

Acquisition Policy

DOT DASH

2009-01

Date: December 17, 2008

To: Chief of the Contracting Office (COCO)
Acquisition Personnel

From: Office of the Senior Procurement Executive

Subject: REPORTING ON GREEN PURCHASING REQUIREMENTS

SUMMARY: Section 6002 of the Resource Conservation and Recovery Act (RCRA) and Section 9002 of the Farm security and Rural Investment Act (FSRIA) require the Office of Federal Procurement Policy (OFPP) to report to Congress on the actions taken by Federal Agencies to implement these statutes. In addition, Executive Order 13423, Strengthening Environmental, Energy and Transportation Management, requires that agencies track their purchases of designated Environmental Protection Agency (EPA) guideline items and report them to the Office of the Federal Environmental Executive (OFEE). The fiscal year (FY) 2008 reporting format combines all three reporting requirements.

For FY 2008, the U.S. Department of Transportation (DOT) is required to report on three primary areas covering: Green Purchasing, Waste Prevention/Recycling and Chemicals Management. The report has been expanded to: obtain qualitative information that is not already collected or available through other data calls or reports on energy-and water-efficient products, Electronic Product Environmental Assessment Tool (EPEAT)- registered products, and the management of electronics; add a list of environmentally preferable products and services commonly purchased by Federal Agencies; add questions related to the role of environmental management systems in implementing green purchasing; and include a new section for agencies to report their progress in implementing hazardous and toxic chemicals management plans.

OFPP and OFEE have provided the attached reporting format and general instruction for completing the FY 2008 annual report. Please furnish all responses to Desiree Masterson, M-93, by the close of business on January 15, 2009.

For further information please contact Desiree Masterson at 202 366- 67007, email Desiree.Masterson@dot.gov or Lenita Ahmadi, at (202) 366-4974 or email Lenita.Ahmadi@dot.gov.



Cassandra Wells, Associate Director,
Acquisition Policy, Oversight and Business Strategies Div.
Office of the Senior Procurement Executive

Attachment

E.O. 13423 SUSTAINABLE PRACTICES: GREEN PURCHASING,
WASTE MANAGEMENT, AND CHEMICALS MANAGEMENT

Agency Report for Fiscal Year 2008

Date Due: February 16, 2009

Date Prepared: _____

Agency or Department: _____

Agency Contact: _____

Contact Telephone Number: _____

Contact E-mail Address: _____

PART I: GREEN PURCHASING

A. Federal Procurement Data System (FPDS) Data

(1) Attach the Resource Conservation and Recovery Act (RCRA) Standard Report for FY 2008 data from FPDS ("Recycled Content Product Purchasing Data Report").

(2) Has your agency reviewed the FY 2008 FPDS data for compliance assessment and/or trend analyses? Yes No

(3) Please describe the findings, changes, and/or actions that were a direct result of the assessments or analyses above.

B. Indicator Items for Environmental Protection Agency (EPA)-Designated Recycled Content Products

NOTE: Section 6002 of RCRA, E.O. 13423, and Part 23 of the Federal Acquisition Regulation (FAR) require Federal agencies to purchase recycled content products designated by EPA. The General Services Administration (GSA) Stock and Special Order programs and the Defense Logistics Agency (DLA) will provide data for agency purchases made directly from them.

(1) Which of the following products does your agency purchase directly or as part of a support services contract, including purchases made from GSA's Multiple Award Schedule (MAS)¹ vendors? Please check all that apply.

For each product checked, provide the total dollar amount² of these products purchased³ by your agency from sources *other than* direct purchases from GSA's Stock and Special

¹ Also known as Federal Supply Schedule vendors

² "Total amount" equals the amount of product without recovered materials plus the amount of product with recovered materials.

³ Within this document, the term "purchased" includes both direct government purchases, as well as procurement of products through government contracts, including products supplied or used in the performance of contracts.

Order programs or DLA in FY 2008. In addition, provide (1) the dollar amount of these products containing recovered materials⁴ purchased by your agency from sources *other than* direct purchases from GSA's Stock and Special Order programs or DLA in FY 2008 OR (2) the percentage of your agency's facilities that purchased the item containing recovered materials OR, (3) for janitorial services only, the number of janitorial services contracts that required the supply of tissue products containing recovered materials:

Product Purchased (check all that are purchased or used in services contracts)	Total FY 2008 \$ Amount Spent on Product Purchases	Total FY 2008 \$ Amount Spent on Products Containing Recovered Materials OR	Percentage of Facilities Purchasing the Product Containing Recovered Materials OR	# of Janitorial Services Contracts that Require Products Containing Recovered Materials
<input type="checkbox"/> Tissue products				
<input type="checkbox"/> Toner cartridges				
<input type="checkbox"/> Landscaping timbers				
<input type="checkbox"/> Park benches or picnic tables				
<input type="checkbox"/> Traffic barricades				
<input type="checkbox"/> Engine lubricating oil				
<input type="checkbox"/> Signage				

(2) If any of the products that you checked in section (1) above are purchased using an agency specification, does that specification require the use of recovered materials?
 Yes No Not applicable

List which specifications: _____

(3) For each product checked in section (1) above, describe any technical impediments to increasing the purchase of these products containing recovered materials by your agency. Identify the item and the impediment(s) reported for that item: _____

(4) For **construction products**, demonstrate how your agency complies with the requirement to purchase EPA-designated construction products containing recovered materials or U.S. Department of Agriculture (USDA)-designated biobased construction products to the maximum extent practicable. Examples include integrating specific

⁴ The products designated by EPA are commonly referred to as "CPG-items" or "recycled content products." RCRA refers to them as "products containing recovered materials," which is the term used in this reporting document unless a more specific term, such as re-refined oil or retread tires, is used.

recycled content or biobased content product requirements with the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-NC or LEED-EB, incorporating recycled content or biobased content product requirements into design specifications, and inserting recycled content or biobased content product requirements in design/build contracts:

C. ENERGY STAR, Energy-Efficient, EPEAT-Registered, and Water Conserving Products

(1) The Energy Policy Act of 2005 (EPAAct 2005), E.O. 13423, and Part 23 of the FAR require Federal agencies to purchase ENERGY STAR and Federal Energy Management Program (FEMP)-designated energy efficient products unless the head of the agency determines that the products are not life cycle cost effective or are not reasonably available.

(a) Describe what your agency has done to eliminate the purchase of non-ENERGY STAR or non-FEMP-designated products in purchases of products and services related to the following: office electronics; materials and equipment used in building construction, renovation, and maintenance; lighting; other equipment. An example might be when the head of acquisition issued a policy directive requiring the purchase of energy efficient products.

(b) Describe your agency's plans to revise policies, procedures, specifications, contract writing systems, and education materials to ensure that the EPAAct 2005 and FAR requirements are met.

(2) E.O. 13423 and the FAR require that 95 percent of purchases of products covered by an Electronic Product Environmental Assessment Tool (EPEAT) standard be EPEAT-registered products.

(a) Which mechanisms does your agency use to purchase personal computers, monitors, and laptops? Check all that apply.

- Direct purchases of equipment via electronics supplies contract
- Direct purchases via blanket purchase agreement
- Direct purchases of equipment via purchase card
- Leases or seat management contracts
- Purchases from governmentwide acquisition contracts. Specify which one(s). _____
- Other. Specify. _____

(b) Does your agency include requirements to supply EPEAT-registered computer products in solicitations, contracts, and leases for IT equipment? Yes No

(c) If the answer to (b) is yes, did it do so in FY 2008? Yes No

(d) If the answer to (b) is no, what are your agency's plans to revise existing contracts to incorporate the EPEAT requirements? _____

(3) E.O. 13423 requires agencies to reduce water consumption intensity, and the E.O. Implementing Instructions recommend that agencies purchase WaterSense-labeled products.

(a) In FY 2008, did your agency purchase WaterSense-labeled water conserving products or other water efficient products? Yes No If yes, please specify what types of products were purchased. _____

(b) What steps has your agency taken to ensure that WaterSense-labeled products or other water-efficient products will be specified in future solicitations? _____

D. USDA-Designated Biobased Products

The Farm Security and Rural Investment Act (FSRIA) of 2002, E.O. 13423, and Part 23 of the FAR require Federal agencies to purchase USDA-designated biobased products.

(1) Indicate which of the following products your agency purchased directly or as part of a support services contract, including purchases made from GSA MAS vendors. Of the products checked, indicate which ones your agency purchased containing biobased materials in FY 2008. Please check all that apply in both columns.

Product	Purchased in FY 2008	Purchased in FY 2008 Containing Biobased Materials
Mobile equip. hydraulic fluid	<input type="checkbox"/>	<input type="checkbox"/>
Diesel fuel additives	<input type="checkbox"/>	<input type="checkbox"/>
Penetrating lubricants	<input type="checkbox"/>	<input type="checkbox"/>
Roof coatings	<input type="checkbox"/>	<input type="checkbox"/>
Water tank coatings	<input type="checkbox"/>	<input type="checkbox"/>
Bedding/bed linens/towels	<input type="checkbox"/>	<input type="checkbox"/>

(2) For each biobased product checked above, describe any technical impediments to increasing the purchase by your agency of these products containing biobased materials. Identify the item and the impediment(s) reported for that item: _____

(3) FSRIA section 9002(d) requires procuring agencies that have responsibility for drafting or reviewing specifications to ensure that such specifications require the use of biobased products consistent with the requirements of section 9002.

