



10/25/2021

**USAID PROCUREMENT EXECUTIVE  
PROCUREMENT EXECUTIVE'S BULLETIN NO. 2021-01**

**SUBJECT: FAR Part 23 Sustainability and Environmental Considerations in USAID  
Contracts**

**1. Scope:** This Bulletin applies to all members of USAID's acquisition workforce, including Contracting Officers (COs), Contracting Officer's Representatives (CORs), and Activity Planners.

**2. Purpose:** The purpose of this PEB is to provide guidance on the importance of considering environmentally-friendly solutions and sustainable acquisition methods contained in FAR Part 23 when planning USAID contract awards. In addition, COs are reminded of the importance of properly reporting recovered materials and sustainability data in GLAAS and FPDS.

**3. Background:** Activity planners and A&A staff should consider environmentally-friendly solutions and sustainable acquisition methods when planning USAID contract awards. As outlined in the recent [Executive Order on Tackling the Climate Crisis at Home and Abroad](#), the U.S. Government has an opportunity to lead the Nation's effort to combat the climate crisis by example — including by aligning the management of Federal procurement and financial programs to support robust climate action. While the Agency awaits regulatory action to more directly address climate change in federal procurement, activity planners and A&A staff should utilize FAR Part 23 to immediately support these objectives.

**4. Discussion:** In addition to environmental considerations implemented through ADS 201 and the initial environmental examination (IEE), A&A staff are reminded to consider FAR Part 23 requirements for all acquisition awards. A&A staff and activity planners, as well as EXO procurement staff, should:

- **Review.** Become familiar with [FAR Part 23](#) and the applicable clauses/provisions outlined below and in Attachment 2.
- **Incorporate.** Utilize the FAR Part 23 environment clauses and provisions to the maximum extent practicable.
- **Report.** Ensure proper reporting for all new acquisition awards and modifications in GLAAS/FPDS, including accurate reporting of sustainability clauses and provisions using the FPDS Quick Reference guide in Attachment 1.

Federal agencies are required to ensure that 95 percent of new contract actions for products and services require the purchase of sustainable products, in accordance with FAR 23.103. FAR Part 23 provides several options for the procurement of more environmentally-friendly products and services, all of which should be considered when planning requirements. Some of the most-commonly applied environmental requirements in FAR Part 23 are highlighted below.

- A. Recovered Materials.** [FAR Subpart 23.4](#) promotes the use of recovered materials in federal procurements. These are EPA-designated items made from recovered or diverted from solid waste. Common examples of recovered material items that USAID purchases include paper products, construction products, and vehicular products; a complete listing of qualifying products is available on the [EPA's Comprehensive Procurement Guidelines](#).

Recovered materials should be utilized to the maximum extent practicable when planning and awarding contracts, and can be included in most service and supply contracts. A&A staff should review and include the clause at [52.223-17, Affirmative Procurement of EPA-designated Items](#) in service and construction contracts, which requires contractors to make maximum use of recovered materials. Additionally, if applicable, include the clause [52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items](#) and the provision at [52.223-4, Recovered Material Certification](#).

- B. Biobased Materials.** [FAR Subpart 23.4](#) promotes the use of USDA-designated biobased products/supplies in procurement activities when applicable and feasible. Examples of contract actions that could incorporate biobased materials include:
- a. Construction requirements where the use of biobased materials are feasible.
  - b. Agriculture requirements where biobased products can be used as part of the requirement.

Contracting officers should refer to USDA's list of designated biobased items at <http://www.biopreferred.gov>. If biobased products can meet your requirements and are feasible, ensure the provision at [52.223-1, Biobased Product Certification](#) and clause at [52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts](#) is included in the award.

- C. Environmentally Preferable Products.** [FAR Subpart 23.7](#) prescribes the policies for acquiring environmentally preferable products and services, and requires agencies to consider such products in all procurements. For example, environmentally preferable products should be considered when contracting for the following:
- a. Operation of government facilities and related support services at government facilities. For facility management requirements, review and include the clause at [52.223-10 Waste Reduction Program](#).
  - b. Purchase of computer products, televisions and office equipment. For a complete listing, review the [EPEAT Product Guide](#) maintained by the EPA. If EPEAT products are required, include [52.223-16 Acquisition of EPEAT®-Registered Personal Computer Products](#).
- D. Energy and Water Efficiency.** [FAR Subpart 23.2](#) includes requirements for acquiring energy- and water-efficient products. Examples of purchases that are commonly subject to energy and water efficiency requirements include appliances, computer equipment, and electronics. For a complete list of products subject to these requirements, see the product listings at [ENERGY STAR®](#) or [FEMP](#). When the acquisition requires the acquisition or use

of energy-consuming products, review and include the clause at [52.223-15, Energy Efficiency in Energy-Consuming Products](#) as required.

