How to Integrate Green into Acquisitions

Brennan Conaway
Program Analyst, Sustainability Branch
GSA/Federal Acquisition Service
April 26, 2016
This webinar is sponsored by the GSA Federal Acquisition Service in association with the Federal Acquisition Institute
Introduction and the Regulatory Guidance on Green Procurement
What Is “Green Purchasing”? 

Green Purchasing (Sustainable Acquisition):

- Purchasing products with specific environmental or energy attributes
- Purchasing services under which those products will be supplied or used

It is possible to incorporate environmental considerations into any acquisition, regardless of size, scope, type or complexity.
The Importance of Buying Green

All Federal agencies have a unique opportunity to impact the energy and environmental footprint as they:

- Buy goods and services
- Own or lease buildings
- Use IT equipment, and
- Own or lease vehicles
The Benefits of Buying Green

- Ease of acquisition
- Savings of energy, water, etc.
- Cost savings over the product life
- Human health and environmental benefits
- Reduced disposal costs (through reuse, recycling or disposal)
- Reduced greenhouse gas emissions
- The ability to create markets
- Increased innovation
A Word on Best Value

Environmental considerations do not necessarily conflict with other priorities in terms of:

- Cost
- Quality
- Commercial Practices
Federal Laws Impacting Sustainable Acquisition

- Clean Air Act
- Farm Security and Rural Investment Act of 2002
- Food, Conservation, and Energy Act of 2008
- Agricultural Act of 2014
- Pollution Prevention Act of 1990
- Resource Conservation and Recovery Act of 1976
Executive Orders Impacting Sustainable Acquisition

- Revokes **E.O. 13423** and **E.O. 13514**
Notable Sustainable Acquisition Changes in E.O. 13693

- Removes 95% goal and returns to statutory, 100% goal
- Replaces specific reference to EPEAT-registered products with “environmentally sustainable electronic products”
- Creates three groups of sustainable products:
  - **Statutory programs**: recycled content, energy efficient, and biobased content products
  - **EPA label programs**: SNAP, WaterSense, Safer Choice, and SmartWay Transport Partners (freight)
  - Environmentally preferable products meeting third-party standards and labels
- Requires agencies to establish annual targets for contracts with biobased requirements
FAR Guidance on Sustainable Acquisition

The Federal Acquisition Regulation (FAR):

- Consolidates requirements from Federal laws, executive orders and other regulations into a single source
- Addresses environmental issues in various parts, most notably in FAR Part 23
FAR Part 23

FAR Part 23 requires Federal agencies to ensure that 95% of new contract actions require products that are:

- Energy-efficient
- Biobased
- Non-ozone depleting
- Water-efficient
- Environmentally preferable
- Made with recovered materials
## Other Applicable FAR Parts

Other FAR parts that address environmental issues and requirements:

<table>
<thead>
<tr>
<th>Part 4, Administrative Matters</th>
<th>Part 12, Acquisition of Commercial Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 7, Acquisition Planning</td>
<td>Part 36, Solicitation of Firms for Architect-Engineer Contracts</td>
</tr>
<tr>
<td>Part 8, Required Sources of Supplies and Services</td>
<td>Part 39, Acquisition of Information Technology</td>
</tr>
<tr>
<td>Part 10, Market Research</td>
<td>Part 42, Contract Administration Functions</td>
</tr>
<tr>
<td>Part 11, Describing Agency Needs</td>
<td>Part 52, Solicitation Provisions and Contract Clauses</td>
</tr>
</tbody>
</table>
Environmental Programs for Sustainability
What Is an Environmental Program?

Environmental programs help buyers identify products and services with positive environmental attributes. Many of these attributes are associated with specific environmental programs.

