



## Incorporating Environmental Criteria in Federal Electronics Acquisition

Updated: 6/14/2012

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### PURPOSE

This document outlines how environmental criteria can be incorporated into all phases of the federal procurement process for electronic products: market research, solicitation development, proposal evaluation, contract award, and contract administration/contractor oversight.

### INCORPORATING ENVIRONMENTAL CRITERIA IN ELECTRONICS ACQUISITION

During the procurement process, an acquisition office may perform several tasks before awarding a contract. Environmental considerations can be incorporated into many of these tasks and is required by Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, which requires federal agencies ensure sustainable acquisition.

The Federal Acquisition Regulation (FAR), Part 23, *Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace* and Executive Order 13514 further mandate that federal agencies meet at least 95 percent of acquisition requirements for electronic products with Electronic Product Environmental Assessment Tool (EPEAT®) registered products, as well as procure ENERGY STAR® qualified products and Federal Energy Management Program (FEMP) designated products.

#### Market Research

Gathering market information allows federal purchasers to determine what products and services are available in the marketplace, and what environmental attributes those products and services may have. Market research provides the information federal purchasers need to decide on the best means for fulfilling their requirements. Federal requirements for market research are specified in FAR Part 10, *Market Research*.

For office electronics, ENERGY STAR qualification and the associated energy efficiency specifications are available on the ENERGY STAR website:

[http://www.energystar.gov/index.cfm?c=products.pr\\_find\\_es\\_products#business\\_gov](http://www.energystar.gov/index.cfm?c=products.pr_find_es_products#business_gov).

For information technology products and electronics, FEMP designated products and the associated energy efficiency and low standby power requirements are available on the FEMP website:

[http://www1.eere.energy.gov/femp/technologies/eep\\_purchasingspecs.html#tab-3](http://www1.eere.energy.gov/femp/technologies/eep_purchasingspecs.html#tab-3).

For computer desktops, laptops, and monitors, EPEAT registration status and associated environmental attributes are available in the EPEAT Product Registry: <http://ww2.epeat.net/searchoptions.aspx>.

A Product Environmental Information Sheet (PEIS) can facilitate collection of environmental attribute information. A sample PEIS is available on the Federal Electronics Challenge (FEC) website at:

<http://www2.epa.gov/fec/product-environmental-information-sheet-electronics-6192012>.

#### Solicitation Development

Federal purchasers should include required environmental attributes in their Request for Proposals (RFPs) or other solicitation documents. The evaluation criteria for the proposals should include these environmental attributes as significant factors or sub-factors that will be considered in awarding the contract. Federal requirements for solicitation development are specified in FAR Subpart 15.2, *Solicitation and Receipt of Proposals and Information*.

For office electronics, as well as other energy-consuming products, federal purchasers need to require ENERGY STAR qualified and FEMP designated products in their RFP. The FAR includes a required contract clause for ENERGY STAR and FEMP in subpart 52.223-15, which must be included in solicitations for energy-consuming products, including office electronics.



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For computer desktops, laptops, and monitors, federal purchasers need to require EPEAT-registered electronic products in their RFP. The FAR includes a required contract clause for EPEAT in subpart 52.223-16, which must be included in solicitations for personal computer equipment.

Federal agencies may also choose to include any number of environmental criteria, including:

- Reduced toxics constituents
- Increased recycled or biobased content
- Energy efficiency
- Reduced materials use
- Reduced consumables use
- Extendable product life
- Designed for upgrade and recycling
- Take back options
- Environmentally preferable packaging
- Positive corporate environmental policy

Some of these attributes can be expressed as requirements for the manufacturers and/or vendors (e.g., take back options) or expressed as specific product requirements (e.g., energy efficient equipment).

**IMPORTANT NOTE:** Many of these criteria are met by EPEAT registered products, and some of these criteria are met by ENERGY STAR qualified and FEMP designated products.

Detailed information about each of these environmental attributes is available in the FEC resource, *Key Environmental Attributes for Electronics Acquisition*, available at: <http://www2.epa.gov/fec/key-environmental-attributes-electronics-acquisition-6192012>. Federal agencies may also refer to environmental attributes specified by vendors in their submitted Product Environmental Information Sheet.

### Proposal Evaluation

After proposals are received, an evaluation team will typically make a best value decision based on all evaluation criteria delineated in the solicitation. During the proposal evaluation, the Contracting Officer may be required to perform a cost/technical trade-off analysis, based on the strengths and weaknesses identified in the proposals. The environmental attributes identified in the solicitation and proposed by an offeror may be used as justification for offsetting either a lower cost approach or an enhanced technical feature proposed by a competing firm.

Environmental attributes that are available in the commercial marketplace and identified in the solicitation should be an important consideration in the best value source selection process. In order to justify a higher price during a best value source selection, the environmental attributes must be weighted more highly than price in the evaluation criteria. Federal requirements for proposal evaluation are specified in FAR Part 15.3, *Source Selection*.

### Contract Award

After the source selection decision has been made and the contractor receives the contract for the required product or service, the contract vehicle (whether a purchase order, delivery order, or contract) should include terms and conditions that ensure compliance with the requirements outlined in the evaluation criteria. Contract clauses will require the contractor to provide the environmental attributes and qualities that were proposed and evaluated during the source selection process. As noted above, the FAR includes required contract clauses for EPEAT in subpart 52.233-16 and ENERGY STAR and FEMP in subpart 52.223-15.



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### Contract Administration/Contactor Oversight

During contract administration, the Contracting Officer must ensure that the environmental attributes proposed by the selected contractor are actually included in the delivered product. If the requirement is for ongoing deliveries, the Contracting Officer and the Program Office must continue to confirm that the products they are receiving are those the contract terms and conditions require. Should there be a discrepancy between the product that was offered and the delivered product, the Contracting Officer may make a determination that the contractor is in breach of contract. If the contractor has not delivered a product that incorporates the environmental attributes proposed, the Contracting Officer may pursue the options described in FAR Part 49, *Termination of Contracts*.

Additional FAR clauses are applicable to electronic stewardship activities. Please see the FEC resource, *FAR Clauses Applicable to Electronics Stewardship*, available at: <http://www2.epa.gov/fec/far-clauses-applicable-electronics-stewardship-6142012>.

### REFERENCES

The text of Executive Order 13514 is available at: <http://www.fedcenter.gov/programs/eo13514/>.

The FAR is available at: <https://www.acquisition.gov/far/>.

Information about ENERGY STAR is available at their website: <http://www.energystar.gov/>.

Information about FEMP is available at their website:  
[http://www1.eere.energy.gov/femp/technologies/procuring\\_eeproducts.html](http://www1.eere.energy.gov/femp/technologies/procuring_eeproducts.html).

Information about EPEAT is available at their website: <http://www.epeat.net/>.

### 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)