitutes. SNAP provides lists of acceptable and unacceptable substitutes in the following sectors: fire suppressants, aerosol solvents and propellants, refrigeration and air conditioning equipments, and adhesives and coatings. Information about the SNAP Program is available at www.epa.gov/ozone/snap/index.html.

Preference shall be provided to the purchase of non-ozone depleting substances, as identified in EPA's Significant New Alternatives Policy program. DOC shall specify and procure alternative products that reduce overall risks to human health and the

environment. The use of safe alternatives to ozone depleting substances, as approved by the SNAP program, shall be maximized to the greatest extent possible.

2.7 Environmentally Preferable Products and Services

The procurement of environmentally preferable products and services is established in Executive Order 13423. Environmentally preferable products are products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the products or services. Examples include cleaning products that are non-toxic, non-volatile, and biodegradable; paint with no or low volatile organic compounds; and 100 percent post-consumer paper that is not chemically de-inked and is process chlorine free. An EPA maintained database of products and specifications defined by Federal, state, and local agencies, and other nations is available at <http://www.epa.gov/epp>.

Preference shall be provided to the purchase of environmentally preferable products. Acquisition personnel shall use EPA's Guidance on the Acquisition of Environmentally Preferable Products and Services located at <http://www.epa.gov/epp/pubs/index.htm> when acquiring environmentally preferable products.

2.7.1 Green Cleaning

Green cleaning, also known as green janitorial or custodial service is an approach designed to protect occupant and worker health and reduce the impact on the environment, while delivering service comparable to, or better than, traditional cleaning methods. A Green janitorial program goes beyond simple appearances to focus on human health and environmental impacts. Green cleaning includes recycled content and bio-based products, and products and services that minimize the use of energy, water, and other resources. DOC buildings should use performance-based contracts that require green custodial products and practices. Green cleaning specifications shall be incorporated into solicitations and contracts for janitorial or custodial service acquisitions whenever possible. Sample janitorial contract templates using biobased products can be found at <http://www.usda.gov/procurement/programs/biobased/CustodialJanitorialFY08.pdf>. Additional information on the environmental attributes of green cleaning is located at <http://www.epa.gov/epp/pubs/products/cleanattribut.htm>.

2.7.2 Green Meetings

Green Meetings pertain to office meetings as well as seminars, conferences, and training and include concepts such as: reduction or elimination of handouts; use of electronic media; availability of recycling containers; use of durable food service items; and reuse of linens and towels in hotels. Green concepts shall be incorporated into meeting planning requirements wherever possible. Additional guidance on Green Meetings can be found at http://www.epa.gov/oppt/greenmeetings/pubs/current_init.htm.

2.8 Waste Prevention and Recycling Program

When acquiring products and services, Requesting Officials, program officials, and contracting personnel shall consider all waste prevention opportunities such as recycling, reuse, and repair, and specify recycled paper that contains a minimum of 30% post consumer fiber. To promote waste prevention, the electronic transfer of documents

and double-sided printing and copying shall be encouraged and electronic acquisition systems shall be utilized to the maximum extent practicable.

END OF SECTION 2

SECTION 3 – ACQUISITION STRATEGIES AND TOOLS

3.1 Acquisition Planning

The acquisition of energy efficient products and services, products containing energy efficient standby power devices, products containing recovered materials, biobased products, and environmentally preferable products and services will be considered during acquisition planning. Acquisition plans shall address environmental and energy factors throughout the acquisition process in order to save money, increase efficiency, and reduce pollution. The Environmental Designee and Senior Bureau Procurement Official shall jointly review acquisition forecasts and other acquisition planning documents to maximize opportunities for green procurement. The purchase of green products and services should be considered in strategic sourcing opportunities, when feasible.

3.1.1 Major Acquisitions

Acquisitions with significant environmental attributes (e.g., large computer products acquisition; design and construction of new building; etc.) should include the participation of environmental, energy, information technology, and other technical experts as needed. The acquisition strategy shall consider factors such as: sustainable design practices; lifecycle cost analysis; product or packaging take back (return to manufacturer for recycling or remanufacturing purposes); and maximization of energy and resource recovery in solid waste management.

