

# SECTION 9 - PROCUREMENT

## Table of Contents

Synopsis ..... 9-ii

Procurement Checklist ..... 9-iii

SECTION 9 - PROCUREMENT..... 9-1

    9.1 Purpose and Scope ..... 9-1

    9.2 Definitions..... 9-1

    9.3 Acronyms Employed in this Section..... 9-1

    9.4 Regulatory Requirements..... 9-2

    9.5 Executive Orders..... 9-3

    9.6 NWS Policy ..... 9-5

    9.7 Comprehensive Procurement Guidelines..... 9-6

    9.8 Additional Resources ..... 9-6

    9.9 Responsibilities..... 9-7

    9.10 References..... 9-7

    9.11 U.S. Environmental Protection Agency ..... 9-8

## Synopsis

**NOTE:** The purpose of this section is to provide guidelines for NWS supervisors and employees who purchase goods and services required for the operation of the facility or work site.

The section applies to all NWS facilities, work sites and employees' sites, employees, and NWS contractors who work on NWS sites.

### **Initial Implementation Requirements:**

- Determine which purchased items are listed in the Department of Commerce (DOC) Commerce Acquisition Manual 1323.70 (revised May 2009) and in the EPA Comprehensive Procurement Guidelines.
  - Ensure products purchased meet the CPG
  - Inform all affected NWS employees of the requirements and reasons for the program

### **Recurring and Annual Task Requirements:**

- Ensure all purchases comply with the CPG

Procurement Checklist	YES	NO	N/A
Do facility employees purchase Green Products and services to the maximum extent practical, consistent with the requirements of Commerce Acquisition Manual (CAM) and Federal Acquisition Regulations (FAR)?	—	—	—

**SECTION 9 - PROCUREMENT**

**9.1 Purpose and Scope**

In performing its mission, the National Weather Service (NWS) requires the on-going purchase and use of many different items. From “consumables” such as office paper, printer cartridges and gasoline to items only used periodically during maintenance activities (such as paint, fluorescent bulbs, services contracted to apply pesticides, various types of oil and lubricants, etc.), the NWS must consider more than just “cost” when procuring items, materials, and services to support NWS mission functions. This section describes the basis and purchasing guidelines applicable to all NWS facilities and work sites.

**9.2 Definitions**

<b>Comprehensive Procurement Guidelines (CPG)</b>	The mechanism through which EPA designates items as containing recycled content, for purchase by Federal, State and local agencies or by government contractors using appropriated Federal funds
<b>Designated Person</b>	An NWS employee designated by the Station Manager who is responsible for ensuring procurement activities at the facility are conducted in accordance with Federal, State and local laws as well as Presidential Executive Orders
<b>Environmental Protection Agency (EPA)</b>	Governmental agency responsible for the protection of our nation’s environmental resources
<b>Recovered Materials Advisory Notices (RMAN)</b>	Periodically updated purchasing guidelines issued by the EPA. RMANs recommend recycled-content levels and/or ranges to look for when purchasing products and materials.
<b>Station Manager</b>	For the purpose of this procedure, the Station Manager shall be either the NWS Regional Director; NCEP Director; Directors of Centers under NCEP (Aviation Weather Center, NP6; Storm Prediction Center, NP7; Tropical Prediction Center, NP8, and Space Weather Prediction Center, NP9); Directors of the NDBC, NWSTC, and Chiefs of NRC, ROC and SFSC facilities; or Meteorologist in Charge (MIC), Hydrologist in Charge (HIC), or Official in Charge (OIC).

**9.3 Acronyms Employed in this Section**

CPG	Comprehensive Procurement Guidelines
DOC	Department of Commerce (DOC)
DLA	Defense Logistics Agency

EPA	Environmental Protection Agency
FAR	Federal Acquisition Regulations
FEE	Federal Environmental Executive
FSS	Federal Supply Service
GSA	General Services Administration
JWOD	Javits-Wagner-O-Day Program
NOAA	National Oceanic and Atmospheric Administration
NWS	National Weather Service
NWSH	National Weather Service Headquarters
RCRA	Resource Conservation and Recovery Act
RMAN	Recovered Materials Advisory Notices

