



U.S. Department
of Transportation
**Federal Highway
Administration**

Order

Subject
Green Procurement Planning

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Par.

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1. **What is the purpose of this Order?** This new Order is issued to establish policy for implementation of the DOT green purchasing program.

2. **What is Green Procurement Planning (GPP) and why is it important?** Green procurement is the purchase of environmentally preferable products and services in accordance with one or more of the established Federal "green" procurement preference programs. In its day-to-day operations, FHWA has the opportunity and obligation to be environmentally and energy conscious in its selection and use of products and services.

3. **What authorities govern this Order?**

- a. Executive Order (E.O.) 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, requires Federal agencies to conduct their environmental, transportation, energy-related activities, under the law, in support of their respective missions in an environmentally, economically and fiscally sound, integrated and continuously improving, efficient, and sustainable manner. Further, this E.O. provides specific operation guidance, which supersedes previous environmental E.O., except E.O. 13221, that provide product specification for power devices.

- b. E.O. 13221, *Energy Efficient Standby Power Devices*, requires Federal agencies, when commercially available, to purchase off-the-shelf products that use external standby power devices, or that contain an internal standby power function, and purchase products that use no more than 1 watt in their standby power consuming mode. If such products are not available, agencies will purchase products with the lowest standby power wattage while in standby power consuming mode. Agencies will adhere to these requirements when life-cycle costs are effective and practicable and where the relevant product utility and performance are not compromised as a result.
 - c. Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires Federal agencies to establish the following affirmative procurement programs:
 - A recovered materials preference,
 - An environmentally preferable products promotion,
 - Contract performance certification and verification of recovered material product use,
 - Annual review and monitoring of the effectiveness of the affirmative procurement program.
 - d. Section 9002 of the Farm Security and Rural Investment Act requires Federal agencies to purchase bio-based products to the maximum extent practicable, consistent with U.S. Department of Agriculture's (USDA) *Guidelines for Designating Bio-based Products for Federal Procurement*.
 - e. The Federal Acquisition Regulations (FAR) provides procurement policy for all Federal agencies. The FAR Part 23, Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace, outlines specific GPP requirements.
 - f. DOT Acquisition Policy Letter – Green Program, dated April 7, 2008.
4. **How do I plan for green purchasing?** Green purchasing considerations must be contemplated during the earliest phases of the acquisition planning process. This will allow for full consideration of many environmental programs in the requirements planning process.

For acquisitions which require the development of a written acquisition plan (in accordance with FHWA Order 4420.3B, Advance Acquisition Planning and Small Business Contracting Program, dated October 6, 2005), the plan must address how green procurement programs were considered. The plan must specifically document the inclusion of GPP elements or document why they were not included or were not appropriate.

5. **What are the key GPP programs I need to consider?** The authorities listed under paragraph 3 describe a number of key policies and regulatory requirements. Below is a listing of the specific preference programs that must be considered during the purchase of goods and services:
- a. Energy Star products identified by the U.S. Department of Energy and U.S. Environmental Protection Agency (EPA), as well as the Federal Energy Management program designated energy-efficient products (<http://www.energystar.gov>).
 - b. Recycled Content Products - EPA's "Comprehensive Procurement Guidelines" (<http://epa.gov/cpg>).
 - c. Environmentally Preferable Products (<http://www.epa.gov/epp>), including Electronic Products Environmental Assessment Tool registered products (<http://www.epeat.net>).
 - d. Water-efficient products - EPA's WaterSense standards (<http://www.epa.gov/watersense>).
 - e. Energy from renewable sources (<http://eere.energy.gov/femp>).
 - f. Bio-based products - USDA Bio-Preferred program (<http://biobased.oce.usda.gov>).
 - g. Alternative fuel vehicles and alternative fuels - Energy Policy Act (<http://www.eere.energy.gov/vehiclesandfuels>).
 - h. Products with low or no toxic or hazardous constituents (<http://www.epa.gov/wastes/hazard/wastemin/index.htm>).
 - i. Non-ozone depleting substances identified in EPA's Significant New Alternative Program (<http://www.epa.gov/ozone/snap/index.html>).

Note: A more complete description and specific requirements are included in *The FHWA Green Procurement Program Guide* (GPP Guide).

6. **Do these requirements apply to all procurements?** Yes. Green purchasing must be considered in all acquisitions, including purchases below the micro-purchase threshold, including fleet card transactions. Of course, not all acquisitions will involve green products and services; however, officials must review all new procurement actions for the applicability of appropriate green procurement programs. When preparing procurement requests and awards, Procurement Request Information System & Management (PRISM) will also remind requisitioners and contracting officers to consider the use of green purchasing programs. Specific requirements, exemptions, and documentation standards under each program are

discussed in greater detail in the GPP Guide. The consideration of GPP is not a replacement or substitute for the review and approval process required under FHWA Order 4460.1B.

7. What are the key roles and responsibilities for FHWA staff in considering green procurement?

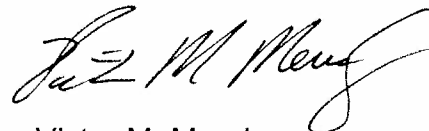
a. Program Office responsibilities:

- (1) Identify and document the availability of green products and services that meet program needs.
- (2) Consult with contracting and environmental specialists when developing procurement plans and preparing statements of work or specifications to ensure incorporation of relevant GPP requirements in procurement planning documents and purchase requests.
- (3) Apply life-cycle cost concepts, where appropriate, in decisionmaking process to determine cost effectiveness of green alternatives for the purchase.
- (4) Prepare any request for waivers or justification documentation.
- (5) Provide technical oversight of contract execution to ensure GPP requirements are fulfilled in accordance with the terms of the contract.
- (6) Accurately complete GPP elements in PRISM.

b. Contracting Officer's responsibilities:

- (1) Provide guidance to procurement originators and facilitate acquisition planning with respect to green acquisition requirements.
- (2) Ensure compliance with the FAR regarding environmentally preferable products, energy and water conservation, bio-based product acquisition, and reduction of ozone-depleting substances and hazardous chemicals.
- (3) Review all procurement requests to determine if GPP requirements have been appropriately considered and documented.
- (4) Incorporate appropriate green procurement language and FAR clauses in contracts consistent with specifications provided by the requestor.

- (5) Ensure all contract actions from cradle to grave meet relevant FAR requirements for environmental procurement. Maintain required documents in the contract file to include estimates, certifications, and written justifications for exceptions.
 - (6) Accurately report green-related data through PRISM and the Federal Procurement Data System – Next Generation.
8. **Who is responsible for GPP program promotion?** The Office of Acquisition Management (HAAM) is responsible for promoting the GPP initiative.
9. **How will the Agency track its performance under GPP programs?** In accordance with the RCRA, DOT develops an annual report documenting results and program compliance. The FHWA participates with DOT in completing this annual RCRA report. The Office of Information and Management Services coordinates the agencywide RCRA response. Contracting staff may be asked to provide data in support of this reporting requirement. Additionally, PRISM will identify and track procurement requests and awards that include green purchases, or the rationale for noninclusion. Additional information regarding specific acquisition-related metrics is included in the GPP guide.
10. **Who should I contact for additional information?** For additional information on GPP, contact HAAM at (202) 366-4242.



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