3.2 Specifications and Requirements

The process of specifying and acquiring green products or services is a collaborative effort that begins with the Requesting Official, with assistance and consultation from the acquisition office, the Environmental Designee, and the OCIO designee for information technology requirements. The Requesting Official shall ensure that goods and services specified comply with environmental procurement preferences. Requesting Officials shall develop, review and revise specifications, product descriptions, and standards during the acquisition planning stage to enhance procurement of designated recycled content, ENERGY STAR, FEMP-designated energy efficient, low standby power, biobased, environmentally preferable, EPEAT-registered, water-efficient and non-ozone depleting products.

3.3 Sources of Supply

3.3.1 Required Sources of Supplies and Services

Green products and services are increasing more widely available from required sources. Once the specifications, including specific requirements regarding environmental attributes are finalized, FAR Part 8, Required Sources of Supplies and Services shall be checked to determine availability.

3.3.2 Government Sources

Established Government sources, such as the General Services Administration, Government Printing Office, AbilityOne, the Defense General Supply Center and UNICOR are competitive sources. Procuring environmentally preferable content products through these sources offers the following advantages: products have been competitively bid; products meet or exceed EPA minimum content requirements for recovered material; and electronic catalogs identify green products. In addition, these sources provide independent estimation, certification, and verification of EPA-designated

items containing recovered materials, thereby reducing overhead costs to track and monitor vendor compliance.

3.3.3 Small Business Sources

When two or more small businesses exist that can provide recycled content, ENERGY STAR®, FEMP designated, energy-efficient, low standby power, biobased, environmentally preferable, EPEAT-registered, water efficient, and non-ozone depleting products, as a prime contractor, the requirement should be considered for a small business set-aside.

3.4 Source Selection/Evaluation

Consideration should be given to using source selection factors that evaluate use of energy and water efficient, low standby power, biobased, recycled content, and environmentally preferable products and services.

3.5 Contractor Compliance

Contracting Officers shall ensure that applicable FAR clauses pertaining to federal environmental preferences are inserted in solicitations and contracts where contractors will operate or provide support services to Government-owned or leased facilities.

END OF SECTION 3

SECTION 4 – EXCEPTIONS TO GREEN PREFERENCE PROGRAMS

4.1 Written Justifications For Procurement Exceptions

For acquisitions above the micro-purchase threshold, a decision not to specify and procure the following classes of green products must be supported by a written justification approved by the Head of Contracting Office. The Requesting Official is responsible for preparing and documenting the justification and obtaining concurrence from the Environmental Designee and OCIO designee, if applicable. The justification should be fact based and supported by market research and address what is being done to remove unnecessary barriers or restrictive specifications in future requirements. The justification shall be submitted to the Contracting Officer for review and submission to the Head of Contracting Office for approval. The Contracting Officer shall place an approved justification in the contract file and provide a copy to the Requesting Official, Environmental Designee and, if the acquisition is for information technology, to the OCIO designee. Appendix C provides a summary of FAR Procurement Exceptions and Appendix D provides a sample format for a Request for Procurement Exception.

Although written justifications are not required for acquisitions below the micro-purchase threshold, green preference requirements still apply.

4.1.1 Recovered Materials and Biobased Products

A decision not to procure EPA-designated recycled items or USDA-designated biobased items directly or through a service contract requires a written justification prepared by the Requesting Official with concurrence from the Environmental Designee for approval by the Head of Contracting Office. The justification shall be based on a determination that such items: were not reasonably available with the time required; fail to meet performance standards established in applicable specifications or fail to meet the reasonable performance standards or; are not available from a sufficient number of sources to maintain a satisfactory level of competition.

4.1.2 ENERGY STAR® and FEMP-designated products

A decision not to procure ENERGY STAR® or FEMP designated products requires a written justification prepared by the Requesting Official with concurrence from the Environmental Designee for approval by the Head of the Contracting Office. Requests for information technology require additional concurrence from the OCIO designee. The justification shall be based on a determination that: no ENERGY STAR® or FEMP designated product is reasonably available that meets the functional requirements of the agency or; no ENERGY STAR® or FEMP designated product is cost effective over the life of the product taking energy cost savings into account.

4.1.3 EPEAT Products

A decision not to procure EPEAT registered products requires a written justification prepared by the Requesting Official with concurrence from the Environmental Designee for approval by the Head of Contracting Office. Requests for information technology require additional concurrence from the OCIO designee. The justification shall be based on a determination that no EPEAT-registered product meets the agency's requirements or the EPEAT-registered product will not be cost effective over the life of the product.

