



# THE SHEPPARD AIR FORCE BASE AFFIRMATIVE PROCUREMENT PLAN

Prepared by  
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AFFIRMATIVE PROCUREMENT WORKING GROUP  
in coordination with  
AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE



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*Today I am pleased to sign an Executive Order strengthening federal efforts to protect the environment and promote economic growth through the purchase of recycled and other environmentally preferable products. ... By redoubling our efforts to "green the government," we are demonstrating once again that the environment and the economy go hand in hand, and helping to promote a more sustainable future for America.*

President Bill Clinton  
September 14, 1998

## CHAPTER ONE: INTRODUCTION

### 1.1 Background

As President Bill Clinton signed Executive Order (EO) 13101, he noted that the federal government has a special responsibility to lead the way in building markets for recycled goods. **Affirmative Procurement** is the name given to this buy-recycled purchasing program. The intent of the program is to stimulate recycling by providing a market for new products manufactured with recycled materials. The federal government, as the country's largest purchaser of goods and services, has the ability to help create and stabilize markets for recycled-content products.

Before EO 13101 was signed on 14 September 1998, EO 12873 was the order that mandated the Affirmative Procurement Program (AP). It emphasized buying recycled-content products. These products were originally singled out for AP because they help reduce solid waste disposal, minimize natural resource use, and often use less energy to produce than comparable "virgin" material products. These are good environmental performance characteristics, but there are other considerations that recycled-content products generally do not address: reducing toxicity, preventing air or water pollution, or reducing negative effects like global warming or ozone depletion.

EO 13101 has now superseded EO 12873. It was written to *improve* the federal government's use of recycled-content products, and *expand* the AP program to include other environmentally preferable products and services.

The President's statement about EO 13101 points out this new emphasis. **Environmentally preferable purchasing**, or EPP, is the name of the U.S. Environmental Protection Agency's (EPA) program to encourage the purchase of products which have lesser or decreased effects on human health and the environment, when compared with competing products or services that serve the same purpose.

EO 13101 encourages federal agencies to modify their AP programs to give consideration to “biobased products.” A **biobased product** is “a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.” Examples of biobased products include vegetable-based lubricating oils, building construction panels made with straw or other agricultural fibers, and “tree-free” paper. These products often put materials to use that were destined for the landfill. Since they are usually made of “natural” materials with limited processing, they may also be less toxic and require fewer chemicals and less energy to produce.

## 1.2 Benefits of Environmentally Preferable Purchasing

It is clear that EPP benefits the environment and demonstrates our commitment to environmental stewardship. However, operational benefits may not be as obvious. AP provides tangible benefits in many cases. Here are some examples of the advantages gained by using environmentally preferable products:

Replacing wood with plastic lumber in non-structural uses like fencing and decking removes the need to paint the materials. This saves money and labor during installation and routine maintenance. Plastic lumber will not rot, so it lasts longer than wood, even though it isn’t pressure treated with toxic chemicals like wood often is. Finally, termites won’t attack it--which means the expense and chemical exposure from applying pesticides is eliminated.

Buying re-refined motor oil, and then sending the used oil back to the producer for re-refining, eliminates the expense and waste management problems that come with the disposing of used oil. (This cycle of using, processing and reusing a material is known as **closed-loop recycling**.) Toner cartridges, antifreeze, and tires are other products that may be handled this way.

In some cases, the best environmentally preferable purchase may not be a purchase at all--it may be a purchase *avoided* by reusing materials already on site. For example, when clearing a construction site, consider setting aside trees and woody shrubs and chipping them for use as mulch or for composting. Segregate concrete and asphalt that is demolished, crush it, then reuse the concrete as aggregate or road base and reprocess the asphalt for use in paving. These actions save the cost of hauling and disposing waste and the purchase price of new materials.

As Air Force organizations purchase and use a broader range of environmentally preferable products, more benefits will be discovered. Durability, reduced toxicity, and the elimination of waste streams are likely to be among the common advantages.

## 1.3 Drivers for the Affirmative Procurement Program

Laws, regulations, and Executive Orders combine to provide the authority and requirements for federal AP programs. A brief summary of these drivers and how they interact is presented below. Detailed program requirements that stem from them are contained in Chapter 2. The references in Chapter 3 include a list of World Wide Web sites for policy information.