## 9.4 Regulatory Requirements

### 9.4.1 Federal Legislation

Under Subtitle F - Federal Responsibilities of the RCRA, "Each agency must comply with the requirements set forth by the law in regard to any purchase or acquisition of a procurement item." The law advocates the designation and use of items that are or can be produced with recovered materials. To help agencies fulfill this requirement, the Comprehensive Procurement Guidelines (CPG) were developed by the EPA. Consideration is to be given to:

- a. The availability of recovered items
- b. The impact of the procurement of recovered items by procuring agencies on the volume of solid waste which must be treated, stored, or disposed
- c. The economic and technological feasibility of producing and using other items
- d. Other uses for such recovered materials

After a recycled content product is designated by EPA, procuring agencies are required to purchase it with the highest percentage of recovered material content level practicable.

RCRA also stipulates that when procuring agencies write or review specifications for their required items, they eliminate any language that excludes recovered materials and require the use of recovered materials to the maximum extent possible.

The EPA's CPG Program goes further to recommend practices to be followed by agencies for buying these products.

### 9.4.2 Department of Commerce (DOC) Requirements

DOC Energy and Environmental Management Manual requires that DOC employees purchase green products in accordance with the requirements and procedures listed in the Commerce Acquisition Manual (CAM) when:

- a. Such products are cost-effective;
- b. Such products meet the technical requirements of the government; and
- c. Such products are available in the required time to meet the government's need.

For further instructions, consult CAM Chapter 1323.70 (Green Procurement) and Chapter 1313.301 (Purchase Card Program). The information is posted at DOC web site: [http://www.osec.doc.gov/oam/acquistion\\_management/policy/commerce\\_acquisition\\_manual\\_cam/default.htm](http://www.osec.doc.gov/oam/acquistion_management/policy/commerce_acquisition_manual_cam/default.htm).

In addition, DOC has issued the Strategic Sustainability Performance Plan that is being updated on an annual basis. The latest version of the plan can be found at: [http://www.osec.doc.gov/oas/OSEEP/Docs\\_Newsltrs.html](http://www.osec.doc.gov/oas/OSEEP/Docs_Newsltrs.html)

#### 9.4.3 Federal Acquisition Regulations

The Federal Acquisition Regulations (FAR) originally contained provisions on energy and environmental considerations in Part 23 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety and Drug-Free Workplace: [Part 23- Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace](#). Enhanced language and further considerations for buying energy-efficient and environmentally preferable products to implement Executive Orders 13423 and 13514 have been incorporated throughout the FAR. Additional information on FAR regulations is found in Appendix B of CAM 1323.70: [COMMERCE ACQUISITION MANUAL - 1323.70](#). The following areas within the FAR have specific provisions for environmental/ energy factors:

- Part 11 - Agency Needs
- Part 12 - Acquisition of Commercial Items
- Part 13 - Acquisition Procedures
- Part 17 - Acquisition Planning
- Part 23 - Environmental and Energy
- Part 36 - A-E Selection Criteria
- Part 37 - Performance-Based Contracts
- Part 52 - Contract Clauses

### 9.5 **Executive Orders**

#### 9.5.1 Executive Order 13423 Strengthening Federal Environmental, Energy, and Transportation Management

This Executive Order was signed on January 24, 2007, to strengthen key goals for the Federal Government. It set more challenging goals than the Energy Policy Act of 2005 (EPAct 2005) and superseded E.O. 13123 and E.O. 13149. This E.O. intends to build on the body of work and success by integrating and updating prior practices and requirements into a cohesive, strategic approach, to further ensure enhanced performance and compliance with statutory and other legal requirements. Web link to E.O.: [Executive Order 13423 - Strengthening Federal Environmental, Energy, and Transportation Management](#)

9.5.2 Executive Order 13514 - Federal Leadership in Environmental, Energy, and Economic Performance

This Executive Order (E.O.) was signed on October 5, 2009. It builds on and expands the energy reduction and environmental requirements of E.O. 13423 by making reductions of greenhouse gas emissions a priority of the Federal government, and by requiring agencies to develop sustainability plans focused on cost-effective projects and programs. Each agency will develop and carry out an integrated Strategic Sustainability Performance Plan that prioritizes the agency's actions toward the goals of the Executive Order based on lifecycle return on investments. At a minimum, each agency shall meet the following energy, water, and waste reduction targets:

- 30% reduction in vehicle fleet petroleum use by 2020;
- 26% improvement in water efficiency by 2020;
- 50% recycling and waste diversion by 2015;
- 95% of all applicable contracts will meet sustainability requirements;
- Implementation of the 2030 net-zero-energy building requirement;
- Implementation of the storm water provisions of the Energy Independence and Security Act of 2007, section 438; and
- Development of guidance for sustainable Federal building locations in alignment with the Livability Principles put forward by the Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency.

