

## DRMS

### Affirmative Procurement Program For EPA-Comprehensive Procurement Guideline Items Containing Recovered Materials

#### **A. Purpose.**

1. To establish DRMS policy and provide guidance for establishing and implementing a DRMS Affirmative Procurement Program (APP).

2. The purpose of the DRMS Affirmative Procurement Program is to comply with the federal requirements associated with the procurement of products containing recycled materials and other environmentally preferable products.

3. The goal of affirmative procurement is to foster markets for recovered materials by maximizing the Federal government's purchase of environmentally preferred products. This is often referred to as buying green.

#### **B. Affirmative Procurement Program.**

1. Affirmative procurement is the purchasing of EPA-designated recovered materials and environmentally preferable products to the maximum extent practicable. This involves the purchase of recycled products (made in whole or in part from a material recovered from the waste stream) and includes the purchase of items or services that have a lesser effect on human health and the environment when compared with products or services that serve the same purpose. Also included under the affirmative procurement program is the purchase of bio-based products. These are products that utilize biological products or renewable domestic agricultural products in their ingredients, (i.e., biodegradable inks).

2. DRMS personnel using appropriated funds are required to purchase EPA-designated

products and/or services in compliance with the affirmative procurement program requirements.

3. In addition to requirements to procure goods and services made with recovered materials or that have a lesser impact on the environment, these requirements must also be incorporated into DRMS contracts for support services.

4. The benefits of the Affirmative procurement program consist of:

- a. conservation of natural resources,
- b. reduction in the amount of solid waste landfilled,
- c. conservation of energy, water & raw materials associated with the production of virgin materials, and
- d. an overall reduction of pollution.

#### **C. Associated Regulatory Requirements.**

The regulatory requirements that are responsible for the establishment and implementation of a DRMS Affirmative Procurement Program are:

1. Resource Conservation and Recovery Act (RCRA). Section 6002(I) of RCRA requires Federal agencies to consider and purchase recycled products. EPA has issued guidelines identifying categories of items that federal agencies using appropriated funds should purchase with recycled content.

2. Executive Order 13101, September 14, 1998. This Executive Order entitled "Greening the Government through Waste Prevention, Recycling and Federal Acquisition" significantly

increases the requirements to use environmentally friendly materials. It creates a White house level committee to oversee implementation of green-product purchasing quotas, and closes loop holes in the previous Executive Order that allowed federal agencies to skirt requirements to buy recycled.

3. Federal Acquisition Regulations (FAR). The FAR address the procurement of goods and services by the Federal government. Revised regulations implementing Executive Order 13101 have been proposed in the FAR.

4. DoD Instruction 4715.4 Pollution Prevention. This instruction provides policy for implementing pollution prevention programs within DoD including the implementation of Executive Orders associated with affirmative procurement.

5. The Defense Logistics Agency (DLA) requires that APP requirements be incorporated into each Primary Level Field Activity's (PLFA) procurement policies and practices. DLA also requires that affirmative procurement be incorporated into IMPAC card purchases. To assist PLFAs in developing an Affirmative Procurement Program, DLA has published a guidance document "[Affirmative Procurement Program for EPA-Comprehensive Procurement Guidelines Items Containing Recovered Materials](#)" that formally establishes the DLA Affirmative Procurement Program.

#### ***D. EPA Designated Items.***

1. The Environmental Protection Agency (EPA) has established Comprehensive Procurement Guidelines (CPG) that identify 8 categories and over 30 items made with recycled content that federal agencies or contractors using appropriated funds should purchase to the maximum extent possible. For each item within these categories, EPA has established designated levels of recycled material content that these items should contain. These levels are referred to as the Recovered Material Advisory Notice (RMAN).

2. A comprehensive listing of all designated products, recycled material content requirements, product information, and manufacturers/suppliers can be found at [www.epa.gov/cpg](http://www.epa.gov/cpg). EPA will periodically update and designate additional categories and items made with recycled material that are to be purchased by Federal agencies. Therefore the number of items where affirmative procurement requirements apply will expand.

3. Purchasers of affirmative procurement items should refer to the EPA web site for complete and up-to-date information on affirmative procurement. However for your initial convenience, we have included this information as an attachment to this policy. Attachment 1 contains a listing of the current categories, products and their minimum recycled material content established by EPA as of January 1 2000. This listing may be consulted for information on recycling content (e.g. % of minimum recycled content) and other product specifications. However, for future purchases, the EPA web site will be the primary source for up to date listing of items and their recovered material content level requirements.

