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### PURPOSE

This document outlines required electronics stewardship activities which apply to federal agencies under the Federal Acquisition Regulation (FAR). The Federal Electronics Challenge (FEC) encourages Partners to also review agency supplements to the FAR for agency-specific requirements regarding electronics stewardship activities.

### FEDERAL ACQUISITION REGULATION PARTS

#### FAR Part 2, Definitions of Words and Terms

*Subpart 2.1* includes definitions for:

- Electronic and information technology (EIT)
- Energy-efficient product
- Energy-efficient standby power devices
- Environmentally preferable
- Information technology (IT)
- Pollution prevention
- Recovered material
- Sustainable acquisition
- Virgin material
- Waste reduction

#### FAR Part 4, Administrative Matters

*Subpart 4.3* requires contractors to submit paper documents printed or copied double-sided on at least 30 percent postconsumer fiber paper whenever practicable.

*Subpart 4.602(a)(3)* specifies that the Federal Procurement Data System (FPDS) is a means of measuring and assessing the effect of Federal contracting for promoting sustainable technologies, materials, products, and high-performance sustainable buildings. This is accomplished by collecting and reporting agency data on sustainable acquisition, including types of products purchased, the purchase costs, and the exceptions used for other than sustainable acquisition.

#### FAR Part 5, Publicizing Contract Actions

*Subpart 5.207(c)(11)* requires that the description in any synopses submitted to a governmentwide point of entry include sustainable acquisition requirements.

#### FAR Part 7, Acquisition Planning

*Subpart 7.103(p)(1)* requires that agencies specify their needs for printing and writing paper consistent with 30 percent postconsumer fiber minimum content standards.

*Subpart 7.103(p)(2)* requires that agencies to comply with Federal policy regarding procurement of: products containing recovered materials; environmentally preferable products and services (including Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic products); and ENERGY STAR® and Federal Energy Management Program (FEMP)-designated products.

*Subpart 7.103(p)(4)* requires contractor compliance with Federal environmental requirements, when the contractor is operating Government-owned facilities or vehicles, to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles.



## FAR Clauses Applicable to Electronics Stewardship

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*Subpart 7.105(b)(17)* requires written acquisition plans to discuss all applicable environmental and energy conservation objectives associated with an acquisition and any environmentally-related requirements to be included in solicitations and contracts.

### **FAR Part 8, Required Sources of Supplies and Services**

*Subpart 8.405* allows an ordering activity to consider environmental and energy efficiency considerations, in addition to price, when determining best value for supplies and services not requiring a statement of work, and when establishing Blanket Purchase Agreements (BPAs).

### **FAR Part 10, Market Research**

*Subpart 10.001(a)(3)(v)* requires agencies to use market research to ensure maximum practicable use of recovered materials and promote energy conservation and efficiency.

*Subpart 10.002(b)(1)(v)* requires that market research include investigation into the availability of items that contain recovered materials and items that are energy efficient.

### **FAR Part 11, Describing Agency Needs**

*Subpart 11.002(d)* specifies Federal policy that when agencies acquire products and services they consider sustainable acquisition including: energy-efficient services and products (including products containing energy-efficient standby power devices); products and services that utilize renewable energy technologies; products containing recovered materials; and environmentally preferable products and services, including EPEAT-registered electronic products. Unless an exception applies and is documented by the requiring activity, agencies must require the use of the sustainable products and services listed above when developing, reviewing, or revising specifications, product descriptions and standards; describing requirements for products and services; and developing source-selection factors.

*Subpart 11.3* addresses setting requirements for products containing virgin and recovered materials. The subpart allows for the acquisition of used, reconditioned, or remanufactured supplies or property. The subpart also defines special requirements for printing and writing paper.

### **FAR Part 12, Acquisition of Commercial Items**

*Subpart 12.301(e)(3)* allows a Contracting Officer to use the provisions and clauses contained in Part 23 regarding the use of recovered material when appropriate for the item being acquired.