Web link to E.O.: [Executive Order 13514 - Federal Leadership in Environmental, Energy, and Economic Performance](#)

9.5.3 Executive Order 13693, Planning for Federal Sustainability in the Next Decade

This Executive Order (E.O.) was signed on March 9, 2015 to maintain Federal leadership in energy, environmental water, fleet, buildings, and acquisition management. This leadership will continue to drive national greenhouse gas reductions and support preparations for the impacts of climate change. Through a combination of more efficient Federal operations outlined in this E.O., there is an the opportunity to reduce agency direct greenhouse gas emissions by at least 40 percent over the next decade while at the same time fostering innovation, reducing spending, and strengthening the communities in which our Federal facilities operate. The E.O. promotes sustainable acquisition and procurement by ensuring that each of the following environmental performance and sustainability factors are included to the maximum extent practicable for all applicable procurements in the planning, award, and execution phases of the acquisition by:

- Meeting statutory mandates that require purchase preference for:
  - (A) Recycled content products designated by EPA;

(B) Energy and water efficient products and services, such as ENERGY STAR qualified and Federal Energy Management Program (FEMP)-designated products, identified by EPA and the Department of Energy (DOE); and

(C) BioPreferred and biobased designated products designated by the United States Department of Agriculture;

- Purchasing sustainable products and services identified by EPA programs;
- Purchasing environmentally preferable products or services;
- Acting, as part of the implementation of planning requirements of section 14 of the E.O., until an agency achieves at least 95 percent compliance with the BioPreferred and biobased purchasing requirement:

(A) Establish an annual target for the number of contracts to be awarded with BioPreferred and biobased criteria and dollar value of BioPreferred and biobased products to be delivered and reported under those contracts in the following fiscal year. To establish this target, agencies shall consider the dollar value of designated BioPreferred and biobased products reported in previous years, the specifications reviewed and revised for inclusion of BioPreferred and biobased products, and the number of applicable product and service contracts to be awarded, including construction, operations and maintenance, food services, vehicle maintenance, and janitorial services; and

(B) Ensure contractors submit timely annual reports of their BioPreferred and biobased purchase.

- Reducing copier and printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher.

Additionally, E.O. outlines goals to advance waste prevention and pollution prevention, implement performance contracts for Federal buildings, and promote electronics stewardship by establishing, measuring, and reporting.

Web link to E.O.: [Executive Order 13693 -- Planning for Federal Sustainability in the Next Decade](#)

## 9.6 NWS Policy

NWS employees will follow the green procurement program requirements set forth in Executive Order 13423, Commerce Acquisition Manual, FAR, and DOC Energy and Environmental Management Manual. Green products and services will be purchased to the maximum extent practical, consistent with the requirements of CAM and FAR. NWS staff will purchase green products when:

- a. Such products are cost-effective;

- b. Such products meet the technical requirements of the government; and
- c. Such products are available in the required time to meet the government's need.

#### Comprehensive Procurement Guidelines

The Comprehensive Procurement Guidelines (CPG) Program as authorized by Congress under Section 6002 of RCRA is one of EPA's efforts to promote the use of materials recovered from solid waste. These guidelines are found in 40 CFR 247. The CPG Program is part of EPA's continuing effort to promote the use of materials recovered from solid waste. Buying recycled-content products ensures that the materials collected in recycling programs will be used again in the manufacture of new products. The following web site contains CPG resources: <http://www.epa.gov/epawaste/conserves/tools/cpg/index.htm>

All items must be reviewed for environmental issues. Employees should not automatically assume that if the products are purchased through GSA or other government vendors that they are safe or made of environmentally friendly materials.

For products that have been designated, agencies must buy those products that contain recycled content as long as they are available, they meet the performance needs of the agency, and they are cost-competitive.

#### 9.7 Additional Resources

The following organizations have environmentally preferable products and services referenced on their websites.

- U.S. General Services Administration. Federal Supply Service (GSA/FSS)  
<http://www.gsa.gov/portal/category/26433>

The GSA/FSS has introduced many products into its supply system that have recycled content, offer energy and/or water savings, or were to be less environmentally detrimental. This site includes product descriptions, ordering information, information for prospective vendors and more. You can also access GSA Advantage on-line ordering system to order any GSA product.

- CPG-Compliant Products and Other Recycled Content Products on-line catalog identifies CPG-compliant products available through GSA. NWS personnel who purchase these products should review this list to determine what is available.

Javits-Wagner-O'Day Program (JWOD): <http://www.abilityone.gov/index.html>. The JWOD Program supports employment opportunities for the blind or those with severe disabilities by coordinating government purchases of products and services provided by non-profit agencies employing these individuals. JWOD is a mandatory source of supply with environmentally preferable products on their procurement list. These items are identified with a JWOD environmental logo. Certain JWOD program items are also listed in the GSA Environmental Products catalog.

- UNICOR: <http://www.unicor.gov>

The Federal Prison Industries, Inc. program employs and provides skills training to inmates confined with the Federal Bureau of Prisons. As a mandatory source of products for Federal

agencies, items with environmentally preferable applicability such as furniture, toner cartridges, printing and re-manufacturing services are available through this source.

## **9.8 Responsibilities**

### **9.8.1 NWSH**

- a. The NWSH Environmental/Safety Office will provide assistance to Regional Headquarters, Operating Unit, and field personnel to ensure that NWS facilities comply with requirements of this section.
- b. NWSH will coordinate with SECO, as necessary, regarding compliance issues related to this section.

### **9.8.2 Regional or Operating Unit Environmental/Safety Coordinator**

- a. Will monitor and promote compliance with the requirements of this section at field offices or Operating Unit facilities.
- b. Will ensure that applicable procedures are implemented at Regional Headquarters or operating unit facilities.
- c. Will assist Regional Headquarters and field offices or operating units in locating and assessing environmentally preferable products.

### **9.8.3 Station Manager**

- a. Will have oversight over the implementation of this section and ensure that the requirements of this section are followed by individuals at the NWS facility.
- b. Will ensure that sufficient personnel and funding are available to enable compliance with all applicable requirements of this section.
- c. Will review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review will be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.

### **9.8.4 Environmental or Environmental/Safety Focal Point or Designated Person**

Will ensure any tasks delegated to them by the Station Manager are implemented in accordance with the requirements of this section.

### **9.8.5 Employees**

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Environmental Focal Point.

## **9.9 References**

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

9.9.1 Executive Orders

Presidential Executive Order 13423, January 24, 2007	“Strengthening Federal Environmental, Energy, and Transportation Management”
Presidential Executive Order 13514, October 5, 2009	“Federal Leadership in Environmental, Energy, and Economic Performance”

9.9.2 FAR

Part 7	Acquisition Planning
Part 11	Describing Agency Needs
Part 12	Acquisition of Commercial Items
Part 13	Acquisition Procedures
Part 23	Environmental and Energy
Part 36	A-E Selection Criteria
Part 37	Performance-Based Contracts
Part 52	Contract Clauses

9.9.3 U.S. Environmental Protection Agency

40 CFR 247	Comprehensive procurement guideline for products containing recovered materials.  <a href="http://law.justia.com/cfr/title40/40-24.0.1.4.33.html">http://law.justia.com/cfr/title40/40-24.0.1.4.33.html</a>  <a href="http://www.epa.gov/epawaste/conserves/tools/cpg/index.htm">http://www.epa.gov/epawaste/conserves/tools/cpg/index.htm</a>
------------	---

9.9.4 Department of Commerce

Commerce Acquisition Manual (CAM) 1323.70	Green Procurement Program  <a href="#">Commerce Acquisition Manual (CAM) - 1323.70</a>
Commerce Acquisition Manual (CAM) 1313.301	Purchase Card Program  <a href="#">Commerce Acquisition Manual (CAM) - 1313.301</a>