COMMERCE ACQUISITION MANUAL
1323.70

DEPARTMENT OF COMMERCE
AFFIRMATIVE PROCUREMENT PROGRAM

TABLE OF CONTENTS
1323.70

Section 1- Overview **1**
1.1 Purpose, Authority, and Applicability 1
1.2 Authority 1
1.3 Applicability 1
Section 2- Responsibility **2**
2.1 Federal Environmental Executive 2
2.2 Agency Environmental Executive 2
Section 3 - Comprehensive Affirmative Procurement Program (APP) **3**
3.1 Background 3
3.2 Policy 3
3.3 General 3
3.4 Preference Program for Recycled Content Products 4
3.4.1 EPA-Designated Products and Department of Agriculture Biobased Products Purchased by the Department 4
3.4.1.1 EPA-Designated Products Purchased by the Department 4
3.4.1.2 Department of Agriculture Biobased Products Purchased by the Department 4
3.4.2. Special Requirements 5
3.4.3. Future EPA-Designated Items 5
3.4.4 Other Recycled Content Products 5
3.4.5 Other "Green" and Environmentally Preferable Products 5
3.4.6 Acquisition Planning 5
3.4.7 Justification for Not Buying EPA-Designated Recycled Content Products 6
3.4.8 Simplified Acquisitions/Micro-Purchases 6
3.4.9 Federal Supply Sources 6
3.4.10 Contractors 7
3.4.11 Life-Cycle Cost Analysis 7
3.4.12 Specification Review/Revision 7
3.5 Promotion Program 7
3.6 Procedures for Vendor Estimation, Certification, and Verification 8
3.6.1 Estimation 8
3.6.2 Certification 8
3.6.3 Verification 9
3.7 Annual Review and Monitoring Program 9
3.7.1 Data Tracking 9
3.7.2 Annual Review 9
Section 4-Reporting **9**
4.1 Annual Reports 9
Section 5-Goals and Tools **10**
5.1 Goals 10
5.1.1 Source Reduction 10
5.1.2. Information, Communication and Training 10
5.1.3. Increased Program Diversification 11
Appendices: A. Justification for Acquiring EPA-designated Items That Do Not Contain Recovered Material
B. Definitions and Acronyms
C. EPA's Designated and Proposed Products

Section 1 - Purpose, Authority, and Applicability

1.1 Purpose (See Executive Order 13101, Sections 101-103)

This document formally establishes the Department of Commerce's (DOC) Affirmative Procurement Program (APP) for Environmental Protection Agency (EPA) designated recycled content products and provides agency-wide guidance for implementing an effective program. The purpose of an APP is to increase and expand markets for recovered materials through greater Government preference and demand for products made with such materials consistent with the demands of efficiency and cost-effectiveness. These expanding markets will reduce the amounts of solid waste requiring disposal through the purchase and use of products containing recovered materials.

This APP ensures items composed of recovered materials (also known as recycled content products) will be purchased to the maximum extent practicable, and is consistent with EPA's Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN).

Nothing in this APP shall be used to negate any state or local affirmative procurement requirement which may be more stringent than the requirements implemented by the Department's APP.

1.2 Authority

The following documents establish the requirements for the Department's APP:

- Resource Conservation and Recovery Act, (RCRA), Section 6002; http://www.epa.gov/rcraonline/
- Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*; (see http://www.ofee.gov/eo/13101.htm)
- EPA Comprehensive Procurement Guidelines (CPG) http://www.epa.gov/cpg
- Office of Federal Procurement Policy (OFPP), Policy Letter 92-4; http://www.acqnet.gov/Library/OFPP/PolicyLetters/Letters/PL92-4.html
- Federal Acquisition Regulation (FAR) http://www.acqnet.gov

Further information may also be found in the Department's Strategic Implementation Plan (SIP) for Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition,* and *Environmental Management Manual.* Contact the Department's Environmental Manager, Peter Wixted, at (202) 482-3444 or pwixted@doc.gov and or visit the Commerce Environmental Management Program website at http://www.osec.doc.gov/oas/environmental/ .