END OF SECTION 4

SECTION 5 – GREEN PROMOTION PROGRAM

5.1 Promotion Program

The preference for all environmental programs covered under the Green Procurement Program shall be actively promoted within the Department. Promotion shall be conducted internally and externally and consists of outreach and training activities.

5.2 Outreach

The Senior Procurement Executive and Senior Bureau Procurement Officials shall ensure wide distribution of the Green Procurement Program, and other green guidance and material within the Department. The Department shall promote the desire to buy green products by: including preference for green products in appropriate solicitation and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; providing informational material to program and procurement offices regarding the Department's green products preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings; and providing vendor and product information from established Federal supply sources and outside vendors to program and acquisition offices.

5.3 Training

5.3.1 Training Requirements

Green Procurement training should be taken by all acquisition professionals, Contracting Officer Representatives, and Program and Project Managers as part of the continuous learning requirements for the Federal Acquisition Certification programs.

5.3.2 Training Providers

5.3.2.1 Federal Acquisition Institute/Defense Acquisition University Training

Green Procurement (CLC 046) is a web-based, no cost, training course developed by the Defense Acquisition University with participation by the Office of the Federal Environmental Executive. Completion of CLC-046 meets OFEE and OFPP requirements for green procurement training for all acquisition personnel, project/program managers, and Contracting Officer Representatives. The course takes approximately 2 hours and conveys 2 continuous learning points. The course is available through the Federal Acquisition Institute's website at <http://www.fai.gov>.

5.3.2.2 GSASmartPay® Purchase Card Training

GSA SmartPay® Purchase Card Training is a computer based course developed by the General Services Administration with input from OFEE. The course includes a section on green purchasing. Completion of this training will meet OFEE and OFPP requirements for purchase card holder green purchasing training. The course is available at

http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=FCX5&contentId=13034&contentType=GSA_BASIC.

5.3.2.3 ENERGY STAR®

ENERGY STAR® offers monthly online training that demonstrates the benefits and resources of ENERGY STAR® purchasing, and reviews the resources on the procurement section of the Federal Energy Management Program's web site. The one-hour training illustrates the use of product calculators that determine annual and lifecycle cost savings obtained by purchasing ENERGY STAR® products. The presentation also identifies downloadable procurement language and ENERGY STAR® product

specifications. The course is available at www.energystar.gov/index.cfm?c=business.bus_internet_presentations.

5.3.2.4 Office of the Federal Environmental Executive

The Office of the Federal Environmental Executive website identifies additional classroom training for agency contracting, environmental, and facilities personnel. The training addresses each component of the Federal green purchasing program, the legal framework for the green purchasing programs, pertinent Federal Acquisition Regulation provisions, common myths about green purchasing, specifics of the green purchasing programs, agency green purchasing examples, and product sources. OFEE also offers a general Introduction to Green Purchasing presentation, a train-the-trainer program, and a list of other training available at <http://www.ofee.gov/gp/training.asp>.

5.3.2.5 Federal Energy Management Program

Federal Energy Management Program offers an online lighting course, FEMP Lights, that provides information on lighting design, industry standards, energy consumption and maintenance issues, energy efficiency, project management, and more. The course is available at <http://www.femplights.com>.

5.3.3 Training Records

Employees shall keep records of their completed training, notify their supervisors of their completion, and report completed training in accordance with the Commerce Learning Management System policies and guidance.

5.4 Annual Recognition Program

5.4.1 Environmental Achievement Award

The Department has established an annual awards program, the Environmental Achievement Award, to recognize successful and innovative waste prevention, recycling, and affirmative procurement programs throughout the Department. The program is administered by the Office of Administrative Services as part of DOC's environmental program. Award winners are eligible to compete in the White House Closing the Circle Awards Program.

The Environmental Achievement Award program covers all DOC personnel and programs which directly address recycling, waste reduction, green procurement, and pollution prevention. Awards are 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. The awards program manager shall issue a call for nominations annually.

5.4.2 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 Executive Order 13423. This program recognizes outstanding affirmative procurement, waste reduction, and recycling success stories that can set the example for other Federal facilities to follow. The award categories are: Waste/Pollution Prevention, Recycling, Green Purchasing, Environmental Management Systems, Sustainable Design/Green Buildings, Alternative Fuel/Fuel Conservation and Electronics Stewardship.

Each category recognizes efforts made by either an individual Federal employee (“individual award”) or team/groups of Federal employees (including teams made of Federal and contract employees) at government facilities (“team/project award”). Winners of DOC’s Environmental Achievement Award will be submitted to the White House Task Force on Recycling for consideration in the White House Closing the Circle Awards Program.