(a) Does your agency have responsibility for drafting or reviewing specifications? Yes No

(b) If yes, in FY 2008 did your agency review specifications for the biobased products designated by the USDA in March 2006? Yes No

(c) If yes, list products for which specification review was completed in FY 2008. _____

(d) If yes, list product specifications currently under review. _____

(e) If yes, identify applicable product specifications not yet under review. _____

(4) In FY 2008, did your agency purchase or test any biobased products, other than biobased fuels or the products designated by the USDA? Yes No Please provide details for your response. _____

E. Environmentally Preferable Products and Services

E.O. 13423 and Part 23 of the FAR require Federal agencies to purchase environmentally preferable products and services.

(1) In FY 2008, did your agency purchase any of the following environmentally preferable products and/or services, including those used at facilities managed by GSA and leased facilities? Check all that apply.

- Green janitorial products or services
- Green conference or meeting services
- Carpet
- Low volatile organic compound (VOC) paints
- Other, please elaborate. _____

(2) In FY 2008, did your agency initiate or participate in an agency or multi-agency pilot for purchasing any of the products or services falling within the Federal green purchasing program? Yes No If yes, please elaborate. _____

(3) Would your agency be willing to serve as the lead agency for a multi-agency pilot during FY 2010? Yes No If yes, what type of pilot project are you considering? _____

F. Management Controls

(1) Green Purchasing Plans, Policies, and Procedures

(a) All agencies must have formal, written, documented green purchasing plans, policies and/or procedures for the implementation of the statutory and executive order requirements to purchase green products and services. Indicate which components of the Federal green purchasing requirements your plans, policies, or procedures address, understanding that some of the requirements will be addressed in your agency's Sustainable Buildings Implementation Plans, Electronics Stewardship Plans, or other documents, policies, and procedures:

- EPA-designated recycled content products
- ENERGY STAR and energy efficient products, and low standby devices
- Biobased and USDA-designated BioPreferred products
- Environmentally preferable products and services
- Renewable energy

- WaterSense and other water-efficient products
- EPEAT-registered products
- Non-ozone depleting substances (ODSs) and/or those covered by EPA's Significant New Alternatives Policy (SNAP) program (chemicals and/or equipment)
- Alternative fuel vehicles and alternative fuels

(b) Does the agency policy or green purchasing plan define responsibility for:

Conducting awareness training? Yes No

Incorporating green purchasing requirements into specification and contracts⁵?
Yes No

Establishing and measuring progress toward green purchasing objectives?
Yes No

Reporting progress? Yes No

Management review? Yes No

If the answer to any question is no, please explain. _____

(c) Does your agency have a requirement to routinely update the green purchasing plan, policies, or procedure? Yes No What is the date of your current green purchasing plan? _____

(d) Please attach a copy of, or provide the URL(s) for, the website(s) for your agency green purchasing plan, policies, or procedure if any of them have changed since the FY 2007 report. _____

(2) Implementation

(a) Is your agency using its formal facility or organizational environmental management systems (EMS) to meet the statutory and executive order requirements to purchase green products and services? Yes No N/A If yes, please elaborate and provide at least one example. _____

(b) Does your agency formally promote incorporating green purchasing into EMS? Yes No N/A If yes, how is this accomplished? _____

(c) Has your agency contract writing system or enterprise asset management system been revised to incorporate the supply and use of green products? Yes No N/A

⁵ "Contracts" includes concession contracts, referring to non-FAR regulated business contracts authorized through applicable agency legislation.

