

GUIDE TO GREEN PURCHASING:
THE AIR FORCE
AFFIRMATIVE PROCUREMENT
PROGRAM

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Today I am pleased to sign an Executive Order strengthening federal efforts to protect the environment and promote economic growth through the purchase of recycled and other environmentally preferable products. ... By redoubling our efforts to "green the government," we are demonstrating once again that the environment and the economy go hand in hand, and helping to promote a more sustainable future for America.

President Bill Clinton
September 14, 1998

CHAPTER ONE: INTRODUCTION

1.0 Background

As President Bill Clinton signed Executive Order (EO) 13101, he noted that the federal government has a special responsibility to lead the way in building markets for recycled goods. **Affirmative procurement** (AP) is the name given to this buy-recycled purchasing program. The intent of the program is to stimulate recycling by providing a market for new products manufactured with recycled materials. The federal government, as the country's largest purchaser of goods and services, has the ability to help create and stabilize markets for recycled-content products.

Before EO 13101 was signed on 14 September 1998, EO 12873 was the order that mandated the AP program. It emphasized buying recycled-content products. These products were originally singled out for AP because they help reduce solid waste disposal, minimize natural resource use, and often use less energy to produce than comparable "virgin" material products. These are good environmental performance characteristics, but there are other considerations that recycled-content products generally don't address: reducing toxicity, preventing air or water pollution, or reducing negative effects like global warming or ozone depletion.

EO 13101 has now superseded EO 12873. It was written to *improve* the federal government's use of recycled-content products, and *expand* the AP program (APP) to include other environmentally preferable products and services. Under EO 13101, the APP that was developed in response to EO 12873 will continue. The program name will not change, but its scope will be broadened to include new types of environmentally preferable purchases.

The President's statement about EO 13101 points out this new emphasis. **Environmentally preferable purchasing**, or EPP, is the name of the U.S. Environmental Protection Agency (EPA)'s program to encourage the purchase of products which have lesser or decreased effects on human health and the environment, when compared with competing products or services that serve the same purpose.

EO 13101 encourages federal agencies to modify their AP programs to give consideration to “biobased products”. A **biobased product** is “a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.” Examples of biobased products include vegetable-based lubricating oils, building construction panels made with straw or other agricultural fibers, and “tree-free” paper. These products often put materials to use that were destined for the landfill. Since they are usually made of “natural” materials with limited processing, they may also be less toxic and require fewer chemicals and less energy to produce.

1.1 Benefits of Environmentally Preferable Purchasing

It is clear that EPP benefits the environment and demonstrates our commitment to environmental stewardship. However, the operational benefits may not be as obvious. AP provides tangible benefits in many cases. Here are some examples of the advantages gained by using environmentally preferable products:

Plastic lumber can replace wood in certain applications. This removes the need to paint the materials. Money and labor are saved during installation and routine maintenance. Plastic lumber will not rot, so it lasts longer than wood, even though it isn’t pressure treated with toxic chemicals like wood often is. Finally, termites won’t attack it – which means the expense and chemical exposure from applying pesticides is eliminated.

Buying re-refined motor oil, and then sending the used oil back to the producer for re-refining, eliminates the expense and waste management problems that come with disposing used oil. (This cycle of using, processing and re-using a material is known as **closed-loop recycling**.) Toner cartridges, antifreeze, and tires are other products that may be handled this way.

In some cases, the best environmentally preferable purchase may not be a purchase at all – it may be a purchase *avoided* by re-using materials already on site. For example, when clearing a construction site, consider setting aside trees and woody shrubs and chipping them for use as mulch or for composting. Segregate concrete and asphalt that is demolished, crush it, then reuse the concrete as aggregate or road base and reprocess the asphalt for use in paving. These actions save the cost of hauling and disposing waste, and the purchase price of new materials.

As Air Force organizations purchase and use a broader range of environmentally preferable products, more benefits will be discovered. Durability, reduced toxicity, and the elimination of waste streams are likely to be among the common advantages.

1.2 Drivers for the Affirmative Procurement Program

Laws, regulations, and Executive Orders combine to provide the authority and requirements for federal AP programs. A brief summary of these drivers and how they interact is presented below. Detailed program requirements that stem from them are contained in Chapter 2. The references in Chapter 3 include a list of World Wide Web links for policy information.

1.2.1 Resource Conservation Recovery Act (RCRA)

The legal authority for the APP comes from the Resource Conservation Recovery Act (RCRA) Section 6002. It requires federal agencies to give preference in their purchasing programs to products and practices that conserve and protect natural resources and the environment. RCRA is also the source for the four required elements of an APP: a preference program, a promotion program, a certification program, and a monitoring program. The four elements are discussed in detail in Section 2.2.1 of this guide.

1.2.2 Executive Order (EO) 13101, “Greening the Government through Waste Prevention, Recycling, and Federal Acquisition,” 14 Sep 98

Executive Orders are Presidential directives to the federal agencies. EO 13101 describes APP requirements for federal agencies, as well as for the groups that oversee them: the Federal Environmental Executive (FEE), the Council on Environmental Quality (CEQ), EPA, and the U.S. Department of Agriculture (USDA). CEQ and the FEE provide overall policy direction and implementation oversight. The FEE is required by EO 13101 to establish committees and work groups as needed to develop answers for unresolved issues such as AP tracking and reporting. The Office of the FEE (OFEE) has also developed a government-wide Strategic Plan for EO 13101. This Plan states: “Requirements of EO 13101 do not apply to facilities and posts abroad except for purchases made in the United States for shipment overseas.”

EO 13101 carries forward the recycled-content product procurement program from EO 12873, and expands it by adding the biobased products procurement program. EPA administers the recycled-content program and USDA will administer the biobased product program.

1.2.3 Comprehensive Procurement Guidelines (CPG) – Federal Register “Final Rules”

The CPG is the document EPA uses to formally designate the items covered by the APP. As a result the designated items are known as “guideline items.” The process begins as EPA reviews a broad list of potential products made from recovered materials. They consider the availability of the item, the potential impact on the solid waste stream, the economic and technical feasibility of producing the item, and other uses of the recovered materials used to produce the item. EPA also considers comments from end users, manufacturers, distributors, the general public, and other interested parties through a formal rulemaking process to designate items. The list of

guideline items is complete when EPA publishes it as a Final Rule in the Federal Register. This process was completed for the first time with the publication of CPG I in the May 1, 1995 Federal Register. Twenty-four guideline items were listed in CPG I.

Guideline items are added to the existing list every time EPA publishes a new CPG. When EPA published CPG II in November 1997, the list grew to include 36 items in eight categories. CPG III added 18 more items on 19 January 2000. Expect the CPG list to continue to grow, since EPA is tasked by EO 13101 to update the CPG every two years or as appropriate.

EPA has created an excellent Web page for CPG information: <http://www.epa.gov/cpg>. The “Products” section of the page lists all currently designated and proposed guideline items and their associated recycled-content requirements. The full text of each CPG is found in the “Background” section. Other sections of the Web page provide product fact sheets, give CPG program updates, and answer frequently asked questions.

1.2.4 Title 40, Code of Federal Regulations (CFR), Part 247 (40 CFR 247) – “Comprehensive Procurement Guideline for Products Containing Recovered Materials”

These are the regulations that codify the CPG requirements. 40 CFR 247 lists the product categories defined in the CPG; defines terms; and describes who the program applies to. The CFR also calls on federal agencies to assure their specifications for purchase of guideline items require the use of recovered materials to the maximum extent possible.

1.2.5 Air Force Instruction (AFI) 32-7080: “Compliance Assurance and Pollution Prevention” *(Revised AFI, currently in draft and anticipated for FY01 release)*

AFI 32-7080 contains Air Force policies, requirements, and responsibilities for pollution prevention programs, including AP. Although it is a Civil Engineering series AFI, its requirements apply beyond CE and the environmental flight, to personnel in Contracting, Logistics, Operations, Legal, Safety, Bioenvironmental Engineering, and Public Affairs. All personnel supporting the APP should become familiar with the sections of AFI 32-7080 covering the program goals and execution.

DoD is beginning preparation of its own APP strategic plan, in response to EO 13101 and the government-wide APP Strategic Plan for EO 13101 that was developed by OFEE. Details on the content and schedule for this plan are not yet available. When complete, the DoD plan will be posted to AFCEE's website (see Section 3.4 of this guide).

1.2.6 Air Force Policy Memo, 31 May 2000: “Air Force Affirmative Procurement Program”

The 31 May 2000 memo guides the implementation of the APP at AF installations. It was co-signed by Civil Engineering and Contracting leadership and contains requirements for both

organizations. Each MAJCOM and installation Environmental Protection Committee (EPC) or Environment, Safety and Occupational Health Committee (ESOHC) will oversee APP implementation and will charter a cross-functional team to execute the program.

1.2.7 AF Engineering Technical Letter (ETL) 00-1: “EPA Guideline Items in Construction and Other Civil Engineering Specifications”

ETL 00-1 (formerly ETL 94-7) makes it mandatory for civil engineer specifications to include EPA designated guideline items containing recycled material unless the recycled-content product does not meet specific performance, price, or contracting requirements. See Section 2.1 of this guide for a discussion of the exemption criteria and how to apply them.

1.2.8 Federal Acquisition Regulation (FAR) and DoD FAR Supplement (DFARS)

Applicable portions of the FAR include Part 4 – Administrative Matters; Part 11 – Describing Agency Needs; Part 13, Section 13.005 – Simplified Acquisition Procedures; Subpart 23.4 - Use of Recovered Materials; Subpart 23.7 - Contracting for Environmentally Preferable and Energy-Efficient Products and Services; and Part 36 - Construction and Architect-Engineer Contracts.

- Subpart 4.3 calls for contractors to use recycled-content paper and to print documents double-sided whenever practicable.
- Part 11 requires agencies to consider use of recovered material, the EPP criteria developed by EPA, and environmental objectives in specifications, requirements for supplies and services, and source selection factors.
- Subpart 23.4 states that agency AP programs must require 100 percent of purchases of EPA designated products to contain recovered material, unless one of the exemption criteria applies. It also requires written determinations to be placed in the contract file whenever an exemption is claimed for an acquisition exceeding the micropurchase threshold (\$2,000 for construction and \$2,500 for all other purchases.)
- Subpart 23.7 requires agencies to implement cost-effective contracting programs that favor EPP, and adds a policy requirement for agencies to consider the use of biobased products.
- Part 36 requires attention to environmental concerns in the architectural-engineer (A-E) selection process, and in the work that is performed by the chosen A-E firm.

These requirements are supplemented by DFARS 223.404(b)(3). It forbids awarding a contract for an EPA designated item that does not meet the EPA minimum recovered material standards, before approval of the written determination required by the FAR.

1.2.9 Summary

EO 13101 calls for federal agencies to “comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services.” This

call to action is based on the requirements of the many drivers listed above. The rest of this Guide will discuss the specific program requirements in greater detail, describe the Air Force approach to AP, and list tools and resources.

CHAPTER 2: THE AIR FORCE AFFIRMATIVE PROCUREMENT PROGRAM

2.0 Applicability

Once a guideline item is designated by EPA, procuring agencies are required by RCRA and 40 CFR 247 to purchase a product composed of the highest percentage of recovered materials practicable, taking into consideration competition, price, availability, and performance. RCRA defines “procuring agencies” as federal, state, and local agencies, and their contractors, that use appropriated federal funds. According to CPG I, the requirement applies when the purchase price of the item exceeds \$10,000 or when the total cost of such items, or of functionally equivalent items, purchased by the agency during the preceding fiscal year was \$10,000 or more.

In applying the \$10,000 annual threshold, Section 202 of EO 13101 defines the term “agency” to be the Department of Defense, not an individual military department. Therefore, because DoD spends more than \$10,000 annually on each of the guideline items:

All AF CONUS installations must establish AP programs to ensure purchases of all designated guideline items comply with EPA recycled-content requirements. (Note: CONUS is defined as the continental US, Alaska, Hawaii, and territories/possessions.)

This requirement is echoed in AFI 32-7080. Purchases of all designated guideline items must meet or exceed EPA’s recommended recycled-content requirements, unless an exemption applies (see Section 2.1 of this guide for explanation of exemptions).

40 CFR 247 also points out that RCRA AP requirements apply to federal agencies whether or not they are using appropriated funds for procurement of designated items. Therefore:

Non-appropriated fund activities must participate in the installation APP to ensure that when they purchase guideline items for their own use, their purchases meet EPA recycled-content requirements.

Section 701 of EO 13101 directs agencies to include AP requirements in all contracts for operation of Government-owned or leased facilities, and also in contracts that provide for support services at Government-owned or operated facilities. This is clearly stated in the EO:

Contracts awarded by executive agencies after 14 Sept 98 shall include provisions that obligate the contractor to comply with EO 13101 within the scope of their operations.

Mandatory purchase requirements apply to recycled-content (CPG) item purchases, but not to biobased products. There are presently no hard requirements for purchase of biobased products.

If legal requirements are promulgated in the future or in the event DoD issues policy on the purchase of biobased products, these requirements will become part of the APP. Please see Sections 2.3.3 and 2.5.2 for more discussion.

In summary, this section of the guide provides general information on AP requirements and applicability. The next two sections will discuss specific requirements and actions for purchasers of guideline items (Section 2.1), and for the personnel responsible for managing and supporting the APP (Section 2.2).

2.1 Requirements for Purchasers of Guideline Items

This section explains the use of AP purchasing exemptions, discusses the use of written determinations, and provides a summary of requirements for purchasers of guideline items.

2.1.1 Exemptions and Written Determinations

The APP is intended to promote cost-effective environmentally preferable purchasing. The authors of RCRA recognized that there would be occasions when the use of a recycled-content product would not meet operational needs, and they provided exemptions to cover these situations. These exemptions are reflected in EO 13101, 40 CFR 247 and AFI 32-7080. Recycled-content products meeting EPA guidelines will always be purchased unless they:

- Are not available within a reasonable period of time; or
- Fail to meet the performance standards set forth in applicable specifications or fail to meet reasonable performance standards of the procuring agency; or
- Are not available from a sufficient number of sources to maintain a satisfactory level of competition (i.e., available from two or more sources); or
- Are only available at an unreasonable price. If the cost of the recycled-content product exceeds comparable product costs, the cost is considered unreasonable.

An exemption may be claimed if one or more of these criteria are met. **To invoke the exemption, a written determination is required** unless it is for a micropurchase. FAR 23.405(c) states: "The contracting officer must place in the contract file a written justification if an acquisition of EPA-designated products above the micro-purchase threshold does not contain recovered material."

There is no prescribed format or designated signature authority for AP exemptions. MAJCOMs or AP teams may use locally developed forms, or the "Recovered Materials Determination Form" in the Appendix to this guide can serve as the written justification required by the FAR. This form may be used in two ways:

- When CPG requirements are not met and an exemption is claimed;
- When CPG requirements were met, and the contracting officer or project manager wishes to document AP compliance for review during future audits or inspections.

Justifications need not be provided for micropurchases (less than \$2,000 for construction and \$2,500 for everything else). Micropurchases are typically made by credit card. However, **it is the size of the purchase, and not the purchase mechanism, that dictates when a written justification must be prepared.** They are required for all guideline item purchases over the micropurchase limit that do not meet CPG standards – even if the purchase is made by credit card.

Blanket justifications for a series of identical purchases of guideline items are acceptable as long as the installation's MAJCOM has not issued instructions to the contrary. However, blanket justifications should be reviewed annually. This is because technical requirements, prices, and product performance are not fixed quantities but are subject to change.

Written justifications are important references when the installation receives an EPA or state audit of affirmative procurement compliance. They are proof of a purchaser's efforts to comply with the CPG. Written determinations also document the decisions made by construction project managers, and are essential references in case the designer's selection of materials is challenged by a bid protest.

- For each **contract** that includes guideline items and claims an exemption, a copy of the justification must be provided to the contracting officer. DFARS 223.404 states: "A contract for an EPA designated item that does not meet the EPA minimum recovered material standards shall not be awarded before approval of the written determination" required by the FAR.
- If a guideline item purchase over \$2,500 (or \$2,000 for construction) is made on a **credit card**, the written justification can be provided to the contracting officer or filed with the credit card holder's purchase records, as directed by the contracting officer.

There is no legal requirement to prepare a determination form for purchases over the micropurchase threshold that **meet EPA requirements**. However, this practice does have the advantage of documenting the fact that the AP requirements were considered and met. Completing the form and placing it in the contract file will not require much effort, will show compliance with AP requirements, and will answer questions that may arise during ECAMP audits or EPA inspections.

2.1.2 Summary of Requirements for Purchasers

The requirements for purchasers of guideline items can be summarized as follows:

Each CONUS installation must have an AP program, and all purchases of guideline items must comply with EPA recycled-content requirements unless an exemption applies. Purchases made in the United States for shipment overseas also must comply with EPA requirements.

Overseas purchasers are encouraged (but not required) to buy recycled-content products locally whenever these products meet technical needs, are readily available, and cost effective. The following requirements apply to CONUS installations only:

If a USAF contract includes the purchase of guideline items, the contract specifications must require the product to meet the EPA recovered material content requirements, unless written determination is provided for the contract file before the contract is awarded. (See Section 2.2.1.4 for additional actions required *after* the contract is awarded.)

When making a USAF credit card purchase of guideline items exceeding \$2,500 (or \$2,000 for construction), the purchaser must select products meeting EPA recovered material content requirements unless an exemption applies. If the requirements were not met, a written determination must be placed in the purchase files.

When making a USAF credit card purchase of guideline items less than \$2,500 (or \$2,000 for construction), the purchaser must select products meeting EPA recovered material content requirements unless an exemption applies. The written determination is not required if an exemption is invoked for micropurchases.

In closing, we have seen that certain details of the APP requirements vary with the dollar value of the purchase. The requirement for written determinations is one such instance. The other is the requirement to insert contract clauses (refer to the discussion of vendor estimates, certifications and verification in Section 2.2.1.3). **It is important to understand that these are unique circumstances for individual purchases. They do not provide an excuse for avoiding APP requirements in general.** Section 402(c) of EO 13101 states: “For the EPA designated guideline items . . . agencies shall ensure that their affirmative procurement programs require 100 percent of their purchases of products to meet or exceed the EPA guideline”.

2.2 Programmatic Requirements for Affirmative Procurement

The installation APP is the framework for executing all of the requirements discussed in previous sections of this guide. EO 13101, Section 402 describes the overall scope of the APP as follows:

- Agencies shall consider pollution prevention in acquisition planning for all procurement and in the evaluation and award of contracts;
- Agencies shall establish AP programs meeting RCRA requirements for all EPA-designated guideline items purchased by their agency;
- Agencies shall ensure that responsibilities are shared between program personnel and acquisition and procurement personnel;

- For the EPA-designated guideline items, agencies shall ensure their AP programs require 100% of their purchases of products to meet or exceed the EPA guideline unless an exemption is justified in writing;
- For newly designated items, agencies have one year from the date of EPA’s final rulemaking to revise their internal AP programs.

2.2.1 Elements to Include in the Program

RCRA is more specific about the elements that must be included in the APP. They are a preference program, a promotion program, a certification program, and a monitoring program. The following paragraphs will describe each element in more detail, along with suggested actions to take to meet the requirements.

2.2.1.1 Preference Program

The **preference program** demonstrates that the installation has a preference for products that contain recycled materials meeting the standards for recycled-content established by EPA. The preference program needs to target installation employees, current contractors, and potential vendors that seek to do business with the installation. This is accomplished through formal policy statements, action plans, and contract language. Here are steps that can be taken to meet the RCRA requirement for a preference program:

Write an AP policy letter and get it signed by the chairperson of the Environmental Protection Committee (EPC). For an example of a general statement of commitment to environmentally preferable purchasing, look in Appendix C of EPA's Final Guidance on Environmentally Preferable Purchasing, August 1999. The installation policy letter should also define "environmentally preferable" to include recycled-content items, and clearly state that all installation organizations, and contractors who want to do business with the installation, must comply with EPA’s Comprehensive Procurement Guidelines – regardless of the dollar value of the purchase.

Develop an APP plan for the installation. The plan needs to briefly describe APP requirements, state the actions needed to meet the requirements, and identify who will perform the required actions. The format is determined by the installation and the MAJCOM. Examples of APP plans are available for downloading on AFCEE’s website: www.afcee.brooks.af.mil/eq/ap/ap.htm. It will be easier to keep the plan up to date if it summarizes the program requirements as much as possible, and refers to other sources (like the EPA website and this guide) for details and background information.

Ensure that all contract solicitations for the purchase of CPG items, also include AP requirements language clearly stating the installation’s obligation to

meet EPA minimum recycled-content requirements when purchasing CPG items. See Section 2.2.2.3 of this guide for further discussion and an example.

2.2.1.2 Promotion Program

The **promotion program** is the second program element required by RCRA. It encourages employees, contractors, and potential vendors to adhere to the requirements of the established APP. Here are steps that can be taken to meet the RCRA requirement for a promotion program:

Raising Employee Awareness

Familiarize all installation purchasers with APP requirements. A tri-fold brochure that introduces general APP concepts may be downloaded from AFCEE's website (www.afcee.brooks.af.mil/eq/ap/ap.htm), or a similar tool may be developed for a specific installation.

Conduct workshops or training sessions to educate employees about their responsibilities under the APP. Microsoft Powerpoint training slides are available on the AFCEE website (www.afcee.brooks.af.mil/eq/ap/ap.htm). Four sets of APP training slides are available: two for general use, one for civil engineering project managers, and one for credit card holders. Installation-specific information can be added to these slides to make the training session more productive.

Distribute installation APP policies to all organizations along with APP training materials.

Publish a list of local vendors of recycled content products that meet EPA's CPG requirements. This list can be developed by AP team members canvassing their organizations to see what products are being bought where. Contracting or Environmental can maintain the list, using updates provided by the team members.

Publish articles in the installation paper and organizational newsletters. Explain the program and solicit support. As the program matures, publish AP success stories about individuals and organizations.

Update local operating instructions to include APP requirements. This may be a challenge but the effort will pay off if it "institutionalizes" APP requirements into all installation operations. Use the roles and responsibilities in AFI 32-7080 to identify all affected organizations, and solicit EPC support.

Seek volunteer organizations for limited trials of new products, get feedback on the cost and performance of the products, and publicize the results installation wide.

Consider using a facility construction or renovation project as a showcase for recycled-content building materials. Make the specifications and product information (material submittals) for this project available as a reference for designers of future projects.

Provide periodic updates through the e-mail system. Send out information on new products and where to buy them. Recognize outstanding efforts of installation personnel toward AP.

Raising Contractor/Vendor Awareness

Prepare a Fact Sheet about the installation's APP and distribute it through the contracting office.

Participate in regional vendor shows and trade fairs, or host a Recycled-Content Product Fair and invite local vendors to display their products that meet the EPA recycled-content guidelines. Use this information to develop an installation list of APP products and local vendors, or add it to this list if it already exists.

Discuss the installation's APP at bidders' conferences.

2.2.1.3 Vendor Estimates, Certification and Verification

The third RCRA program element is for **vendor estimates, certifications and verification**. It requires vendors to identify the amount of recovered materials used in the performance of the contract. Do not confuse “vendor estimates, certification and verification” with “reporting” of AP data. They are separate and distinct issues. Please see Section 2.5.3 of this guide for an explanation of data collection and reporting.

Vendor estimates and certifications are only required for contracts over the simplified acquisition threshold, based on Federal Acquisition Streamlining Act (FASA - Pub.L.103-355). FASA amended RCRA Section 6002 to require recovered material estimates only for contracts valued at more than \$100,000 if the contract includes the purchase of any EPA Guideline Items. When applicable, this element has two steps. First, the vendor must estimate and certify the amount of recycled material that will be included in a product. After the product is delivered, the requiring activity must verify that the estimates were accurate. These steps are described in detail below.

Step 1: Vendor Estimates and Certifications

Vendors will estimate the percentage of recovered material content that will be used in a particular product, specifically identifying the percentage of post-

consumer waste and other recycled material that are in the product. Vendors will use the Federal Acquisition Regulation (FAR) provision 52.223-9, *Estimate of Percentage of Recovered Material for EPA Guideline Items to be Used in the Performance of the Contract* to provide the estimate.

Vendors will also certify that the percentage of recovered content used in the performance of the contract will be at least the amount required by the solicitation or invitation for bid. Vendors will use FAR provision 52.223-9, *Estimate of Percentage of Recovered Material for EPA Guideline Items to be Used in the Performance of the Contract*, to meet this requirement. The certification must be in the form of a label on the product or a statement verified by the vendor attached to the bid documents. Measurement of recovered material content should be made in accordance with standard industry practice. The certification on multi-component or multi-material products must verify the percentage of post-consumer waste and recycled material contained in the major constituents of the product.

Step 2: Verification

The APP must contain reasonable verification procedures for estimates and certifications. Contractor certifications will be maintained in the individual contracting project folders for the life of the contract. Contracting officers will ensure that vendor certifications are present for each applicable contract. This information will not be reported to higher headquarters, but is used to verify that affirmative procurement requirements are being met. Technical experts (project managers or product purchasers) will review each vendor estimate and certification for completeness and accuracy.

Federal supply sources such as the GSA, Government Printing Office (GPO), and Defense General Supply Center (DGSC) have established their own estimation, certification, and verification procedures for EPA Guideline Items. Therefore, agencies procuring designated items through these supply sources are not required to conduct independent estimation, certification, and verification procedures.

Smaller contracts which do not require FAR 52.223-9 must still include the "Recovered Material Certification" provision (52.223-4) if these contracts are for, or specify the use of, recovered materials. Federal agency contracting officers will insert into this clause into all such solicitations regardless of contract value. This clause states that the vendor certifies, by signing their bid document, that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.

One additional FAR clause, 52.223-10, "Waste Reduction Program," is related to EO 13101. This clause is used to promote cost-effective waste reduction in contracted operations. It isn't directly related to AP, but supports the larger EO 13101 goals of recycling and waste reduction.

2.2.1.4 Annual Monitoring and Review

The final RCRA program requirement is for **annual monitoring and review**. Each installation needs to review and evaluate the effectiveness of its APP every year. *This action is separate and distinct from the requirement to collect and report agency-wide data about AP implementation to OFEE and the Congress.* Please see section 2.5.3 of this guide for more information on data collection and reporting.

The annual monitoring and review that is required by RCRA is a local look at the workings of the APP to see where improvements could be made. Here are some things to consider in the annual program review:

Is the program up to date? New CPG items are periodically added to the list by EPA. Check www.epa.gov/cpg/products.htm for the latest requirements. Are all buyers of all guideline items aware of all requirements? Recall that EO 13101, Section 402 allows one year from the date of EPA's final rulemaking to revise the APP.

Is the APP plan reasonably current? If requirements or operations have changed substantially, it's time to update the plan. Check with the MAJCOM point of contact for specific guidance on updating APP plans.

Are all installation organizations participating as required by the 31 May 00 AF policy memo and the installation's plan? If not, the annual review is a good opportunity to identify the problem and elevate it to senior management.

Are any new information resources available? Take a minute to look through the files and e-mail, and send out any information that's been collected about new products, conferences, or training.

What did the latest ECAMP turn up? If there are any deficiencies related to AP, make sure the corrective actions are in work and changes to the APP Plan are made if necessary.

Are credit card purchasers actually buying recycled-content products when they need guideline items? "Spot check" the purchase records from different organizations at random. Identify two or three recent purchases of guideline items, then ask the purchaser to show you the product. If it doesn't meet recycled-content requirements, find out why. Was the product unavailable or too expensive? Is there a perception that the recycled-content product is inferior? Or did the purchaser just not understand the requirement? Visit AFCEE's website for links to training materials aimed at purchasers using credit cards.

Are contractors providing recycled-content guideline items as required by project specifications? Review the process, from specification through project completion, to make sure all required activities are happening. Whenever a guideline item is acquired as part of a contract:

- Civil Engineering and Contracting ensure the specifications state the requirement to buy recycled, and include the contract clauses appropriate to the dollar value of the contract;
- If an exemption is claimed before contract award, the written determination must be provided to the contracting officer;
- Following award, if the total contract value exceeds \$100,000, the contractor must provide the information required by FAR 52.223-9 for each guideline item in the contract. Check these submittals to make sure they delivered what was specified. If not, find out why, and take steps to fix the problem for future contracts.
- There is currently no AF requirement to "roll up" these contractor submittals for reporting to higher headquarters. MAJCOMs may request this data from their bases for their own audits, if desired.

2.2.2 Executing the Affirmative Procurement Program

The 31 May 00 AF policy memo assigns APP roles and responsibilities. Many functional areas provide critical support to the program. The environmental flight, Contracting, Logistics Maintenance, CE Operations, Legal, Safety, Bioenvironmental Engineering, and Public Affairs are all key players. The revised AFI 32-7080 will reflect the policy memo's call for a cross-functional installation level team to manage the APP. This could be an existing EPC/ESOHC subcommittee, or a new group if necessary. Installations should consult their MAJCOMs for any additional guidance on APP implementation.

2.2.2.1 Six Months to an AP Program

Installations that are getting started, or want to jump-start their APP, will need a list of actions and a timetable for accomplishing them. HQ AFRC created a detailed action plan called "Six Months to an Affirmative Procurement Program".

The HQ AFRC plan provides an overall schedule for the establishment of an installation level APP in six months. This is a reasonable period of time because if it were any longer, personnel may lose momentum and interest in the program. A schedule of less than six months may be too ambitious, unless the installation has a more mature APP.

The schedule provides for naming a coordinator of the installation APP, and for establishing the committee that will assist the coordinator with program implementation.

2.2.2.2 Hints and Tips for APP Teams

Here are some ideas for enhancing the installation APP:

Use available resources. See Chapter 3 of this guide for a list of technical references for APP teams. Use existing websites to communicate specific product requirements to everyone involved in buying CPG items. Send a short e-mail or memo summarizing the CPG items, and use that message to point them to the EPA CPG website for detailed information.

Identify affirmative procurement opportunities. Lists of AP opportunities are another very useful feature of HQ AFRC's "Six Months to an AP Program". It identifies specific actions the APP team can take for each of the eight CPG product categories. If an action plan hasn't already been created, this is a great place to start. The team can review the tables, select actions that are applicable to installation operations, and assign action offices for each.

Set up "closed loop" contracts. A closed loop contract requires a vendor to pick up your waste, create a product and return it to you for use. Some are already available (for example, DLA offers access to closed-loop contracts for re-refined motor oil), or the installation can initiate one.

Prepare and update a local list of environmentally preferable products and suppliers. One way to start this list is to host an Environmentally Preferable Products Fair and invite local vendors to display their products. After the fair, the environmental or contracting office can maintain the list based on feedback about new products from the organizations at the APP team meetings. Make the list available to all purchasers (including IMPAC cardholders) through the Web or by e-mail updates.

Talk with vendors and manufacturers. Compare prices and share ideas. Ask about development of new products and provide feedback on current products. Look for opportunities to implement closed-loop recycling. Ask for life cycle costing information and copies of manufacturer's environmental product certifications.

Consider cooperative purchasing for better prices. Set up blanket purchase agreements with vendors who offer qualifying products, or combine purchases with other installation offices and purchase in quantity.

Look for conferences providing AP information. The National Recycling Coalition (NRC) and Solid Waste Association of North America (SWANA) conferences may offer excellent opportunities for learning and networking.

Use the APP as part of the installation public relations campaign. An installation APP Fact Sheet can be sent to community groups and state and local regulators. Include APP awareness in Earth Week activities.

2.2.2.3 Getting What You Want: Specifications and Work Statements

Under RCRA, specifications for guideline items must require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of those items. This applies whether the contract language is written in-house, or is prepared by others such as architectural-engineer (A-E) design firms. The FAR 23.704 requirement is to obtain products and services considered to be environmentally preferable (based on EPA-issued guidance), and to promote cost-effective waste reduction when creating plans, drawings, specifications, standards, and other product descriptions.

Many service contracts include a requirement to provide guideline items. If the contractor is to be held responsible for complying with EPA recycled-content requirements, the contract must contain language specifying these requirements. Pay special attention to **contracted supply operations** such as Contractor Operated Civil Engineer Support Services (COCESS) and office supply stores operated by contractors, and to service contracts for **grounds maintenance, janitorial and reproduction services**. These are usually multi-year contracts. The contracts must be written to ensure they stay current with EPA's changes to the CPG and continue to provide the installation with products meeting EPA recycled-content requirements. If a service contract written by an organization outside the installation is creating problems for the APP, the issue needs to be identified to the MAJCOM.

Another major procurement avenue for Guideline Item purchases is through **construction contracts**. CPG requirements must be met, unless an exemption applies, whether the project specifications are written in-house or by contract. FAR Part 36 covers construction and A-E contracts. It provides selection criteria to use when selecting A-E firms, and also includes required actions for government project managers and A-E firms.

FAR 36.602-1 lists selection criteria for A-E firms. The Government shall select A-E firms based on several factors, including specialized experience and technical competence in energy conservation, pollution prevention, waste reduction, and the use of recovered materials as appropriate.

FAR 36.601-3 says that Statements of Work for A-E services shall require the A-E to specify the maximum practicable amount of recovered materials, consistent with performance requirements, availability, price reasonableness, and cost effectiveness.

FAR 36.601-3 also requires the A-E to consider energy conservation, pollution prevention, and waste reduction to the maximum extent practicable in the specifications.

For all types of contract actions, the first step is to write the Statement of Work (SOW) or Performance Work Statement (PWS) correctly. It must be clear to all potential vendors that they are required to meet EPA requirements whenever they provide a guideline item to the Government as part of their contract. Here is one example of “boilerplate” contract language:

In an effort to comply with the affirmative procurement requirements of Section 6002 of RCRA and Executive Order 13101, the Government strongly promotes the use of the recycled and recovered materials and products identified in the Environmental Protection Agency’s Comprehensive Procurement Guidelines. These materials and products must meet the requirements of the Specifications, must not delay the progress of the work, and must not be cost prohibitive. EPA guideline items are seen as the minimum that should be considered when evaluating recycled/reuse materials. Other materials and products not listed, but commonly used in industry outside of the government, should also be considered. Material and product submittals for all recycled-content items should list the recycled and recovered materials used and the percentage content.

To meet Executive Order requirements, engineering project managers need to review and revise all service contracts and construction specifications to include recycled-content materials and other environmentally preferable products and practices. Boilerplate language at the beginning of the contract is the minimum that is required. Success at meeting APP requirements is much more likely if a little more effort is made. Review the service contract or project design in detail, identify all of the guideline items to be used, and write specific recycled-content requirements into all applicable sections of the service contract PWS or the construction specifications. For example, if the project requires concrete, insulation, and latex paint, be sure that each of these sections describes the recycled-content requirements. Here is an example of language that might appear in the specification section for building insulation:

Provide fiberglass insulation with recovered material content, minimum 20 to 25% percent by weight, of glass cullet. Provide foam sealant with recovered material content, minimum 5% by weight.

Alternatively, products that comply with EPA minimum content requirements could be specified by “brand name or equal”. This means the contractor can supply the product by brand name as stated in the specifications, or provide an equivalent product. This approach is more difficult to manage because:

- it doesn’t clearly state the requirement for a recycled-content product in every specification section that includes the use of a guideline item;
- the contractor is not likely to be aware of the requirement, and consider it when proposing an “equivalent” product; and
- it requires the project engineer to remember that a guideline item is involved, and review all submittals for equivalent products to ensure they have the required recycled content.

It will be much easier to review the contractor's material submittals for AP compliance if the recycled material content requirements are clearly stated in each specification section that calls for the use of a guideline item.

Preparing contracts in such detail requires up-front education and effort from the engineering team, but prevents confusion and costly mistakes when the work actually starts. For major construction, remember the A-E firm must write the specifications, but the project manager must set goals and be informed enough to make sound design decisions. The A-E is a resource; pick one that's experienced, but also keep watch to make sure the goals are being met. Finally, follow through during construction and don't allow product substitutions to dilute the environmental benefits called out in the specifications.

2.3 Understanding Specific Product Requirements

Recycled-content guideline items and biobased products are all part of the APP, but they are found on different lists prepared by different agencies, and so the requirements differ. The following sections will discuss these requirements in detail.

2.3.1 Recycled-Content Guideline Items

The EPA specifies the types of products to be included in the APP by listing them in the CPG. The guideline item list is divided into eight categories:

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

EPA's Web site (www.epa.gov/cpg) is the best source for the latest CPG product list and the specific recycled-content requirements for each product. The web site also offers technical support information including product fact sheets, recommendations on how to specify compliant products, and lists of manufacturers and suppliers of guideline items.

Along with the CPG, EPA issues guidance on buying recycled-content products in documents called Recovered Material Advisory Notices (RMANs). The RMANs determine appropriate recycled-content ranges for CPG products based on current information about commercially available recycled-content products. These ranges are updated as market conditions change.

EPA's CPG web page consolidates the CPG and RMAN information. On the "Products" section of the page, users can view a series of tables listing the guideline items, which are linked to more tables describing the specific recycled-content requirements for each item. For those who need background information or more detail, the full text of each CPG and RMAN is also found on the CPG web page.

2.3.2 Unique Requirements for Certain Guideline Items

Paper. Section 505 of EO 13101 places specific requirements on federal agency purchases of high speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock. For each of these items, the minimum content standard was raised to 30 percent postconsumer materials effective 31 December 1998. If products with 30 percent postconsumer content are not available, do not meet performance requirements or are unreasonably priced, federal purchasers must buy products containing no less than 20 percent postconsumer material. No exemptions to the 20 percent minimum are authorized. As an alternative to these requirements, paper products having 50 percent recovered materials may be used.

Re-refined Lubricating Oil. Section 507 of EO 13101 calls on fleet and commodity managers to take immediate steps to procure re-refined oil. It also states this requirement does not preclude the acquisition of biobased (vegetable) oils. However, Air Force technical offices responsible for vehicle management must first approve vegetable oils for use in AF vehicles.

Retread Tires. Section 507 of EO 13101 names the DoD Cooperative Tire Qualification Program as a focal point for retread tire purchases. This program is administered by the Army Tank-automotive and Armaments Command (TACOM). Their program information is found on the "Team Tire" website (www.tacom.army.mil/immc/Support/Teamtire/home1.htm).

2.3.3 Biobased Products

Biobased products will become part of the APP when USDA creates the first biobased product list. (Please see Section 2.5.2 for further explanation.) Agencies are "encouraged" by Section 504 (b) of EO 13101 to "modify their AP program to give consideration to those products." AFI 32-7080 calls for the Air Force to promote purchase of biobased products as part of the APP. However, not all APP requirements will apply to biobased product purchases. For example:

- EO 13101 does not require agencies to set a goal for a specific percentage of their purchases to be biobased products, and the Air Force has not set such a goal; and
- EO 13101 does not require agencies to prepare written determinations if they decide not to purchase biobased products.

According to USDA's 13 Aug 99 Federal Register notice, "Procedures for Submission of Biobased Products for Listing by USDA": "The Biobased Product List (BPL) does not qualify as a rulemaking under the Administrative Procedure Act.... The listing is without a binding effect. Agencies are not required to purchase biobased products, and listing does not guarantee any sales of such products."

Unfortunately, a reporting requirement exists. One year after USDA places a product on the BPL, Section 302(b)(6) of EO 13101 requires agencies to estimate their purchases of that product

and report the estimate to the Secretary of Agriculture. The procedures for estimating biobased product purchase data have not yet been developed.

USDA offers an electronic source book for suppliers of biobased industrial products on their web pages at <http://www.usda-biobasedproducts.net/public/>.

2.4 Compliance Assurance

Section 403 of EO 13101 states that EPA inspections of federal facilities “will include, where appropriate, evaluation of facility compliance with section 6002 of RCRA and any implementing guidance.” The EO also calls on the EPA Administrator to encourage authorized states to evaluate AP compliance as part of their RCRA inspections.

2.4.1 EPA Inspection Guidance and Protocols

EPA was tasked by EO 13101 to produce guidance for use in determining federal facility compliance. A document titled “Guidance on Conducting Inspections of Federal Facilities for Compliance with Section 6002 of the Resource Conservation and Recovery Act” (May 12, 1999) was written for this purpose.

According to the Compliance Guidance, EPA has elected to focus initially on field level awareness of the RCRA 6002 requirements. AP compliance may be reviewed by EPA or authorized State inspectors as part of RCRA, Federal Facility Compliance Act, or "multi-media" inspections. Two actions for inspectors are included in the EPA guidance:

- distribution of a questionnaire to the environmental management office, and
- inspection of the facility motor vehicle maintenance activities (where such activities exist).

Motor vehicle maintenance activities were selected by EPA for this effort due to their common presence at a broad range of Federal facilities; significant awareness and availability of products and services that meet the EPA guidelines for vehicular products; and likelihood that RCRA inspections would normally be conducted at these locations.

The motor vehicle maintenance audit protocol and the questionnaire are included in the guidance document that is posted on the OFEE website.

2.4.2 Applicability to Air Force Activities

The AP requirements of RCRA 6002 are outside the scope of the waiver of sovereign immunity set forth in RCRA 6001, as that waiver extends only to the “control and abatement of solid waste or hazardous waste disposal and management.” Only Congress can broaden a waiver of sovereign immunity. Thus, direction in EO 13101 that regulators review compliance with RCRA 6002 during RCRA inspections does not make bases subject to enforcement actions for alleged violations of that section. The bottom line is that while bases should comply with the EO, AF personnel should also understand that any enforcement of RCRA 6002 AP requirements

by regulators is beyond the scope of their authority. An NOV may be issued for affirmative procurement violations, but inclusion of RCRA section 6002 requirements in a subsequent Administrative Order would be an overreach of the regulator's enforcement authority. In other words, EPA can issue an APP NOV but can not take enforcement action based on APP violations. Please consult the installation's legal office with questions about APP enforcement.

If the installation receives an NOV for APP, don't challenge the inspector's authority. Accept the NOV without agreeing to any response actions, and then consult the legal office. Don't let the base's relationship with the regulator become strained, so that it affects other areas of environmental compliance. Also please bear in mind that the rules could change in the future, so that DoD could become subject to enforcement actions for RCRA section 6002.

Bases receiving NOV's that include alleged APP violations should take the following actions:

- Report the NOV as an Enforcement Action (EA).
- If an NOV includes any mention that failure to correct APP violations may result in subsequent administrative penalties or orders, the base should **tactfully** inform the regulator that enforcement of RCRA section 6002 requirements is beyond their authority.
- A base **should not enter into any compliance agreement addressing corrective action for alleged violations of RCRA section 6002**, since such agreements are perceived as exhibiting direct or implied enforcement authority.
- **In no case should bases pay administrative penalties assessed for violations of RCRA section 6002.**

2.5 Future APP Requirements Resulting from EO 13101

Some sections of EO 13101 identify issues that are unresolved, and actions that are in progress, which will affect the way we define and execute federal AP programs. These issues and actions are discussed in the following paragraphs.

2.5.1 EPP Pilot Projects

EO 13101 required EPA to develop EPP guidance that is designed for government-wide use and is targeted towards products and services that have the most effect. EPA published their "Final Guidance on Environmentally Preferable Purchasing for Executive Agencies" in the Federal Register on 20 Aug 99.

EO 13101 encourages federal agencies to partner with EPA on pilot projects that will be designed to test EPA's concepts, and provide them with practical information to improve future guidance. A template for pilot project case studies is included as an Appendix to EPA's guidance. The DoD AP Strategic Plan, when completed, may include a requirement for one or more new DoD pilot projects. Bases who wish to begin an EPP pilot project should contact their MAJCOM POC for guidance. EPA provides on-line EPP training and other tools for "EPP Pioneers" on the "Greening Uncle Sam (GUS)" section of their EPP website.

Case studies for previous pilot projects are posted on the EPP website given above. These EPP pilot projects usually generate future requirements, whether or not the pilot was performed within DoD. In fact, EO 13101 calls for agencies to use the EPP guidance and lessons learned from all pilot projects to modify their APPs. Reviewing pilot project results can provide a glimpse into the future of AP and can aid program managers in anticipating future changes. MAJCOMs and installations should read all current and future pilot project studies, and begin planning to incorporate their results into their own APPs.

2.5.2 Biobased Product List

The responsibility for listing biobased products does not belong to EPA, but rather to the USDA. In the Federal Register on 13 Aug 99, USDA published their proposed process for developing the Biobased Product List (BPL). Thirteen product categories are proposed:

1. Absorbents/Adsorbents
2. Adhesives/Inks/Coatings
3. Alternative Fuels and Fuel Additives
4. Construction Materials/Composites
5. Lubricants/Functional Fluids
6. Renewable Alternative Fiber Papers/Packaging
7. Solvents/Cleaners/Surfactants
8. Plant Based Plastics/Degradable Polymers/Films
9. Landscaping Products
10. Bioremediation Products
11. New Fibers/Filler/Yarn/Insulation
12. Enzymes/Intermediate Chemicals
13. Other

You may recall from Section 2.3.3 of this Guide that the purchase of biobased products is encouraged, but not mandatory. However, EO 13101 still requires us to add biobased products to our affirmative procurement programs. Therefore, once the BPL is finalized, APP managers must begin to educate purchasers about the availability of biobased products and encourage them to buy the items on the USDA BPL, in addition to the CPG items listed by EPA.

Some product types may be part of both lists (CPG and BPL). When this happens, **buy recycled-content products first**. There is a binding requirement to purchase recycled-content products, but no binding requirement to purchase biobased products. Purchasers **must** buy CPG items when they meet technical, price, and availability requirements. If the CPG item doesn't meet one of these criteria, purchasers should buy the biobased product if it is cost effective and meets technical requirements.

Once USDA publishes the BPL, installation level APP teams should include biobased products in their existing AP programs through actions such as the following:

Publicize the new list to organizations that use similar products.

Seek opportunities to pilot test these products, and expand their use to other organizations if they work well and are cost effective.

Inform vendors of the installation's preference for using biobased products on USDA's list where feasible, along with the recycled-content products listed in the CPG.

USDA offers an electronic source book for suppliers of biobased industrial products on their web pages at <http://www.usda-biobasedproducts.net/public/>.

2.5.3 Data Collection, Goals, Metrics, and Reporting

Data collection and reporting is a huge problem for all Federal agencies and is currently the focus of a special working group established under EO 13101. This working group has not yet finalized its recommendations. The group's current proposal is to slightly modify two Contracting forms (SF 279 and DD Form 350) to indicate whether or not the required FAR clauses are actually being used in all contracts that include Guideline Items. The working group also recommends a pilot project for data collection on credit card purchases - but the data collection effort would be shared by the vendors and the bank that issues the cards, and would not be the purchaser's responsibility. Finally, the working group recommends that GSA and DLA continue to track and report agency purchases of guideline items that are bought from them.

There is no requirement to find out how much of every guideline item AF bases buy, or the cost of these purchases. This is exactly what the Federal working group is trying to avoid. Currently, HQ USAF estimates AP purchases across the AF and provides that information to DoD to report to OFEE. This will end when the new system is put in place for the 2001 reporting cycle.

Recycled content product information is provided by contractors when FAR Clause 52.223-9 is used on contracts over \$100K - see section 2.2.1.3 of this guide. No AF requirement exists for bases to roll up this information and report it to anyone, but it should be used internally to see how well the contractors are following EO 13101 requirements.

