Air Force Space Command

AFFIRMATIVE PROCUREMENT GUIDANCE

March 2002

Issued by:
HQ AFSPC
Environmental Protection Committee
Affirmative Procurement Team

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SPACE COMMAND

18 APR 2002

MEMORANDUM FOR 21 SW/CC 30 SW/CC 45 SW/CC 50 SW/CC
61 ABG/CC 90 SW/CC 341 SW/CC 460 ABW/CC

FROM: HQ AFSPC/LG/CE
150 Vandenberg Street, Suite 1105
Peterson AFB CO 80914-4150

SUBJECT: AFSPC Affirmative Procurement Program (APP) Policy and Guidance (HQ AFSPC CEV Policy P02012)

1. The Resource Conservation and Recovery Act (RCRA) Section 6002 requires federal agencies to procure designated items composed of the highest percentage of recovered materials practicable. This is called Affirmative Procurement. RCRA requires the establishment of an Affirmative Procurement Program (APP) with the following components: a preference program, a promotion program, a certification program, and an annual review and monitoring program.

2. It is AFSPC policy that installations establish an APP Team through their Environmental Protection Committee (EPC). This requirement is driven by SAF/AQC and USAF/ILE policy, 31 May 00. A copy of the policy is attached as Appendix C of the guidance document. The APP Team structure should be presented for approval at your next quarterly EPC meeting. Please reflect APP Team structure review and approval in your EPC meeting minutes.

3. Next, each installation APP Team shall develop and implement an APP Plan. All AFSPC installations, including Geographically Separated Units (GSUs), shall have an APP Plan developed by 30 Jun 03. OCONUS GSUs shall have an abbreviated plan for those designated recycled content items purchased in the U.S. Each installation shall submit their plan to HQ AFSPC/CEV for review and validation.

4. To help in the development of each installation's APP, the HQ AFSPC EPC Affirmative Procurement Team is providing the attached Affirmative Procurement Guidance. This supercedes AFSPC "Interim Affirmative Procurement Guidance," 7 Apr 94. The guidance provides regulatory background, information on the four required components, reporting requirements, exemptions, APP Team development and their roles and responsibilities, enforcement overview and funding eligibility.

5. This is a HQ AFSPC/LG/CE/FM/PA/JA coordinated memorandum. Points of contact are Mr. John Faulkner, HQ AFSPC/CEVV, DSN 692-5462, E-mail John.Faulkner@Peterson.af.mil or Mr. Mark Benett, HQ AFSPC/LGCM, DSN 692-5251, E-mail Mark.Benett@Peterson.af.mil.

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Attachment:
AFSPC Affirmative Procurement Guidance

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ACES	Automated Civil Engineer System
A-E	Architect–Engineer
AFCEE	Air Force Center for Environmental Excellence
AFI	Air Force Instruction
AFSPC	Air Force Space Command
APP	Affirmative Procurement Program
CE	Civil Engineering
CES/CEC	Civil Engineer Squadron/Construction Flight
CES/CEO	Civil Engineer Squadron/Operations Flight
CES/CEV	Civil Engineer Squadron/Environmental Flight
CFR	Code of Federal Regulations
CO	Contracting Officer
CPG	Comprehensive Procurement Guideline
D&F	Determination and Finding
DCADS	Defense Contract Action Data System
DENIX	Defense Environmental Network and Information Exchange
DFARS	Defense Federal Acquisition Regulation Supplement
DGSC	Defense General Supply Center
DoD	Department of Defense
ECAMP	Environmental Compliance Assessment and Management Program
EO	Executive Order
EPA	Environmental Protection Agency
EPC	Environmental Protection Committee
FAR	Federal Acquisition Regulation
FASA	Federal Acquisition Streamlining Act
FY	Fiscal Year (October 1 through September 30)
GPC	Government-wide Purchase Card
GPO	Government Printing Office
GSA	General Services Administration
GSU	Geographic Separated Unit
HQ USAF/ILE	The Office of the Civil Engineer

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LIST OF ACRONYMS

IPCPM	Installation Purchase Card Program Manager
JA	Judge Advocate
JWOD	Javits-Wagner-O'Day
LGC	Logistics Group – Contracting
MAJCOM	Major Command
NAF	Non-Appropriated Funds
NAFI	Non-Appropriated Fund Instrumentalities
NAVFAC	Naval Facilities Engineering Command
NIST	National Institute of Standards and Technology
NOV	Notice of Violation
PA	Public Affairs
POC	point-of-contact
RCRA	Resource Conservation and Recovery Act
RMAN	Recovered Materials Advisory Notice
SAF/AQC (now SAF/IE)	Assistant Secretary of the Air Force (Installations, Environment, and Logistics)
TACOM	Tank-Automotive and Armaments Command
UFGS	Unified Facilities Guide Specifications
UNICOR	Federal Prison
WIMS	Work Information Management System
WIMS-ES	Work Information Management System-Environmental Subsystem

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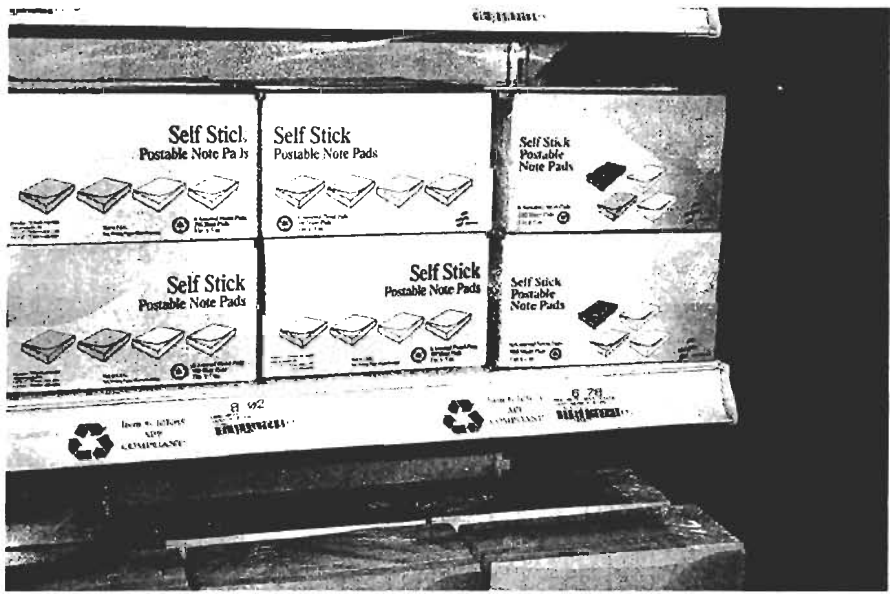
1.0 PURPOSE

This document establishes Air Force Space Command (AFSPC) guidance and implementation guidelines for affirmative procurement, which is the purchase and use of recycled products. It provides guidance necessary to develop an effective Affirmative Procurement Program (APP) that meets all regulatory, Executive Order (EO), and policy requirements. This document supercedes the AFSPC document titled *Interim Affirmative Procurement Guidance,* issue 7 April 1994.

The following section delineates the legal drivers for implementing the affirmative procurement policy. Section 3.0 defines the applicability, while Section 4.0, the core of the document, describes how the program works. Reporting requirements are found in Section 5.0 and Exemptions in 6.0. Section 7.0 lays out the makeup of the APP Team. Information on Enforcement, Awards, and Funding are in Sections 8.0, 9.0, and 10.0. The Exhibits and Appendices are located at the end of this document.



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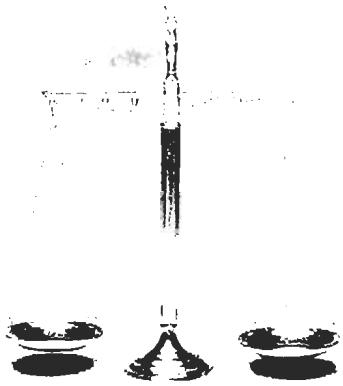
The standard three-arrow recycling symbol represents not only *collection* of recyclable materials, but also *manufacturing* and *use* of recycled products. Recycling can succeed in diverting materials from landfills only if markets for products made from recycled materials expand. A recovered material or recycled material is a waste material or by-product recovered or diverted from solid waste and utilized in place of raw or virgin material in product manufacturing. Today, products made from recycled materials rival virgin products in quality and cost. Yet, the market for these items is still in its infancy. Purchasing recycled materials – affirmative procurement – will significantly increase the use of these products and will close the loop on our recycling efforts. The federal government has taken several important steps toward strengthening its commitment to affirmative procurement. As background for this guidance, brief summaries of several requirements that drive the program are presented below.



2.1 RESOURCE CONSERVATION AND RECOVERY ACT SECTION 6002 (42 USC 6962)

The main legal requirement for an APP comes from the Resource Conservation and Recovery Act (RCRA) Section 6002 (http://www.ornl.gov/ornlp2/sec6002.htm). It requires federal agencies to procure designated items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. This law also requires that the APP contain:

1. a recovered materials preference program;
2. a promotion program to promote the preference program;
3. a program to certify the products and minimum recovered material content actually utilized; and
4. an annual review and monitoring program to analyze the addition of new designated items and the effectiveness overall.

The Resource Conservation and Recovery Act is the primary legal driver for the Affirmative Procurement Program.

2.2 EXECUTIVE ORDER 13101, *GREENING THE GOVERNMENT THROUGH WASTE PREVENTION, RECYCLING, AND FEDERAL ACQUISITION,* 14 SEP 98

To further expand and strengthen the government's commitment to recycling and buying recycled content products, (EO) 13101 (http://www.ofee.gov) was implemented. The Environmental Protection Agency (EPA) is tasked to develop and issue

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Lists of EPA-designated products, manufacturers, and suppliers can be found at www.epa.gov/cpg.

Comprehensive Procurement Guidelines (CPGs) containing designated items that are or can be made with recovered materials.