- (d) Is your agency using, or planning to use, acquisition forecasts to promote its preference for green products? Yes No N/A
- (e) Is your agency using, or planning to use, model solicitation and/or contract language to promote its preference for green products? Yes No N/A
- (f) If applicable, what other policies, procedures, or tools is your agency using or planning to use to promote its preference for green products? _____

(3) Training

- (a) Who is responsible for conducting training of agency personnel with respect to the green purchasing requirements? _____
- (b) Has green purchasing training been added to all appropriate training, including training provided by contractors? _____
- (c) What percentage of acquisition personnel received documented⁶ green purchasing training (new or refresher) within the past fiscal year?⁷ _____ of _____ personnel, which is _____ percent.
- (d) Is training provided by agency personnel, an outside source (e.g. Defense Acquisition University's contracting officer training courses, GSA SmartPay), or both? _____
- (e) What percentage of purchase cardholders received documented green purchasing training (new or refresher) within the past fiscal year?⁸ _____ of _____ personnel, which is _____ percent.
- (f) Who provides the training to purchase cardholders? _____
- (g) How is training of purchase cardholders documented? _____
- (h) Indicate whether the green purchasing program components listed in the table below are covered in training for acquisition personnel and purchase cardholders, respectively:

⁶ Documented training other than the Green Purchasing course available through the Office of Personnel Management's USALearning web site. OPM will provide data on use of this course to OMB and OFEE.

⁷ Contracting officials and contracting officer technical representatives are required to earn continuous learning points each year, which can include green purchasing training.

⁸ According to OMB Circular A-123, Appendix B, "Improving the Management of Government-Issued Charge Card Programs," issued August 2005 and updated April 2006, purchase cardholders, charge card managers, and approving officials must receive training, and they must receive refresher training, at a minimum, every 3 years. Training "must familiarize the cardholders with Federal procurement laws and regulations, agency policies, and proper card use."

Component	Acquisition Training (Y/N)	Purchase Card Holders (Y/N)
EPA-designated recycled content products		
ENERGY STAR, energy efficient products, and low standby power products		
Biobased and USDA-designated BioPreferred products		
Environmentally preferable products and services		
Renewable energy		
WaterSense and other water-efficient products		
EPEAT-registered products		
Non-ODSs and/or those covered by EPA's SNAP program (chemicals and/or equipment)		
Alternative fuel vehicles/alternative fuels		

(4) Program Management Review⁹

- (a) What approach does your agency use for reviewing facility and agency-wide compliance with the green purchasing requirements? Examples include reviewing a representative sample of contracting actions, on-site audits, and the use of the TEAM Guide or CP Track. _____
- (b) What percentage of agency facilities conducted and documented contracting and/or environmental reviews for green purchasing compliance during this reporting period? _____ percent.
- (c) Are findings reported to senior facility or agency management, as appropriate?
Yes No
- (d) Does your agency conduct trend analysis of program management reviews, training, and FPDS data to assess green purchasing program effectiveness? Yes No
- (e) What types of trends are realized as a result of findings from these audits? _____
- (f) Are trends analyses reported to senior facility or agency management, as appropriate?
Yes No
- (g) Does senior facility management track corrective actions from these findings?
Yes No

⁹ Agencies may also refer to these activities as compliance monitoring, auditing, and compliance assessments.

PART II: SOLID WASTE MANAGEMENT

A. Solid Waste Prevention

(1) Did your agency institute new, substantially improved, or updated solid waste prevention practices in FY 2008? Yes No Please provide an explanation of your response.

(2)(a) Does your agency have sites or facilities with composting programs?
Yes No

(b) If yes, how many facilities or sites? _____ Estimate the total weight of materials diverted to composting: _____ tons.

B. Recycling

(1) What percentage of offices/sites operated by your agency has an active recycling program? _____ of _____ offices/sites, which is _____ percent.

(2) If applicable, what percentage of residential housing operated by your agency has an active household products recycling program? _____ of _____ sites, which is _____ percent of sites. Not applicable

(3)(a) What percentage of total solid waste¹⁰ generated by your agency was diverted in FY 2008? _____ of _____ tons, which is _____ percent.

(b) For agencies with offices in multi-tenant buildings, approximately what percentage of those buildings has a recycling program? _____

C. Electronics Management

(1) What is your agency doing to increase electronics life span to four years or greater and to decrease life spans shorter than 4 years? _____

(2) Describe how your agency addresses computer equipment power management, including enabling the ENERGY STAR features on computers and monitors. _____

(3)(a) Describe your agency's management of electronics equipment in an environmentally responsible manner at the end of the equipment's useful life. _____

(b) What is your agency doing to eliminate unsound disposal practices? _____

¹⁰ "Solid waste" refers to municipal solid waste as defined by EPA. Please indicate if your agency is including other materials, such as construction and demolition debris.

PART III: TOXICS AND HAZARDOUS CHEMICALS MANAGEMENT

Briefly describe what your agency has done to implement its toxic and hazardous chemical management plan during FY 2008, specifically addressing any FY 2008 milestones identified in the plan. Do not report quantitative information (volume or dollars) on chemicals or chemical-containing products purchased or reduced.