

Sustainable Purchasing – Tips from Federal Requirements That Can Green Any Procurement

For MWCOG Recycling Committee
July 21, 2016

Marlene RedDoor

**USEPA Office of Resource
Conservation and Recovery**



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Thinking Sustainably...Closing the Loop

Sustainable Materials Management Program

EPA Office of Resource Conservation and Recovery

- An approach to reduce negative environmental impacts of materials use and disposal while preserving valuable resources **throughout the life-cycle** of materials.
- Takes into account economic efficiency and social equity.
- Efficiencies gained through SMM result in **less energy used, more efficient use of materials, more efficient movement of goods and services, conservation of water, and reduced volume and toxicity of waste.**
- <https://www.epa.gov/gpv/smm>



Adapted from "Design Guidelines for Sustainable Packaging," Sustainable Packaging Coalition, Green Blue, 2006.

 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

So Many Requirements and Opportunities!

- Environmental Compliance
 - Environmental Statutes: Resource Conservation & Recovery Act (RCRA), Section 6002,
 - Pollution Prevention Act
 - Farm Security and Rural Investment Act (2002 Farm Bill), Section 9002,
 - Energy Independence & Security Act (2002 & 2007), etc. & Energy Policy Act of 1992 and 2005
 - Clean Air Act
- Goals, Targets, Measuring and Reporting Results
 - Environmental Management System implementation
 - State and Local Ordinances and Codes
 - Safety and Health
 - ISO 14001, LEED



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

And More on a Facility Level, too

- Environmental Management System (EMS)
- Green Procurement Plans
- Policies for Green Procurement
- State & Local Ordinances and Codes
- Safety and Health (OSHA)
- ISO 14001, LEED Certification
- Operation & Maintenance in general



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Categories and Types of Products & Materials

- **Recycled content products**
- **Biobased products**
- **Energy- and water-efficient products**
 - Standby power devices
 - ENERGY STAR and FEMP-designated products
 - EPEAT-registered products
 - WaterSense
- **Environmentally preferable products**
 - Green cleaning
 - Green meetings and conference services
- **Alternative fuel vehicles/alternative fuels**
- **Low or non-toxic or hazardous chemicals**
- **Non-ozone depleting substances**



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Resource Conservation and Recovery Act, Section 6002, Comprehensive Procurement Guidelines (CPG), 61 products in 8 categories



Products made with recycled content are manufactured using resources recovered from materials we commonly recycle at home and at the office.

<http://www.epa.gov/cpg>

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

Most products have Recommended Material Advisory Notices (RMAN) – recommended levels of recycled content at which to buy the products. Ex: 100% recycled paper content.

 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Paper and Paper Products

Vehicular Products

Engine Coolants
Rebuilt Vehicular Parts
Re-refined Lubricating Oils
Retread Tires

Construction Products

Building Insulation Products
Carpet Cushion
Cement and Concrete Containing Coal Fly Ash,
Ground Granulated Blast Furnace Slag,
Cenospheres, or Silica Fume
Consolidated and Reprocessed Latex Paint
Floor Tiles
Flowable Fill
Laminated Paperboard
Modular Threshold Ramps
Nonpressure Pipe
Patio Blocks
Polyester Carpet
Railroad Grade Crossing Surfaces
Roofing Materials
Shower and Restroom Dividers and Partitions
Structural Fiberboard

Transportation Products

Channelizers
Delineators
Flexible Delineators
Parking Stops
Traffic Barricades
Traffic Cones

Park and Recreation Products

Park Benches and Picnic Tables
Plastic Fencing
Playground Equipment

Playground Surfaces
Running Tracks

Landscaping Products

Compost Made From Recovered Organic Materials
Fertilizer Made From Recovered Organic Materials
Garden and Soaker Hoses
Hydraulic Mulch
Lawn and Garden Edging
Plastic Lumber Landscaping Timbers and Posts