2.3 COMPREHENSIVE PROCUREMENT GUIDELINES

The EPA is required to designate products that are or can be made with recovered materials as authorized by RCRA Section 6002 and EO 13101. EPA reviews a broad list of potential products made from recovered materials and compiles a list of items previously listed or under consideration.

RCRA requires EPA to consider several criteria when determining which items it will designate: the availability of the item, the potential impact of procurement on the solid waste stream, the economic and technological feasibility of producing the item, and other uses of the recovered materials used to produce the item. EPA also considers comments from end users, manufacturers, distributors, the general public, and other interested parties through a formal rulemaking process to designate items. Once a product is designated, procuring agencies (Department of Defense [DoD] to installation level organizations) are required to purchase it with the highest recovered material content level practicable.

In 1995, EPA issued the first CPG that covered EPA's list of 24 products. The first CPG update (CPG II), published in November of 1997, designated an additional 12 items. A second CPG update (CPG III), published in January 2000, designated an additional 18 items, making a total of 54 designated items. To update purchasers on CPG products, the EPA also issues guidance on buying recycled-content products in Recovered Materials Advisory Notices (RMANs). The RMANs recommend recycled-content ranges for CPG products and are based on current information on commercially available recycled-content products. RMAN levels are updated as marketplace conditions change.

All current and proposed guideline items and their associated recycled content requirements, product specifications, RMANs, and list of manufacturers and suppliers can be viewed on EPA's web page located at http://www.epa.gov/cpg. Other sections of the web page provide product fact sheets, frequently asked questions with answers, and CPG program updates.

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2.4 CODE OF FEDERAL REGULATIONS, TITLE 40, PART 247 (40 CFR 247) – *COMPREHENSIVE PROCUREMENT GUIDELINE FOR PRODUCTS CONTAINING RECOVERED MATERIALS*

These are the regulations that implement the requirements of RCRA Section 6002 and the CPG. 40 Code of Federal Regulations (CFR) 247 (http://www.access.gpo.gov/ecfr) clearly defines the applicability of the program, Contracting Officer (CO) requirements, and the complete list of guideline items at the time of publication.

2.5 HQ USAF/ILE AND SAF/AQC POLICY, *AIR FORCE AFFIRMATIVE PROCUREMENT PROGRAM*, 31 MAY 00 *(CEV POLICY P01002, 20 NOV 00)*

These policies place responsibility for the APP on the Environmental Protection Committee (EPC) at all levels in the Air Force. The EPC at each installation needs to establish a team to develop and implement affirmative procurement. They specifically identify Civil Engineering and Contracting as the key organizations responsible for implementing and monitoring the program.

Civil Engineering and Contracting are the primary organizations charged with implementing and monitoring the Air Force's Affirmative Procurement Program.

2.6 AIR FORCE INSTRUCTION 32-7080, POLLUTION PREVENTION PROGRAM, 12 MAY 94

Air Force Instruction (AFI) 32-7080 (http://afpubs.hq.af.mil/pubs/publist.asp?puborg=af&series=32) contains requirements and responsibilities for pollution prevention programs such as hazardous waste minimization, recycling, and affirmative procurement. Currently, this AFI uses EPA criteria for affirmative procurement.

The requirement for reporting through the Work Information Management System (WIMS), as well as the associated computer system, no longer exists. WIMS has been replaced by the Automated Civil Engineer System (ACES), launched in February 2001. For more information about reporting, please see Section 5.0 Reporting.

On a side note, AFI 32-7080 has been in revision for several years now. There has not been a firm date on when the final version will be published, if at all. However, the current revision states no more than what is called out in RCRA Section 6002, EO 13101, and policy.

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2.7 AIR FORCE ENGINEERING TECHNICAL LETTER 00-1, *EPA GUIDELINE ITEMS IN CONSTRUCTION AND OTHER CIVIL ENGINEERING SPECIFICATIONS*, 5 JAN 00

Engineering Technical Letter 00-1 makes it mandatory for all Civil Engineer specifications (construction and service contracts) to include EPA-designated guideline item requirements.

2.8 FEDERAL ACQUISITION REGULATION

Applicable portions of the Federal Acquisition Regulation (FAR) (http://farsite.hill.af.mil/vffara.htm) include Subpart 23.4 - Use of

Recovered Materials and Part 36 - Construction and Architect-Engineer (A-E) Contracts.

- Subpart 23.4 states that agency APPs must require 100 percent of purchases of EPA-designated products to contain recovered material, unless one of the exemption criteria applies. It also requires written determinations to be placed in the contract file whenever an exemption is claimed for an acquisition exceeding the micro-purchase threshold ($2,000 for construction and $2,500 for all other purchases).
- Part 36 requires attention to environmental concerns in the A-E selection process, and in the work that is performed by the chosen A-E firm.

2.9 OFFICE OF FEDERAL PROCUREMENT POLICY, POLICY LETTER 92-4, 2 NOV 92

This policy letter provides Executive branch policies for the acquisition and use of environmentally sound, energy-efficient products and services (http://www.arnet.gov/library/OFPP/policyletters).♻

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The affirmative procurement requirements apply to all procuring agencies and to all procurement actions involving items designated by the EPA. This occurs when procuring agencies purchase $10,000 or more worth of one of the designated items during the course of a fiscal year (FY), or when the cost of such items or of functionally equivalent items purchased during the preceding fiscal year was $10,000 or more.

As defined in Section 202 of EO 13101, the term "agency" is correlated to the DoD, as a whole. Each individual service (Army, Air Force, and Navy) falls under this umbrella. It has been determined, therefore, that DoD spends more than $10,000 annually on each item or its functional equivalent.

Thus, all AFSPC installations (governed by the CFR, Title 40) shall establish an APP to ensure purchases of designated guideline products are composed of the highest percentage of recovered materials practicable. Additionally, those overseas installations (e.g., Thule Air Base, Greenland) shall also have an APP to ensure purchases made in the United States for shipment overseas also comply with RCRA Section 6002 and 40 CFR 247. For example, copier paper procured from the United States and transported to Thule would fall under their APP. The APP does not apply to purchases made from other countries and contracts not administered in the United States. However, it is encouraged that all purchases and contracts procure recycled content products and materials whenever possible to promote the overall intent of the program.

Furthermore, affirmative procurement requirements are also applicable to non-appropriated fund instrumentalities (NAFI) because they are considered "federal agencies" under RCRA. Although a NAFI is responsible for its own compliance with RCRA Section 6002, non-appropriated funded (NAF) activities are highly encouraged to participate in the installation APP to ensure that when they purchase items for their own use, their purchases are of guideline items and meet EPA recycled-content requirements. One of the biggest areas to which this applies is the NAF construction program.

The Affirmative Procurement Program does <u>not</u> apply to:

- ***Purchases from other countries***
- ***Contracts not administered in United States***

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Each installation shall develop an APP that will assure that items composed of recovered materials will be purchased to the maximum extent practicable. Each APP shall, at a minimum, contain:

1. A recovered materials preference program;
2. A promotion program to promote the preference program;
3. A program for requiring estimates of the total percentage of recovered materials utilized in the performance of a contract; certification of minimum recovered material content actually utilized, where appropriate; and reasonable verification procedures for estimates and certifications; and
4. An annual review and monitoring of the effectiveness of the APP.

The best way for these programs to be instituted is by forming an APP Team and developing an APP Plan. The program as a whole is a team effort. However, the primary responsibility for the development of the APP Plan falls under the Civil Engineer Squadron/Environmental Flight (CES/CEV).

The APP Plan must include information on how the installation is going to implement the four elements of the APP. The plan needs to describe in detail how the installation is going to indicate a "preference" for designated items, how the installation is going to "promote" the program, how the installation is going to get "estimates and certifications," and how the installation is going to "review and monitor" their program. Additionally, the plan should describe the installation's process for approval of exemptions. The key to an excellent plan is to describe in detail what the installation is going to do, and then doing what was planned.

APP Plans can either be developed in-house using the APP Team or developed by contract. Environmental funds can be provided to each installation for a contractor-developed plan. Refer to Section 10.0 for further details.

Sample plans are available for downloading on the Air Force Center for Environmental Excellence (AFCEE) web site at http://www.afcee.brooks.af.mil/eq/programs/progpage.asp. Under the Resources Menu, the documents are listed under the "Sample Plans" section. Another source is the Office of the Federal Environmental Executive, which has developed a *Model Agency Affirmative Procurement Plan* at http://www.ofee.gov/. A word of caution about using these sample plans as a reference: many do not describe in detail how each required program is going to be implemented. Remember, plan what you do and do what you plan.

Every Affirmative Procurement Program shall have:

- ***Recovered materials preference program***
- ***Promotion program***
- ***Estimation, certification, and verification procedures***
- ***Annual review and monitoring***

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4.0 AFFIRMATIVE PROCUREMENT PROGRAMS

This section includes information about the preference program; the promotion program; obtaining contractor estimates, certification and verification; and annual review and monitoring of the APP program.

4.1 PREFERENCE PROGRAM

Clearly explain how the installation is going to emphasize the use of recycled content products over non-recycled content products.

In accordance with Section 402(c) of EO 13101, all purchases of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. This program needs to target installation employees, current contractors, and potential vendors who seek to do business with the installation. This is accomplished through formal policy, action plans, and contract language. For Government-wide Purchase Card (GPC) holders, training should target the purchase of products with recycled content. In particular to contract language, this means updating statements of work and contract specifications with specific language requiring the procurement of designated items. The key to this program is clearly describing how the installation is going to indicate their preference for these designated recycled content products over non-recycled content products.

4.1.1 EPA-Designated Products

EPA-designated products can be found in Appendix A.

The Preference Program is based on EPA's CPG designations of recycled content products. All AFSPC installations (including overseas geographically separated units [GSUs] that purchase products from the United States) will give preference to procuring and using products containing recovered materials versus products made with virgin materials. This will occur when: (1) such products are available competitively within a reasonable timeframe, (2) meet reasonable performance standards, and (3) are available at a reasonable price. EPA's recommended recovered material minimum content ranges, product specifications, and other product information can be obtained from EPA's CPG web site at http://www.epa.gov/cpg/. See Appendix A for the list of EPA-designated products as of December 2001.

4.1.2 Other Recycled Content Products

Example of plastic lumber decking at Patrick AFB.

There are thousands of products made with recovered materials. Procurement originators are encouraged to request, procure, specify, and use other products containing recovered materials in addition to those items required by law. Additional recycled products are available through the federal supply sources and outside vendors. Some of these sources are the Federal Logistics Information System, the DoD Environmental Products Guide (http://www.epro.dlis.dla.mil), the DoD Electronic Mall or EMALL

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(https://emall.prod.dodonline.net/scripts/emlogon.asp), and the FEDLOG compact disk (http://www.dlis.dla.mil/cdrom.asp).

4.1.3 Federal Supply Sources

Established federal supply sources, such as the General Services Administration (GSA), Government Printing Office (GPO), Javits-Wagner-O'Day (JWOD) Program, the Defense General Supply Center, and UNICOR are competitive sources for EPA-designated items and other recycled content products. Procuring recycled content products through these sources offers the following advantages:

1. Products have been pre-priced and determined to be fair and reasonable;
2. Products meet/exceed minimum content standards for recovered materials; and
3. Products are available in electronic catalogs and are identified as CPG Compliant Products.

These sources also provide additional services through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for requiring activities to track and monitor vendor compliance with affirmative procurement requirements. Information on federal supply sources of recycled content is contained in Appendix B.

See Appendix B for federal supply sources.

4.1.4 Specification Review and Revision

As required by RCRA 6002(d), all installations that have responsibility for drafting or reviewing specifications shall, as expeditiously as possible, eliminate any exclusion of recovered materials and any requirement that items be manufactured from virgin materials. All organizations that have contracted work are responsible for reviewing and revising specifications, statements of work, product descriptions, and standards to enhance their installation's procurement of recycled content products. This applies whether the contract language is written in-house, or prepared by others such as A-E design firms.

Specifications or statements of work shall be revised to institute APP requirements when the contract comes up for renewal. If funds are available, or the contract can be modified at no cost, installations are encouraged to implement APP requirements through modifications to existing contracts. (Many products are cost competitive and would not normally cause a cost increase.) Modifications may be accomplished when it is most convenient to the installation, such as at the issuance of other modifications or the award of option years. Since environmental funds are not eligible to supplement such contracts, it may be

The Preference Program should clearly describe efforts to update existing contracts to ensure APP compliance.

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necessary to wait until contract renewal. This doesn't relieve the installation of the APP requirements. Therefore, it is vital that the Preference Program clearly describes the efforts that will be conducted to bring outstanding contracts in line with requirements and the time frame for when those contracts will be updated. This illustrates to the inspector that the installation has an active program and has a plan to update non-compliant contracts as soon as practicable. In this way, the plan will ensure that in the long term, all specifications or statements of work will be updated and all contracts brought into compliance.

One major procurement venue for designated items is through construction contracts. CPG requirements must be met, unless an exemption applies, whether the project specifications are written in-house or by contract. FAR Part 36 (http://farsite.hill.af.mil/vffara.htm) covers construction and A-E contracts. It provides selection criteria to use when selecting A-E firms, and also includes required actions for government project managers and A-E firms.

FAR 36.602-1 lists selection criteria for A-E firms. The Government shall select A-E firms based on several factors, including specialized experience and technical competence in energy conservation, pollution prevention, waste reduction, and the use of recovered materials as appropriate.

FAR 36.601-3 says that Statements of Work for A-E services shall require the A-E to specify the maximum practicable amount of recovered materials consistent with performance requirements, availability, price reasonableness, and cost effectiveness.

FAR 36.601-3 also requires the A-E to consider energy conservation, pollution prevention, and waste reduction to the maximum extent practicable in the specifications.

For best results:

- ***Review contract and design in detail,***
- ***Identify guideline items used, and***
- ***Write specific recycled-content requirements into the statement of work.***

Success at meeting APP requirements is more likely if the contractor is provided with more direction than just using boilerplate language on procurements and referencing the EPA web site. For the best results, review the service contract or project design in detail. Then identify all of the guideline items to be used, and write specific APP recycled-content requirements and associated material submittals into all applicable sections of the service contract statement of work or the construction specifications. It will be much easier to review the contractor's material submittals for affirmative procurement compliance if the recycled material content requirements are clearly stated in each specification section that calls for the use of a guideline item.

For example, if the project requires concrete, insulation, and latex paint, be sure that each of these sections describes the recycled-content

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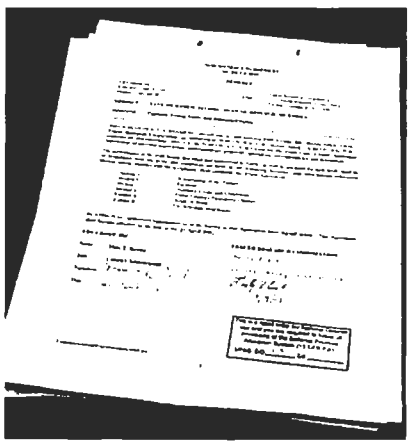
requirements. Here is an illustration of language that might appear in the specification section for building insulation:

> ***Provide fiberglass insulation with recovered material content (glass cullet), minimum 20% to 25% by weight.***

Preparing contracts in such detail requires up-front education and effort from the engineering team. This extra effort prevents confusion and costly mistakes when the work actually starts. In an effort to support the program, environmental funds can be used for a project to have an A-E contractor evaluate all construction materials and related products and provide specific language to update the specification divisions for the procurement of CPG-designated products. If the A-E firm preparing the specifications finds that certain CPG-designated products are unreasonably priced, do not meet performance standards, or are not readily available, the A-E contractor shall develop the written justifications that will be provided to the CO. As additional products are designated, supplemental projects should be programmed for the evaluation and rewrite of the affected specifications or the installation can perform the update in-house.

Environmental funds can be used for an A-E contractor to evaluate products and update specifications.



To help with specification writing, use the Unified Facilities Guide Specifications (UFGS), which are located at the Construction Criteria Base at http://www.ccb.org. The Naval Facilities Engineering Command (NAVFAC) has specifications of particular interest. These will have the nomenclature of **UFGS-xxxxxN** and have the "Preparing Activity" as NAVFAC. A couple of examples are for carpet (UFGS-09680N) and toilet partitions (UFGS-10153N), which are Division 09 – Finishes, Section 09680 and Division 10 – Specialties, Section 10153, respectively.

When writing performance-based specifications, be careful that the contract does not tell the contractor how to perform by specifying which materials must be used. Instead, specify that if the listed CPG items are not to be used, what is used will conform to the designated recycled-content standards.

4.1.5 Recovered Materials Checklist

Lastly, for each contract, whether it is a construction or service contract, that requires the procurement of EPA-designated products, a Recovered Materials Checklist (Exhibit 1, page E-1 preceding the Appendices) should be completed. The requiring activity (to include the A-E contractors) shall fill out a Recovered Materials Checklist identifying the products to be procured in that particular contract. This checklist will help the contractor/ vendor with the identification of those products to be procured. In other words, the checklist has the

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intent to draw the attention of the contractor to the EPA-designated products contained within the contract. This will ensure that the contractor is bidding the contract with the intent of procuring those items specified in the contract during execution of the contract. The checklist would be part of the solicitation package and the resulting contract.

The Recovered Materials Checklist should be included in the solicitation package and the resulting contract.

For those products not checked, and the contract does require related products, then a written justification must be completed and on file. For example, an office facility to be constructed requires the installation of carpet. However, the EPA-designated carpet, which is made of recycled plastic, does not meet the durability performance standard required to support the foot traffic that will be administered during the life of the facility. In this case, a written justification would have to be developed and on file to illustrate that the EPA-designated carpet does not meet performance standards for wear identified in the specifications. Thus, the checklist would not have the polyester carpet line checked.

To show an example of when the checklist would be used, we will revisit the above scenario. The same office facility requires the use of fiberglass building insulation, and the installation of plastic partitions in the restrooms. The requiring activity (in this example, the A-E contractor) has determined the EPA-designated fiberglass insulation and the plastic partitions between the stalls both meet required performance standards and are available at a reasonable price. In this case, both items would be checked. The checklist would become part of the specifications package identifying to the contractor that fiberglass insulation containing recycled glass and restroom partitions made from recycled plastic are to be procured and installed in this office facility. The completed checklist will also help the contractor, on the completion of the contract, to identify the products which require an estimate of the percentage of total recovered material used in the contract performance as required by FAR clause 52-223-9(b)(1) for contracts exceeding $100,000.

4.1.6 Specific Requirements

The following specific requirements apply to recycled content products purchased by all AFSPC installations, including overseas installations when these products are purchased in the United States:

Paper Products – EO 13101 Section 505 directs the purchase of printing and writing paper containing no less than 30 percent post-consumer materials. If paper containing 30 percent post-consumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable

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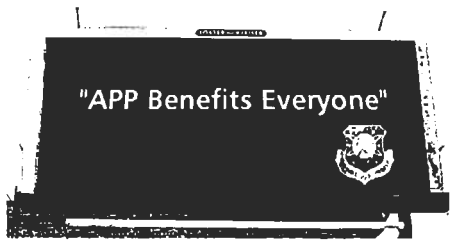
price, then each installation shall purchase paper containing no less than 20 percent post-consumer material... period! (For more information on the test results of the use of copier paper containing 30 percent post-consumer fiber, visit the web site at http://www.ofee.gov/recycled/30paper.pdf.)

Re-refined Oil – EO 13101 Section 507 and EO 13149 Section 403 directs the purchase of re-refined motor vehicle lubricating oils. If re-refined lubricating oils are not reasonably available and do not meet the vehicle manufacturer's recommended performance standards, then the purchase of virgin petroleum motor vehicle lubricating oils is authorized. To obtain more information on re-refined motor oil and to verify current prices, see the web site for the Defense Supply Center – Richmond, (http://www.dscr.dla.mil/products/pol/polintro.htm).

4.2 PROMOTION PROGRAM

The second element of an APP is the Promotion Program. This is the process of raising awareness on the affirmative procurement requirements of installation, contractor, and potential vendor personnel. According to SAF/AQC and HQ USAF/ILE policy (Appendix C), the CES/CEV or its contractor equivalent is required to provide education and training, in conjunction with the Contracting Squadron. This education and training is for all installation personnel (including tenants) on what affirmative procurement is and where to find the CPG items and RMAN information provided by EPA. The installation CES/CEV receives funds annually to produce publications and for general pollution prevention outreach. These funds can be used to execute the installation's APP Promotion Program (see Section 10.0 for further details on funding).



Pollution prevention "outreach" funds can be used to promote the installation's Affirmative Procurement Program.

This Promotion Program can be tailored to fit the needs of the installation. The process of promotion needs to be formalized in the APP Plan and needs to be carried out as outlined. Below are some examples of opportunities to be used to promote your APP. Many of these opportunities will take a team effort to accomplish and others, such as CEV, have clear responsibilities to conduct education and training.

- ***Train personnel preparing solicitation packages*** (both requiring activities and contracting personnel). Explain the affirmative procurement submittals required and address the need to update all purchase specifications to include APP requirements.
- ***Conduct training sessions or workshops to educate personnel*** about their responsibilities. At a minimum, training of base personnel should be conducted for those individuals who actively purchase or specify materials for a number of organizations

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throughout the base. Educational materials, such as Microsoft™ PowerPoint presentations, can be obtained from the AFCEE web site under the "Resources Menu" at http://www.afcee.brooks.af.mil/eq/programs/progpage.asp.

- ***Distribute installation APP policies to all organizations*** along with APP training materials.
- ***Update local operating instructions*** to include APP requirements. This may be a challenge but the effort will pay off if it "institutionalizes" APP requirements into all installation operations. Please see Section 7.2 within this guidance to identify all affected organizations, and solicit EPC support.
- ***Publish articles*** in the installation newspaper and organizational newsletters. Explain the program and solicit support. As the program matures, publish success stories about individuals and organizations. Provide periodic updates through the e-mail system. Send out information on new products and where to buy them.
- ***Conduct contests*** with rewards. Funds can be programmed through the CES/CEV for "Outreach and Awareness." Plaques and awards made of recycled content can be presented to personnel for outstanding efforts. Publish an article in the installation paper publicizing their accomplishments.
- ***Seek volunteer organizations for limited trial*** of new products. This will provide feedback on the cost, availability, and performance of the products. Then publicize the results of the trial to personnel installation-wide.
- ***Consider using a facility construction or renovation project as a showcase*** for recycled-content building materials. Make the specifications and product information (material submittals) available as a reference for designers of future projects. No additional funds will be provided to showcase designated items.
- ***Prepare a Fact Sheet*** about the installation's APP and distribute it through the contracting office for contractors and vendors. Discuss the APP at bidders' conferences. This information may be included on the installation's contracting and/or environmental web sites.

Target audiences for the Affirmative Procurement Program information are:

- ***Field operations***
- ***Procurement officials***
- ***Supply and requirements personnel***
- ***Government-wide purchase cardholders***

APP information must reach the field operations, procurement officials, supply, and requirements personnel, and individuals that purchase material or products with a government-wide purchase card (GPC). Critical training activities include educating program and procurement offices about requirements to procure recycled content

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products, providing employees and contractors with information on sources of recycled products, and making recycled-content product suppliers aware of the installation's preference program.

4.3 CONTRACTOR ESTIMATES, CERTIFICATION, AND VERIFICATION

This portion of the program requires contractors and vendors to provide an estimate of the total recycled content of their products and certify that the recycled content meets the minimum content standards in the installation's solicitation documents. Installations should verify these estimates and certifications through their normal quality control assurance procedures.

Vendor estimates and certifications are only required for contracts over the simplified acquisition threshold according to the Federal Acquisition Streamlining Act (FASA) (FASA-Pub.L.103-355). FASA amended RCRA Section 6002 to require recovered material estimates only for contracts valued at more than $100,000 if the contract includes the purchase of any EPA-designated products. When applicable, this program is accomplished through contract provisions and clauses as required by the FAR, which are described below. The FAR can be accessed at http://farsite.hill.af.mil/vffara.htm.

Recovered material estimates are only required for contracts valued over $100K if the contract includes the purchase of any EPA-designated products.

Currently, the FAR contains a "Recovered Material Certification" provision (FAR 52.223-4) which the agency CO shall insert into solicitations for recycled content products and into solicitations that will require the use of EPA-designated products during performance of the contract. The contractor/vendor/offeror is certifying, by signing this offer, that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by the applicable contract specifications. This is why it is important to update the specifications to clearly identify EPA-designated products. If the items are not identified, this provision and subsequent clauses become meaningless, and therefore, useless.

COs will include the "Estimate of Percentage of Recovered Material Content for EPA-Designated Products" clause at FAR 52.223-9 in all solicitations and contracts in excess of $100,000 that include the FAR provision 52.223-4, "Recovered Material Certification." Offerors/ contractors will estimate the percentage of recovered material content that will be used in a particular product, specifically identifying the percentage of post-consumer waste and other recycled materials that are in the product. The certification should be in the form of a label on the product or a statement verified by the vendor attached to the bid documents. Measurement of recovered material content should be made in accordance with standard industry practice.

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Under the provisions of FAR clause 52.223-9 *Alternate I*, the contractor will certify on completion of the contract that the percentage of recovered material content for the EPA-designated products met the applicable contract specifications. All of this will be provided to the CO prior to final payment. Contractor certifications will be maintained in the individual contracting project folders for the life of the contract. This information will not be reported to higher headquarters, but used to verify that affirmative procurement requirements are met.

Smaller contracts, which do not require FAR clause 52.223-9, must still include the FAR provision 52.223-4 "Recovered Material Certification" if these contracts are for, or specify the use of, recovered materials. federal agency COs will insert this clause into all such solicitations regardless of contract value. This provision states that the vendor/offeror certifies, by signing their bid document, that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by the applicable contract specifications.

Independent estimation, certification, and verification procedures are <u>not</u> required if federal supply sources are used.

Federal supply sources such as the GSA, the GPO, and the Defense General Supply Center (DGSC) have established their own estimation, certification, and verification procedures for EPA-designated products. Therefore, agencies procuring designated items through these supply sources are not required to conduct independent estimation, certification, and verification procedures.

Installations shall periodically review offeror certification documents as part of the annual review and monitoring process. Such reviews shall enable inspectors or assessors to verify the contractors' compliance with EO 13101.

4.4 ANNUAL REVIEW AND MONITORING PROGRAM

The final piece of the APP is the review and monitoring program. As the title describes, this is a program designed to annually assess the effectiveness of the installation in procuring products with recycled content. This portion of the program is to identify steps for reviewing and monitoring the procurement and usage of recycled-content products in accordance with RCRA Section 6002(i). The review should:

- Determine if the maximum recovered material percentage is being achieved.
- Disclose why and address what products are being purchased if recycled-content products are not being procured and used.

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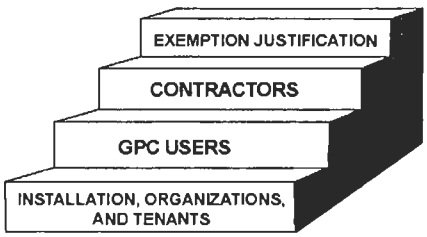
- Identify the recycled-content products not being purchased and describe the steps the agency will take in the future to procure these products with recycled-content.
- Determine if the EPA minimum content standard has changed, and update requirements accordingly for any recycled-content product being procured (EO 13101 Section 502).

The EPA updates the CPG list every two years. Each installation should review the CPG list of EPA-designated products to see if any additional products have been added. Installations need to include all new items in their APPs within one year of EPA's adding it to the list.

During annual reviews, The APP Team should check to see if all installation organizations, including new tenants, are participating. They should verify that GPC users are actually buying recycled-content products by visually checking recent credit card purchase records by the organization.

During the annual review you should also check to see if contractors are providing EPA-designated products as required by project specifications. Review the process, from specification through project completion, to make sure all required activities are happening. Such activities include ensuring that specifications state requirements to procure EPA-designated products, and contract provisions and clauses are being administered appropriately to the dollar value of the contract. Plus, if exemptions are being claimed before contract award, verify that written justifications have been provided to the CO and the appropriate determination has been filed in the contract file.

An additional opportunity for annual review is to combine it with the Environmental Compliance Assessment and Management Program (ECAMP). ECAMPs are conducted annually. An external ECAMP using personnel not associated with the installation occurs every three years, and two internal ECAMPs using local personnel occur on the off years. Protocol checklists for assessing the installation APP can be found in the U.S. Team Guide and Air Force Supplement on the Defense Environmental Network and Information Exchange (DENIX) web site at https://www.denix.osd.mil/denix/dod/library/assessment/tools.html. The checklist for pollution prevention activities (including APP) can be found in Section 6 – Other Environmental Issues. *(Please note that users will need a password to get through the DENIX DoD menu. Passwords can be obtained at https://www.denix.osd.mil/denix/register.html.)* ♻



Steps to Review Program

The annual review can be combined with ECAMP.

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Although the current version of AFI 32-7080 (dated 12 May 1994) requires that affirmative procurement purchases be reported quarterly in dollar amounts to Air Staff via the Work Information Management System-Environmental Subsystem (WIMS-ES) Pollution Prevention Module (Section 3.5.4), this requirement is no longer applicable. The WIMS-ES database system no longer exists and was replaced by ACES, which does not yet have a Pollution Prevention Module. The EO 13101 Working Group has drafted a new reporting mechanism, using DD Form 350, to satisfy the AFI reporting requirements.