1.3 Applicability

Section 6002(a) of RCRA and EPA's procurement guidelines apply to all procuring agencies, defined as "any Federal agency, or any State agency, or agency of a political subdivision of a State which uses appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract."

The Department as a Federal agency has developed a comprehensive Affirmative Procurement Program (APP), which shall be implemented by all Departmental program offices, operations offices, sites and applicable contractors. All Department elements must take steps to carry out this APP for all purchases, including services provided by vendors, in which an EPA-designated item is required and the item will be purchased domestically (i.e., within the United States or its possessions).

Section 2 - Responsibility

2.1 Federal Environmental Executive

E.O. 13101 requires Federal agencies to expand waste prevention and recycling programs, implement affirmative procurement programs for EPA-designated items, and procure environmentally preferable products and services. The E.O. requires the designation of a Federal Environmental Executive (FEE) to take all actions necessary to ensure agencies comply with the requirements of the E.O. The E.O. also requires the FEE to prepare a biennial report to the President on the actions taken by agencies to comply with the E.O. Under E.O. 13101 and Section 6002 of the Resource Conservation and Recovery Act (RCRA), the FEE and the Office of Federal Procurement Policy (OFPP) submit a biennial report to Congress on actions taken by the Federal agencies to purchase EPA-designated items.

2.2 Agency Environmental Executive

E.O. 13101 requires the head of each major Executive department and procuring agency to designate an Agency Environmental Executive (AEE), at a level no lower than the Assistant Secretary or equivalent, responsible for, among other things:

- Agency implementation of the buy-recycled requirements and other requirements of E.O. 13101;
- Working with the FEE and the Task Force in furthering implementation of the E.O.
- Tracking the agencies' purchase of EPA-designated guideline items and reporting agencies' purchases of such guideline items to the FEE.

The Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) is the Department's AEE.

The following Department offices are directly involved with the requirements of E.O. 13101:

- Office of Administrative Services (OAS):
  - *Environmental Management*: Through DOC's Environmental Manager, manages Departmental environmental program and policies; directly supports the AEE; will encourage assignment of recycling coordinators at appropriate DOC facilities; ensures Supply Cart acquires paper that meets the 30% post-consumer fiber guidelines; and participates in Executive Order (13101) Inter-Agency Advisory Group (EOIAG) meetings.
  - *Fleet Management*: Issues policy and reports on DOC's fleet and use of re-refined oil.
  - *Real Estate*: Issues policies related to real property; reviews design; and recommends use of *Leadership in Energy and Environmental Design* (LEED) or other equivalent standards where appropriate.
  - *Graphics and Publications*: Procures paper that meets 30% post-consumer fiber guidelines; and issues guidance for counterparts on paper standards
  - *Facilities* - Serves as Contracting Officer's Technical Representative for recycling program at Main Commerce.

- Office of Acquisition Management and Financial Assistance (OAMFA)
  - *Commerce Acquisition Performance, Policy and Support (CAPPS)*: Manages Departmental Acquisition Policy; and issues Affirmative Procurement Program.
  - *Commerce Acquisition Systems (CAS)*: Manages CSTARS, the Department's acquisition data system that reports to the Federal Procurement Data System-NexGen (FPDS-NG) . Provides relevant FPDS-NG data to Environment Manager.

Section 3 - Comprehensive Affirmative Procurement Program

3.1. Background

As a Federal agency, the Department's participation in waste prevention and the procurement of recycled content products contributes to sound waste management practices. In its day-to-day operations, the Department has the opportunity and obligation to be environmentally and energy conscious in its selection and use of needed products and services. This will enhance Department credibility and demonstrate our commitment to environmental quality by becoming a model consumer of recycled and biobased content and environmentally preferable products and services.

For the nation to fully recognize the benefits of recycling and recourse recovery, there must be commercial markets available for products made from recovered materials. When the Department procures products containing such materials, it helps create demand for those products. There also may be direct financial gains to be achieved by the Department from the procurement of products containing recovered materials.