Program monitoring is a related issue which is described in detail in section 2.2.1.4 of this guide. This is one of RCRA's four basic legal requirements for AP programs. The reporting system being developed by the EO 13101 working group will allow OFEE and Congress to track progress at the agency level. On the other hand, annual monitoring by AP teams will allow installations and MAJCOMs to evaluate program progress.

APP goals and strategies need to be established before any meaningful monitoring can take place. The Air Force goal is to have 100% of purchases of Guideline Items meet EPA's recycled content standards as stated in the CPG. AP teams at MAJCOM and installation levels should choose strategies for themselves that will allow them to meet the overall AF goal. The OFEE "Strategic Plan for Implementing EO 13101" provides guidance on goals and metrics. Section VI

of the OFEE plan lists Performance Measures for agencies, working groups, and regulatory agencies to achieve over a five-year period. The AF has not formally adopted the OFEE Strategic Plan, but there are goals and strategies in the Plan that MAJCOM and installation AP teams should consider adopting, such as:

"All Federal agencies are expected to demonstrate significant increases in procurement of recycled content products from each preceding year through 2005." (Reference item A on the list in section VI of the Strategic Plan. In the absence of agency guidance, AP teams can define "significant" for themselves.)

"By the end of FY00 ... begin to train procurement officials, credit card holders, program management, facility maintenance, and supply/logistics personnel and requesting activities, as needed with regard to the requirements of EO 13101 and related agency policies and revisions to the FAR." (Reference Strategic Plan, item N.)

"On an annual basis or other appropriate time frame, agencies that manage specifications shall revise 35% of their specifications for EPA designated items to reflect RCRA Section 6002 and EO 13101 requirements." (Reference Strategic Plan, item T.)

When setting goals and developing strategies, pay special attention to the products that were specifically named in EO 13101. These are *Paper* (see section 505 of the EO), plus *Re-refined Lubricating Oil and Retread Tires* (see EO section 507). Since these are interest items for OFEE and Congress, consider striving for 100% compliance of purchases in these categories right away.

APP metrics have not been formally identified by the AF, but installations can use some simple techniques to assess the health of their APP. The goal of EO 13101 and the AF is to have 100% of purchases of guideline items meet the EPA recycled content standards, and the EO and the OFEE Strategic Plan call for agencies to increase their purchases of recycled items until they meet this goal. Any metrics put in place by MAJCOMs or installations should work to drive actions toward these goals. The monitoring effort should not burden the AP team with unnecessary work that will take time away from actually executing the APP - but at the same time, the team must be able to demonstrate that the program is growing and making progress toward 100% compliance. Consider measuring progress with questions such as:

- Is the AP team established and meeting regularly?
- How many people have been trained on AP?
- Are all base organizations participating fully in the program?
- Do construction and service contracts specify recycled content products when required?
- Do spot checks of credit card purchases show that people are doing the right thing?
- Did the ECAMP find any discrepancies?

Another option for local evaluation of AP success is to use Recovered Material Determination Forms for all purchase actions. A sample form is found in the appendix to this guide. The form

can be tailored as needed for local use. If a MAJCOM or base chooses to prepare a form for all purchasing actions that include guideline items, simply counting the number of forms that document compliant purchases and comparing this with the number of forms that document noncompliant (exempted) purchases will give an installation a good picture of APP compliance. It will also help to identify problematic areas the AP team needs to focus on.

You may recall from section 2.1.1 of this guide that there is no EO 13101 requirement for written determinations for purchases less than the micropurchase threshold. Preparing determination forms for all purchases goes beyond the legal requirements. Installations should consult their MAJCOMs for guidance in this area.

CHAPTER THREE: TOOLS AND RESOURCES

3.0 Overview

This chapter is a summary of APP information resources. Although many of these resources were mentioned earlier in this guide, they will be listed again here so that this chapter can serve as a comprehensive APP resource guide. Unless stated otherwise, these resources may be downloaded from AFCEE's website: www.afcee.brooks.af.mil/eq/ap/ap.htm

3.1 Sample Affirmative Procurement Plans

Examples of MAJCOM and installation affirmative procurement plans are posted to AFCEE's website as they become available.

3.2 Program Management Tools

Six Months to an AP Program

Developed in 1998 by HQ AFRC to help its installations begin their APP, this document outlines a plan for developing an affirmative procurement program over a six-month period. It provides a proposed schedule, a list and explanation of required activities, and tables listing affirmative procurement opportunities at typical bases.

Recovered Materials Determination Form

May be used to document a procurement action's compliance with CPG requirements. An expanded Certification section has been added to the old version of this form so it can also be used as written determination when an exemption from CPG requirements is being claimed. A copy of the form is in the Appendix to this guide.

Civil Engineering Fact Sheet and Checklist

A two-page Powerpoint document prepared by the Dobbins ARB environmental flight, intended to be printed double-sided on a single sheet of paper. One side is a Fact Sheet describing APP requirements. The second side is a checklist of construction-related guideline items and their corresponding EPA recycled-content requirements. If you use this, *be sure to add your own name and phone number* in the shaded block at the bottom of the second page before printing.

Affirmative Procurement Awareness Brochure

A two-page Adobe Acrobat document prepared by the AFCEE Environmental Quality Directorate, intended to be printed double-sided and folded in thirds. This brochure gives basic awareness information for people who are new to APP requirements.

AFIT Training Briefing for Recycling and Environmentally Preferable Purchasing

A Powerpoint package covering recycling theory and EPP definitions, drivers and requirements.

<http://www.afcee.brooks.af.mil/eq/ap/recycling.ppt>

AFCEE Training Briefings for EO 13101 Compliance

Two sets of Powerpoint slides have been prepared by the AFCEE Environmental Quality Directorate. The first, “Applying AP Requirements to Air Force Purchasing,” is found at <http://www.afcee.brooks.af.mil/eq/ap/epp/APPurchasers.ppt> and is intended for general audiences. The second briefing is titled “Applying AP Requirements to Civil Engineering Projects,” is intended for CE construction and service project managers, and is found at <http://www.afcee.brooks.af.mil/eq/ap/epp/APEngineers.ppt>. You may edit either briefing to present only the slides you need to use, or add slides presenting additional local information.

USACHPPM On-Site Training for Credit Card Holders

The US Army Center for Health Promotion and Preventive Medicine (CHPPM) provides affirmative procurement seminars for organizations who can pay their travel costs. This training has been well received by the AF customers who have used it so far. Contact Ms. Pat Rippey at DSN 584-5201 or Pat.Rippey@apg.amedd.army.mil for more information. CHPPM’s slides for credit card holder training have also been posted to AFCEE’s website:

<http://www.afcee.brooks.af.mil/eq/ap/epp/creditcard.ppt>

OFEE On-Site Training for Contracting Officials

The Office of the Federal Environmental Executive also offers a “road show” training session for organizations who can pay their travel costs. This is an excellent opportunity to learn the requirements from the organization that wrote them. Contact Ms. Linda Mesaros at (202) 260-5181 or mesaros.linda@ofee.gov.

EPA Guidance for Credit Card Purchasers

EPA’s Environmentally Preferable Purchasing web page offers “Tips for Buying Green with the Government Credit Card,” dedicated to educating credit card purchasers about their responsibilities for EPP. www.epa.gov/opptintr/epp/creditcard.htm

EPP Training Materials and “GUS” Tools

EPA provides comprehensive on-line EPP training and other tools for EPP pioneers on the “Greening Uncle Sam (GUS)” section of their EPP website. Several new tools were added in 2000 and more are on the way. www.epa.gov/opptintr/epp/gus.htm

3.3 List of Policy Drivers

Web addresses are provided for all documents. AF personnel having difficulty with Web downloads may also request copies from AFCEE's PRO-ACT service at DSN 240-4214.

RCRA Section 6002 (42 U.S.C. 6962): <http://uscode.house.gov/>

Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition": <http://www.ofee.gov>

40 CFR 247, "Comprehensive Procurement Guideline for Products Containing Recovered Materials": <http://www.access.gpo.gov/nara/cfr/waisidx/40cfr247.html>

Federal Acquisition Regulation (FAR) Subchapter D, Part 23 (for program requirements) and FAR Part 52 (for contract clauses): <http://www.arnet.gov/far>

DoD FAR Supplement (DFARS) 223.404(b)(3): <http://www.acq.osd.mil/dp/dars/dfars/dfars.html>

AF Policy Memo, 31 May 00, "Air Force Affirmative Procurement Program":
<http://www.afcee.brooks.af.mil/eq/ap/appolicy.pdf>

AFI 32-7080, "Compliance Assurance and Pollution Prevention":
<http://afpubs.hq.af.mil/pubfiles/af/32/afi32-7080/afi32-7080.pdf>

AF Engineering Technical Letter (ETL) 00-1, "EPA Guideline Items in Construction and Other Civil Engineering Specifications" (revised document which replaces ETL 94-7). On the "Construction Criteria Base" compact disk and website: <http://www.ccb.org> (see your design engineers to get the CCB disk or the installation's password to access CCB on line), **or** download a copy of the ETL from the Affirmative Procurement section of AFCEE's website, <http://www.afcee.brooks.af.mil/eq/ap/ap.htm>.

DOD Instruction 4715.4, Pollution Prevention:
<http://denix.cecer.army.mil/denix/Public/Library/P2-Manager/toc.html>

AF Pollution Prevention Strategy, 24 July 1995:
<http://denix.cecer.army.mil/denix/Public/Library/P2-Manager/toc.html>

3.4 Technical Resources

Lists of the EPA guideline items and their recycled-content requirements are found in the "Products" section of EPA's CPG Web page. <http://www.epa.gov/cpg/products.htm>

Comprehensive Procurement Guidelines (CPG) & Recovered Material Advisory Notices (RMAN) are also found on EPA's web page. The "Background" section links to proposed and final designated item lists, technical background documents, and Federal Register notices for each update of the CPG and RMAN. <http://www.epa.gov/cpg/backgrnd.htm>

CPG Fact Sheets are also found on EPA's web page. These Fact Sheets summarize information on the CPG program, EPA's recovered materials content requirements, case studies from around the country, and key resources, associations, and Web sites. There is a Fact Sheet for each of the CPG product categories. You can use the Fact Sheets online as references, or print them and use them as handouts in APP training sessions. <http://www.epa.gov/cpg/factshts.htm>

Industrial Biobased Product information is on USDA's website. USDA has created this electronic source book to provide information to purchasing professionals and organizations regarding biobased products and categories. This 'list' is not inclusive nor exclusive but is dynamic and will be constantly changing. USDA is not selling products at this site. You will have to visit the Web sites of the listed companies or otherwise contact them to purchase their products. Some categories will be more fully populated than others. <http://www.usda-biobasedproducts.net/public/>

EPA WasteWi\$e Program is a voluntary partnership program that targets the reduction of municipal solid waste through recycling and buying recycled: <http://www.epa.gov/wastewise> The "Buy Recycled Resources" list in the Publications section of the website is comprehensive and current. EPA also provides a WasteWise helpline (1-800-EPA-WISE) that can refer you to a buy-recycled contact in your state.

EPA's Environmentally Preferable Purchasing Program is a federal government-wide program to encourage EPP and assist agencies. EPA's Final Guidance on Environmentally Preferable Purchasing is found at <http://www.epa.gov/opptintr/epp/guidancepage.htm>. The EPP web page also includes success stories and pilot project information. EO 13101 calls for agencies to use EPP guidance and lessons from these pilot projects to modify their AP programs. EPA is in the process of consolidating this information into the "Greening Uncle Sam (GUS)" tool suite: <http://www.epa.gov/opptintr/epp/gus.htm>

OFEE Web Page resources include a Strategic Plan to implement EO 13101 (authored by the White House Task Force on Greening the Government Through Waste Prevention and Recycling) and the EPA/FEE "Guidance on Conducting Inspections of Federal Facilities for Compliance with Section 6002 of the Resource Conservation and Recovery Act." The OFEE newsletter and other resources are also available. <http://www.ofee.gov/>

Defense Logistics Agency (DLA) Catalogs <http://www.dscr.dla.mil/catalogs/catalog.htm>
Download the **Environmentally Preferred Product Catalog** from DLA's website, or call 1-800-345-6333 or DSN 695-4865. Download the **Energy Efficient Lighting Catalog** from DLA's website, or call 1-800-DLA-BULB. For other specific DLA product information, visit <http://www.dscr.dla.mil/products/epa/htms/pocs.htm> for a list of contact phone numbers.

Federal Logistics Information System (FLIS) is the master database, or ‘catalog’ for the federal supply system. A joint service committee working under DLA’s leadership is modifying FLIS to include information on environmentally preferable products. A series of environmental attributes are being defined, evaluated, and included in FLIS as appropriate. Three attributes have been approved so far: "Energy Efficient", "CPG Items", and "Biobased". Other attributes are in the coordination process. Visit <http://www.jgenvatt.dla.mil/toc.htm> for more information on this initiative. To take advantage of the FLIS information without being a database expert, visit <http://www.supply.dla.mil>, select the link to the "Electronic Mall" and fill out the registration form. Then browse the EMALL. NSN items bearing an Environmental Attribute Code are identified with a Green Tree symbol on the Search Summary Screen.

General Services Administration (GSA) Environmental Products Guide is available at <http://www.fss.gsa.gov/environ> or call (817) 334-5215. Choose a product type from the web page. Links will lead you to the GSA Advantage online catalog for specific types of environmentally preferable products. On the GSA Advantage page, click the "Advanced Search" link. The Advanced Search function allows you to enter a product type in the "Search For" box, and select from one or more of the following environmental attributes: "Environmental Items", "Recycled Items", "Energy Efficient Items", or "Energy Star Items". For example, entering "latex paint" in the search box and checking the "Recycled Items" block will return a list of latex paints that have recycled content.

Javits-Wagner-O’Day (JWOD) Program creates jobs and training opportunities for people who are blind or who have other severe disabilities. It is a mandatory source of supply for federal employees. Visit <http://www.jwod.com> and browse the “Environmentally Friendly Products Store.” JWOD program items are also available through GSA schedules. For more information send E-mail to info@jwod.gov or call **1-877-GET JWOD**.

UNICOR, operated by Federal Prison Industries, is another mandatory source of supply for federal purchasers. Product schedules include Awards & Signage, Office Supplies, Industrial Equipment, Office Furniture, Linens & Clothing, and Services. The UNICOR web site is <http://www.unicor.gov>. The on-line catalog does not yet identify “green” products, but UNICOR is in the process of working with OFEE on this issue.

Government Printing Office (GPO) furnishes blank paper, inks, and similar supplies to all governmental activities on order. It prepares catalogs and distributes and sells Government publications. To obtain recycled-content paper from GPO, your local Defense Automated Printing Services (DAPS) office is the main point of contact – or credit card holders may contact Mr. Bob Colvin at (202) 512-0208.

National Recycling Coalition is a non-profit coalition committed to maximizing recycling. The NRC also works to develop markets for recovered materials and recycled-content products. Visit <http://www.nrc-recycle.org> for conference information and an on-line library. Look in the “Buying Recycled” section of the library for AP fact sheets and for a series of Case Studies in architectural renovations that emphasize recycled-material products. The Case Studies include manufacturer contact information for a variety of products.

GreenOrder.com is a new web service designed for federal employees to use as a single information repository for locating “green” supplies. Products having recycled content, energy efficiency, biobased content and other environmentally preferable attributes will be included when GreenOrder is fully developed. The site also includes a library of regulations, case studies, articles, and other materials. <http://www.greenorder.com>

Green Seal is an independent, nonprofit organization dedicated to protecting the environment by promoting the manufacture and sale of environmentally responsible consumer products. It sets environmental standards and awards a "Green Seal of Approval" to products that cause less harm to the environment than other similar products. Green Seal standards are available on their website at <http://www.greenseal.org>. Green Seal also produces and sells the “Choose Green Reports” which evaluate products for compliance with their standards. AF personnel can get these reports from the “Construction Criteria Base (CCB)” compact disk and website: <http://www.ccb.org> (see your design engineers to get the CCB disk or the installation’s password to access CCB on line).

McRecycle USA Database Listing is a free booklet available from McDonald’s Corporation Environmental Affairs, Kroc Drive, Oak Brook, IL 60521 or (630) 623-5779. McRecycle USA is a program designed to stimulate the market for recycled products. The product listing is organized by Construction Standards Institute (CSI) format. Additional divisions have been added at the end to accommodate non-construction products.

Guide to Resource Efficient Building Elements is produced by the non-profit Center for Resourceful Building Technology in Missoula, Montana. CRBT promotes resource efficiency in building design, materials selection and construction practices. The Guide is an on-line directory that contains contact and product information for hundreds of building material manufacturers producing everything from foundations to roofing. Visit <http://www.crbt.org/index.html> and look for the link to the “e-Guide” on the left side of the page.

Oikos Green Building Source provides a searchable database of green building products, including (but not limited to) recycled-content products: <http://oikos.com/index.html>. Recycled-content products are flagged in the database by an “environmental benefit code” of RC.

Air Force Center for Environmental Excellence (AFCEE) Affirmative Procurement Program home page offers this Guide, training materials, sample APP plans, and links to other resources. Please visit <http://www.afcee.brooks.af.mil/eq/ap/ap.htm>.

AFCEE's PRO-ACT Program is available to Air Force personnel and their contractors to answer technical questions about environmental program areas, including AP. Please contact PRO-ACT's research staff at DSN 240-4214 or visit the PRO-ACT web site at http://www.afcee.brooks.af.mil/pro_act/pro_acthome.asp.

APPENDIX

Glossary

Acronyms and Abbreviations

Recovered Material Determination Form

GLOSSARY

The terms included in this Glossary are related to AP requirements and program management. Technical terms related to the individual guideline items are defined in EPA's Buy-Recycled Series Fact Sheets, and are not repeated here.

Acquisition - acquiring by contract, using appropriated funds, supplies or services (including construction) by and for the use of the federal government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, or demonstrated and evaluated. Acquisition begins when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract. [Executive Order 13101]

Affirmative Procurement (AP) Program - a program assuring guideline items composed of recovered materials will be purchased to the maximum extent practicable, consistent with federal law and procurement regulations. [RCRA]

Biobased product – a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials. [Executive Order 13101]

Case-by-Case Procurement - specification of different (usually lower) minimum content standards for specific singular procurement actions when a procuring agency is unable to acquire an item which complies with RCRA or DoD federal procurement requirements. Content standards may be changed if the agency determines it consistently can not procure the designated item using the standards previously established.

Certification - provided by offerors/bidders/vendors, it is written documentation certifying the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multi-component or multi-material products should verify the percentage of postconsumer waste and recycled material contained in the major constituents of the product.

Comprehensive Procurement Guidelines (CPG) – the documents in which EPA officially designates the specific recycled-content products to be included in AP programs. Products designated in the CPG are often referred to as “guideline items.” The CPG requirements are codified in 40 CFR Part 247.

CONUS - the continental US, Alaska, Hawaii, and territories/possessions.

Cost-Effective Procurement Preference Program - a procurement program favoring more environmentally-sound or energy-efficient products and services than other competing products and services, where price and other factors are equal. [OFPP Policy Letter 92-4]

Environmentally Preferable - products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. [Executive Order 13101]

Environmentally Sound - a product or service less damaging to the environment when used, maintained, and disposed of in comparison to a competing product or service. [OFPP Policy Letter 92-4]

Executive Agency or Agency - an Executive agency as defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense. [Executive Order 13101]

Federal Supply Source - any supply source managed by a federal agency such as the General Services Administration, Government Printing Office, or Defense General Supply Center.

Installation - In the Air Force, a self-supporting center of operations for actions of importance to Air Force combat, combat support, or training. It is operated by an active, reserve, or guard unit of group size or larger with all land, facilities, and organic support needed to accomplish the unit mission. It must have real property accountability through ownership, lease, permit, or other written agreement. Agreements with foreign governments that give the Air Force jurisdiction over real property meet this requirement. The term "installation" includes Air Force bases, Field Operating Agencies, Air Force Reserve bases, and Air National Guard bases.

Life-Cycle Assessment - the comprehensive examination of a product's environmental and economic aspects and potential impacts throughout its lifetime, including raw material extraction, transportation, manufacturing, use, and disposal. [Executive Order 13101]

Life-Cycle Cost - the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product. [Executive Order 13101]

Micropurchase – an acquisition of supplies or services (except construction), the aggregate amount of which does not exceed \$2,500, except that in the case of construction, the limit is \$2,000. [FAR 2.1, Definitions]

Minimum Content Standard - the minimum recovered material content specifications set to assure the recovered material content required is the maximum available without jeopardizing the intended item end use or violating the limitations of the minimum content standards set forth by EPA's guidelines. [RCRA, 42 U.S.C. 6962]

Postconsumer Material - a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. Postconsumer material is a part of the broader category of recovered materials.

Postconsumer recovered materials, for purposes of purchasing paper and paper products, is a subset of the broader term “recovered materials”, and means: (1) Paper, paperboard and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item including: Used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards, and used cordage; and (2) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste. [RMAN I]

Preconsumer Materials - Materials generated in manufacturing and converting processes, such as manufacturing scrap and trimmings/cuttings. Preconsumer materials, along with postconsumer materials, are part of the broader category of “recovered materials.” [Glossary on EPA’s CPG Website]

Preference - when two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally-sound or energy-efficient product. [OFPP Policy Letter 92-4]

Procuring Agency - any federal agency, or any State agency or agency of a political subdivision of a State, which is using appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract. [RMAN I]

RCRA - Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq., as amended

Recovered Materials – waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. [Executive Order 13101]

Recovered Materials Advisory Notices (RMAN) – an EPA document that accompanies each of the Comprehensive Procurement Guidelines. The RMANs recommend recycled-content ranges for products designated in the CPG, based on current information on commercially available recycled-content products. Per AFI 32-7080, these recommended content ranges are mandatory for all Air Force acquisitions of CPG products, unless an exemption applies.

Recyclability - the ability of a product or material to be recovered from, or otherwise diverted from, the solid waste stream for the purpose of recycling. [Executive Order 13101]

Recycled Material - a material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from postconsumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacture. [OFPP Policy Letter 92-4]

Recycling - the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw

materials in the manufacture of new products other than fuel for producing heat or power by combustion. [Executive Order 13101]

Specification - a description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met. In general, specifications are in the form of written commercial designations, industry standards, and other descriptive references. [CPG I]

Unreasonable Price – The price of a recycled-content product is considered unreasonable if it exceeds the cost of a comparable non-recycled item.

Verification - procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material to be used in the performance of a contract, or contained in the products supplied to them.

Virgin Material - a mined or harvested raw material to be used in manufacturing.

Waste Prevention - any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials. [Executive Order 13101]

Waste Reduction - preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products. [Executive Order 13101]

Acronyms and Abbreviations

A-E	Architectural-Engineer
AF	Air Force
AFB	Air Force Base
AFCEE	Air Force Center for Environmental Excellence
AFRC	Air Force Reserve Command
AFI	Air Force Instruction
AP	Affirmative Procurement
APP	Affirmative Procurement Program
ARB	Air Reserve Base
BPL	Biobased Products List
CCB	Construction Criteria Base
CE	Civil Engineering
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COCESS	Contractor Operated Civil Engineer Support Services
CONUS	Continental United States
CPG	Comprehensive Procurement Guidelines
CRBT	Center for Resourceful Building Technology
CSI	Construction Standards Institute
DAPS	Defense Automated Printing Services
DFARS	DoD Supplement to the Federal Acquisition Regulation
DLA	Defense Logistics Agency
DoD	Department of Defense

EA	Enforcement Action
EO	Executive Order
EPA	Environmental Protection Agency
EPC	Environmental Protection Committee
EPP	Environmentally preferable purchasing
ETL	Engineering Technical Letter
FAR	Federal Acquisition Regulation
FEE	Federal Environmental Executive
GPO	Government Printing Office
GSA	General Services Administration
JWOD	Javits-Wagner-O'Day
MAJCOM	Major Command
NOV	Notice of Violation
NRC	National Recycling Coalition
OFEE	Office of the Federal Environmental Executive
OFPP	Office of Federal Procurement Policy
PWS	Performance Work Statement
RCRA	Resource Conservation Recovery Act
RMAN	Recovered Material Advisory Notice
SOW	Statement of Work
TACOM	Tank-automotive and Armaments Command (US Army)
USDA	United States Department of Agriculture

Recovered Materials Determination Form

Instructions

This form is to be completed by the procurement originator when EPA-designated items included in the Affirmative Procurement Program for Recovered Materials are being procured from outside vendors. For questions on whether the product counts as "EPA-designated" or what the required recycled content is, refer to product descriptions on EPA's website at www.epa.gov/cpg/products. This form is not required for items requisitioned from established Federal supply sources, for construction item purchases less than \$2,000, or for other purchases less than \$2,500. The completed form becomes part of the contracting office contract file.

Procurement Request / Project No. _____

The EPA-designated items being procured are:

- | | | |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Building insulation | <input type="checkbox"/> Binders | <input type="checkbox"/> Playground surfaces |
| <input type="checkbox"/> Polyester carpet | (paper, solid plastic or plastic covered) | <input type="checkbox"/> Park and recreational furniture |
| Cement & concrete containing: | <input type="checkbox"/> Plastic presentation folders | <input type="checkbox"/> Running tracks |
| <input type="checkbox"/> Coal fly ash | <input type="checkbox"/> Plastic file folders | <input type="checkbox"/> Playground equipment |
| <input type="checkbox"/> Ground granulated blast furnace slag | <input type="checkbox"/> Plastic clip portfolios | <input type="checkbox"/> Traffic barricades |
| <input type="checkbox"/> Flowable fill | <input type="checkbox"/> Plastic clipboards | <input type="checkbox"/> Traffic cones |
| <input type="checkbox"/> Latex paint | <input type="checkbox"/> Office recycling containers | <input type="checkbox"/> Plastic fencing (snow or erosion control, safety barriers) |
| <input type="checkbox"/> Floor tiles | <input type="checkbox"/> Office waste receptacles | <input type="checkbox"/> Channelizers |
| <input type="checkbox"/> Laminated paperboard | <input type="checkbox"/> Plastic desktop accessories | <input type="checkbox"/> Delineators |
| <input type="checkbox"/> Patio blocks | <input type="checkbox"/> Plastic envelopes | <input type="checkbox"/> Flexible delineators |
| <input type="checkbox"/> Shower & restroom dividers/partitions | <input type="checkbox"/> Plastic trash bags | <input type="checkbox"/> Parking stops |
| <input type="checkbox"/> Structural fiberboard | <input type="checkbox"/> Printer ribbons | <input type="checkbox"/> Engine coolants |
| <input type="checkbox"/> Railroad grade crossings/surfaces | <input type="checkbox"/> Toner cartridges | <input type="checkbox"/> Re-refined lubricating oils |
| <input type="checkbox"/> Garden and soaker hoses | <input type="checkbox"/> Newsprint | <input type="checkbox"/> Retread tires |
| <input type="checkbox"/> Lawn and garden edging | <input type="checkbox"/> Commercial/industrial sanitary tissue products | <input type="checkbox"/> Sorbents |
| <input type="checkbox"/> Landscaping timbers and posts (plastic lumber) | <input type="checkbox"/> Printing and writing papers | <input type="checkbox"/> Awards and plaques |
| <input type="checkbox"/> Hydraulic mulch | <input type="checkbox"/> Paperboard and packaging | <input type="checkbox"/> Mats |
| <input type="checkbox"/> Compost from yard trimmings or food waste | <input type="checkbox"/> Tray liners | <input type="checkbox"/> Signage |
| | | <input type="checkbox"/> Strapping and stretch wrap |
| | | <input type="checkbox"/> Pallets |

Affirmative Procurement Determination

___ EPA recycled content requirements have been met for this procurement action.

**** OR ****

___ The following EPA designated guideline item is included in the specifications for project number _____, however, compliance with EPA standards is not attainable.

Item: _____

I have determined that the EPA guidelines were considered and determined inapplicable, based on the following:

___ Item is not available within a reasonable period of time.
(Need date: _____ Date available: _____)

___ Item fails to meet a performance standard in the specifications.
Specifically, _____

___ Item is not available from 2 or more sources.
Market research was performed by calling ___ (insert number)
vendors, but only _____ (enter name)
was able to supply the item.

___ Item was only available at an unreasonable price (i.e., recycled item cost more than non-recycled item).

Price of recycled item: _____

Price of non-recycled item: _____

This determination is made in accordance with FAR 23.405(c).

Signature
Procurement or technical OPR

Date