The new reporting system takes advantage of the existing Defense Contract Action Data System (DCADS). The reporting requirements for DCADS are found at the Defense Federal Acquisition Regulation Supplement (DFARS) 204.670. The form for reporting is DD Form 350 "Individual Contracting Action Report" (http://web1.whs.osd.mil/icdhome/dd-0999.htm).

Use DD Form 350 to satisfy the Air Force's reporting requirements.

Up-to-date instructions for completing DD Form 350 may be found at DFARS 253.204-70. As of this writing, Line B12F of DD Form 350 is used to report whether or not a contract includes a requirement for one or more recycled-content products as designated by EPA. If recycled-content products are required but not purchased, the type of justification must be indicated. If an exception is indicated in block B12F, the written justification should be included in the contract file. Line B12G is used to indicate which FAR clause(s), concerning use of recovered materials, were included in the contract (52.223-4 and/or 52.223-9).

As of this writing, the DD Form 350 is required for all contracts awarded under the Small Business Competitiveness Demonstration Program (which includes construction) and for most other contract awards over $25,000. See the current DFARS 204.670-2 (http://farsite.hill.af.mil/vfdfara.htm) for up-to-date reporting requirements. All AFSPC contracting offices are familiar with using this form for reporting contracting actions, and minimal effort will be required for APP reporting.

An additional metric is being drafted to measure the percentage of GPC holders, specification writers, and contract personnel trained on affirmative procurement requirements. If a decision is made to implement this metric, the policy will be issued by HQ AFSPC at that time.

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6.0 EXEMPTIONS AND WRITTEN JUSTIFICATIONS

With the realization that the United States economy is market driven, many conditions exist that would hamper the 100 percent procurement of products containing post-consumer recycled content. Except for the specific requirements for paper products and re-refined oil identified in Section 4.1.6 of this guidance, RCRA 6002 (c)(1) allows the procurement of non-designated products only if an exemption applies. Reasons for an exemption will be documented by the requiring activity with a written justification to the CO. The CO will make the final determination and document with a Determination and Finding (D&F) to the contract file. No written justification is required for purchases under the micro-purchase threshold (for more information on thresholds see Section 6.5). The decision not to procure such items shall be based on a justification that such procurement items are:

1. Not competitively available within a reasonable period of time;
2. Fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or
3. Only available at an unreasonable price.

This section provides more detail on each of these exemptions along with guidance on written justification and information on micro-purchases.

The only exemptions from procuring designated recycled-content products are if the item:

- ***Is not available by the time needed***
- ***Fails to meet performance standards***
- ***Is too expensive***

6.1 "REASONABLE PERIOD OF TIME" EXEMPTION

Reasonable period of time is not clearly defined in any regulation or by any agency. For purposes of this guidance, reasonable period of time shall be determined by a "Need Date" and an "Available Date." If the Need Date precedes the Available Date, then an exemption can be justified by the requiring activity and the determination documented by a D&F in the contract file.

6.2 "FAILS TO MEET PERFORMANCE STANDARDS" EXEMPTION

According to RCRA Section 6002(c)(1), this exemption shall be made on the basis of the National Institute of Standards and Technology (NIST) guidelines in any case in which such material is covered by such guidelines. Not every designated product is covered by NIST, therefore, AFSPC installations can use specifications, such as construction specifications, contract requirements, and the installation's Facility Excellence standards, in place of the NIST guidelines. However, this exemption should only be used after thoroughly investigating the designated product and its applications.

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One example of this is recycled carpet made from post-consumer polyethylene (e.g., plastic soda bottles). Although the performance standard for this product does not meet medium to high traffic areas, it can be used in low traffic areas like family housing. If a performance exemption is claimed, the standard upon which the product is judged must be clearly addressed by technical or requirements personnel in the justification. This justification will become backup documentation for the CO's D&F, as required by FAR 23.405(c)(3).

6.3 "UNREASONABLE PRICE" EXEMPTION

The law does not specify what is an unreasonable price. This is a judgment call and depends on the initiative put forth by the requiring activity and the funds available. Realizing that a designated product may have a price that exceeds its virgin content counterpart, the law allows the purchase of the virgin product with the submittal of a written justification by the requiring activity and a subsequent determination by the CO. The justification must provide the cost comparison of the two products: recycled content versus virgin. The CO will then make the final D&F. Both documents will be kept in the contract file.

It is strongly encouraged that all activities procure designated products that are "reasonably" priced. For example, a janitorial service contract may require the procurement of recycled content toilet tissue and paper towels. If cost analysis showed that the procuring of these items would raise the contract cost by $2,000, a decision would have to be made on whether or not to spend the extra funds to meet the intent of the program. If funds are available, the installation is encouraged to allocate the extra funds for the benefit of the overall program.

6.4 WRITTEN JUSTIFICATIONS

Written justification is required if the decision is made <u>not</u> to buy recycled content products above the micro-purchase threshold.

Under RCRA Section 6002(c), and EO Section 402(c) and 502(c), agency decisions not to buy recycled content products must be justified in writing and a D&F filed in the contract file. FAR 23.405(c) states: "The CO must place in the contract file a written justification if an acquisition of EPA-designated products above the micro-purchase threshold does not contain recovered material." Although written justifications are not required for purchases below micro-purchase threshold ($2,000 for construction and $2,500 for other purchases), this does not eliminate the requirement to continue to purchase designated items below the micro-purchase threshold.

Written justifications are required whether the exemption is requested before contract solicitation or after contract award. In the case of a pre-award exemption, the requiring activity or technical contact would provide a written justification not to use any EPA-designated products

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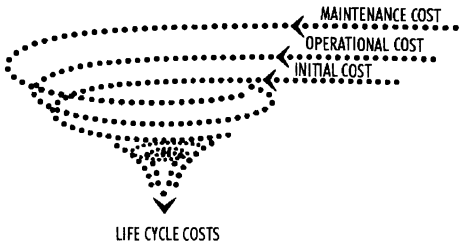
that they know do not meet performance standards, are significantly cost prohibitive, or are not available within a reasonable time for contract execution. In the case of a post-award exemption, the contractor would initiate the action by submitting information to the CO justifying a contractual change to waive the CPG requirements. The CO would consult with the requiring activity or technical contact for a recommendation before making the determination. Post-award exemptions should only be allowed if there has been a significant change in market conditions (price or availability of an item) subsequent to contract award, or if the item does not perform as intended. If the CO grants the exemption, a contract modification would be initiated. In the case of a price determination indicating that a recycled-content product is more expensive than a non-recycled product, the resultant cost savings would be passed on to the government through a modification that would reduce the contract price. A sample of a justification form is provided in Exhibit 2 (page E-2 preceding the Appendices). The original copy of the documentation becomes part of the original contract file.

Also, the installation personnel could establish a blanket justification for specific products with the previous justifications, rather than providing specific justification for each contract. While conducting the annual review of the APP program, it is essential to revisit these blanket justifications to determine if they are still valid, as markets, suppliers, and the economy changes.

"Policy Letter 92-4" from the Office of Federal Procurement requires federal agencies to use life-cycle cost analysis, whenever feasible and appropriate, to assist in selecting products and services. As of this writing, this policy is still valid and can be used to help validate the use of particular items. Whenever possible, cost shall be calculated over the life of the item, instead of just using the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs and operational costs must be considered in the analysis. A product having a higher initial cost may have lower operational costs or a higher resale value and will, therefore, prove to be a better value and more cost-effective than the alternatives.



When comparing company products, initial costs and lifetime maintenance and operational costs must be considered.

6.5 SIMPLIFIED ACQUISITIONS/MICRO-PURCHASES

The requirement to purchase recycled-content CPG items applies to all purchases, including those at or below the micro-purchase threshold ($2,000 for construction and $2,500 for other purchases). Although written justifications are not required, the exemptions listed under RCRA 6002 (c)(1) apply to micro-purchases and the same rationale should be followed when purchasing such items. GPC cardholders shall procure recycled-content products when making purchases at or below the micro-purchase threshold to the maximum extent

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practicable. Additional information can be obtained by reviewing AFI 64-117, *Air Force Government-wide Purchase Card Program.*

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On 31 May 2000, SAF/AQC and USAF/ILE issued a joint policy for all Air Force APPs. The responsibility for the APP was placed in the EPC, or equivalent, at all levels in the Air Force. The EPCs at each Major Command (MAJCOM) and installation need to determine the best team membership to develop and implement a viable APP.

7.1 APP TEAM MEMBERS

The policy identifies two key organizations responsible for implementing and monitoring the APP: Civil Engineering Squadron (CES) and Contracting Squadron (LGC). The CES/CEV is required to provide education and training, in conjunction with Contracting, to all personnel on what affirmative procurement is and where to find the CPG and RMAN information. COs must ensure that the proper FAR provisions and clauses are inserted into contracts that specify EPA-designated products in order to meet legal requirements for vendor certification. The Installation Purchase Card Program Manager (IPCPM) is required to provide time during initial Government Purchase Card training for the CES/CEV to brief trainees on the purchasing of EPA-designated recycled-content products.

While the Civil Engineering and Contracting Squadrons have primary responsibilities for implementing and monitoring the Affirmative Procurement Program, other organizations are also valuable members of the team.

However, the APP Team is larger than just these two organizations. Other key organizations include the Construction and Operation Flights of the Civil Engineer Squadron, Transportation, Security Forces, Public Affairs (PA), Services, Supply, Legal, and members from tenant organizations on the installation. Obviously, each installation varies and other organizations can be added to ensure a successful program.

On 4 October 2000, the HQ AFSPC EPC, headed by the Vice-Commander of AFSPC, approved a team which is co-chaired by LGC and CES/CEV. This team was established based on the 31 May 2000 policy identified above. Appendix C contains the slides presented to the HQ AFSPC EPC recommending the composition of the APP Team and requesting approval. Installations can use these slides as guidance in developing, presenting, and approving the installation APP Team.

7.2 APP TEAM MEMBER ROLES AND RESPONSIBILITIES

It is necessary for each member of the APP Team to have specific roles and responsibilities to ensure that the program is effectively implemented and uses the appropriate personnel to get the job done. The roles and responsibilities for each organization are described below. Although this list is not all-inclusive, those identified

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previously provide the program direction in complying with RCRA Section 6002.

7.2.1 Civil Engineer Squadron/Environmental Flight APP Team Co-chair

CES/CEV shall be the main base point-of-contact (POC) for affirmative procurement requirements, such as CPG updates, compliance inspections, and education and training. The CES/CEV will not be the POC for contractual issues, but shall be a technical representative or provide guidance to the CO upon request. The CES/CEV shall develop and present the APP Team structure to the EPC for approval. Upon approval, the CES/CEV will manage the APP Team and add members or replacements, as needed.

Based on policy, the CES/CEV is the responsible organization for establishing an education and training program for all installation personnel. In accordance with AFI 64-117, paragraph 4.3.3.3.2.9, the CES/CEV will provide training to the GPC holders on the purchasing of EPA-designated products. Training will provide the cardholders with information on how to obtain recycled content products through common sources such as GSA and JWOD product catalogs, and commercial office product catalogs like Office Depot or Staples. The training should illustrate that the standard three-arrow recycling symbol, , in many of the previously mentioned catalogs identifies which products contain recycled content. This makes it easy to be compliant in purchasing recycled-content products.

7.2.2 Logistics Group – Contracting APP Team Co-chair

The LGC has a two-part role in administering the APP. The LGC administers the FAR clauses in contracts (see Section 4.3) by obtaining justifications from the requiring activity, documenting D&Fs, and obtaining estimates and certifications from the offerors/contractors. In addition, they make sure that time is set aside during initial GPC training for the CES/CEV to provide information about purchasing designated recycled-content products.

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Contracting Officers

Under FAR 23.405, COs shall insert FAR provision 52.223-4 in solicitations that are for, or specify the use of, recovered materials, and insert FAR clause 52-223-9 in solicitations and contracts exceeding the $100,000 that include provision 52.223-4. If technical personnel advise that estimates can be verified, use the clause with its *Alternate I.* In case of conflict with this guidance and the requirements of FAR 23.405, FAR 23.405 shall prevail.

COs shall ensure that requiring activities provide the affirmative procurement specifications or requirements for new contracts to which the FAR requirements apply. Additionally, COs shall ensure that contractors and vendors are familiar with all applicable affirmative procurement requirements contained in their contracts. COs shall review, with appropriate contractors, their role in the procurement of recycled content products during pre-performance conferences and shall reinforce with the contractor the affirmative procurement requirements during subsequent meetings and correspondence. The CO should review these requirements with new contractors during the performance conference. Quality Assurance personnel must include this as an inspection item in the Quality Assurance Surveillance Plan.

The Installation Purchase Card Program Manager must ensure that all cardholders receive affirmative procurement training.

Installation Purchase Card Program Manager

The IPCPM is responsible for the operation of the installation's purchase card program as a whole, and, in particular, for ensuring that all cardholders receive training on affirmative procurement in accordance with AFI 64-117 paragraph 4.3.3.3.2.9. As part of the GPC training program, the CES/CEV is identified as the organization that will conduct the affirmative procurement training.

In addition to making sure that the CES/CEV provides affirmative procurement training, the IPCPM is required to conduct surveillance on cardholders in accordance with AFI 64-117 paragraph 4.3.3.6. The IPCPM is encouraged to provide feedback to CES/CEV on the effectiveness of the training program. In addition, if problems are identified, CES/CEV should develop and conduct remedial training.

Personnel not familiar with the GPC program can obtain further information from AFI 64-117 (http://afpubs.hq.af.mil/pubs/publist.asp?puborg=af&series=64).

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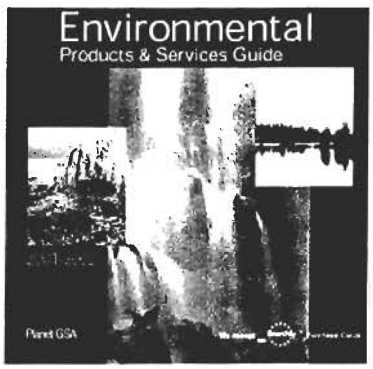

7.2.3 Logistics Group – Transportation Squadron (Vehicle Maintenance Only)

Vehicle maintenance has a small but vital role in the APP. To date, three designated items are directly related to vehicle maintenance: re-refined oil, retread tires, and reclaimed coolant. Additionally, the EPA has targeted vehicle maintenance during regulatory inspections, because these three products were the first to be designated in May 1995.

The Transportation representative on the APP Team shall ensure that re-refined oil and retread tires are procured, and that coolant is being reclaimed, as appropriate. If products will not be purchased directly by the government, then the representative shall make sure that contract specifications include language for the purchase of these products. More information can be obtained at http://www.dscr.dla.mil/products/pol/polintro.htm. The GSA's *Federal Supply Schedule, Group 26, Part I* (http://fss.gsa.gov/environ/recycled-prod.cfm) offers retread tires for purchase. In addition, GSA publishes various supply catalogues, guides, and schedules for recycled-content products available through the Federal Supply Service. Maintenance personnel should contact their installation environmental section for information on engine coolant reclamation units.

7.2.4 Civil Engineer Squadron/Construction Flight

EPA has designated eight categories of recycled-content products. Three categories pertain to the Civil Engineer Squadron/Construction Flight (CES/CEC): park and recreation products, construction products, and landscaping products. It is the responsibility of the CES/CEC APP Team representative, working with CES/CEV, to update specifications to include these products in the requirements. Additionally, CES/CEC shall ensure that their A-E and SABER contracts are updated with specifications or requirements to include these products. Boiler specifications shall be updated to specifically include such products into each section, rather than a standard section on affirmative procurement products. CES/CEC shall also verify that the construction contractors are adhering to the specifications and procuring these products when reviewing material submittals and conducting inspections.

7.2.5 Civil Engineer Squadron/Operations Flight

The Civil Engineer Squadron/Operations Flight (CES/CEO) is responsible for many contracts that directly use products that can be

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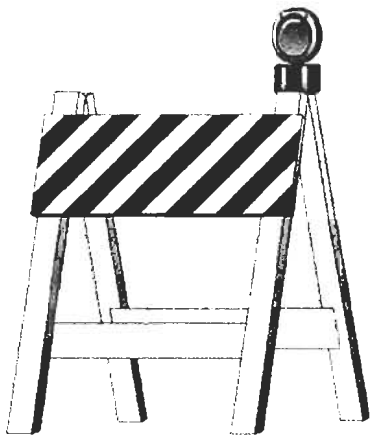
substituted with recycled-content products. For example, grounds maintenance contractors shall be directed through their contract requirements to use products made from recycled materials such as hydraulic mulch, compost, lawn and garden edging, and garden and soaker hoses. Housing contractors shall be directed through their requirements to use products made from recycled materials such as consolidated and reprocessed latex paints. Additionally, custodial contracts should include recycled-content tissue, paper towels, and plastic trash bags. The bottom line is that all contracts shall be reviewed and updated as they come up for renewal to include the use of EPA-designated products.

7.2.6 Security Forces Squadron and Transportation Squadron

The Security Forces and Transportation squadrons have an increased role due to the increased force protection on our installations. This increased force protection involves the use of barricades, traffic cones, channelizers, and delineators for traffic management, all of which are EPA-designated products. AFSPC installations will no doubt see an increase in these types of purchases in the coming years. It is vital that representatives from both of these organizations are part of the APP Team to make sure that purchases of these types of products are compliant.

Increased security measures will require additional purchases of traffic cones, barricades, channelizers, and delineators, which are all on the recovered materials list.



7.2.7 Logistics Group – Supply

Since all AFSPC Supply functions are operated by contractors, it is vital that they support the APP by procuring recycled products whenever possible.

7.2.8 Staff Judge Advocate

Legal offices should assist the APP Team to ensure that the installation APP meets the mandates of RCRA Section 6002 and the associated federal regulations. Additionally, during their contract reviews, the Staff Judge Advocate will ensure that contract clauses relating to affirmative procurement have been appropriately applied. They will also assist in the resolution of affirmative procurement Notices of Violation (NOVs) received by the installation.

7.2.9 Public Affairs

As part of the APP Team, PA will assist in the Promotion Program by disseminating information to base personnel through ads and articles in the base newspaper, base television news channel, web sites, brochures, or any other media deemed appropriate. Costs associated

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with this dissemination may be funded by CES/CEV (see Section 10.0 for specifics).

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Pursuant to EO 13101 Section 403, the EPA has prepared guidance for use in determining federal facility compliance with RCRA Section 6002 and the related requirements of the EO. This guidance can be viewed and downloaded at http://www.ofee.gov/. The guidance document, *Guidance on Conducting Inspections of Federal Facilities for Compliance with Section 6002 of the Resource Conservation and Recovery Act,* can be found in the EO 13101 Section under "Federal Facilities Compliance Guidance" on this web site. EPA inspections conducted pursuant to RCRA and the Federal Facilities Compliance Act, and EPA "multi-media" inspections carried out at federal facilities, will include, where appropriate, evaluation of compliance with RCRA Section 6002 and any implementing guidance. Where authorized States pursuant to RCRA carry out inspections of federal facilities, those states have authority to evaluate facility compliance with RCRA Section 6002.

Violations of RCRA Section 6002 by federal facilities do not give rise to administrative penalty actions or orders under RCRA's enforcement authorities. This conclusion does not, however, limit the EPA's or the state's authority to issue NOVs of RCRA Section 6002 requirements for non-compliance that are discovered during regulatory inspections. Additionally, citizens may also take action, pursuant to RCRA Section 7002, for violations of RCRA 6002 requirements. Moreover, installations shall not enter into any compliance agreement without consulting first with AFSPC/JA/CE. ♻

Although there are no administrative penalty actions or orders under RCRA Section 6002, NOVs can be issued for non-compliance.

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AFSPC has continually supported the Civil Engineer Awards Program outlined in AFI 36-2817. Four categories within the environmental awards program address the initiatives and achievements of affirmative procurement programs: the Pollution Prevention Award (Industrial), the Pollution Prevention Award (Non-Industrial), the Pollution Prevention Award for Individual/Team Excellence, and the Pollution Prevention Acquisition Individual/Team Excellence Award.

Additionally, the White House annually presents awards to the best, most innovative environmental programs being implemented within the federal government. This awards program is called "Closing the Circle Awards." There will be an annual call for papers from HQ AFSPC/CEV to the installation Environmental Flights.

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Currently, many installations do not have APP Plans. For those installations, a project to develop an APP Plan by contract needs to be programmed. The CES/CEV is the appropriate organization for planning, programming, budgeting, and executing such requirements. The project should be entered into ACES as a Pollution Prevention project. HQ AFCEE has established contracts to expedite delivery orders for this type of project. Contact the Headquarters AFSPC Pollution Prevention Branch (HQ AFSPC/CEVV) for more information.

As plans are developed and specific actions identified, those actions may be eligible for environmental funds. For example, having an A-E contractor review and analyze each designated item and update the construction specifications to include eligible items would be a valid environmental requirement. This guidance does not cover every possible project, therefore, please contact HQ AFSPC/CEVV to discuss the validity of a project.

In addition to APP projects, resources for APP Promotion Program implementation can also be obtained. These resources are available from the Environmental Quality budget, and are identified as Operations and Services recurring requirements for printing and publications services and outreach for the Pollution Prevention program. The annual amount available is $2,000. Some or all of these funds can be used to purchase or produce brochures, pamphlets, flyers, handouts, and other materials to support the installation's Promotion Program.

Environmental funds may be available for implementing Affirmative Procurement Program activities.

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EXHIBITS

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Exhibit 1 Recovered Materials Checklist Example

Contract / Project No._____

The EPA-designated items to be procured are:

___ Building insulation
___ Polyester carpet
___ Cement/concrete containing: coal fly ash or granulated blast furnace slag
___ Flowable fill
___ Latex paint
___ Floor tiles
___ Laminated paperboard
___ Patio blocks
___ Structural fiberboard
___ Shower and restroom dividers/partitions
___ Railroad grade crossings/surfaces
___ Landscaping timbers and posts (plastic lumber)
___ Garden and soaker hoses
___ Lawn and garden edging
___ Compost from yard trimmings or food waste
___ Hydraulic mulch

___ Binders (paper, solid plastic or plastic covered)
___ Plastic presentation folders
___ Plastic file folders
___ Plastic clip portfolios
___ Plastic clipboards
___ Office recycling containers
___ Office waste receptacles
___ Plastic desktop accessories
___ Plastic envelopes
___ Plastic trash bags
___ Printer ribbons
___ Toner cartridges
___ Newsprint
___ Commercial/industrial sanitary tissue products
___ Printing and writing papers
___ Paperboard and packaging
___ Tray liners

___ Playground surfaces
___ Park and recreational furniture
___ Running tracks
___ Playground equipment
___ Traffic barricades
___ Traffic cones
___ Plastic fencing (snow or erosion control, safety barriers)
___ Channelizers
___ Delineators
___ Flexible delineators
___ Parking stops
___ Engine coolants
___ Re-refined lubricating oils
___ Retread tires
___ Sorbents
___ Awards and plaques
___ Mats
___ Signage
___ Strapping and stretch wrap
___ Pallets

I hereby certify the Statement of Work/Specifications contain requirements for the requisition of recycled-content products listed above.

_____ _____ _____

Requiring Activity Signature Office Symbol Date

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Exhibit 2 Recovered Materials Justification for Exemption

This document or an equivalent is needed only if the item(s) being procured are subject to the installation's Affirmative Procurement Program.

The Contracting Officer must place in the contract file a written justification and a D&F if an acquisition of EPA-designated products above the micro-purchase threshold does not contain recovered material. The requiring activity and/or technical personnel must check the appropriate justification(s), provide appropriate information, sign and date, and submit to the CO.

Procurement Request / Project No. / Contract No._____

EPA-designated Product NOT being Procured:_____

__ **EPA-designated product is not competitively available within a reasonable period of time.**
*(If contract greater than $25,000, on DD Form 350, line B12F, choose "**B**.")*
Need Date:_____ Date Available:_____

__ **EPA-designated product is at an unreasonable price (recycled item costs more).**
*(If contract greater than $25,000, on DD Form 350, line B12F, choose "**C**.")*

Price of Designated Item:_____

Price of Non-Recycled Item:_____

___ **EPA-designated product does not meet the installation's performance standards.**
*(If contract greater than $25,000, on DD Form 350, line B12F, choose "**D**.")*
Technical or requirements personnel will describe the performance need, provide referencing document and section number, and explain briefly why a recycled content product will not meet the need.

_____

_____

_____

_____

_____

_____

This written justification is made in accordance with 42 USC 6962 (c)(1).

_____ _____
Requiring Activity POC Signature Date

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APPENDIX A – EPA-DESIGNATED RECYCLED CONTENT PRODUCTS

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The following is a listing of EPA-designated recycled content products. Note: EPA's recommended recovered materials minimum content ranges, product specifications, and other product information for the CPG products listed below are found in EPA's RMAN; installations can obtain more information for each product from EPA's web site at http://www.epa.gov/cpg.

- **Paper and Paper Products**

  Printing and Writing Papers
  Newsprint
  Tissue and Towel
  Paperboard and Packaging

- **Vehicular Products**

  Re-refined lubricating oils
  Retread tires
  Engine coolants

- **Construction Products**

  Cement and concrete containing grounds granulated blast furnace slag
  Cement and concrete containing coal fly ash
  Flowable fill
  Structural fiberboard
  Laminated paperboard
  Polyester carpet (face fiber)
  Rubber and plastic floor tiles (heavy duty/commercial use)
  Rubber and plastic patio blocks
  Building insulation products
  Shower and restroom dividers
  Consolidated or reprocessed latex paint
  Carpet cushion
  Railroad grade crossing surfaces

- **Transportation Products**

  Traffic cones
  Traffic barricades
  Channelizers
  Delineators
  Flexible delineators

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- **Park and Recreation Products**

  Playground surfaces
  Running tracks
  Plastic fencing
  Park benches and picnic tables
  Playground equipment

- **Landscaping Products**

  Hydraulic mulch
  Compost made from yard trimmings and/or food waste
  Garden hoses
  Soaker hoses
  Lawn and garden edging
  Plastic lumber landscaping timbers and posts

- **Non-Paper Office Products**

  Office recycling containers and office waste receptacles
  Plastic desktop accessories
  Toner cartridges
  Binders
  Plastic trash bags
  Printer ribbons
  Plastic envelopes
  Plastic clipboards
  Plastic file boards
  Plastic file folders
  Plastic clip portfolios
  Plastic presentation folders

- **Miscellaneous Products**

  Pallets
  Sorbents
  Industrial drums
  Awards and plaques
  Mats
  Signs, sign supports, and posts
  Manual-grade strapping

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APPENDIX B – FEDERAL SOURCES OF RECYCLED CONTENT PRODUCTS

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Thousands of recycled content and environmentally preferable products are available to procuring agencies and their contractors through established federal supply sources, and new items are continuously being added. Federal sources of EPA-designated items, and other recycled content and environmentally preferable products, are listed in Table B.1.

Table B.1 Federal Sources of Recycled Content and Environmentally Preferable Products

Products	GSA Federal Supply Service http://www.fss.gsa.gov	Defense Supply Center Richmond http://www.dscr.dla.mil	Government Printing Office
Paper & Paper Products	√		√ (printing and writing papers only)
Vehicular Products	√	√	
Construction Products	√	√	
Transportation Products (traffic control)	√		
Park and Recreation Products	√		
Landscaping Products	√	√	
Non-Paper Office Products	√	√	
Miscellaneous Products	√	√	

GSA produces several publications to assist customers in identifying and requisitioning products. The GSA Supply Catalog and the Environmental Products and Services Guide contain information on several thousand products available through the Federal Supply Service, including hundreds of recycled content and environmentally preferable products, highlighted in green for easy identification. These are now available online at http://fss.gsa.gov/environ.

Retread Tires

The Army's Tank-automotive and Armaments Command (TACOM) now manages the retread tires program formerly managed by GSA. TACOM offers a Military Retread Program for tactical tires and a Cooperative Tire Qualification Program for non-tactical tires (passenger car tires, light truck tires, truck and bus tires, and off-road low speed tires). The TACOM List of Qualified Tire Products is published for government use and lists all the qualified manufacturer's brand names, tread class, and codes by tire group. The current listing can be found on the web site, http://www.ofee.gov, under Recycled Content.

Government Printing Office

A variety of recycled content printing and writing papers are available through GPO. Procurement originators should work through their Agency field printing organizations to request recycled paper for publications produced through GPO's Regional Printing and Procurement Offices that are listed in Table B.2.

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Table B.2 GPO Regional Printing & Procurement Offices

Regional Office	Location	Phone Number
Atlanta	Atlanta, GA	404-605-9160
Boston	Boston, MA	617-720-3680
Chicago	Procurement: Chicago, IL	312-353-3916
Columbus	Columbus, OH	614-488-4616
Dallas	Dallas, TX New Orleans Satellite Office Oklahoma City Satellite Office San Antonio Satellite Office	214-767-0451 504-589-2538 405-231-4146 210-924-4245
Denver	Denver, CO	303-236-5292
Los Angeles	Lakewood, CA San Diego Satellite Office	619-497-6050 619-497-6054
San Francisco	San Francisco, CA	415-677-0340
St. Louis	St. Louis, MO	314-241-0349
Seattle	Seattle, WA	206-764-3726

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APPENDIX C – AIR FORCE AFFIRMATIVE PROCUREMENT PROGRAM POLICY

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DEPARTMENT OF THE AIR FORCE

HEADQUARTERS AIR FORCE SPACE COMMAND

20 NOV 2000

MEMORANDUM FOR 21 SW/CC 30 SW/CC 45 SW/CC
50 SW/CC 90 SW/CC 341 SW/CC

FROM: HQ AFSPC/CE/LG
150 Vandenberg Street, Suite 1105
Peterson AFB CO 80914-4150

SUBJECT: Air Force Affirmative Procurement Program
(HQ AFSPC CEV Policy P01002)

On 31 May 00, HQ USAF/AQC/ILE published policy (Atch 1) on the Air Force Affirmative Procurement Program (APP). It is HQ AFSPC's position to support the Air Force APP using a team approach. On 4 Oct 00, the HQ AFSPC Environmental Protection Committee (EPC) headed by the CV, approved a team (Atch 2), which is co-chaired by LGC and CEV. In FY01, this team will develop policy, guidance, and an Affirmative Procurement Plan outlining roles and responsibilities at the installation level. We encourage you to discuss this program at your next EPC meeting and develop a similar team to work with us in this effort. Points of contacts are Mr. John Faulkner, CEVV, DSN 692-5462, E-mail John.Faulkner@Peterson.af.mil and Maj Mark Jernigan, LGCP, DSN 692-5307, E-mail Mark.Jernigan@Peterson.af.mil.

KAI LEE NORWOOD, Colonel, USAF
Director of Logistics

/s/ Carl Tickel
J. CARLTON TICKEL, Colonel, USAF
The Civil Engineer

Attachments:
1. USAF/ILE-SAF Memo, 31 May 00
2. HQ AFSPC APP Team

cc:
HQ AFSPC/LGC

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

31 MAY 2000

MEMORANDUM FOR ALMAJCOM/CE/LG 11WG/CC

SUBJECT: Air Force Affirmative Procurement Program

Executive Order (EO) 13101, *Greening the Government Through Waste Prevention, Recycling and Federal Acquisition* requires federal agencies to purchase environmentally preferable products where possible. This program, known as Affirmative Procurement, applies to all products purchased by CONUS installations and to products purchased in the United States for shipment overseas. The US Environmental Protection Agency (EPA) lists the applicable products in the Comprehensive Procurement Guidelines (CPG) at their web site, www.epa.gov. The products listed under the EPA's CPG must meet the requirements of the Recycled Materials Advisory Notices (RMAN) for a percentage of recycled content to be considered an environmentally preferable product.

To support the Air Force Affirmative Procurement Program, a team approach is required. Air Force Instruction (AFI) 32-7080, *Compliance Assurance and Pollution Prevention,* (in coordination) places responsibility for the Affirmative Procurement Program on the Environmental Protection Committee (EPC)/Environment, Safety and Occupational Health Committee (ESOHC) at all levels in the Air Force. The EPC/ESOHC at each MAJCOM and installation needs to determine the best team makeup to develop and implement a viable Affirmative Procurement Program.

Affirmative Procurement Programs are **legally required** by the Resource Conservation and Recovery Act (RCRA - 42 U.S.C.A. §6962) to include four elements: (1) a **preference program,** which includes policy, planning, and revisions to purchasing specifications; (2) a **promotion program**, which furthers affirmative procurement through awareness, education, and public relations; (3) a method of obtaining and verifying **vendor certifications** that products meet the specified recycled-content requirements, by inserting appropriate Federal Acquisition Regulation (FAR) clauses into each contract; and (4) **annual monitoring and review,** to evaluate the program's effectiveness and its currency with EPA's changing requirements. For details on these affirmative procurement requirements and suggested implementation strategies, please consult the Air Force's *Guide to Green Purchasing* at www.afcee.brooks.af.mil/eq/ap/ap.htm.

The EPC/ESOHC team should begin by developing an affirmative procurement plan, which should describe the team's strategy for executing the program. A specific format is not prescribed, but example plans are available at www.afcee.brooks.af.mil/eq/ap/SamplePlans/sample.htm. The affirmative procurement plan must address each of the four required program elements outlined above and state how they will be accomplished. The team should use the plan to manage the program as well as communicate program requirements to organizations that purchase CPG items. Installations without a program in place are at risk of receiving a Notice of Violation.

The two key organizations responsible for implementing and monitoring the Affirmative Procurement Program are Civil Engineering and Contracting. The Civil Engineering Environmental office is required to provide education and training, in conjunction with Contracting, to all installation personnel on what affirmative procurement is and where to find the CPG and RMAN information. Training for personnel preparing solicitation packages must explain the affirmative procurement submittals required and address the need to update all purchase specifications to include affirmative procurement requirements. The Engineering Technical Letter 00-1, *EPA Guideline Items in Construction and Other Civil Engineering Specifications*, requires affirmative procurement be included in all Air Force Civil Engineering specifications for construction and service contracts that call for the purchase of CPG listed items.

Contracting officers must ensure the proper FAR clauses are inserted in contracts that specify CPG items in order to meet legal requirements for vendor certification. AFI 32-7080 indicates contracting offices are responsible for tracking and reporting the number of contracts containing the affirmative procurement FAR clauses. The actual data (certification on products to ensure they meet CPG requirements) collected from vendors is not reported to higher headquarters, but is used locally to verify that affirmative procurement requirements are being met.

Teamwork is the key to making this program successful across the Air Force. Although AFI 32-7080 is a Civil Engineering AFI, all installation activities are required to use CPG items when possible or justify using non-CPG items. Contracting officers are required to comply with the contents of the Affirmative Procurement Program and EO 13101. To ensure a successful Air Force Affirmative Procurement Program we must work together as a team.

If you or your staff have any questions, please contact our POCs, Major Dave Martinson, HQ USAF/ILEVQ, DSN 327-0194, e-mail: david.martinson@pentagon.af.mil or Major Ed LaBenne, SAF/AQCO, DSN 425-7032, e-mail: edgar.labenne@pentagon.af.mil.

JEFFREY P. PARSONS, Colonel, USAF
Acting Associate Deputy Assistant
Secretary (Contracting)
Assistant Secretary (Acquisition)

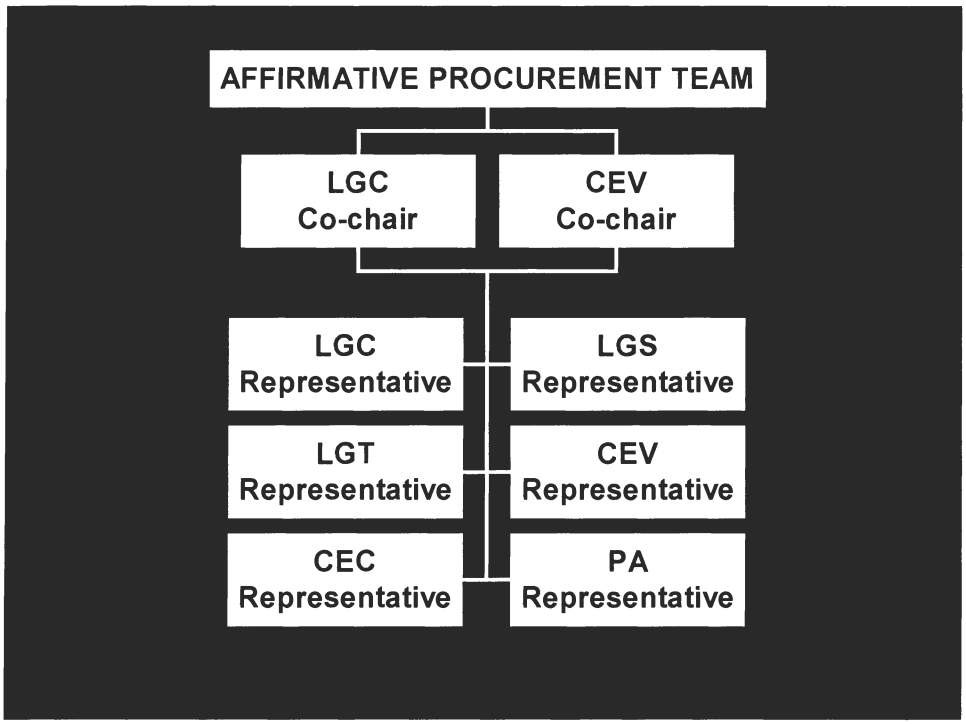
EARNEST O. ROBBINS II, Maj Gen, USAF
The Civil Engineer
DCS/Installations & Logistics

cc:
HQ AFCEE/EQ
SAF/MIQ

Affirmative Procurement Program (APP)

Issue: Develop and Implement an AFSPC APP

- Recommended approach:
  - EPC designate HQ AFSPC APP Team
    - Co-chaired by LGC and CEV
    - Representatives from: LGC, LGS, LGT, CEC, CEV, PA
  - AFSPC APP Team develop AFSPC APP
    - Policy, guidance, resources, program evaluation
    - Report to EPC quarterly



Affirmative Procurement Program (APP)

Issue: Develop and Implement an AFSPC Affirmative Procurement Plan (APP)

- Executive Order 13101, *Greening the Government through Waste Prevention, Recycling, and Federal Acquisition*, 14 Sep 98
  - Requires purchase of environmentally preferable products
- Resource Conservation and Recovery Act (RCRA)
  - Legally mandates APPs
  - EPA to start inspecting transportation facilities FY01
    - Refined oils, retread tires, engine coolant
  - Installations risk receiving Notice of Violation (NOV)
    - AFSPC-wide survey identified "improvement opportunities"

Affirmative Procurement Program (APP)

Issue: Develop and Implement an AFSPC APP

- USAF AQC/ILE Policy, *Air Force Affirmative Procurement Program*, 31 May 00
  - EPC responsible to develop APP with 4 elements
    - Preference, promotion, certification, monitoring
  - Contracting responsibilities
    - Insert proper FAR clauses into contracts
    - Track and report contract compliance
  - Civil Engineering responsibilities
    - Educate and train (w/contracting) personnel about affirmative procurement
  - Affirmative procurement applies to all activities