#### ***E. DRMS Affirmative Procurement Program***

1. DRMS will comply with affirmative procurement requirements to the greatest extent possible for CONUS procurements. **Affirmative Procurement requirements do not apply to overseas procurements.**

##### **2. Roles, Responsibilities, & Applicability.**

- Directorate of Contracting (DRMS-TP) shall incorporate affirmative procurement requirements into their purchases, policies, procedures, and contracts to the extent required by the FAR and Executive Order 13101. DRMS-TP shall maintain records that document affirmative procurement compliance (see paragraph E.8).

- Office of the Comptroller, Program Budget Division, (DRMS-TRB) shall incorporate affirmative procurement requirements into the

IMPAC card program. DRMS-TRB shall establish and maintain records that document affirmative procurement purchasing compliance through IMPAC card purchases.

- The Environmental Business Unit (DRMS-LH) is responsible for ensuring the implementation of affirmative procurement programs within DRMS. DRMS-LHP is responsible for guidance and assistance to purchasing activities so policies and procedures can be developed as necessary. DRMS-LH is responsible for reporting DRMS procurement information to DLA through the Environmental Quality Report - Measures of Merit.

- Engineering/Equipment Services (DRMS-TN) is responsible for ensuring that affirmative procurement requirements are considered and incorporated into specifications, designs, materials, construction of DRMS facilities as well as equipment/vehicles purchased or serviced through DRMS. Facilities, equipment, or vehicles procured or serviced through an installation or another DOD activity's procurement office are not considered to be purchased by DRMS and therefore are not subject to DRMS APP requirements.

- DRMOs who purchase EPA designated items are subject to affirmative procurement program requirements. DRMOs will comply with the affirmative procurement requirements and associated reporting and recordkeeping requirements. DRMO purchases made through a host installation procurement office are subject to host installation reporting tracking and do not require DRMS tracking or reporting.

- All other DRMS IMPAC card purchasers (HQ DRMS, Zone Managers, etc.) are subject to affirmative procurement requirements for purchases of designated items. These offices are responsible for complying with the affirmative procurement requirements, reporting and recordkeeping requirements associated with the use of the IMPAC card.

**3. Purchases through Federal Supply Sources.** DRMS/DRMO purchases shall

consider established Federal supply sources first, such as GSA, GPO, or DLA for designated items and other recycled products. Purchases of designated recycled products through these sources offer benefits over procurement through an outside source and make it easier to comply with the affirmative procurement requirements. Advantages include:

- Products have already been competitively bid.

- Products already have been determined to meet or exceed EPA minimum recycled content standards.

- Paper and paper products purchased through GSA/DLA sources do not have to be tracked or reported.

- Non-paper office products purchased through GSA/DLA sources do not have to be tracked or reported.

- Re-refined oil and pallets purchased through DLA do not have to be tracked or reported.

**4. Items procured by DRMS from outside of federal sources (i.e., GSA, DLA).** When EPA designated items are purchased through a non-federal supply source the following apply:

- Purchasers are responsible for determining the recycled material content of the items intended for purchase. Purchasers are also responsible for knowing the amount of recycled material content required to satisfy the affirmative procurement requirements (see paragraph D).

- EPA designated items that meet the recycled material content will be purchased to the greatest extent possible. Preference will be given to procuring products containing recovered materials versus products made with virgin materials when adequate competition exists, and when price, performance, and availability are equal.

- Purchases of EPA designated items will be made in accordance with Federal Acquisition Regulations (FAR).

- If procurement of an item with the specified recycled content standard is not feasible, DRMS may specify or chose an alternate minimum content for a single procurement action. The recycled minimum content standard may be changed if it is determined that a designated item with the established minimum content cannot be procured.

**5. DRMO purchases of EPA designated items through Host Installation Procurement Activities.** EPA designated items and environmentally preferred materials or services purchased through a host installation procurement office are subject to host installation affirmative procurement program requirements. These purchases are **not** subject to the requirements in this policy.