The extraction and processing of raw materials into manufacturing feedstocks are some of the most energy-intensive activities of industry. Recycling aluminum cans, for example, saves 95 percent of the energy required to make the same amount of aluminum from its virgin source, bauxite. The amount of energy saved differs by material, but almost all recycling processes achieve energy savings as compared to virgin material production.

Additionally, efficient use of resources may reduce operating costs. Promoting waste prevention by purchasing recycled content items can slow the use of virgin material, as well as slow the rate at which the nation's landfills become filled and closed. Extensive life-cycle analyses find overall emissions to all environmental media may be lower when we use recovered rather than virgin materials.

Also, recycling is a highly effective strategy for reducing all the categories of health risks and pollution resulting from virgin material extraction and processing. Department of Commerce's procurement and use of recycled content products can help reduce our nation's dependency on imported raw materials.

3.2 Policy

It is Department policy to purchase EPA-designated items containing recovered materials to the maximum extent practicable unless written justification is provided for not doing so. Our goal is that 100 percent of EPA-designated products that are acquired domestically contain recovered materials, unless product performance, price, and/or availability would preclude us from doing so.

3.3 General

For certain items designated by EPA, RCRA Section 6002 requires procuring agencies to implement an APP consisting of four elements: (1) a preference program; (2) a promotion program; (3) procedures for estimation, certification, and verification; and (4) procedures for annual review and monitoring. Subsections 3.4 - 3.7 of this document describe the Department's implementation of each of these elements which applies to all domestic purchases in which EPA designated items are required including those supplies that are purchased in support of services provided by vendors.

3.4 Preference Program for Recycled Content Products

In accordance with Section 402 (c) of E.O. 13101, 100 percent of the Department's purchases of EPA-designated recycled content products that are acquired domestically will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. When an EPA designated item will not be acquired and the acquisition exceeds the micro-purchase threshold ($2,500), a written justification is required as specified in paragraph 3.4.7.

3.4.1 EPA-Designated Products and Department of Agriculture Biobased Products Purchased by the Department

3.4.1.1 EPA-Designated Products Purchased by the Department

The Department's preference program is based on EPA's Comprehensive Procurement Guidelines (CPG) designations of recycled content products. Department requiring office personnel will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when: (1) such products are available competitively with a reasonable time frame; (2) meet reasonable performance standards; and (3) are available at a reasonable price.

When requirements are being established, Department requiring office personnel will review the EPA's recommended recovered materials minimum content ranges, product specifications, and other product information at the EPA Comprehensive Procurement Guidelines website at http://www.epa.gov/cpg . This review will ensure that preference is given to these recycled content products when these products will be purchased domestically. A list of these products is included as Appendix C, which are grouped within the following categories:

- Construction Products
- Landscaping Products
- Nonpaper Office Products
- Paper and Paper Products
- Park and Recreation Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

3.4.1.2 Department of Agriculture Biobased Products Purchased by the Department

The Department's preference program will also include any future United States Department of Agriculture (USDA) Designated Biobased Products. Although no specific products have been designated as of this writing, USDA has a proposed list of biobased products to be designated at http://www.biobased.oce.usda.gov/public/categories.cfm .

Requiring office personnel will consider giving preference to procuring and using such products containing biobased materials versus products made with other materials when: (1) such products are available competitively within a reasonable time frame; (2) meet reasonable performance standards; and (3) are available at a reasonable price. When establishing requirements, requiring office personnel will review the USDA's designated product information at the USDA's Federal Biobased Products Preferred Procurement Program website at http://www.biobased.oce.usda.gov/public/categories.cfm to ensure consideration is given to procuring these products.

The USDA Biobased Products program is separate from but envisioned to operate in a similar fashion to

the preference program mandated by RCRA Section 6002.

3.4.2 Special Requirements

The following special requirements apply to recycled content products purchased domestically:

- Paper Products - E.O. 13101 directs agencies to purchase office and printing papers containing 30 percent post-consumer fiber or if performance or availability constraints exist, 20 percent post-consumer fiber. In addition, the EO also encourages the use of double-sided copying.
- Oil - E.O. 13149 directs that, beginning in October 2000, agency fleets must use re-refined oil unless it is not available or does not meet performance needs. In addition, Department personnel will need to specify the requirement for using re-refined oil when obtaining routine maintenance.