- Example: ENERGY STAR and FEMP help buyers identify energy-efficient products.
Federally Managed or Required Environmental Programs

- ENERGY STAR
- FEMP-Designated Products
- WaterSense
- BioPreferred
- Comprehensive Procurement Guidelines (CPG)
- Significant New Alternatives Policy (SNAP)
- EPEAT
- Safer Choice
- SmartWay
- Environmentally Preferable Purchasing (EPP)
ENERGY STAR®

Certifies and promotes energy-efficient products

- Reduces greenhouse gas emissions
- Federal agencies are required to purchase ENERGY STAR products
- Products generally represent the top 25% of energy efficient products in the market
FEMP-Designated Products

Sets energy efficiency requirements for product categories

FEMP-designated products are in the upper 25% of their class for energy-efficiency

Also sets low standby power requirements

Helps Federal agencies meet energy-efficiency purchasing requirements
WaterSense®

Certifies water-efficient products and services

- Saving water reduces energy costs
- WaterSense® products are 20% more water efficient
- Federal agencies are required to reduce water consumption by 26% between 2007-2020
BioPreferred®

Promotes purchase of biobased products

- Designates categories of products with biobased content
- Sets minimum biobased content levels
- Federal Procurement Preference
Comprehensive Procurement Guidelines (CPG)

Products made with recycled and recovered materials

- Designates products that contain recovered (recycled) materials
- Recommends purchasing practices and recycled content for products
- Federal agencies must purchase products with the highest content of recycled material
Significant New Alternatives Policy (SNAP)

Regulates alternatives to ozone-depleting substances

- Helps market move away from ozone-depleting substances (ODS)
- Identifies acceptable and unacceptable ODS substitutes
- Federal agencies must purchase alternatives to ozone depleting products
Safer Choice (formerly Design for the Environment)

Products with safer chemical ingredients

Product labeling program for household and institutional buyers

Protects human health and the environment

Inspected against stringent health and safety standards
SmartWay®

Improves fuel efficiency and environmental performance in the transportation sector.

- SmartWay Transport Partnership with freight carriers and shippers.
- SmartWay Technology Program for efficient equipment, technologies, and strategies.
- SmartWay Vehicles certifies top 20% of low-emitting passenger vehicles.
EPEAT®

Life cycle rating system for electronic products

Products are rated on a combination of required and optional criteria

Products earn gold, silver, or bronze rating based on how many optional criteria they meet

Federal agencies are required to purchase EPEAT products
Environmentally Preferable Purchasing (EPP)

Environmentally Preferable Purchasing (EPP) offers guidance on environmental issues to consider when buying products and services.

Examples of environmentally preferable products include:

- Products containing non- or less-toxic alternatives
- Environmentally preferable electronics products (EPEAT-registered)
- Low volatile organic compound (VOC) paints
Use of Non-Federal Standards and Labels

- Over 400 green labels, standards, and claims
- Includes both “verified” and “self-claimed”
- May be single- or multi-attribute
- EPA’s “Draft Guidelines for Product Environmental Performance Standards and Ecolabels for Voluntary Use in Federal Procurement”
  - Designed to help federal buyers identify and buy environmentally preferable products beyond those covered by federal ecolabels
  - Learn more: [http://www.epa.gov/greenerproducts](http://www.epa.gov/greenerproducts)
Use of Non-Federal Standards and Labels

In September 2015, EPA issued interim recommendations of specifications, standards, and ecolabels Federal agencies can use to purchase sustainable products:

- Cafeteria
- Construction
- Custodial
- Electronics
- Grounds/Landscaping
- Office
- Operations/Fleet/Shipping/Shop

www.epa.gov/greenerproducts
Environmental Program Review!

Which Environmental Program(s) has a requirement for this product?
Environmental Program Review!

Which Environmental Program(s) has a requirement for this product?
Environmental Program Review!

Which Environmental Program(s) has a requirement for this product?
Environmental Program Review!

- Which Environmental Program(s) has a requirement for this product?
Environmental Program Review!

Which Environmental Program(s) has a requirement for this?
Environmental Program Review!

- Which Environmental Program(s) has a requirement for this product?
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
Greening Market Research

Visit GSA’s Green Procurement Compilation to determine whether a green purchasing requirement applies to your procurement, plus:

- Applicable FAR subparts
- Potential purchasing options
- Solicitation examples & sample language

Do any non-mandatory ecolabels or standards apply?

What sustainable practices are common in the commercial marketplace?

What are the environmental impacts over the product life cycle?