### **FAR Part 13, Simplified Acquisition Procedures**

*Subpart 13.201(f)* states that sustainable acquisition requirements apply to acquisitions at or below the micro-purchases threshold.

### **FAR Part 23, Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace**

**IMPORTANT NOTE:** Due to the detail of these subparts, the FEC recommends that you refer to the complete text of the Federal Acquisition Regulation, available at <https://www.acquisition.gov/far/>.

*Subpart 23.1* specifies Federal sustainable acquisition policy.

*Subpart 23.2* specifies the authorities, policy and requirements for acquiring energy-efficient products and renewable energy, including procurement exemptions.

*Subpart 23.4* specifies the authorities, policy and requirements for acquiring products with recovered material content.

*Subpart 23.7* specifies the authorities, policy and requirements for acquiring environmentally preferable products and services.

*Subpart 23.704 and 23.705* specifically addresses mandatory use of the Electronic Product Environmental Assessment Tool (EPEAT).

*Subpart 23.10* specifies the authorities and requirements for obtaining information needed for government compliance with pollution prevention requirements and implementation of an EMS at a Federal facility.

### **FAR Part 36, Construction and Architect-Engineer Services**

*Subpart 36.601-3(a)(2)* requires that Facility design solicitations and contracts that include the specification of energy-consuming products comply with the requirements in Subpart 23.2.

### **FAR Part 39, Acquisition of Information Technology**

*Subpart 39.101* requires agencies to identify information technical requirements pursuant to OMB Circular A-130, including consideration of energy efficiency; Electronic Product Environmental Assessment Tool (EPEAT) standards; policies to enable power management, doublesided printing, and other energy-efficient or environmentally preferable features on all agency electronic products; and best management practices for energy-efficient management of servers and Federal data centers.

### **FAR Part 42, Contract Administration and Audit Services**

*Subpart 42.302(a)(68)* specifies that that contracting officer must monitor the contractor's compliance with environmental requirements specified in the contract, including specifications or other contractual requirements requiring the delivery or use of environmentally preferable products, energy-efficient products, and products containing recovered materials.

### **FAR Part 45, Government Property**

*Subpart 45.6* establishes policies and procedures for the reporting, reutilization, and disposal of contractor inventory excess to contracts, and specifically outlines the Federal personal property disposition process and priorities.

### **FAR Part 52, Solicitation Provisions and Contract Clauses**

*Subpart 52.204-4* is the text of the clause requiring documents to be printed or copied double-sided on recycled paper.

*Subpart 52.211-5* is the text of the clause that allows the provision of used, reconditioned or remanufactured supplies.

*Subpart 52.223-4* is the text of the clause that requires certification of the minimum recovered material content required in the solicitation.

*Subpart 52.223-5* that requires the contractor to supply information necessary for a Federal facility to comply with the Pollution Prevention Act.

*Subpart 52.223-9* is the text of the clause that requires an estimate of percentage of recovered material content for EPA-designated products specified in a contract.



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*Subpart 52.223-10* is the text of the clause that requires contractors to establish a program to promote cost-effective waste reduction in all operations and facilities covered by a contract.

*Subpart 52.223-15* is the text of the clause that requires energy efficiency in energy-consuming products that are delivered, acquired, furnished or specified under a contract.

*Subpart 52.223-16* is the text of the clause that requires use of the IEEE 1680 standard (and EPEAT) for the environmental assessment of personal computer products.

*Subpart 52.223-19* is the text of the clause that requires contractor's work to conform to an Agency or Facility's EMS.

### REFERENCES

The Federal Acquisition Regulation is available at: <https://www.acquisition.gov/far/>.

### CONTACT INFORMATION

If you have questions related to this resource or need other assistance with the Federal Electronics Challenge, please contact your Regional Champion: <http://www2.epa.gov/fec/technical-assistance>.

Visit the FEC online: <http://www2.epa.gov/fec/>

E-mail the FEC: [fec@epa.gov](mailto:fec@epa.gov)