3.4.3. Future EPA-Designated Items

RCRA and E.O. 13101 direct the EPA to continue to designate items made from recovered materials, in order to further increase markets for recovered materials. As required by RCRA section 6002, the Department will incorporate additional items into its new procurements and existing contracts, to the maximum extent practicable.

3.4.4 Other Recycled Content Products

There are thousands of products made with recovered materials. Procurement originators are encouraged to request, procure, and use other products containing recovered materials in addition to those items specified above. Additional recycled content products are available through Federal supply sources and outside vendors.

3.4.5 Other "Green" and Environmentally Preferable Products

The following websites provide additional information on purchasing "green" and environmentally preferable products and related programs:

http://www.epa.gov/opptintr/epp/ - This is EPA's Environmentally Preferable Purchasing website. It provides guidance on environmentally preferable purchasing as well as product and service information, case studies, and other information of interest for environmental planning.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=FCOEE&contentId=14245&contentType=GSA_DOCUMENT . This is GSA's Environmental website that contains information on sources of environmentally friendly products and services, as well as Federal supply sources for EPA-designated items and environmentally preferable products.

3.4.6 Acquisition Planning

Acquisition planning shall address environmental considerations. E.O. 13101 and FAR Part 7 provide, in developing plans, drawings, work statements, specifications, or other product descriptions, that offices consider a broad range of factors including: elimination of virgin material requirements; use of biobased products; use of recovered materials; reuse of product; life-cycle cost; recyclability; use of environmentally preferred products; waste prevention (including toxicity reduction or elimination), and ultimate disposal, as appropriate. Also consult FAR Part 23 for additional environmental considerations.

3.4.7 Justification for Not Buying EPA-Designated Recycled Content Products

Under RCRA section 6002(c) and E.O. Secs. 402 (c) and 502 (c), decisions not to buy recycled content products must be justified in writing for all acquisitions above the micro-purchase threshold ($2,500). RCRA provides four justifications: if it is not determined that the items are not available competitively; not available within a reasonable time frame; do not meet reasonable performance standards; or are only available at an unreasonable price.

The requiring office may purchase EPA designated items containing other than recovered materials only if one of the exemptions listed above applies [reference FAR 23.405 (c)]. If the requiring office determines to acquire EPA designated items that do not contain recovered materials, the requiring office shall prepare a written justification. This justification shall be submitted to the contracting officer for approval. If the contracting officer approves the justification, he/she shall place the original in the contract file and immediately return a copy of the justification to the requiring office, with a copy to the Environmental Manager, Office of Administrative Services, Room 1036, Department of Commerce, 14th & Constitution Ave, NW, Washington, D.C. 20230 or email pwixted@doc.gov .

Note: This Justification Is Not Required For Acquisitions Made Outside the United States or Its Possessions

3.4.8 Simplified Acquisitions/Micro-Purchases

The requirement to purchase recycled-content EPA items applies to all domestic purchases, including those at or below the micro-purchase threshold (currently $2,500). A Justification for Not Buying EPA-Designated Recycled Content Products is however not required for products below the micro-purchase threshold.

Guidance on "buying green" for Purchase Card holders may be found in the Department's Commerce Acquisition Manual (CAM) (Commerce Purchase Card Procedures) at http://oamweb.osec.doc.gov/docs/CAM_1313.301.pdf .

3.4.9 Federal Supply Sources

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

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

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

Information on Federal supply sources of recycled content and environmentally preferable products is contained at http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=FCOEE&contentId=14245&contentType=GSA_DOCUMENT .