**6. IMPAC card purchases of EPA designated items.**

a. To the greatest extent possible, IMPAC card users should consider purchasing designated items through federal supply sources (i.e., GSA/DLA/GPO). Purchases made through established federal supply sources are subject to the requirements/ advantages described in paragraph E3 above.

b. Cardholders who purchase EPA designated items from outside federal supply sources are required to:

- Ensure that items being purchased meet the minimum recycled content standard requirements to the greatest extent possible.

- Follow the procedures pertaining to the documentation, reporting, recordkeeping, and waiver requirements of this policy.

**7. IMPAC Purchase Instructions.** The instructions below are intended for IMPAC purchases from sources **other than** federal supply sources. Purchases of paper, paper

products, non-paper office products, refined oil or pallets through these agencies do not have to be reported by DRMS cardholders. These purchases will be tracked by those agencies. *(As a result, it is to the advantage of IMPAC card users to purchase these items from these sources whenever possible.)*

a. Determine if the item(s) to be purchased is an EPA-designated item (see paragraph D).

b. Determine whether the item meets the recovered material content levels, or inform the vendor what the recycled content requirements are:

- Product meets the Recovered Material Content Level Requirements.

- 1) Make purchase.
- 2) Each month record the total dollar amount (or in some cases the number of products) purchased on the spreadsheet identified as Attachment 2.
- 3) Also record the dollar amount (or number) of products purchased meeting the recycled material content. (This spreadsheet can be downloaded from the DRMS Comptroller web page and saved on your computer.)
- 4) E-mail or fax the applicable portions (only pages containing your information) of the enclosure to [s9d3306@drms.dla.mil](mailto:s9d3306@drms.dla.mil) or fax (DSN) 932-5783, at the same time you do your IMPAC cardholder statement certification each month.

- Product does not meet Recovered Material Content Levels.

- 1) Cardholder must complete a “Request for Waiver” Form and obtain a waiver (see paragraph F).
- 2) Document what vendors were contacted and that product was not available from a vendor that was considered the most cost effective and best source for your purchase. Keep this information in your credit card records.

- 3) Each month record the total dollar amount (or in some cases the number of products) purchased on the spreadsheet identified as Attachment 2.
- 4) E-mail or fax the applicable portions (only pages containing your information) of the enclosure to [s9d3306@drms.dla.mil](mailto:s9d3306@drms.dla.mil) or fax (DSN) 932-5783, at the same time you do your IMPAC cardholder statement certification each month.

## 8. Recordkeeping Requirements.

a. Executive Order 13101 requires that the Environmental Protection Agency (EPA) inspect Federal facilities for compliance with the requirements of RCRA 6002. **EPA also has authority to issue notices of violation (NOVs) or enter into compliance agreements with Federal facilities for violations.** As a result, purchasers of designated items must maintain records to show compliance with the affirmative procurement requirements of E.O. 13101 and RCRA 6002. **These records must be able to verify compliance with the affirmative procurement requirements in the event of a regulatory compliance inspection.**

b. The following records shall be maintained:

- This instruction will be maintained in the “publications” section on the DRMS web site. Therefore, each purchaser need not maintain a hard copy of this instruction. However, purchasers of EPA-designated items must know how to access this instruction from the DRMS web site to satisfy the recordkeeping requirements.

- DRMO IMPAC card holders shall maintain copies of the monthly spreadsheets (attachment 2) submitted to DRMS-TRB.

- Copies of all waivers to purchase an item that does not meet the recycled material content level shall be maintained by the person receiving the waiver.

- Records of purchases will be maintained for three (3) years.

c. For EPA designated items procured by DRMS-TP outside of the federal supply system, a Recovered Materials Determination Form (see attachment 4) will be completed. By completing this form, the procurement originator certifies that the statement of work/specifications for the requisition of the materials/services specified complies with the standards for recovered materials. The completed form will become part of the contract file. A Recovered Materials Determination Form is not required when EPA-designated items containing recovered materials are purchased through GSA, GPO, DLA or other established Federal supply source.

d. IMPAC credit card holders are required to provide a copy of the monthly log (attachment 2) to DRMS-TRB with information regarding their purchases of EPA designated items during that month. DRMS-TRB will maintain these records for 3 years in order to demonstrate compliance with the affirmative procurement requirements during a possible inspection.