END OF SECTION 5

SECTION 6 – ANNUAL REVIEW AND MONITORING

6.1 Annual Compliance Monitoring

Senior Bureau Procurement Officials are responsible for establishing compliance monitoring to ensure green procurement rules are followed and data is accurate. They are also responsible for taking any corrective action necessary to improve the data quality which will be used in annual reports.

6.2 Green Quality Control

Senior Bureau Procurement Officials are responsible for establishing internal controls to ensure that federal “green” procurement preferences are being applied. Contracting Officers are responsible for ensuring that all applicable clauses, provisions, and certifications requirements are included in solicitations and contracts, as required by Federal Acquisition Regulation. Contracting Officers shall ensure contractors complete required certifications, and certifications are reviewed by the responsible technical program office.

6.3 Annual Monitoring and Reporting

The Department’s activities in connection with green purchasing are reported biennially to the President as required by Executive Order 13423 and as otherwise required. The Senior Procurement Executive will request acquisition data from the Senior Bureau Procurement Official for inclusion in required reports. The Senior Bureau Procurement Official shall provide accurate, complete, consolidated, and timely data to the SPE in response to data requests. Requests may include but are not limited to: qualitative data on purchases of indicator items; contract compliance data reported through the FPDS system; data documenting the results in agency or governmental pilots; evidence of preference language or consideration included in service contracts, procurement forecasts, solicitations, and strategic sourcing studies; and/or evidence of annual training, compliance monitoring, and corrective action plans.

**END OF SECTION 6
END OF CAM 1323.70**

APPENDICES

APPENDIX A - DEFINITIONS

DEFINITIONS

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

Affirmative Procurement Program – Agency program assuring that EPA-designated recycled content products and USDA-designated biobased products are purchased to the maximum extent practicable, consistent with Federal law and procurement regulations.

Alternative Fuel – Fuels that are substantially non-petroleum based and include, but are not limited to, ethanol at 85%blend or higher, liquefied petroleum gas (propane), compressed natural gas, biodiesel; electricity, hydrogen; and P-series fuels.

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

Certification – Written documentation, provided by offerors, certifying the percentage of recovered material 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.

Comprehensive Procurement Guidelines – Regulations issued by EPA identifying items produced or which can be produced with recovered materials.

Electronic Product Environmental Assessment Tool – An environmental procurement tool designed to help institutional purchasers in the public and private sectors evaluate, compare, and select electronic products based on their environmental attributes.

Energy Efficient Product – A product that meets Department of Energy and Environmental Protection Agency criteria for use of the ENERGY STAR® trademark label, or is in the upper 25 percent of efficiency for all similar products as designated by the Department of Energy's Federal Energy Management Program.

Federal Energy Management Program Designated Product - 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 Efficient Standby Power – Products that use external standby power devices or contain an internal standby power function, and no more than one watt of electricity in

their standby power consuming mode, or meet recommended low standby levels as designated by the Department of Energy Federal Energy Management Program .

ENERGY STAR® Product - Product that is rated for energy efficiency under an ENERGY STAR® program.

Energy-savings Performance Contract – A contract that requires the contractor to perform services for the design, acquisition, financing, installation, testing, operation and, where appropriate, maintenance and repair of an identified energy conservation measure or series of measures at one or more locations; incur the costs of implementing the energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract; and guarantee future energy and cost savings to the government.

Environmentally Preferable Product – Product or service that has a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

Environmental – Environmental aspects of internal agency operations and activities, including those environmental aspects related to energy and transportation functions.

Estimation – Quantitative determination made by vendors of the total percentage of recovered material contained in offered products.

EPA-designated item – Product that is, or can be made with, recovered material that is listed by EPA in a procurement guideline; and for which EPA has provided purchasing recommendations in a related Recovered Material Advisory Notice.

Lifecycle Cost-effective – The life-cycle costs of a product, project, or measure are estimated to be equal to or less than the base case (i.e., current or standard practice or 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.

Ozone-depleting Substances – Any substance designated by EPA as Class I, including, but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or Class II, including, but not limited to, hydrochlorofluorocarbons.

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.

Recycled Materials – A material that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from post-consumer waste, industrial scrap, material derived from agricultural waste and other items, all of which can be used in the manufacture of new products.