3.4.10 Contractors

The buy recycled content product requirements apply to contractors when they are purchasing or supplying EPA designated products that will be used in certain service contracts performed in the United States or any of its possessions. The Federal Acquisition Regulation (FAR) part 11.304, requires contracting officers (COs) to insert the clause at 52.211-5, Material Requirements, in all solicitations and contracts for supplies that are not commercial items. FAR part 4.303, requires COs to insert the clause at 52.204-4, Printed or copied Double-sided on Recycled Paper, in all solicitations and contracts that exceed the simplified acquisition threshold. And FAR 23.705 requires COs to insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and in all solicitations and contracts for support services at Government-owned or operated facilities. DOC COs will ensure these FAR clauses are inserted as necessary and highlight the requirements of E.O. 13101 and procurement of recycled content products at post-award conference(s) when these clauses are included in contracts.

3.4.11 Life-Cycle Cost Analysis

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

3.4.12 Specification Review/Revision

Department program managers or requiring offices are responsible for developing, reviewing and revising specifications, product descriptions, and standards to enhance our domestic procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When program managers or requiring offices are developing, reviewing or revising specifications, they will eliminate requirements for virgin materials; express preference for recovered materials, to the maximum extent practicable; and allow for the purchase of products containing recovered material.

3.5 Promotion Program

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

- Including explicit recovered material preference standards for EPA-designated items in appropriate solicitation and contract language, specifications, drawings, plans, statements of work;

- Providing informational materials, statements, and training to program and procurement offices, including purchase cardholders regarding the Department's recovered materials preference program.

- Providing to program and procurement offices vendor and product information from established Federal supply sources and outside vendors.

3.6 Procedures for Vendor Estimation, Certification, and Verification

For purchases that involve an EPA designated item and that will be used in the U.S. or any of its possessions, Department COs will require vendors to provide an estimate of the total recycled content of their products and certify that the content meets the minimum content standards in Department solicitation documents. Program and procurement officials will follow the procedures in subparagraph 3.6.1 through 3.6.3 below:

3.6.1 Estimation

Contracting officers shall insert the necessary provisions and clauses to ensure that contractors are aware of and provide the estimates required by FAR Part 23. Copies of such estimates will be maintained in the contract file and sent to the COTR and Environmental Manager as they are received.

Department COs shall include in all solicitations and contracts in excess of $100,000, that include the Federal Acquisition Regulation (FAR) provision 52.223-4, Recovered Material Certification, the following estimate clause:

52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products

In accordance with FAR 23.406(b), the Contracting Officer shall insert the clause at 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products, in solicitations and contracts exceeding $100,000 that include the provision at 52.223-4, Recovered Material Certification. The Contracting Officer shall complete the "fill-in" part of clause to instruct the contractor to submit the required estimate to the Contracting Officer upon completion of the contract.

3.6.2 Certification

Contracting officers shall insert the necessary provisions and clauses to ensure that contractors are aware of and provide the certifications required by FAR Part 23. Copies of such certifications will be maintained in the contract file and sent to the COTR and Environmental Manager as they are received.

Contracting officers shall ensure that the following certifications are addressed:

52.223-4, Recovered Material Certification

In accordance with FAR 23.406(a), the Contracting Officer shall insert the provision at 52.223-4, Recovered Material Certification, in solicitations that are for, or specify the use of, EPA-designated products containing recovered material. (By signing the offer, contractor certifies the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.)

52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Alternate I)

As provided in FAR 23.406(b), *if the technical personnel advise that estimates can be verified*, the Contracting Officer shall complete the "fill-in" part of FAR 52.223-9 "Estimate of Percentage of Recovered Material Content for EPA-Designated Products" instructing the contractor to submit the required estimate to the Contracting Officer *and use the Alternate I variation of the clause, which provides for contractor's certification that the percentage of recovered material content for EPA-designated products met the applicable contract specifications.* The Contracting Officer shall complete the "fill-in" part of the clause to instruct the contractor to submit the required estimate in FAR 52.223-9 to the Contracting Officer.

3.6.3 Verification

The Department's Environmental Manager may review a random number of the Department's non-Federal supply vendor's certification documents as part of the Department's annual review, monitoring and reporting process. Such reviews will provide the Department's Environmental Executive with insight into these non-Federal supply contractors' compliance with E.O. 13101.