Nonpaper Office Products

Binders (plastic covered, chipboard, and pressboard)
Office Furniture
Office Recycling Containers
Office Waste Receptacles
Plastic Binders
Plastic Clipboards
Plastic Clip Portfolios
Plastic Desktop Accessories
Plastic Envelopes
Plastic File Folders
Plastic Presentation Folders
Plastic Trash Bags
Printer Ribbons
Toner Cartridges

Miscellaneous Products

Awards and Plaques
Bike Racks
Blasting Grit
Industrial Drums
Manual-grade Strapping
Mats
Pallets
Signage
Sorbents

CPG continued

- The RCRA requirement applies to procuring agencies that spend more than \$10,000 a year on that item agencywide.
- **Procuring agencies are federal, state, and local agencies, and their contractors, that use appropriated federal funds.**
- For example, if a county agency spends more than \$10,000 a year on an EPA-designated item (traffic cones), and part of that money is from appropriated federal funds, then the agency must purchase that item made from recovered materials.
- Agencies must buy the 61 products with recycled content unless:
 - the cost is unreasonable;
 - inadequate competition exists;
 - items are not available within a reasonable period of time; or
 - items do not meet the agency's reasonable performance specifications.



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

USDA Biobased Products - Farm Security and Rural Investment Act (Farm Bill), Section 9002, 97 Product Categories

<http://www.biopreferred.gov>



Biobased products are not petroleum-based, but are made from renewable agricultural biological, and forestry materials.



Examples of USDA-Designated Biobased Products:

- Construction and industrial products
- Facility operations and maintenance products
- Food service products
- Janitorial products
- Lubricant products
- Miscellaneous products

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Clean Air Act Section 612(c), Use Significant New Alternatives Products (SNAP) to Ozone Depleting Products

<http://www.epa.gov/ozone/snap/>

Non-Ozone Depleting Substances



Non-ozone depleting substances are chemicals that do not contribute to the reduction of the stratospheric ozone layer.



Non-Ozone Depleting Alternatives exist for:

- Adhesives, coatings, and inks
- Aerosol solvents and propellants
- Cleaning solvents
- Fire suppression and explosion protection
- Foam blowing agents
- Refrigeration and air conditioning
- Sterilants
- Tobacco expansion

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Energy Policy Act, Energy Independence and Security Act of 2007

Require federal agencies to:

- Purchase energy-efficient products (ENERGY STAR, FEMP-designated)
- Reduce petroleum consumption
- Use alternative fuels & alternative fuel vehicles
- Increase use of renewable energy
- Employ sustainable building design
- Reduce energy and water consumption in federal buildings

<https://www.fedcenter.gov/programs/energy/>



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

What to purchase?

Increase Use of Renewable and Alternative Fuels

You are required to:

- Purchase a portion of electricity needs from renewable sources
- Purchase alternative fuel vehicles
- Increase alternative fuel usage by 10% annually
- Purchase vehicles with low greenhouse gas emissions
- Purchase plug-in hybrid electric vehicles where reasonable



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Energy cont'd

Employ Sustainable Building Practices

Each agency is required to:

- Purchase green building products
- Incorporate green product requirements into:
 - Construction contracts
 - Landscaping contracts
 - Pest management contracts



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW



Water Efficiency and Products

- EPA Partnership Program - Watersense
- <http://www.epa.gov/watersense/>
- Products List
- Calculate Savings

Showerheads

Toilets

Bathroom Sink Faucets & Accessories

Landscape Irrigation Controllers

Urinals

Pre-rinse Spray Valves

Flushometer-Valve Toilets

In the Pipeline Water Softeners

Soil Moisture-Based Control Technologies

Landscape Irrigation Sprinklers

Rebates



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Alternative fuels



Alternative fuels are made from renewable, biodegradable, and/or clean-burning materials or are blends of petroleum-based and biobased fuels.