A quick reference guide of all FAR Part 23 clauses, including any geographic restrictions, is included in Attachment 2 to this document.

**5. Inquiries:** For questions on this bulletin, please send an email to: Patrick Mudd, M/OAA/ACTS/E ([pmudd@usaid.gov](mailto:pmudd@usaid.gov))

**6. Effective Date:** This Bulletin is effective immediately and remains in effect until canceled by the Procurement Executive.

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Mark Walther  
Senior Procurement Executive

#### Attachments

Attachment 1 - Quick Reference Guide Ensuring Recovered Materials & Sustainability Data Quality  
Attachment 2 - FAR Part 23 Sustainability and Environmental Clauses

# Attachment 1



## Quick Reference Guide Ensuring Recovered Materials & Sustainability Data Quality in GLAAS & FPDS

**PURPOSE:** To provide the steps to ensure accurate data for ensuring recovered materials & sustainability data quality for modifications and new awards when executing in GLAAS/FPDS.

USAID is required to report accurate and complete recovered materials & sustainability data in accordance with [FAR Part 23](#) requirements. A&A Specialists and COs are reminded of their responsibility to ensure the quality of GLAAS and FPDS data when executing modifications and new awards. This quick reference guide provides a focus on the **Recovered Materials and Sustainability** data fields in GLAAS and FPDS to ensure accuracy for modifications and new awards. For further guidance and instructions on completing GLAAS actions, visit the [GLAAS Library](#). Before releasing awards in GLAAS, COs must ensure accurate data in the fields highlighted below.

1. **Recovered Materials/Sustainability (Recovered Materials, Biobased Materials, Environmentally Preferable Products and Energy Efficient).** In the FPDS section **Product or Service Information** select the appropriate code shown below for the **Recovered Materials/Sustainability** data field which corresponds to the clauses and sustainability requirements included in the contract.

Product Or Service Information	
Product/Service Code:	9999 Description: MISCELLANEOUS ITEMS
Principal NAICS Code:	334119 Description: OTHER COMPUTER PERIPHERAL EQUIPMENT M
Bundled Contract:	Select One
System Equipment Code:	Description:
Country of Product or Service Origin:	US UNITED STATES
Place of Manufacture:	Mfg in U.S.
Recovered Materials/Sustainability:	Select One <b>OMB Policy on Sustainable Acquisition</b>
InfoTech Commercial Item Category:	Select One
Claimant Program Code:	Description:
Sea Transportation:	Select One
GFE/GFP Provided Under This Action:	<input type="checkbox"/>
Use Of EPA Designated Products:	Select One
Description Of Requirement (4000 characters)	Government Acquisitions. HP Color Laser jet - Rolla

CODE	DESCRIPTION
A. FAR 52.223-4 Included	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a>
B. FAR 52.223-4 & FAR 52.223-9 Included	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and FAR clause <a href="#">52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Items</a>
C. No Clauses Included and No Sustainability Included	Select if no clauses will be included and no sustainability is included in the contract.
D. Energy efficient	Select if energy efficient products will be purchased in accordance with <a href="#">FAR subpart 23.203</a> .
E. Bio-based	Select if bio-based products will be purchased in accordance with <a href="#">FAR subpart 23.4</a>
F. Environmentally Preferable	Select if environmentally preferable products or services will be purchased in accordance with <a href="#">FAR subpart 23.7</a> .
G. FAR 52-223-4 & energy efficient	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and energy efficient products will be purchased in accordance with <a href="#">FAR subpart 23.203</a> .
H. FAR 52.223-4 & bio-based	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and bio-based products will be purchased in accordance with <a href="#">FAR subpart 23.4</a> .
I. FAR 52.223-4 & environmentally preferable	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a>
J. FAR 52-223-4 & bio-based & energy efficient	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and bio-based products will be purchased in accordance with <a href="#">FAR subpart 23.4</a> and energy efficient products will be purchased in accordance with <a href="#">FAR subpart 23.203</a> .
K. FAR 52-223-4 & bio-based & environmentally preferable	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and bio-based products will be purchased in accordance with <a href="#">FAR subpart 23.4</a> and environmentally preferable products or services will be purchased in accordance with <a href="#">FAR subpart 23.7</a> .
L. FAR 52-223-4 & bio-based & energy efficient & environmentally preferable	Select if the contract contains FAR clause <a href="#">52.223-4 Recovered Material Certification</a> and bio-based products will be purchased in accordance with <a href="#">FAR subpart 23.4</a> and energy efficient products will be purchased in accordance with <a href="#">FAR subpart 23.203</a> and environmentally preferable products or services will be purchased in accordance with <a href="#">FAR subpart 23.7</a> .