3.7 Annual Review and Monitoring Program

The Department's Environmental Manager will monitor and annually review usage of recycled content products using the Justifications for not buying EPA-Designated Recycled Content Products (see 3.4.7) and FPDS data provided by OAMFA to identify and propose actions to increase the procurement of EPA-Designated Items. The EM may also review contractor estimates and certifications (see 3.6.1 and 3.6.2) forwarded by contracting officers across the Department and select random contracting records to review for compliance.

OAMFA will periodically review contracting officers submissions to the Department's Environmental Manager to ensure compliance with the APP requirements to forward justifications for not buying EPA-Designated Recycled Content Products, and contractor estimates of recycled content, and contractor certificates to the Department's Environmental Manager.

3.7.1 Data Tracking

Federal Procurement Data System-NG data submitted through the Department of Commerce CSTARS system will be used to track data concerning the purchasing of EPA-Designated Recycled Content Data and other green purchasing where appropriate or available. Acquisition personnel are responsible for correctly identifying such acquisitions for FPDS-NG reporting purposes. OAMFA will provide FPDS-NG data to the Department's Environmental Manager in whatever manner requested and available.

3.7.2 Annual Review

Department personnel will review data available from FPDS-NG as well as contractor estimates and certifications (see 3.6.1 and 3.6.2.) and justification documents (see 3.4.7) forwarded by contracting officers to the Departmental Environmental Manager.

Section 4 - Reporting

4.1 Annual Reports

The Department's Agency Environmental Executive (AEE) is responsible for tracking the Department's purchasing of EPA-designated items and reporting this information annually to OFPP and the FEE. The AEE must also report on compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally

preferable products. The AEE will justify why designated items have not been purchased, or submit a plan for increasing purchases of the EPA-designated item(s).

The Environmental Manager and OAMFA support the AEE, in reporting to the OFPP and FEE on the Department's purchasing of EPA-designated items.

Section 5 - Goals

5.1 Goals

E.O. 13101, Part 6, requires agencies to establish goals for (1) solid waste prevention and recycling; (2) increasing the procurement of recycled content products, and (3) increasing the use of environmentally preferable products and services.

In accordance with EO 13101, Section 601, the Department is establishing the following waste prevention and recycling goals:

- Divert solid waste from disposal in landfills at a rate of 35% by the year 2005, and 40% by the year 2010 by increasing recycling and waste prevention efforts; and
- Recycle or reuse the following commodities at all facilities unless significant barriers (e.g., lack of markets, cost effectiveness, etc.) exist; white paper, mixed paper/newspaper, cardboard, aluminum, plastic (#1 PET and #2 HDPE), glass, pallets, scrap metal, toner cartridges, and consistent with applicable hazardous waste regulations, fluorescent lamps and ballasts, and batteries.

These goals will be achieved through a combination of the following activities.

5.1.1 Source Reduction

Source reduction, removing the waste stream at its source, will be one of the primary means of solid waste reduction within the Department. Through a combination of our APP, employee training and information, outreach and awareness programs, program evaluation, and direct feedback to management, the Department will have an operational management system in place to reduce our overall solid waste stream.

5.1.2. Information, Communication and Training

Information, communication and training to employees and contractors will be offered on a variety of levels. This APP will be posted on DOC's Office of Acquisition Management website at http://oamweb.osec.doc.gov/CAPPS_cam.html . When final, the Department's Strategic Implementation Plan (SIP) for E.O. 13101 and Environmental Management Manual will be posted on the Commerce Environmental Management Program website at http://www.osec.doc.gov/OAS/environmental . In the meantime, the SIP and Environmental Management Manual may be obtained from the Environmental Manager at pwixted@doc.gov.

Acquisition workforce personnel, program and requirements personnel, purchase card holders, facilities managers, and fleet managers are encouraged to take advantage of available training. A primary source of environmental training is the Office of the Federal Environmental Executive (OFEE) at http://www.ofee.gov . OFEE offers a free "Green Purchasing Training" course through the Office of Personnel Management's Go-Learn website. (For information regarding scope and how to access the course, visit http://www.ofee.gov/gp/training.html) OFEE also offers an "Introduction to Green Purchasing

for Purchase Card Holders" at http://www.ofee.gov/whats/greenprod.pdf .