Will a non-green product cost you more over its lifetime?
Acquisition Planning Considerations

Acquisition planning considerations:

- Should the solicitation/contract require the use or supply of green products?
- Should the evaluation process favor offerors that use or supply green products?
- Should 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?
- What is the relative importance of environmental issues compared to other objectives of the acquisition?
Synopsis and Solicitation Development

- The synopsis must include any sustainable acquisition requirements. (FAR Part 5).
- When describing Government 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.
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.
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.
- In FPDS, indicate if the contract action is:
  - Recycled content
  - Energy-efficient
  - Biobased
  - Environmentally preferable
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.
Greening Your Solicitation and Contract

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

- Specify how offerors should demonstrate compliance with green product requirements:
  - 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.
Provisions and Clauses

- Solicitations and contracts must include the appropriate green provisions and clauses.
- Most environmental clauses are prescribed in FAR Part 23.
- Recycled paper requirement is found in FAR Part 4.
- Provisions and clauses can be incorporated by reference or included directly.
- There may be agency-specific provisions and clauses.
Performance Requirements/Product Specifications

Services that lend themselves to green product requirements include:

- Building Construction, Operation, Renovation and Maintenance
- Cafeteria and Food Services
- Electronic Equipment Leasing Services
- Fleet Maintenance Services
- Laundry Services
- Meeting and Conference Services
- Landscaping Services
- Pest Management Services
- Janitorial Services
Performance Requirements/Product Specifications

Examples of other green requirements may include:

- Green product or GHG emissions reporting
- Elimination of travel
- Take-back programs (for electronics, appliances, packaging, printer cartridges, etc.)
- Waste recycling or minimization programs
- Climate change risk
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.
Delivery

Delivery considerations:

- Limit on shipments, including limits on use of over-night delivery
- Delivery alternatives, like alternative fuel vehicles, SmartWay Transport partners, or non-ground transportation
- Electronic deliverables
- For paper documents: double-sided and black and white printing; limit number of pages or copies
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
The Green Procurement Compilation (GPC) Website
The Green Procurement Compilation Website

A Tour
Practical Scenario
Scenario - Janitorial Services PR

Scenario: You are a warranted CO at your agency. You are highly respected and have impeccable hygiene. You have received a purchase request package for janitorial services to several of your agency’s buildings. The IGCE is $200,000 per year. The requested period of performance is a 1-year base period with four 1-year options.

You just took a green purchasing course from GSA and can’t help but notice that the SOW, market research and acquisition plan does not address any green purchasing requirements.
Scenario – Market Research

Your program office agrees that complying with the FAR makes a lot of sense. You proceed to green the acquisition by conducting market research:

- Do green purchasing requirement(s) apply to products used in performance of the service?
- If so, what are the products? The green requirements?
- Are there any other sustainable practices that should be required, considered or addressed?
Scenario – Acquisition Planning

Your market research shows that 33 of 34 green products meet your performance requirements; are available; and are cost effective.

- Do you require these green products?

Research shows that biobased graffiti removers are 300% more expensive than standard removers. This would increase your overall price by $10K.

- What do you do?
Scenario – Evaluation

You prefer to require the 33 green products be used in performance of the janitorial service. Your Contract Specialist is young and smart, but arrogant, and thinks you should make ‘sustainability’ an evaluation factor.

- Which approach do you prefer? Why?
- If you require the green products, do you include it in the SOW or just incorporate the contract clauses?
- If you use an evaluation factor, what evaluation criteria would you use?
Additional Web Resources

- MAS Training Student Guides  [www.gsa.gov/mastrainingstudentguides](http://www.gsa.gov/mastrainingstudentguides)
- MAS Desk Reference  [www.gsa.gov/masdeskreference](http://www.gsa.gov/masdeskreference)
- Multiple Award Schedules  [www.gsa.gov/schedules](http://www.gsa.gov/schedules)
- eLibrary  [www.gsaelibrary.gsa.gov](http://www.gsaelibrary.gsa.gov)
- GSA Advantage!  [www.gsaadvantage.gov](http://www.gsaadvantage.gov)
- eBuy  [www.ebuy.gsa.gov](http://www.ebuy.gsa.gov)
- MAS News  [www.gsa.gov/masnews](http://www.gsa.gov/masnews)
- Federal Acquisition Regulation (FAR)  [www.acquisition.gov/far](http://www.acquisition.gov/far)
Webinars and Online Training

- Monthly Webinars sponsored by the MAS Program Office
  http://www.gsa.gov/masnews
- Training Videos at
  http://www.gsa.gov/portal/content/210517
- Continuous Learning Modules
  - Federal Acquisition Institute
  - Defense Acquisition University
    - http://icatalog.dau.mil/ Search for continuous learning modules with FAC prefix