EPA Act Alternative Fuels:

- Biodiesel
- Electricity
- Ethanol
- Hydrogen
- Natural gas
- Propane

GOING GREEN

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Energy Resources

- Energy Star: <http://www.energystar.gov/>
- Office of Energy Efficiency and Renewable Energy – <http://energy.gov/eere/office-energy-efficiency-renewable-energy>
- Federal Energy Management Program(FEMP): <http://energy.gov/eere/femp/federal-energy-management-program>
- Energy Efficient Products: <http://energy.gov/eere/femp/energy-efficient-product-procurement>
- Training: <http://apps1.eere.energy.gov/femp/training/>



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

EPA's Sustainable Market Place: Greener Products and Services - considers products environmental impact throughout their life cycle (Pollution Prevention Act)

<https://www.epa.gov/greenerproducts>

- Consumers, Federal, Institutional Purchasers and Manufacturers
- Why buy green, what makes it green, ecolabel information, greening e-procurement
- Link to Federal Trade Commission Guide for Environmental Marketing
- Designing green



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Electronics

- EPA Resources and Info : <https://www.epa.gov/smm-electronics>
- EPEAT® - The [Electronic Product Environmental Assessment Tool \(EPEAT\)](#)
- A system to help *purchasers* evaluate, compare and select electronic products based on their environmental attributes
- A system to enable *manufacturers* to obtain market recognition through achievement of specific performance criteria in electronic product design and sales
- Managed by non profit Green Electronics Council



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

EO 13693 - Improve Performance Across the Supply Chain

- In addition to setting aggressive new efficiency standards for Federal agencies, the Administration is engaging with major Federal suppliers to encourage them to adopt similar practices;
- Promote sustainable acquisition and procurement by ensuring environmental performance and sustainability factors are included to the maximum extent practicable **for all applicable procurements** in the planning, award, and execution phases;
- **Safer Choice** labeled products (chemically intensive products that contain safer ingredients – formerly **Design for the Environment**); and
- **SmartWay** Transport partners and SmartWay products (fuel efficient products and services);
- Reducing copier and printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher as designated by future instruction under section 4(e) of this order;



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

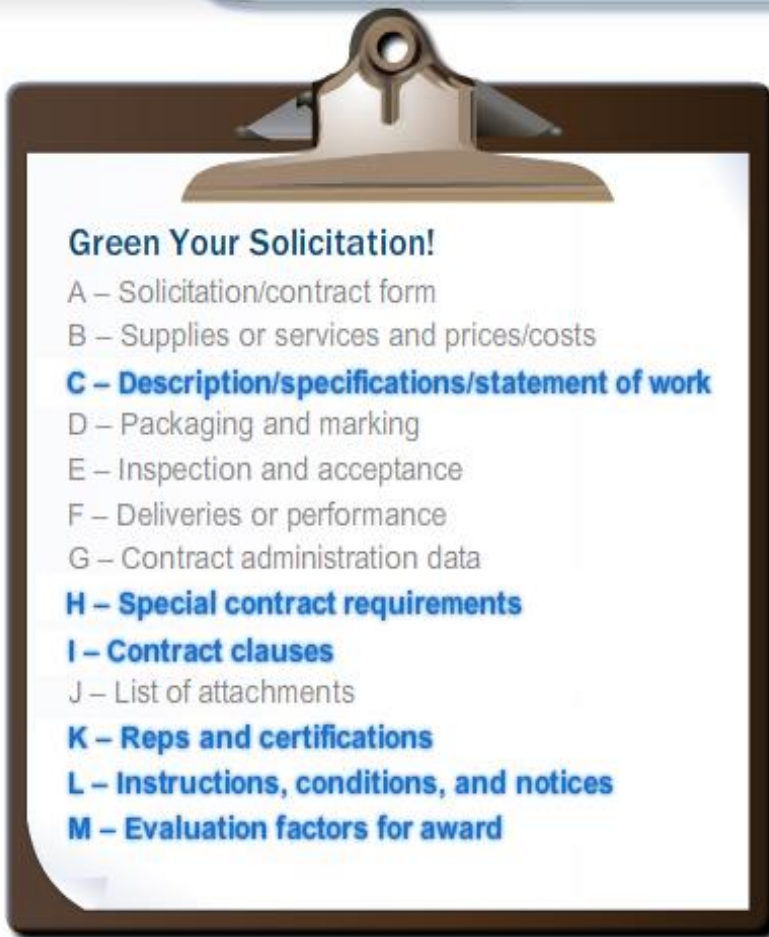
EO 13693 - Improve Performance Across the Supply Chain

