

## **Guidelines for Identifying Contracts Susceptible to Executive Order 13514's 95% Sustainable Acquisition Goal**

Executive Order 13514 sets a difficult goal to ensure that 95 percent of new contract actions are for sustainable products and services where such products and services can meet agency performance requirements. The purpose of these Guidelines is to assist personnel in identifying acquisitions that should be considered appropriate to apply toward attainment of that goal and which may be excluded from consideration for that goal.

If an otherwise exempt product is made sustainable by a design enhancement it should be included in the sustainable goal. One needs to carefully analyze such characteristics of the products and services contracted for before deciding whether they should be part of the Order's 95% goal. **For instance**, contracts for the design or delivery of computer software would seem to have no sustainable attributes. If however, the software includes a design feature to conserve energy or allow the equipment to produce less heat in its operation then it could be considered sustainable. Likewise, acquisition of ammunition would fit the definition of excluded equipment at section 19(h) of the Order but ammunition with a projectile containing no lead for use at firing ranges would be considered a sustainable product if it eliminates the need to treat the firing range as a hazardous waste site. If an otherwise exempt product is made sustainable by a design enhancement it should be included in the sustainable goal. One needs to carefully analyze such characteristics of the products and services contracted for before deciding whether they should be part of the Order's 95% goal. These guidelines are offered to assist in that analysis. Sustainable acquisition is applicable to all procurements including those small dollar transactions made with purchase cards or other simplified procedures. The guidelines identify first the contracts where sustainable attributes are broadly applicable and generally required and then those which require closer examination to determine if design enhancements or other strategies can make the contract more sustainable. For an overview of product and service codes, check Product and Service Codes Manual on the internet.

### **Contracts for these Service Codes are more Susceptible to Acquisition as Sustainable Services**

Contracts for the following types of products and services generally offer opportunities for to attaining sustainable acquisition status and are to be included in the 95% goal attainment.

### **Purchases of the products specified in E.O. 13514:**

These items are required to be purchased with sustainable attributes unless a justification is approved stating the sustainable product will not fulfill the requirement. Justification requirements may be found at FAR 23.204 for energy efficient products, 23.404(c) for biobased and recycled content products, and 23.704(c) for EPEAT®-registered electronic products. For a helpful inventory of green products, consult the

Green Products Compilation at the EPA's Federal Center at:

[http://www.fedcenter.gov/Documents/index.cfm?id=19300&pge\\_id=1606](http://www.fedcenter.gov/Documents/index.cfm?id=19300&pge_id=1606)

- i. EPA-designated recycled content products (CPG items)  
<http://www.epa.gov/epawaste/consERVE/tools/cpg/index.htm>
- ii. EPEAT-registered products <http://www.epeat.net/>
- iii. Energy Star or FEMP-designated energy efficient products and appliances  
[http://www.energystar.gov/for EnergyStar](http://www.energystar.gov/for_EnergyStar)  
[http://www1.eere.energy.gov/femp/technologies/procuring\\_eeproducts.html](http://www1.eere.energy.gov/femp/technologies/procuring_eeproducts.html)  
for FEMP
- iv. USDA-designated biobased products (BioPreferred items) USDA's Bio-Preferred Program is a young expanding program which is quickly adding products. Check their Web site frequently to stay current.  
<http://www.biopreferred.gov/Default.aspx>
- v. Environmentally preferable products  
<http://epa.gov/epp/>
- vi. WaterSense labeled FEMP-designated products  
<http://www.epa.gov/watersense/products/index.html> for WaterSense or  
[http://www1.eere.energy.gov/femp/technologies/procuring\\_eeproducts.html](http://www1.eere.energy.gov/femp/technologies/procuring_eeproducts.html)  
for FEMP
- vii. Products containing non- or lower ozone depleting substances (SNAP)  
<http://www.epa.gov/ozone/strathome.html>
- viii. Products containing no or low toxic or hazardous constituents (e.g., non- VOC paint) <http://www.epa.gov/ozone/strathome.html>
- ix. Any contract for uncoated paper products or printing services must specify uncoated printing and writing paper containing at least 30 percent postconsumer fiber  
<http://www.epa.gov/epawaste/consERVE/tools/cpg/products/printing.htm>