Electronic reminders will be sent to employees providing them with tips on how they can reuse, recycle and conserve energy and how they can participate in annual Earth Day trade shows and offerings that promote recycling, energy conservation, energy efficiency, bio-based products, EPA-designated products, environmentally-preferable products and services, water conservation, and water efficiency. Purchase card holders will be periodically reminded of "green" purchasing requirements so they can personally contribute to waste minimization. OAMFA will work with DOC's Environmental Manager and the Office of the Federal Environmental Executive to keep the acquisition workforce abreast of the training opportunities available.

5.1.3 Increased Program Diversification

While many domestic facilities managed by the Department have some recycling programs in place, an effort is being made to increase the number of such facilities and to establish a network of recycling coordinators. Further, consideration will be given on how to increase the number of materials recycled at such locations.

Appendix A
Justification for Acquiring EPA-designated
Items That Do Not Contain Recovered Materials

1. The [insert requiring office name] has a need for the following EPA-designated items [insert description of the item].

2. This office has determined that it cannot purchase the item pursuant to the EPA guideline using recovered materials because [check appropriate block(s)]:

___ The price of the item with recovered materials is unreasonable.

___ The requirement for recovered materials will result inadequate competition.

____Obtaining the item with recovered materials will result in unusual and unreasonable delays.

___ The items as produced with recovered materials does not meet all reasonable performance specifications.

3. Provide information, documentation, etc., to substantiate the reason(s) indicated above. Attach additional information, documentation, etc., as necessary.

4. Identify what initiatives are being taken to ensure the use of recovered materials in future requirements for EPA-designated items.

Date: Name:

Title:

Requiring Office:

APPROVED BY:

_____

_____
Date: Contracting Officer

Note: If approved, the Contracting Officer shall maintain the original Justification in the contract file and immediately forward a copy to the requiring office and the Environmental Manager, Office of Administrative Services, Room 1036, Department of Commerce, 14th & Constitution Ave, NW, Washington, D.C. 20230 or email pwixted@doc.gov .

Appendix B

Definitions and Acronyms

For purposes of this CAM Part only, the following definitions and acronyms apply:

Agency Environmental Executive (AEE) - Official designated by the Head of each major Executive department in accordance with E.O. 13101. Responsible for: Agency buy-recycled requirements and other requirements of E.O. 13101; working with the Federal Environmental Executive and the Task Force in furthering implementation of the E.O; and tracking the agencies' purchase of EPA-designated guideline items and reporting agencies' purchases of such guideline items to the FEE. The Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) is the Department's AEE.

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 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. [Executive Order 13101]

Affirmative Procurement Program (APP) - Department program assuring that EPA-designated recycled content products will be purchased to the maximum extent practicable, consistent with Federal law and procurement regulations. [RCRA, Section 6002]

Biobased Products - A commercial or industrial product (other than food or feed) that is composed of whole or in significant part, of biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials. [2002 Farm Bill, Section 9002]

Certification - Provided by offerors/bidders/vendors, it is written documentation certifying the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multi-component or multi-material products should verify the percentage of postconsumer materials and recovered material contained in the major constituents of the product.

Comprehensive Procurement Guidelines (CPG) - Regulations issued by EPA pursuant to Section 6002 of RCRA identifying items produced (or which can be produced) with recovered materials. [E.O. 13101 and RCRA, Section 6002]

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

Environmental Manager (EM) - DOC's Environmental Manager, within the Office of Administrative Services, manages the Department's environmental program and policies, directly supports the AEE and participates in Executive Order (13101) Inter-Agency Advisory Group (EOIAG) meetings.

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. [E.O. 13101]

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

Executive Agency or Agency - An Executive Agency as defined in 5 U.S.C. 105

Executive Order 13101 - E.O. 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*;

Federal Environmental Executive (FEE) - Designated by the President, the FEE takes all actions needed to ensure agencies comply with Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition", chairs the task force described in subsection ©) of the order, and generates a biennial report to the President.