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 in the form of raw materials in the manufacture or products other than fuel for producing heat or power by combustion.

Recovered Material – Waste material and by-products recovered or diverted from solid waste, but the term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

Recovered Materials Advisory Notice – Guidance issued by EPA which recommends the range of recycled content that should be in products designated in the Comprehensive Procurement Guidelines.

Recovered Content Products – Products containing recovered materials designated for Federal preferred procurements by the EPA in its Comprehensive Procurement Guidelines.

Specification – A clear and accurate description of the technical requirements for materials, products, or services, including the minimum requirements for material quality and construction and any equipment necessary for an acceptable product.

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

USDA-designated Items – A generic grouping of products that are, or can be made with, biobased materials, are listed by USDA in a procurement guideline, and for which USDA has provided purchasing recommendations.

Verification – Procedures used by procuring agencies to confirm both vendor estimates and certification of the percentages of recovered material contained in the products supplied to them or to be used in the performance of the contract.

Waste Prevention – Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded.

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 – Product or service that uses less water than competing products or services that serve the same purpose, including those meeting EPA's WaterSense standards.

APPENDIX B - FEDERAL ACQUISITION REGULATION GREEN PROCUREMENT REQUIREMENTS

(Updated through FAC 2005-26)

| Federal Acquisition Regulation (FAR) | Summary |
|--------------------------------------|---|
| Part 2 | Contains definitions for biobased, energy-efficient, energy efficient standby power device, environmentally preferable, ozone-deleting substances, and recovered material. |
| Part 7 | Requires agency planners to consider energy efficient products and services, products containing energy efficient standby power devices, products containing recovered materials, biobased products, and environmentally preferable products and services. |
| Part 11 | <p>Requires agencies to consider maximum practicable use of energy and water, low standby power, biobased, recycled content, and environmentally preferable products and services when developing, reviewing, or revising specifications, product descriptions (including commercial item descriptions) and standards, describing government requirements for supplies and services and developing source selection factors.</p> <p>Requires that for high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard must be no less than 30 percent post-consumer materials.</p> <p>May require offerors to submit additional information on the recycled or biobased content or related standards. May require vendors for biobased products to provide information on life cycle costs and environmental and health benefits.</p> |
| Part 12 | May use provisions and clauses contained in Part 23 regarding the use of recovered material and biobased products when appropriate for the commercial item being acquired. |
| Part 13 | Apply procurement requirements in Subparts 23.2, 23.4, and 23.7 to purchases at or below the micro-purchase threshold. |

| Federal Acquisition Regulation (FAR) | Summary |
|--------------------------------------|--|
| Part 23 | States that it is the policy that agencies shall assure the use of products containing recovered materials and biobased products to the maximum extent practicable without jeopardizing the intended use of the product while maintaining a satisfactory level of competition at a reasonable price. Part 23 also requires that Federal agencies purchase ENERGY STAR® or FEMP designated product and products that consume power in a standby mode and are listed on FEMP's Low Standby Power Devices product listing. Part 23 also states that agencies must maximize the utilization of environmentally preferable products and services. Shall give preference to the procurement of alternative products that reduce overall risks to human health and environment by lessening the depletion of ozone. |
| Part 36 | Comply with requirements of FAR SubPart 23.2 when drafting facility design solicitations and contracts that include the specifications of energy-consuming products. |
| Part 42 | Requires the government to monitor contractor compliance with specifications or other contractual requirements requiring the delivery or use of environmentally preferable products, energy-efficient products, products containing recovered materials, and biobased products. |
| FAR Clauses Include: | <p>Affirmative Procurement:</p> <p>52.223-1 Biobased Product Certification (Insert in solicitations that (1) require use of USDA-designated items or (2) include clause 52.223-2) .</p> <p>52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts (Insert in service of construction solicitations and contracts unless the contract will not involve use of USDA-designated items at http://www.usda.gov/biopreferred or 7 CFR Part 2902.)</p> <p>52.223-4 Recovered Materials Certification (Insert in solicitations that (1) require the delivery or specify the use of EPA designated items or that include the clause at 52.223-17.</p> <p>52.223-9 Estimate of Percentage of Recovered Material Content For EPA Designated Products (Insert in solicitations and contracts exceeding \$100,000 that are for, or specify the use of, EPA-designated items containing recovered materials. If technical personnel advise that estimates can be verified, use the clause with its Alternate 1.)</p> <p>52.223-11 Ozone-Depleting Substances (Insert in solicitations and contracts for ozone depleting substances or for supplies that may contain or be manufactured with ozone-depleting</p> |