2. **Use of EPA Designated Items (Use of Recovered Materials).** In the FPDS section **Product or Service Information** select the appropriate code shown below for the **Use of EPA Designated Items** data field which corresponds to the clauses and sustainability requirements included in the contract.

**Product Or Service Information**

Product/Service Code: 9999 Description: MISCELLANEOUS ITEMS

Principal NAICS Code: 334119 Description: OTHER COMPUTER PERIPHERAL EQUIPMENT M

Bundled Contract: Select One

System Equipment Code: Description:

Country of Product or Service Origin: US UNITED STATES

Place of Manufacture: Mfg in U.S.

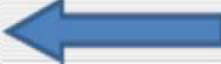
Recovered Materials/Sustainability: Select One OMB Policy on Sustainable Acquisition

InfoTech Commercial Item Category: Select One

Claimant Program Code: Description:

Sea Transportation: Select One

GFE/GFP Provided Under This Action:

Use Of EPA Designated Products: Select One 

Description Of Requirement: (4000 characters) Government Acquisitions. HP Color Laser jet - Rolla


CODE	DESCRIPTION
A.Meets Requirements	EPA-designated products were required to be purchased that contain the required minimum recovered material content.
B. Justification Time	EPA-designated products were required to be purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) competitively within a reasonable time (FAR 23.404(b)(1)(i)).
C. Justification Price	EPA-designated products were required to be purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) at a reasonable price (FAR 23.404(b)(1)(iii)).
D. Justification Performance	EPA-designated products were required to be purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) to reasonable performance standards in the specifications (FAR 23.404(b)(1)(ii)).
E. Not Required	No EPA-designated product(s) were required.

## Attachment 2 - FAR Part 23 Sustainability and Environmental Clauses

The purpose of this document is to assist A&A staff and Activity Planners with ensuring maximum usage of FAR Part 23 clauses. FAR 23.103 requires federal agencies to ensure that 95 percent of new contract actions for the supply of products or delivery of services (including construction) require products that are sustainable, including products that are energy-efficient or made with recovered materials. The FAR calls for the maximum use of these clauses to support the achievement of this goal. The below tables are organized by key FAR 23 subparts with associated clauses related to sustainability and environmental principles.


### 1. FAR Subpart 23.2 - Energy and Water Efficiency and Renewable Energy

[FAR Subpart 23.2](#) requires government agencies to acquire supplies and services that promote a clean energy economy. This includes acquiring energy- and water-efficient products and services, and products that use renewable energy technology. In addition this subpart includes policies on using an energy-savings performance contract to obtain energy-efficient technologies at Government facilities without Government capital expense.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)	CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-15. Energy Efficiency in Energy-Consuming Products</a> (C)	FP SUP LMV CR SUP COM SVC FP R&D DDR CR R&D FAC FP SVC IND DEL CR SVC TRN FP CON SAP CR CON UTL SVC T&M LH CI	<p>Insert the clause at <a href="#">52.223-15</a> in solicitations and contracts when energy-consuming products listed in the ENERGY STAR Program or Federal Energy Management Program (FEMP) will be:</p> <ul style="list-style-type: none"> <li>● Delivered;</li> <li>● Acquired by the contractor for use at a federally controlled facility;</li> <li>● Furnished by the contractor for use by the government; or</li> <li>● Specified in the design of a building or work.</li> </ul> <p>This clause applies unless exempt under FAR 23.204.</p> <p> <b>Helpful Hint.</b> For further information about these products review the following links for <a href="#">ENERGY STAR®</a> and <a href="#">FEMP</a> products.</p>	None

**2. FAR Subpart 23.3 - Hazardous Material Identification and Material Safety Data**



[FAR Subpart 23.3](#) provides policies and procedures for **acquiring items** that require the furnishing of data involving hazardous materials. *Hazardous material* is an item or chemical which is a "health hazard" or "physical hazard; see [GSA Hazardous Materials Management](#) for further information.




FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)	CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-3, Hazardous Material Identification and Material Safety Data © Alt 1 (C)</a> Use Alt I Only	FP SUP LMV CR SUP COM SVC FP R&D DDR CR R&D FAC FP SVC IND DEL CR SVC TRN FP CON SAP CR CON UTL SVC T&M LH CI	<p>Include the clause at <a href="#">52.223-3</a> in solicitations and contracts if the contract will require the delivery of hazardous materials as defined in <a href="#">23.301</a>.</p> <p>This clause requires the offeror to list any hazardous material and update the list during performance of the contract whenever the Contractor determines that any other material to be delivered under this contract is hazardous.</p> <p> <b>Helpful Hint.</b> Use this clause for any requirements that require the transport/shipment of hazardous materials. This can include, but is not limited to Pesticides, Chemicals and Fuels/Oils. For a complete listing and further information on Hazardous Materials can be found in <a href="#">Federal Standard No. 313</a> and <a href="#">29 CFR1910.1200(g)</a>.</p>	<p>None</p>



**3. FAR Subpart 23.4 - Use of Recovered Materials and Biobased Products**

[FAR Subpart 23.4](#) requires government agencies to consider the use of products containing recovered materials and biobased products. Agencies shall purchase these products to the maximum extent possible in all acquisition of services, the delivery, use, or furnishing of such products.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)		CONDITIONS FOR USE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-1, Biobased Product Certification (P)</a>	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH	LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI	<p>Include the provision <a href="#">52.223-1</a> in solicitations that:</p> <ul style="list-style-type: none"> <li>Require delivery or specify use of Department of Agriculture (USDA)-designated items; or</li> <li>Include the FAR clause 52.223-2.</li> </ul> <p>This provision requires offerors to certify that biobased products to be used or delivered in the performance of the contract and comply with the biobased specifications/contractual requirements.</p> <p> <b>Helpful Hint.</b> Work with your activity planner to incorporate the use of bio-based products into all requirements, unless an exception applies as noted in FAR Subpart 23.4. Biobased products are commercial or industrial products that are composed in whole, or in significant part, of biological products, renewable agricultural materials, or forestry materials.</p> <p>Requirements that can utilize biobase products include <b>construction, agriculture, and facilities maintenance</b>, which are well suited for requiring biobased products. See here for a complete listing of <a href="#">Biobased Products</a>.</p>	None
<a href="#">52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts (C)</a>	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH	LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI	<p>Include clause at <a href="#">52.223-2</a> in <b>all service or construction</b> solicitations and contracts, unless the contract will not involve the use of bio-based products. This clause requires contractors to make maximum use of USDA-designated and requires annual reporting of bio-based products to SAM.gov.</p> <p> <b>Helpful Hint.</b> This clause should be included if the solicitation includes the provision 52.223-1, see above for information on conditions of use.</p>	None