- **Meet or exceed specifications, standards, or labels recommended by EPA** that have been determined to assist agencies in meeting their needs and further advance sustainable procurement goals of this order; or
- meet environmental performance criteria developed or adopted by **voluntary consensus standards** bodies consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113) and OMB Circular A-119;



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Where do I specify these products and services in a contract?



Sources of Sample Language:



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Greening the Acquisition Life Cycle

Opportunities to integrate environmental considerations across the acquisition life cycle:

- ❑ Market Research
- ❑ Acquisition Planning
- ❑ Synopsis and Solicitation Development
- ❑ Proposal Evaluation
- ❑ Contract Award
- ❑ Contract Administration and Closeout



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Green Considerations for Acquisition Planning

Acquisition planning considerations:

- ❑ Where should the solicitation/contract require the use or supply of green products?
- ❑ Where could the evaluation process favor offerors that use or supply green products?
- ❑ Where could the solicitation require or favor offerors that employ other green practices?
- ❑ How will the evaluation process account for potential life cycle cost savings of green products?
- ❑ How do environmental issues relate to other objectives of the acquisition?



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Synopsis and Solicitation Development

- Know your Federal/State/Local requirements
- Federal Acquisition Regulations (FAR) – Takes federal regulations and inserts them into the Federal Acquisition Law.
- FAR Part 23 – contains most of the specific environmental product requirements
- The synopsis must include any sustainable acquisition requirements. (FAR Part 5).
- When describing procurement requirements and developing source selection factors, require the use of green products and services to the maximum extent practicable. (FAR Part 11).
- Examine all parts of the solicitation for opportunities to incorporate environmental considerations.



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Greening Your Solicitation and Contract

- Instructions to Offerors
- Provisions and Clauses
- Performance Requirements/
Product Specifications
- Packaging and Delivery
- Evaluation Factors



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Instructions to Offerors (ITOs)

- You can provide one of the following types of instructions to the offerors:
 - Self-claimed
 - Verified/Substantiated
- Provide clear instructions on furnishing information on environmental aspects beyond the attributes of products used or supplied, e.g., take-back programs or minimizing travel.
- Require electronic submission of offers, whenever possible.



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Performance Requirements/Product Specifications

Services that lend themselves to green product requirements include:

- Building Construction, Operation, Renovation and Maintenance Services
- Meeting and Conference Services
- Cafeteria and Food Services
- Landscaping Services
- Electronic Equipment Leasing Services
- Pest Management Services
- Fleet Maintenance Services
- Janitorial Services
- Waste and Recycling
- Laundry Services



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Performance Requirements/Product Specifications

Examples of other green requirements may include:

- Elimination of travel
- Green product reporting
- Take-back programs (for electronics, appliances, packaging, printer cartridges, batteries, etc.)
- Waste, composting, recycling or minimization programs



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm



Packaging

You may require or favor any packaging characteristics that may minimize environmental impacts.

Examples:

- Packaging that includes recycled content
- Packaging that is reusable or recyclable
- Packaging that contains zero or reduced toxic materials
- Packaging that uses biodegradable materials.