| Federal Acquisition Regulation (FAR) | Summary |
|--------------------------------------|---|
| | <p>substances).</p> <p>52.223-12 Refrigeration Equipment and Air Conditioners (Insert in solicitations and contracts for services when the contract includes maintenance repair, or disposal of any equipment or appliance using ozone-depleting substances as a refrigerant, such as air conditioners, including motor vehicles, refrigerators, chillers or freezers).</p> <p>52.223-15 Energy Efficiency in Energy-Consuming Products (Insert in solicitations and contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be (1) delivered; (1) acquired by the contractor for use in performing services at a federally controlled facility; (3) furnished by the contractor for use by the government; or (4) specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.)</p> <p>52.223-16 IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (EPEAT Standard) (Insert in all solicitations and contracts for (1) personal computer products; (2) services that require furnishing of personal computer products for use by the government; or (3) contractor operation of govern-owned facilities. Agencies use the clause with Alternate 1 when there are sufficient EPEAT Silver registered products available to meet agency needs.</p> <p>52.223-17 Affirmative Procurement of EPA-designated Items in Service and Construction Contracts (Insert in service or construction solicitations and contracts unless the contract will not involve the use of EPA-designated items.</p> <p>Recycled Content Paper:</p> <p>52.204-4 Printed or Copied Double-Sided on Recycled Paper (Insert in all solicitations and contracts that exceed the simplified acquisition threshold)</p> <p>Support Services and Operations and Maintenance Contractors:</p> <p>52.223-10 Waste Reduction Program (Insert in all solicitations and contracts for contractor operation of Government-owned or leased facilities and all solicitations and contracts for support services at Government-owned or operated facilities)</p> |

**APPENDIX C – SUMMARY OF PROCUREMENT EXCEPTIONS
FOR WHICH WRITTEN JUSTIFICATIONS ARE REQUIRED**

| Preference Program | FAR Reference | Basis for Exception | Justification Originator | Approval |
|--|--|--|---------------------------------|---|
| <p>EPA-Designated (Recycled Products)</p> <p>USDA-Designated (Biobased Products)</p> <p>At http://www.epa.gov/cpg/products.htm</p> <p>and http://www.usda.gov/bioproffered</p> | 23.404(b) "Exemptions" | <p>Item cannot be acquired:</p> <p>(i) Competitively within reasonable time frame;</p> <p>(ii) Meeting reasonable performance standards; or</p> <p>(iii) At a reasonable price.</p> | Requesting Official | <p>Procedure:</p> <p>Draft and obtain concurrence on written justification from Environmental Designee; submit to Contracting Officer for HCO approval.</p> |
| <p>ENERGY STAR® and FEMP, Low Power Standby Energy Efficient Products</p> <p>At http://www.energystar.gov/products</p> <p>And http://www1.eere.energy.gov/femp/procurement/eep_requirements.html</p> | 23.204 "Procurement Exemptions" | <p>No ENERGY STAR or FEMP-designated product is:</p> <p>(i) Reasonably available that meets functional requirement of the agency; or</p> <p>(ii) is cost effective over the life of the product taking energy cost savings into account.</p> | Requesting Official | <p>Procedure:</p> <p>Draft and obtain concurrence on written justification from Environmental Designee and, OCIO designee, if IT. Submit to Contracting Officer for HCO approval.</p> |
| <p>EPEAT-Registered Products (presently only PCs are registered; in time other electronic products will be)</p> <p>http://www.epeat.net</p> | 23.705(c) Agency procedures for granting EPEAT "Exceptions" | <p>(i) No EPEAT-registered product meets agency requirements; or</p> <p>(ii) EPEAT-registered product will not be cost effective over the life of the product.</p> | Requesting Official | <p>Procedure:</p> <p>Draft and obtain concurrence on written justification from Environmental Designee and OCIO designee, if IT. Submit to Contracting Officer for HCO approval.</p> |

Note: A written justification is not required for acquisitions below the micro-purchase threshold (currently \$3,000)

APPENDIX D – REQUEST FOR PROCUREMENT EXCEPTION SAMPLE FORMAT

MEMORANDUM FOR: [Head of Contracting Office]
THROUGH: [Contracting Officer]
FROM: [Requesting Official]
SUBJECT: Exception to [Insert Green Program Requirement]

This is a request for Head of Contracting Office (HCO) approval in accordance with Commerce Acquisition Manual (CAM) 1323.70. Under [Procurement Request No. or Acquisition Title], the [insert requiring office name] has a requirement for one or more of the following designated items [insert description of the covered product or service], which it has determined cannot be purchased for the following reason(s):

1. EPA-Designated (Recycled Products)

USDA-Designated (Biobased Products)

The Item(s) cannot be acquired:

- Competitively within a reasonable time frame
- Meeting reasonable performance standards or
- At a reasonable price.