## F. Waivers

1. Any decision not to procure an EPA designated item meeting the Recovered Materials Advisory Notice (RMAN) shall be justified in writing and approved via a waiver. A waiver is justified only if it is determined that:

- An item made of recycled material is not available competitively,

- An item made of recycled material is not available within a reasonable time frame,

- An item made of recycled material does not meet appropriate performance standards, or

- An item made of recycled material is only available at an unreasonable price.

2. For purchases **above** the FAR micro purchase level, the procurement originator and/or the contracting officer must complete a

Justification for Waiver Form (attachment 3). The DRMS Commander must approve waivers for purchases above the FAR micro purchase level of items not meeting the EPA recovered material content. A copy of the waiver will become part of the contracting office contract file. The procurement originator and/or contracting officer will coordinate the waiver request with DRMS-LH.

3. Waivers for purchases of items below the micro purchase level or purchases associated with the IMPAC card will be processed as follows:

- DRMS-TP will complete a Justification for Waiver Form documenting why the acquisition of a designated item not meeting the recovered material content level is justified. DRMS-TP will coordinate the waiver request with DRMS-LH. DRMS-TP will maintain a copy of the Justification for Waiver in the contract file.

- The IMPAC cardholder will complete a Justification for Waiver Form documenting why a waiver is required. The waiver request shall be submitted to DRMS-TRB who will coordinate the request with DRMS-LH. A record of the approved waiver must be maintained by the IMPAC card holder and DRMS-TRB.

4. All waivers must be submitted to DLA-CAAE. DRMS-LHP is responsible for forwarding all DRMS waivers to DLA-CAAE within 30 days of the date the waiver was signed.

5. Justification for not purchasing recovered/recycled products due to manufacturer warranties and/or cross service agreements is to be documented on the waiver request under the option "Items do not meet all reasonable performance specifications" on the waiver form.

### **G. Environmental Quality Report and APP Monitoring**

1. DRMS will report purchases of affirmative procurement products to DLA through the Environmental Quality Program Review – Measures of Merit Report.

2. DRMS-TP and DRMS-TRB will develop and implement a system for tracking procurements in order to report DRMS compliance with APP purchases. These activities must be able to report the total dollar amount of an EPA-designated item purchased and the percentage of that amount that met the recovered material content level. For re-tread tires and cement/concrete, reporting requires both the dollar amount and quantity purchased to be reported. This information will be provided to DRMS-LHP semi-annually for the Environmental Quality Program Review – Measures of Merit Report.

### **H. Affirmative Procurement Requirements, Contracts, and Contractors.**

1. DRMS-TP will implement E.O. 13101 in accordance with the Federal Acquisition Regulations as it applies to contracts and contractors.

- DRMS contracts for support services at Government owned or leased facilities will include provisions obligating the contractor to comply with the Affirmative Procurement requirements.

- When a contractor will purchase goods and services on behalf of DRMS, the contract should describe the contractor's responsibility to implement DRMS APP policies (i.e., the need to use products made with recovered/recycled materials or to use both sides of paper when copying documents).

### **I. Other Waste Prevention Opportunities**

1. E.O. 13101 also includes requirements to implement other waste prevention opportunities. These opportunities mainly involve reducing the amount of paper used in official business and reducing the amount of waste paper created. Therefore to the extent practicable:

- DRMS/DRMO employees shall make use of double-sided copying and electronic transfer of documents.

- DRMS Offices/Directorates/Business Units and DRMOs shall implement waste paper prevention techniques, such as electronic transfer and double-sided copying, so total annual expenditures for recycled printing and writing paper do not exceed current annual budgets for paper products as measured by annual expenditures. Adjustments can be made for inflation, employee adjustments, new initiatives and unique requirements.

2. Contracts and agreements that DRMS may implement should include provisions requiring documents associated with these contracts/agreements to be printed double-sided on recycled paper; meeting or exceeding established minimum content standards.

#### ***J. Other Recycled and Environmentally Preferable Products***

1. When considering the purchase of environmentally preferable products, DRMS purchasers should also take into the consideration process, those with reduced packaging.

2. EPA's guidelines do not always reflect those products or services frequently procured by DRMS. In many cases, choices of virgin and recycled products are available for other non-designated products. For example, pencils are not currently an EPA-designated item but pencils can be made with recovered materials. DRMS purchasers, (both DRMS-TP and IMPAC cardholders) should consider, request and purchase other products containing recovered materials when feasible.