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Delivery

Delivery considerations:

- Limit on shipments
- Delivery alternatives, like alternate fuel vehicles, modes of transportation
- Electronic submissions
- For paper documents: double-sided and black and white printing; limit number of pages or copies



 **Rethink**

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Proposal Evaluation



- Consider any environmental aspects included in the solicitation.
- Confirm that offers meet minimum environmental requirements/criteria.
- Consider the relative weight of environmental considerations compared to other factors. This must be consistent with what was stated in the solicitation.



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Evaluation

Evaluation Factors

- ❑ Environmental considerations can be stand-alone factors, weighted in relation to other factors, or
- ❑ Environmental considerations can be incorporated into the evaluation of other factors (e.g., Past Performance)

Evaluation Criteria

- ❑ Clearly define the environmental criteria against which offers will be evaluated
- ❑ Must support a meaningful comparison and discrimination among competing offers



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Services: Evaluation Factors

Evaluation Factors

The concept of best value allows federal buyers to account for many competing interests and policies, including environmental considerations. When contracting for cafeteria and food services, consider including environmental criteria in your evaluation factors. This should encourage the selection of environmentally conscious contractors and promote federal sustainability objectives.

It is important to tailor your evaluation factors to each individual acquisition. The contracting team must decide whether environmental considerations should be represented as a stand-alone evaluation factor (e.g., Sustainability Plan), used as a threshold determinant, or incorporated into other factors (e.g., Technical Approach, Past Performance, etc.). Below are a just a few examples of possible factors.

Technical Approach and Sustainability Plan – Evaluate the contractor’s technical approach and plans to implement sustainable practices. Require contractors to detail how they will use green products, minimize waste, introduce energy and water efficiency methods, green general operations, provide sustainable menu offerings, and educate customers on sustainable practices.

Waste Management – Evaluate how contractors intend to minimize, manage, and dispose of waste, including plans to minimize, recycle, compost, and reuse materials.

Past Performance – Evaluate how well the contractor performed previous projects where they have successfully implemented green cafeteria and food services, including the use of green products.

Previous Experience – Require contractors to demonstrate their experience and capability to provide green cafeteria and food services similar in size, scope, and complexity to the required work.

Staffing Plan – Give consideration to staffing plans that propose persons with green certifications or to contractors that require employees to take environmental training.

Your evaluation should also consider all costs over the life of the project, not just the initial cost. For instance, energy- and water-efficient appliances and reusable linens, flatware, and glassware may save money over time.

Where to Buy



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

Contract Award

- For contracts, incorporate any sustainable acquisition requirements into the contract itself.
- For Schedules orders, green clauses may be included in the Schedule contract. Include green provisions elsewhere in the order.
- If electronic tracking system, indicate if the contract action is sustainable:
 - Energy-efficient
 - Biobased
 - Environmentally preferable



 Rethink

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

www.epa.gov/smm

Contract Administration and Closeout

Contract Administration

- Ensure that the contractor delivers the green products or services as specified in the contract.
- Use judgment in determining the appropriate level of monitoring

Contract Closeout

- Address compliance with green requirements in contractor evaluation.



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

GSA Green Product Compilation Tool

- **Sustainable Guidance for your Role**
- The Sustainable Facilities Tool offers useful sustainable guidance and tools for a variety of roles.
- [Facility Manager](#)
- [Procurement Professional](#)
- [Leasing Specialist](#)
- [Project Manager](#)

<https://sftool.gov/GreenProcurement>



CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

GSA Green Product Compilation Tool

Green Procurement Compilation

Find the environmental requirements of your next purchase...

Search

Products

Services

Viewing GPC Wide



Requirements



Appliances

Commercial and residential appliances, such as clothes washers, ovens, and refrigerators. Products in this category may also apply to the acquisition of janitorial, laundry, construction, and cafeteria & food services.

20 PRODUCTS

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW



Thanks!
Questions?

Marlene RedDoor,

Office of Resource Conservation and Recovery

reddoor.marlene@epa.gov

703-308-7276

Rethink

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW