

June 1, 2009

FAS INSTRUCTIONAL LETTER 2009-02

MEMORANDUM FOR ALL FAS AND VA ACQUISITION ACTIVITIES

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SUBJECT: Applicability of Electronic Product Environmental Assessment Tool (EPEAT) to Federal Supply Schedules and other GSA Acquisition Vehicles

1. Purpose. The purpose of this Instructional Letter (IL) is to provide guidance for the purchase of environmentally preferable products and services when acquiring personal computer products such as desktops, notebooks (also known as laptops), and monitors, using the Electronic Product Environmental Assessment Tool (EPEAT), pursuant to the Energy Policy Act of 2005 and Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management."

2. Background. Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," issued January 24, 2007, identified a number of steps to be taken by the head of the agency. Specifically, section 2(h) of the Order reads, in part, as follows:

ensure that the agency (i) when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic product, unless there is no EPEAT standard for such product...

An interim rule, published in the Federal Register on December 26, 2007, amended the Federal Acquisition Regulation (FAR) to require the use of the EPEAT Product Registry and the Institute of Electrical and Electronics Engineers (IEEE) 1680 Standard for the Environmental Assessment of Personal Computer Products in all solicitations and contracts for the acquisition of personal computer products such as desktops, notebooks/laptops, and monitors. The interim rule also prescribed a new clause, FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, to effectively implement the statute and the Executive Order.

The final rule, published in the Federal Register on January 15, 2009, with an effective date of February 17, 2009, adopts the interim rule as final, without changes.

EPEAT is a system to help purchasers in the public and private sectors evaluate, compare, and select desktop computers, notebooks/laptops, and monitors, based on their environmental attributes. EPEAT also provides a clear and consistent set of performance criteria for the design of these products, and provides an opportunity for manufacturers to secure market

recognition for their efforts to reduce the environmental impact of their products.

EPEAT is based upon the IEEE 1680 voluntary consensus-based standard for personal computer products. The term, "personal computer products," is defined as notebook computers, desktop computers, computer monitors, and any peripheral equipment that is integral to the operation of such items. The term does not include printers, fax machines, or copiers.

Personal computer products that meet 23 required environmental performance criteria may be registered in EPEAT by their manufacturers. Registered products are rated Bronze, Silver, or Gold, depending upon the percentage of 28 optional criteria they meet above the baseline criteria. EPEAT operates an ongoing verification program to ensure the credibility of the EPEAT Product Registry.

See Section 8, Questions and Answers, for further information regarding EPEAT.

3. Effective Date. Date of signature.

4. Termination Date. This IL expires one year from the effective date unless cancelled, extended, or incorporated into a handbook.

5. Applicability. This IL applies to all activities awarding and administering GSA/FAS contracts and to VA activities awarding and administering Federal Supply Schedule contracts. The requirements in this IL only apply to contracts performed in the United States, unless otherwise provided by agency procedures.

6. Reference to Regulations. FAR subpart 23.7 is revised, and a new clause, FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, is prescribed. For the acquisition of commercial items, the clause is incorporated by reference in FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items.

7. Instructions/Procedures.

A. Except as noted in paragraph B, below, insert the clause at FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, in all solicitations and contracts for--

- i. Personal computer products;
- ii. Services that require the furnishing of personal computer products for use; or
- iii. Contractor operation of Government-owned facilities.

See Appendix A for the full text of FAR 52.223-16.

B. Federal Supply Schedules

- i. Solicitations: Unless an exception has been approved in accordance with FAR 23.705(c) and this IL, during the next scheduled solicitation refresh, insert the current version of FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items, which incorporates FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, by reference.
- ii. Contracts: Unless an exception has been approved in accordance with FAR 23.705(c) and this IL, Schedule contracts shall be modified to incorporate by

reference FAR 52.223-16 (see Appendix A for full text) into the current version of FAR 52.212-5. The effective date for existing Schedule contracts will be the date of the modification that incorporates the clause into the contract.

- iii. **Exceptions:** Exceptions to the inclusion of the applicable clause may be granted, if it is determined that the Schedule solicitation and resultant contracts do not include personal computer products. The Acquisition Operations (AO) Director for a GSA/FAS Business Portfolio, or the VA Federal Supply Schedule Program Director, will make this determination for any Schedule under his authority and will notify the Office of Acquisition Management (QV), MAS Program Office of the exception, in writing. Appendix B shall be used to document the exception and for notification purposes.

Note: In order to incorporate approved exceptions to the inclusion of the clause, the FAS Clause Manual and the Solicitation Writing System (SWS) will mark 52.223-16, Required as Applicable (RA).

C. Government-wide Acquisition Contracts (GWACs) and Other Acquisition Vehicles

Insert FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, in full text, or the current version of 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items (which incorporates FAR 52.223-16 by reference), in all new GWAC and other Acquisition vehicles, solicitations and master contracts, that meet the prescription criteria noted in paragraph 7A.

Existing GWAC and other acquisition vehicle master contracts shall be modified to include FAR 52.223-16 or FAR 52.212-5, as appropriate. While GWAC and other acquisition vehicle task orders awarded prior to the date of the interim rule are not required to be modified, such task orders may be modified, at the agency's discretion, to include FAR 52.223-16 or FAR 52.212-5, as appropriate. The effective date for existing GWAC or other vehicle master contracts or modified task orders will be the date of the modification to the master contract or task order.

8. Questions and Answers.

What is EPEAT?

EPEAT is a system to help purchasers in the public and private sectors evaluate, compare, and select desktop computers, notebooks/laptops, and monitors, based on their environmental attributes. EPEAT also provides a clear and consistent set of performance criteria for the design of products, and provides an opportunity for manufacturers to secure market recognition for their efforts to reduce the environmental impact of their products. EPEAT evaluates electronic products in relation to 51 total environmental criteria contained in IEEE 1680-23 required criteria and 28 optional criteria.

What is the significance of the required criteria and optional criteria identified in the IEEE 1680 Standard?

The required criteria and optional criteria determine whether a product is registered as EPEAT "Bronze," "Silver," or "Gold." EPEAT "Bronze" registered products meet all required criteria. EPEAT "Silver" registered products meet all required criteria and 50 percent of the optional criteria. EPEAT "Gold" registered products meet all required criteria and 75 percent of the

optional criteria.

What is the requirement for contractors to have Bronze, Silver, or Gold registered products?

FAR 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products, makes EPEAT Bronze registration the minimum standard that contractors must meet. In accordance with guidance from the Office of the Federal Environmental Executive, encouraging agencies to procure EPEAT Silver registered products, Alternate I of the clause makes EPEAT Silver registration the standard that contractors must meet, when agencies determine that standard appropriate. Agencies may also use EPEAT Silver or Gold registration in proposal evaluation.

How do companies get their applicable products registered?

Only manufacturers are responsible for declaring that their products meet the IEEE 1680 Standard, in accordance with the process outlined on the EPEAT website at www.epeat.net. In the case of a dealer/reseller, only products that have been EPEAT registered by the manufacturer can be represented as such.

How are EPEAT-registered products identified in GSA e-Tools?

To help customers select environmentally friendly products, searches in the GSA *Advantage!*® and GSA Global Supply™ online purchasing systems can be customized to search by specific environmental attributes; e.g., products made with recycled materials. To make choosing environmentally friendly products even easier, GSA has added an "Environmental Aisle" to GSA *Advantage!*® and a "Green Items" tab to the GSA Global Supply™ online shopping experience. In April 2008, the three EPEAT designations (Bronze/Silver/Gold) were added to the "Advanced Search" options in GSA *Advantage!*® and GSA Global Supply™ to facilitate the search for EPEAT-registered products.

EPEAT designation automatically loads in GSA *Advantage!*® and GSA Global Supply™ for EPEAT-registered products. Industry partners no longer need to self-certify to GSA that their products are EPEAT registered. GSA has partnered with the Federal Electronics Council (FEC) to receive a direct, nightly feed of registered products, thus enabling GSA *Advantage!*® and GSA Global Supply™ to automatically capture the information from FEC and place the appropriate EPEAT designation next to each product.

Does the Procuring Contractor Officer (PCO) need to require any documentation to verify that EPEAT registration is accurate?

No.

What should a contractor do if a product on GSA *Advantage!*® either incorrectly displays or does not display an EPEAT designation?

If the contractor is a manufacturer, the correct course of action is to work with the process established by EPEAT to verify the proper designation for the product in question. If the contractor and EPEAT find no errors, the problem may involve GSA's internal system, in which case the issue should be brought to the attention of Acquisition Management. If the contractor is a dealer/reseller, the contractor must work through the manufacturer to resolve the problem.

What impact does the EPEAT requirement have on small businesses?

Many Federal Supply Schedule and GWAC contractors are small business resellers of Information Technology (IT) hardware. Since IT manufacturers are responsible for determining if their products meet the IEEE 1680 Standard, there will be little or no impact on small businesses selling EPEAT-registered IT products under these acquisition vehicles. EPEAT encourages the participation of small business manufacturers by utilizing a sliding scale for the annual EPEAT product registration fee, based upon the annual revenue of the company.

Do EPEAT requirements extend to Federal Supply Schedule, GWAC, and other Acquisition Vehicle orders outside the United States?

In accordance with Section 7 of the Executive Order, EPEAT requirements only apply to contracts performed in the United States, unless otherwise authorized in agency procedures.

Where can I find more information on EPEAT?

For more information regarding EPEAT, visit the EPEAT website at www.epeat.net.

Appendix A**52.223-16 IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products**

As prescribed in 23.706(b)(1), insert the following clause:

IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007)

(a) *Definitions.* As used in this clause--

"Computer monitor" means a video display unit used with a computer.

"Desktop computer" means a computer designed for use on a desk or table.

"Notebook computer" means a portable-style or laptop-style computer system.

"Personal computer product" means a notebook computer, a desktop computer, or a computer monitor, and any peripheral equipment that is integral to the operation of such items. For example, the desktop computer together with the keyboard, the mouse, and the power cord would be a personal computer product. Printers, copiers, and fax machines are not included in peripheral equipment, as used in this definition.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Bronze registered or higher. Bronze is the first level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

(c) For information about the standard, see www.epeat.net.

(End of clause)

Alternate 1 (Dec 2007). As prescribed in 23.706(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Silver registered or higher. Silver is the second level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