2. ENERGY STAR FEMP-designated Products Low Standby Power

The Item(s) cannot be acquired because no item is:

- Reasonably available that meets the functional requirements of the agency; or
- Is cost effective over the life of the product taking energy savings into account

3. EPEAT-Registered Products which are Information Technology Products

The item(s) cannot be acquired because:

- No EPEAT-registered product meets agency requirements; or
- EPEAT-registered products will not be cost effective over the life of the product

[Attach additional information, documentation, as appropriate, to substantiate the reason(s) indicated above. The justification should be based on fact, supported by market research, and address what is being done to ensure there are no unnecessary barriers or restrictive specifications in future requirements]

APPENDIX E – GREEN PROCUREMENT WEBSITES

| Topic | Description | Website |
|---|---|--|
| PRODUCTS | | |
| Recycled Content | Comprehensive Procurement Guidelines (CPG) Recycled Products | http://www.epa.gov/cpg/ http://cpg.epa.tms.icfi.com/user/cpg_search.cfm |
| Biobased | USDA BioPreferred SM Home Page Biobased Products | http://www.biopREFERRED.gov/Default.aspx http://www.usda.gov/procurement/programs/biobased/biobaseditems.htm |
| Energy Efficient | Energy Star Products FEMP (Federal Energy Management Program) Low Standby Power Products | http://www.energystar.gov/products http://www1.eere.energy.gov/femp/procurement/index.html http://www1.eere.energy.gov/femp/procurement/eep_standby_power.html |
| Environmentally Preferable | Environmentally Preferable Purchasing (EPP) EPP Products | http://www.epa.gov/opptintr/epp/ http://yosemite1.epa.gov/oppt/epstand2.nsf |
| EPEAT | Electronic Product Environmental Assessment Tool | http://www.epeat.net/ |
| Water Efficient | Water Sense Water Efficiency | http://www.epa.gov/watersense/ http://www1.eere.energy.gov/femp/water/water_fedrequire.html |
| Non-Ozone Depleting | SNAP (Significant New Alternatives Program) | http://www.epa.gov/ozone/snap/ |
| Alternative Fuel / Alternative Fuel Vehicles (AFV) | Alternative and Advanced Fuels Alternative and Advanced Vehicles | http://www.eere.energy.gov/afdc/fuels/stations_locator.html http://www.eere.energy.gov/afdc/vehicles/index.html |
| GUIDANCE & RESOURCES | | |
| Procurement | GSA Advantage AbilityOne (formerly, JWOD) UNICOR Defense Logistics Agency Federal Acquisition Regulation (FAR) | https://www.gsaadvantage.gov/ http://www.jwod.org/ http://www.unicor.gov/ http://www.dscr.dla.mil/userweb/dscrld/epa/EPSearch.asp http://www.arnet.gov/far/ |
| Policy | GSA Go Green OFEE Green Purchasing FedCenter (Acquisition) | http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=10 http://www.ofee.gov/gp/gp.asp http://www.fedcenter.gov/programs/buygreen/ |
| Standards | Green Seal National Institute of Standards and Technology LEED (US Green Building Council) Whole Building Design Guide | http://www.greenseal.org/programs/government.cfm http://www.nist.gov/ http://www.usgbc.org/displaypage.aspx?CategoryID=19 http://www.wbdg.org/design/greenspec.php |
| Training | Federal Acquisition Institute (FAI) FAI Reg. Site for DOC Employees (For CLM 046 Green Procurement) GSA SmartPay Training (For Purchase Card Holders--includes Green Purchasing) Defense Acquisition University (DAU) | http://www.fai.gov/ https://www.atrrs.army.mil/channels/faitas/student/logon.aspx?caller=1 http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=FCX5&contentId=13034&contentType=GSA_BASIC http://training.dau.mil/ |