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

Head of Contracting Office (HCO) - Departmental acquisition official who manages an operational contracts office.

Leadership in Energy and Environmental Design (LEED) - A voluntary Green Building Rating System developed by the U.S. Green Building Council (see www.usgbc.org/) that provides standards for developing high-performance, sustainable buildings.

Life-Cycle Assessment - The comprehensive examination of a product's environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal. [E.O. 13101]

Life-Cycle Cost - The amortized annual cost of a product, including costs associated with capital, installation, operations, maintenance, and disposal, discounted over the lifetime of the product. [E.O. 13101]

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. [RCRA, Section 6002]

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

Postconsumer Material - A material or finished product that has served its intended use and has been discarded for disposal or recovered having completed its life as a consumer item. "Postconsumer material" is a part of the broader category of "recovered materials". [E.O. 13101]

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

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

Procurement Preference Program - The first element of an agency's affirmative procurement program in which an agency expresses a preference for purchasing recycled content products designated by EPA. [RCRA, Section 6002)

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. [E.O. 13101 and RCRA, Section 1004]

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

Recyclability - The ability of a product or material to be recovered or otherwise diverted from the solid waste stream for the purpose of recycling. [E.0. 13101]

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

Recycling - The series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use as raw materials in the manufacture of new products (other than fuel for producing heat or power by combustion). [E.O. 13101]

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 in industrial water effluents, dissolved materials in irrigation return flow, etc. [RCRA, Section 1004]

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

Appendix C
EPA's Designated and Proposed Products
(at November 2005)

The following is a list of EPA's designated and proposed products as of November 2005. These products are grouped into 8 categories: Construction Products; Landscaping Products; Nonpaper Office Products; Paper and Paper Products; Park and Recreation Products; Transportation Products; Vehicular Products; and Miscellaneous Products. Please consult EPA's Comprehensive Procurement Guidelines website at http://www.epa.gov/cpg/ to see the most current listing prior to making a purchase.

Construction Products

Designated

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

Proposed

Nylon carpet and nylon carpet backing

Landscaping Products

Designated

Compost made from yard trimmings or food waste
Garden and soaker hoses

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 materials content requirements.) [EPA Guidance].

Virgin Materials - A mined or harvested raw material to be used in manufacturing.

Waste Prevention - (Also known as "source reduction) any change in the design, manufacturing, purchase or use of materials or products (including packaging) to reduce their toxicity before they become municipal waste. Waste prevention also refers to the reuse of product or services. [E.O. 13101]

Waste Reduction - Preventing or decreasing the amount of waste being generate through waste prevention, recycling, or purchasing recycled and environmentally preferable products. [E.O. 13101]

Hydraulic mulch
Lawn and garden edging
Plastic lumber landscaping timbers and posts

Proposed

Compost made from manure or biosolids (Revision)
Fertilizers made from recovered organic materials

Nonpaper Office Products

Designated

Binders, Clipboards, File Folders, Clip Portfolios, Presentation folders
Office Furniture
Office recycling containers
Office waste receptacles
Plastic desktop accessories
Plastic envelopes
Plastic trash bags
Printer ribbons
Toner cartridges

Proposed

None at this time

Paper and Paper Products

Designated

Commercial/industrial sanitary tissue/products
Miscellaneous papers
Newsprint
Paperboard and packaging products
Printing and writing papers

Proposed

None at this time

Park and Recreation Products

Designated

Park benches and picnic tables
Plastic fencing
Playground equipment

Playground surfaces
Running tracks

Proposed

None at this time

Transportation Products

Designated

Channelizers
Delineators
Flexible delineators
Parking stops
Traffic barricades
Traffic cones

Proposed

None at this time

Vehicular Products

Designated

Engine coolants
Rebuilt vehicular parts
Re-refined lubricating oils
Retread tires

Proposed

None at this time

Miscellaneous Products

Designated

Awards and plaques
Bike racks
Blasting grit
Industrial drums
Manual-grade strapping
Mats
Pallets

Signage
Sorbents

Proposed

None at this time