<p><a href="#">52.223-4, Recovered Material Certification (P)</a></p>	<p>FP SUP CR SUP FP R&amp;D CR R&amp;D FP SVC CR SVC FP CON CR CON T&amp;M LH</p>	<p>LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI</p>	<p>Include the provision <a href="#">52.223-4</a> in solicitations that</p> <ul style="list-style-type: none"> <li>• Require delivery or specify use of Environmental Protection Agency (EPA)-designated items;</li> <li>• Include FAR 52.223-17 in service &amp; construction contracts.</li> <li>• This provision is not applicable to COTS procurements.</li> </ul> <p>The provision requires the offeror to certify that the percentage of recovered materials content for EPA-designated items to be delivered or used in the performance of the contract will be at least the amount contractual requirements.</p> <p> <b>Helpful Hint.</b> Work with your activity planner to require the use of recovered material products into all requirements. Most requirements can incorporate the use of recovered materials, which include office products, construction products and landscaping products; see the <a href="#">EPA Comprehensive Procurement Guidelines</a> for a complete listing of products.</p>	<p>None</p>
<p><a href="#">52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (C)</a></p>	<p>FP SUP CR SUP FP R&amp;D CR R&amp;D FP SVC CR SVC FP CON CR CON T&amp;M LH</p>	<p>LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI</p>	<p>Include the clause <a href="#">52.223-9</a> in solicitations and contracts that:</p> <ul style="list-style-type: none"> <li>• Specify use of EPA-designated items containing recovered materials</li> <li>• and have a contract value of greater than \$150,000.</li> </ul> <p>This clause requires a report at the time of contract completion concerning the actual percent of recovered material content. Use alternate I of this clause if technical personnel advise that estimates can be verified. Do not use for COTS acquisitions and ensure fill-ins are completed.</p> <p> <b>Helpful Hint.</b> This clause should be included if the solicitation includes the provision 52.223-4, see above for more information on conditions of use.</p>	<p>None</p>
<p><a href="#">52.223-17, Affirmative Procurement of EPA-designated Items in Service and Construction Contracts (C)</a></p>	<p>FP SUP CR SUP FP R&amp;D CR R&amp;D FP SVC CR SVC FP CON CR CON T&amp;M LH</p>	<p>LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI</p>	<p>Include the clause <a href="#">52.223-17</a> in all <b>service and construction</b> solicitations/contracts unless the contract will not involve the use of EPA-designated items. This clause requires the contractor to use products containing recovered materials that are EPA-designated items to the maximum extent possible unless it does not meet contract performance schedule, does not meet contract performance requirements; or be purchased at a reasonable price.</p> <p> <b>Helpful Hint.</b> This clause can be included in most all USAID service contracts. Including this clause requires the contractor to purchase <a href="#">EPA-Designated Recovered Material Products</a> in performance of this contract.</p>	<p>None</p>


**4. FAR Subpart 23.6 - Notice of Radioactive Material**



[FAR Subpart 23.6](#) implements the [Atomic Energy Act of 1954](#) and requires the contractor to notify the contracting officer prior to delivery of radioactive material. [Radioactive material](#) is any material yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per <a href="#">FAR Matrix</a> )		CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-7, Notice of Radioactive Materials</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH	LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI	<p>Include the clause at <a href="#">52.223-7</a>, Notice of Radioactive Materials, in solicitations and contracts for supplies which are, or which contain-</p> <ul style="list-style-type: none"> <li>● radioactive material requiring specific licensing under regulations issued pursuant to the Atomic Energy Act of 1954; or</li> <li>● radioactive material not requiring specific licensing in which the specific activity is greater than 0.002 microcuries per gram or the activity per item equals or exceeds 0.01 microcuries.</li> </ul> <p>Such supplies include, but are not limited to, aircraft, ammunition, missiles, vehicles, electronic tubes, instrument panel gauges, compasses and identification markers. CO must complete fill-in.</p>	None

**5. FAR Subpart 23.7 - Contracting for Environmentally Preferable Products and Services**


[FAR Subpart 23.7](#) prescribes policies for acquiring environmentally preferable products and services by implementing cost-effective contracting preference programs promoting energy-efficiency, water conservation, and the acquisition of environmentally preferable products and services.




FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)		CONDITIONS FOR USE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-10 Waste Reduction Program</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH	LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI	<p>Insert the clause at <a href="#">52.223-10</a>, Waste Reduction Program, in all solicitations and contracts for contractor operation of Government-owned or -leased facilities and all solicitations and contracts for <b>support services</b> at Government-owned or operated facilities.</p> <p>This clause requires contractors to establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract.</p>	None
<a href="#">52.223-13, Acquisition of EPEAT®- Registered Imaging Equipment</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH	LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI	<p>Insert the clause at <a href="#">52.223-13</a>, Acquisition of EPEAT®-Registered Imaging Equipment, in all solicitations and contracts when imaging equipment (copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) will be:</p> <ul style="list-style-type: none"> <li>● delivered</li> <li>● acquired for use at a federal facility or</li> <li>● furnished by a contractor for government use.</li> </ul> <p>Use the clause with its Alternate I when there are sufficient EPEAT® silver- or gold-registered products available to meet agency needs.</p> <p> <b>Helpful Hint.</b> For further information about EPEAT®, see <a href="http://www.epa.gov/epeat/">www.epa.gov/epeat/</a>.</p>	None

