



GSA Federal Acquisition Service

March 13, 2013

FAS INSTRUCTIONAL LETTER 2013-03

MEMORANDUM FOR ALL FAS ACQUISITION ACTIVITIES

FROM:

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SUBJECT:

Reporting Sustainable Acquisition Data in FAS
Acquisition Systems and the Federal Procurement Data
System – Next Generation

1. **Purpose:** The purpose of this IL is to provide guidance on reporting sustainable acquisition data in FSS-19 and the Federal Procurement Data System – Next Generation (FPDS).
2. **Background:** Agencies are required by statutes and executive orders to purchase products with specific environmental attributes and services in which these products are supplied or used. These products are known as “green” or “sustainable” products and are designated by the U.S. Environmental Protection Agency (EPA), Department of Energy (DOE), and Department of Agriculture (USDA).

Both Executive Order (E.O.) 13423 Section 2(d) and E.O. 13514 Section 2(h), require agency acquisitions of goods and services to include specific green product requirements. Pursuant to E.O. 13514, Federal Acquisition Regulation (FAR) Subpart 23.103(a) requires Federal agencies to “advance sustainable acquisition by ensuring that 95 percent of new contract actions for the supply of products and for the acquisition of services (including construction) require that the products are —

- (1) Energy-efficient (ENERGY STAR® or Federal Energy Management Program (FEMP)-designated);
- (2) Water-efficient;
- (3) Biobased;
- (4) Environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT)-registered, or non-toxic or less toxic alternatives);
- (5) Non-ozone depleting; or
- (6) Made with recovered materials”

A list of designated products can be found in the [Green Products Compilation](#) ¹. The products listed are those for which EPA, DOE, and USDA have issued designations or otherwise provided guidance for environmental or energy attributes. The requirement to purchase green products applies both to purchases of products and purchases of services. As stated in FAR 23.103(b), "The required products in the contract actions for services include products that are

- (1) Delivered to the Government during performance;
- (2) Acquired by the contractor for use in performing services at a Federally-controlled facility; or
- (3) Furnished by the contractor for use by the Government"

Pursuant to FAR Subpart 23.103(d), the term "contract actions" "includes new contracts (and task and delivery orders placed against them) and new task and delivery orders on existing contracts."

Federal agencies are required to demonstrate compliance with the statutory and executive order sustainable acquisition goals. Each agency's success in meeting the 95 percent goal set forth in E.O. 13514 is measured in part by the sustainable acquisition information entered in FPDS. Therefore, the entry of accurate information into FPDS is critical to assess FAS' progress in meeting the sustainable acquisition goals.

3. Effective Date: Date of signature.
4. Expiration Date: This IL will remain in effect until it is cancelled or incorporated into a handbook.
5. Applicability: This IL applies to all FAS acquisition activities.
6. Reference Regulations:
 - [Section 6002 of the Resource Conservation and Recovery Act](#) (RCRA)
 - [Section 9002 of the Farm Security and Rural Investment Act](#) (FSRIA)
 - [E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management, section 2\(d\)](#).
 - [E.O. 13514, Federal Leadership in Environmental, Energy, and Economic Performance, section 2\(h\)](#)
 - [GSA Strategic Sustainability Performance Plan](#)

7. Instructions/Procedures:

In October 2011, FPDS was revised to collect data related to sustainable acquisitions. Two FPDS data fields capture information on environmental attributes and clauses incorporated into contracts, task orders and delivery orders – "Use of EPA Designated Products" and "Recovered Materials/Sustainability". FAS acquisition systems were also revised to reflect the changes made to FPDS.

A significant portion of FAS acquisition data is reported in FSS-19, which auto populates all mandatory FPDS data fields, including the two fields that capture sustainable acquisition data. The remaining FAS contract actions are either entered directly into FPDS or the Assisted Acquisition Services (AAS) Business Systems (i.e., ITSS and TOS). AAS Business Systems auto populate most FPDS data fields but require manual entry into FPDS to complete the sustainable acquisition data fields.

The following guidance will assist FAS acquisition activities to accurately report sustainable acquisition data, whether using a FSS-19 or entering data into FPDS manually. For Multiple Award Schedules, Governmentwide Acquisition Contracts, and Blanket Purchase Agreements, information is provided at the task or delivery order level.

A. Use of EPA Designated Products

The screenshot shows a form titled "Product Or Service Information" with the following fields and values:

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

Note: The FSS-19 EPA Designated Products data field screen shot can be found in Appendix A.

EPA's Comprehensive Procurement Guidelines (CPG) designate products containing recovered materials (also known as recycled content products). You can find the current list either by going to the EPA CPG web site, www.epa.gov/cpg, or the Green Products Compilation.

RCRA requires agencies to purchase the designated products containing recovered materials to the maximum extent practicable. EPA recommends appropriate recovered materials and postconsumer recovered materials content levels for the designated products. There are three statutory exceptions - performance, availability (time), and price, FAR 23.404(b), which must be documented in the contract file [per FAR 23.405(b)(2)] and in FPDS.

The following table lists the Use of EPA Designated Products data field options and the

respective descriptions or justifications: .

FPDS-NG Drop Down Selections	Product Description and Justifications
Meets Requirements	EPA-designated product or products were purchased and all contained the required minimum recovered material content.
Justification – Time	<p>EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) competitively within a reasonable time.</p> <p>FAR Subpart 23.405(c) (1) is cited in FPDS. The citation has been updated in the FAR. See FAR Subpart 23.404 (b)(i).</p>
Justification - Price	<p>EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) at a reasonable price.</p> <p>FAR Subpart 23.405(c)(2) is cited in FPDS. The citation has been updated in the FAR. See FAR Subpart 23.404 (b)(iii).</p>
Justification - Performance	<p>EPA-designated product or products were purchased without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) to reasonable performance standards in the specifications.</p> <p>FAR Subpart 23.405(c)(3) is cited in FPDS. The citation has been updated in the FAR. See FAR Subpart 23.404 (b)(ii).</p>
Not Required	No EPA-designated product(s) were required.

B. Recovered Materials/Sustainability

The screenshot shows a form titled "Product Or Service Information" with various fields. The "Recovered Materials/Sustainability" field is highlighted with a blue arrow. The dropdown menu for this field is open, showing the text "OMB Policy on Sustainable Acquisition". Other fields include "Product/Service Code" (9999), "Principal NAICS Code" (334119), "Country of Product or Service Origin" (US), and "Place of Manufacture" (Mfg in U.S.).

Note: The FSS-19 Recovered Materials/Sustainability data field screen shot can be found in Appendix A.

The Recovered Materials/Sustainability field originally was used to record whether the contracting officer incorporated the FAR clauses for recovered materials (also known as recycled content): FAR 52.223-4, Recovered Material Certification, and/or FAR 52.223-9, Estimate of Percentage of Recovered Material Content for EPA Designated Items. The data field is now used to record the use of these clauses and whether the contract action included a requirement for energy efficient products (ENERGY STAR® or Federal Energy Management Program-designated energy efficient products), biobased products, or environmentally preferable products, including EPEAT-registered electronics. (The clause citations are provided in the Recovered Materials/Sustainability data field table below). Several combinations of these attributes and the recovered materials clauses are listed in FPDS.

Note that for purposes of reporting in FPDS, the Product and Service Codes Manual (PSC) states that the “environmentally preferable” data element includes water efficient products, the use of alternatives to ozone depleting substances, and building-related or facilities-related services which are associated with green standards such as the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) rating system. See Page 7 of the [PSC Manual](#) 2.

The following table lists the Recovered Materials/Sustainability data field options and when to use them to record purchases of sustainable products. Appendix B provides the title of each clause.

FPDS Drop Down Selections	When to use...
Biobased	Select if any of the following apply – <ul style="list-style-type: none"> only a biobased product was

	<p>purchased</p> <ul style="list-style-type: none"> • FAR 52.223-1 was incorporated into the contract action • FAR 52.223-2 was incorporated into the contract action and no other green product clauses were included
Energy Efficient	<p>Select if any of the following apply -</p> <ul style="list-style-type: none"> • only an energy efficient product was purchased • FAR 52.223-15 was incorporated into the contract action and no other green product clauses were included
Environmentally Preferable	<p>Select if any of the following apply -</p> <ul style="list-style-type: none"> • only an environmentally preferable product was purchased, including water efficient, Significant New Alternatives Program (SNAP)/non-ozone depleting substances, or other environmentally preferable products • FAR 52.223-16 was incorporated in the contract action and no other green product clauses were included
FAR 52.223-4 & biobased	<p>Select if any of the following apply –</p> <ul style="list-style-type: none"> • products containing recovered materials and biobased products were purchased • FAR 52.223-4 was incorporated into the contract action in conjunction with FAR 52.223-1 and/or FAR 52.223-2.
FAR 52.223-4 & biobased & energy efficient	<p>Select if any of the following apply –</p> <ul style="list-style-type: none"> • products containing recovered materials, biobased products, and energy efficient products were purchased • FAR 52.223-15 and FAR 52.223-4 were incorporated into the contract action in conjunction with FAR 52.223-1 and/or FAR 52.223-2
FAR 52.223-4 & biobased & energy efficient & environmentally preferable	<p>Select if any of the following apply –</p> <ul style="list-style-type: none"> • products containing recovered materials, biobased products, energy efficient products, and environmentally preferable products, were purchased • FAR 52.223-4, FAR 52.223-15 and

	FAR 52.223-16 were incorporated into the contract action in conjunction with FAR 52.223-1 and/or FAR 52.223-2
FAR 52.223-4 & biobased & environmentally preferable	Select if any of the following apply – <ul style="list-style-type: none"> • products containing recovered materials, biobased products, and environmentally preferable products were purchased • FAR 52.223-4 and FAR 52.223-16 were incorporated into the contract action in conjunction with FAR 52.223-1 and/or FAR 52.223-2
FAR 52.223-4 & energy efficient	Select if any of the following apply - <ul style="list-style-type: none"> • products containing recovered materials and energy efficient products were purchased • FAR 52.223-4 and FAR 52.223-15 were incorporated into the contract action
FAR 52.223-4 & environmentally preferable	Select if any of the following apply – <ul style="list-style-type: none"> • products containing recovered materials and environmentally preferable products were purchased • FAR 52.223-4 and FAR 52.223-16 were incorporated into the contract action
FAR 52.223-4	Select if any of the following apply – <ul style="list-style-type: none"> • products containing recovered materials were purchased • FAR 52.223-4 was incorporated into the contract action
FAR 52.223-4 & FAR 52.223-9	Select if any of the following apply – <ul style="list-style-type: none"> • Products containing recovered materials were purchased • FAR 52.223-4 and FAR 52.223-9 were incorporated into the contract action
No Clauses Included and No Sustainability Included	Select if – <ul style="list-style-type: none"> • no green products were specified and no sustainability/green clauses or provisions were included

8. Questions and Answers.

Q1. Why are we required to report sustainable acquisitions data?

A1. The data is required to track and report the acquisition of sustainable products under various statutes. Both RCRA and FSRIA require the Office of Federal Procurement Policy to report to Congress on federal agencies' progress in meeting the requirements to purchase products containing recovered materials and biobased products, respectively.

Q2. Are acquisition centers that use FSS-19 required to manually enter contract actions directly into FPDS?

A2. Manual entry of sustainable acquisition data directly into FPDS is only required for staff offices not currently entering contract actions into FSS-19. No further action is required if you use FSS-19 and properly code the two data fields.

Q3. Whose responsibility is it for the manual load? CO/CS? CIO Office? Is it the person issuing the task order?

A3. Responsibility for manual FPDS entries is determined by staff office management (e.g., division directors, supervisors, etc).

Q4. If the contract action does not include a green product requirement because of cost or performance concerns, what is entered in FPDS or FAS acquisition systems?

A4. At this time, exceptions to purchasing recycled content products can be recorded in FPDS. There are no data elements to record the statutory exceptions for biobased products (price, performance, and availability) or ENERGY STAR® and FEMP-designated energy efficient products (life cycle cost or performance). In these instances, enter the data element for No Clause and No Sustainability.

¹ www.sftool.gov/greenprocurement

² <http://www.acquisition.gov/PSC%20Manual%20-%20Final%20-%202011%20August%202011.pdf>

APPENDIX A

FSS-19 Sustainable Acquisition Data Fields

A. EPA Designated Products Data Field

Contract Rept Off: G

File Go To Menu Contract/NSN Actions Award Letter/Forms Global Contract Actions Table & Database Searches Reports/Queries
Web Links Windows Help

Contract Load

Contract: 087098281 - PIONEER_CO (INC)
Normal (10 chars) OR Internal (7 chars)

Basic Contract Data Pr Mgmt 1 Pr. Mgmt 2 P.O. Data Vendor Schedule Data 72A Data NSN/SIN Negotiators Clause Exception(s)

Award Date: ? YMD Nov 07, 2009 **Offers Received:** ?
On Time Late: ? **Mod Number:** ?
PR Lead Time: ? Days **Certificate of Competency:** ?
Synopsis: ? **Vendor Managed Items (VMI):** ?
Type Contracting Pricing: ? **Performance Eval. Report:** ?
KOCA: ? **Country of Origin:** ?
Bundled Requirements: ? **PR Foreign Country:** ?
Multiple/Single Awd IDV: ? **Funding Office:** ?
Funding Agency: ?

SubContracting Plan
Plan: ? **Expiration Date: (YMM):** ?
Type: ? **Delegated:** ?

Buying Program: ?
Comm. Item Acq: ?
Method of Purchase: ? **EPA Designated Products:** ?
Perf Based Svc Cont: - N/A ?
Rcvrd Mat / Sustainabl: ?
PNCP
Review Performed: Yes No ? **Review Date:** ? **Approving Official:** ?

EPA Designated Products: DropDownList. E-No | Nov 08, 2012 15:45:00 | PB125 | LUCYSIMPSONANIN | QATest 1 | 1211.1.31.2164 | GSAB | G

B. Recovered Materials/Sustainability Data Field

Contract Rept Off: G - [Contract Load]

File Go To Menu Contract/NSN Actions Award Letter/Forms Global Contract Actions Table & Database Searches Reports/Queries Web Links Windows Help

Contract: FF
Formal (10 chars) OR Internal (7 chars)

NSNs

Basic Contract Data Pr Mgmt 1 Pr. Mgmt 2 P.O. Data Vendor Negotiators

Award Date: -- ? YMD Offers Received: ?
On Time Late: ? Mod Number: ?
PR Lead Time: ? Days Certificate of Competency: N/A ?
Synopsis: ? Vendor Managed Items (VMI): N/A ?
Type Contracting Pricing: ? Performance Eval. Report: ?
KOCA: 3-Initial Definitive Contract ? Country of Origin: ?
Bundled Requirements: D-Not a Bundled Requirement ? PR Foreign Country: ?
Multiple Single Awd IDV: S-Single Award ? Funding Office: ?
Funding Agency: ?

SubContracting Plan
Plan: B-Plan not required ? Expiration Date: (YYYY) ?
Type: N/A ? Delegated: No ?

Buying Program: ?
Comm. Item Acq: ?
Method of Purchase: ? EPA Designated Products: ?
Perf Based Svc Cont: ? Price Eval Adj: 00 ?
Recvd Mat / Sustainability: ? Pref. Percent Diff.: ?
GFE or GFP Provided: ?

PNCP
Review Performed: C
A-FAR 52.223-4 Included
B-FAR 52.223-4 and FAR 52.223-9 Included
C-No Clauses Included and No Sustainability Incl
D-Energy Efficient
E-Bio-based
F-Environmentally preferable
G-FAR 52.223-4 & Energy Efficient
H-FAR 52.223-4 & Bio-based

Recovering Official: ?

Recovered Materials/Sustainability

Nov 09, 2012 09:22:52

APPENDIX B

Sustainable Acquisition FAR Clause Citations

FAR Subpart 52.223-1 – Biobased Product Certification – Products

FAR Subpart 52.223-2 – Affirmative Procurement of Biobased Products Under Service and Construction Contracts

FAR Subpart 52.223-4 – Recovered Material Certification

FAR Subpart 52.223-9 – Estimate of Percentage of Recovered Material Content for EPA Designated Items

FAR Subpart 52.223-15 – Energy Efficiency

FAR Subpart 52.223-16 – IEEE 1680 Standard for the Environmental Assessment for the Environmental Assessment of Personal Computer Products