### **Service Code Categories with Opportunities to Acquire Sustainable Services**

- C. Architect and Engineering. Thoughtful design is often the best opportunity to ensure that sustainable products are used in construction and maintenance. This contract type is sustainable unless there is no potential for specifying environmentally preferable products or attributes. Remember, if it is designed for the use of sustainable products it will be constructed and maintained with those products which makes this category life cycle sustainable.
- M. Operation of Government Owned Facilities. Review the specifications or work statement for greening opportunities through use of biobased or recycled content products, energy/water efficient equipment or products containing no or lower

ozone depleting substances (SNAP) or no or low toxic or hazardous constituents).

- P. Salvage Services. Review subcategories under this for recycling opportunities.
- S. Utilities and Housekeeping Services. Review requests for S201, Janitorial Services, S207, Insect and Rodent Control Services, S208, Landscaping Services, S209, Laundry/Dry Cleaning Service, S216, Facilities Operations Support and S299, Other Housekeeping Services for greening opportunities through use of biobased or recycled content products, energy/water efficient equipment or products containing non- or lower ozone depleting substances (SNAP) or no or low toxic or hazardous constituents).
- Y. Construction of Structures and Facilities.
- X. Lease or Rental of Facilities.
- Z. Maintenance, Repair or Alteration of Real Property.

**Contracts for these Service Codes are  
Less Susceptible to Acquisition as Sustainable Services**

Services in these service codes are generally less susceptible to Executive Order 13514's Goal of acquiring products and services with sustainable characteristics where such products and services meet performance requirements. Be alert though for subcategories which do have sustainable characteristics.

- A. Research and Development.
- B. Special Studies and Analyses - Not R&D.
- D. Information Technology and Telecommunication. Remember EPEAT when computer desktops, laptops or monitors are being acquired by the Government under Federal Supply Class 70 or by a service contractor under Subcategory D318.
- E. Purchase of Structures and Facilities. (These are existing structures, it is unlikely but possible that some could be "green.")
- F. Natural Resources Management.

- G. Social Services.
- H. Quality Control, Testing, and Inspection.
- J. Maintenance, Repair, and Rebuilding of Equipment. When contracting for maintenance services specify recycled or bio-based content products whenever possible.
- K. Modification of Equipment.
- L. Technical Representative.
- Q. Medical Services. Also exclude medicines from Federal Supply Code 6505.
- R. Support Services (Professional, Administrative and Management).
- T. Photographic, Mapping, Printing, and Publications Services. When contracting for printing and binding, or reproduction services specify double sided printing on 30% post consumer recycled paper and the use of special inks, such as soy based ink.
- U. Education and Training.
- V. Transportation, Travel and Relocation. When contracting for the operation of motor pools specify the use of recycled content motor vehicle products or biobased products.
- W. Lease or Rental of Equipment.

**Combat, Law Enforcement, Emergency Response and Space Exclusions**

Section 19(h) of the Order excluded any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in:

- (i) combat support, combat service support, tactical or relief operations, or training for such operations;
- (ii) Federal law enforcement (including protective service and investigation);
- (iii) emergency response (including fire and rescue); or
- (iv) spaceflight vehicles (including associated ground-support equipment).

Even here there are elements that may be sustainable. While a vehicle may be excluded, the tires for certain vehicles may be of a size and type for which a retread tire is routinely used and acceptable for replacement purposes.

### **General Exclusion or Inclusion**

Executive Order 13514 applies to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency, or designee, may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency, or designee, determines that such application is in the interest of the United States. If the product is produced in the United States the Order is applicable even if delivery is outside the United States.