<p><a href="#">52.223-14, Acquisition of EPEAT® Registered Televisions</a> (C)</p>	<p>FP SUP CR SUP FP R&amp;D CR R&amp;D FP SVC CR SVC FP CON CR CON T&amp;M LH</p>	<p>LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI</p>	<p>Insert the clause at <a href="#">52.223-14</a>, Acquisition of EPEAT®-Registered Televisions, in all solicitations and contracts when televisions will be-</p> <ul style="list-style-type: none"> <li>● Delivered;</li> <li>● Acquired by the contractor for use at a Federally controlled facility; or</li> <li>● Furnished by the contractor for use by the Government.</li> </ul> <p>Use the clause with its Alternate I when there are sufficient EPEAT® silver– or gold-registered products available to meet agency needs.</p> <p> <b>Helpful Hint.</b> For further information about EPEAT®, see <a href="http://www.epa.gov/epeat/">www.epa.gov/epeat/</a>.</p>	<p>None</p>
<p><a href="#">52.223-16, Acquisition of EPEAT®-Registered Personal Computer Products</a> (C)</p>	<p>FP SUP CR SUP FP R&amp;D CR R&amp;D FP SVC CR SVC FP CON CR CON T&amp;M LH</p>	<p>LMV COM SVC DDR FAC IND DEL TRN SAP UTL SVC CI</p>	<p>Insert the clause at <a href="#">52.223-16</a>, Acquisition of EPEAT®-Registered Personal Computer Products, in all solicitations and contracts when personal computer products will be-</p> <ul style="list-style-type: none"> <li>● Delivered;</li> <li>● Acquired by the contractor for use at a Federally controlled facility; or</li> <li>● Furnished by the contractor for use by the Government.</li> </ul> <p>Use the clause with its Alternate I when there are sufficient EPEAT® silver– or gold-registered products available to meet agency needs.</p> <p> <b>Helpful Hint.</b> For further information about EPEAT®, see <a href="http://www.epa.gov/epeat/">www.epa.gov/epeat/</a>.</p>	<p>None</p>

**6. FAR Subpart 23.8 - Ozone-Depleting Substances and Greenhouse Gases**


[FAR Subpart 23.8](#) implements policies and procedures for the acquisition of items that contain, use, or are manufactured with ozone-depleting substances or contain or use high global warming potential hydrofluorocarbons. In addition, this subpart addresses public disclosure of greenhouse gas emissions and reduction goals.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)	CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (C)</a>	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV  COM SVC DDR A&E FAC IND DEL TRN SAP UTL SVC CI	<p>Include the clause at <a href="#">52.223-11</a> in in solicitations and contracts for</p> <ul style="list-style-type: none"> <li>● Refrigeration equipment (in product or service code (PSC) 4110);</li> <li>● Air conditioning equipment (PSC 4120);</li> <li>● Clean agent fire suppression systems/equipment (e.g., installed room flooding systems, portable fire extinguishers, aircraft/tactical vehicle fire/explosion suppression systems) (PSC 4210);</li> <li>● Bulk refrigerants and fire suppressants (PSC 6830);</li> <li>● Solvents, dusters, freezing compounds, mold release agents, and any other miscellaneous chemical specialty that may contain ozone-depleting substances or high global warming potential hydrofluorocarbons (PSC 6850);</li> <li>● Corrosion prevention compounds, foam sealants, aerosol mold release agents, and any other preservative or sealing compound that may contain ozone depleting substances or high global warming potential hydrofluorocarbons (PSC 8030);</li> <li>● Fluorocarbon lubricants (primarily aerosols) (PSC 9150); and</li> <li>● Any other manufactured end products that may contain or be manufactured with ozone-depleting substances</li> </ul> <p> <b>Helpful Hints.</b> Refer to <a href="#">EPA's SNAP</a> program to identify alternatives required by 40 CFR part 82 subpart G. See <a href="#">EPA's Ozone Layer Protection Program</a> for further information.</p>	<p><b>US Awards Only</b></p>

<a href="#">52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV	COM SVC DDR A&E F AC IND DEL TRN SAP UTL SVC CI	Insert the clause at <a href="#">52.223-12</a> in solicitations and contracts that include the <b>maintenance, service, repair, or disposal</b> of: <ul style="list-style-type: none"> <li>Refrigeration equipment, such as refrigerators, chillers, or freezers; or</li> <li>Air conditioners, including air conditioning systems in motor vehicles</li> </ul>  <b>Helpful Hints.</b> Refer to <a href="#">EPA's SNAP</a> program to identify alternatives required by 40 CFR part 82 subpart G. See <a href="#">EPA's Ozone Layer Protection Program</a> for further information.	<b>US Awards Only</b>
<a href="#">52.223-20, Aerosols</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV	COM SVC DDR A&E F AC IND DEL TRN SAP UTL SVC CI	Insert the clause at <a href="#">52.223-20</a> in solicitations and contracts: <ul style="list-style-type: none"> <li>For products that may contain high global warming potential hydrofluorocarbons as a propellant or solvent; or</li> <li>That involve maintenance or repair of electronic or mechanical devices</li> </ul>  <b>Helpful Hints.</b> See EPA's Ozone Layer Protection Program for further information.	<b>US Awards Only</b>
<a href="#">52.223-21, Foams</a> (C)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV	COM SVC DDR A&E F AC IND DEL TRN SAP UTL SVC CI	Insert the clause at <a href="#">52.223-21</a> in solicitations and contracts for: <ul style="list-style-type: none"> <li>Products that may contain high global warming potential hydrofluorocarbons or refrigerant blends containing hydrofluorocarbons as a foam blowing agent, such as building foam insulation or appliance foam insulation; or</li> <li>Construction of buildings or facilities</li> </ul>  <b>Helpful Hints.</b> Refer to <a href="#">EPA's SNAP</a> program to identify alternatives required by 40 CFR part 82 subpart G. See <a href="#">EPA's Ozone Layer Protection Program</a> for further information.	<b>US Awards Only</b>
<a href="#">52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation</a> (P)	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV	COM SVC DDR A&E F AC IND DEL TRN SAP UTL SVC CI	Insert the provision at 52.223-2 only when the <a href="#">FAR 52.204-7 System for Award Management</a> is included in the solicitation (see FAR 52.204-8).	None

**7. FAR Subpart 23.9 - Contractor Compliance with Environmental Management Systems**

[FAR Subpart 23.9](#) implements the Environmental Management Systems (EMS) requirements for contractors or contractor operation of Government-owned or -leased facilities or vehicles, located in the United States. For facilities located outside the United States, the agency head may determine that use of the clause is in the best interest of the Government.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per FAR Matrix)	CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-19, Compliance with Environmental Management Systems (C)</a>	FP SUP CR SUP FP R&D CR R&D FP SVC CR SVC FP CON CR CON T&M LH LMV COM SVC DDR A&E F AC IND DEL TRN SAP UTL SVC CI	<p>Insert <a href="#">52.223-19</a> in all solicitations and contracts for contractor operation of Government-owned or leased facilities or vehicles, located in the United States. For facilities located outside the United States, the agency head <b>may</b> determine that use of the clause is in the best interest of the Government.</p> <p> <b>Helpful Hints.</b> For further review <a href="#">EPA's Environmental Management Systems</a> website.</p>	<p><b>US Awards Only*</b> *Can be used overseas if determined by agency head</p>



**8. FAR Subpart 23.10 - Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements**

[FAR Subpart 23.10](#) prescribes policies and procedures for obtaining information needed for Government compliance with right-to-know laws and pollution prevention requirements, implementation of an environmental management system (EMS) at a Federal facility; and Completion of facility compliance audits (FCAs) at a Federal facility.

FAR CLAUSE (C) or PROVISION (P)	CONTRACT TYPE (per <a href="#">FAR Matrix</a> )	CONDITIONS FOR USAGE	GEOGRAPHIC RESTRICTIONS
<a href="#">52.223-5, Pollution Prevention and Right-to-Know Information</a> (C)	FP SUP CR SUP LMV FP R&D COM SVC CR DDR R&D A&E FP SVC FAC CR SVC IND DEL FP CON TRN CR CON SAP T&M UTL SVC LH	<p>Insert the clause at <a href="#">52.223-5</a> in solicitations and contracts that provide for performance, in whole or in part, on a Federal facility.</p> <ul style="list-style-type: none"> <li>• Use Alternate I, if the contract provides for contractor to (1) Operate or maintain a Federal facility at which the agency has implemented or plans to implement an EMS; or (2) Activities and operations - (i) To be performed at a Government-operated Federal facility that has implemented or plans to implement an EMS; and (ii) That the agency has determined are covered within the EMS.</li> <li>• Use Alternate II if: (1) The contract provides for contractor activities on a Federal facility; and (2) The agency has determined that the contractor activities should be included within the FCA or an environmental management system audit.</li> </ul> <p>This clause requires federal facility compliance with the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (<a href="#">42U.S.C.11001-11050</a>), and the Pollution Prevention Act of 1990 (PPA) (<a href="#">42U.S.C.13101-13109</a>).</p>	<p>None</p>