### 1.3.1 Resource Conservation Recovery Act (RCRA)

The legal authority for the AP program comes from the Resource Conservation Recovery Act (RCRA), Section 6002. It requires federal agencies to give preference in their purchasing programs to products and practices that conserve and protect natural resources and the environment. RCRA is also the source for the four required elements of an AP program: a preference program, a promotion program, a certification program, and a monitoring program.

### 1.3.2 Executive Order (EO) 13101, “Greening the Government through Waste Prevention, Recycling, and Federal Acquisition,” 14 Sep 98

Executive Orders are Presidential directives to the federal agencies, based on public law--in this case, RCRA. EO 13101 describes AP program requirements for federal agencies, as well as for the groups that oversee them: the Federal Environmental Executive (FEE), the Council on Environmental Quality (CEQ), the EPA, and the U.S. Department of Agriculture (USDA). The CEQ and the FEE provide overall policy direction and implementation oversight. The FEE is required by EO 13101 to develop a government-wide implementation plan, and to establish committees and work groups as needed to develop answers for unresolved issues such as AP tracking and reporting.

EO 13101 carries forward the recycled-content product procurement program from EO 12873, and expands it by adding the biobased products procurement program. The EPA administers the recycled-content program and the USDA will administer the biobased product program.

### 1.3.3 Comprehensive Procurement Guidelines (CPG)–Federal Register “Final Rules”

The CPG is the document the EPA uses to formally designate the items covered by the AP program. As a result, the designated items are known as “guideline items.” The process begins as the EPA reviews a broad list of potential products made from recovered materials. They consider the availability of the item, the potential impact on the solid waste stream, the economic and technical feasibility of producing the item, and other uses of the recovered materials used to produce the item. The EPA also considers comments from end users, manufacturers, distributors, the general public, and other interested parties through a formal rulemaking process to designate items. The list of guideline items is complete when the EPA publishes it as a Final

Rule in the Federal Register. This process was completed for the first time with the publication of CPG I in the 1 May 1995 Federal Register.

Guideline items are added to the existing list every time the EPA publishes a new CPG. The list now includes 57 items in 8 categories. Expect the CPG list to continue to grow, since the EPA is tasked by EO 13101 to update the CPG every 2 years or as appropriate.

The EPA has created an excellent Web page for CPG information: <http://www.epa.gov/cpg>. The “Products” section of the page lists all currently designated and proposed guideline items and their associated recycled-content requirements. The full text of each CPG is found in the “Background” section. Other sections of the Web page provide product fact sheets, give CPG program updates, and answer frequently asked questions.

#### 1.3.4 Title 40, Code of Federal Regulations (CFR), Part 247--“Comprehensive Procurement Guideline for Products Containing Recovered Materials”

These are the regulations that codify the CPG requirements. 40 CFR 247 lists the product categories defined in the CPG, defines terms, and describes to whom the program applies. The CFR also calls on federal agencies to assure their specifications for purchase of guideline items require the use of recovered materials to the maximum extent possible.

#### 1.3.5 Air Force Instruction (AFI) 32-7080: “Compliance Assurance and Pollution Prevention” (Revised AFI, currently in draft and anticipated for FY01 release)

AFI 32-7080 contains Air Force policies, requirements, and responsibilities for pollution prevention programs including AP. Although it is a Civil Engineering series AFI, its requirements apply beyond CE and the environmental flight, to personnel in Contracting, Logistics, Operations, Legal, Safety, Bioenvironmental Engineering, and Public Affairs. All personnel supporting the AP program should become familiar with the sections of AFI 32-7080 covering the program goals and execution.

#### 1.3.6 Air Force Policy Memo, 31 May 2000: "Air Force Affirmative Procurement Program"

This memo guides the implementation of the APP at AF installations. It was cosigned by Civil Engineering and Contracting leadership and contains requirements for both organizations. Each MAJCOM and installation Environmental Protection Committee (EPC) or Environment, Safety and Occupational Health Committee (ESOHC) will oversee APP implementation and will charter a cross-functional team to execute the program.

### 1.3.7 AF Engineering Technical Letter (ETL) 00-1: “EPA Guideline Items in Construction and Other Civil Engineering Specifications”

ETL 00-1 (formerly ETL 94-7) makes it mandatory for civil engineer specifications to include EPA designated guideline items containing recycled material unless the recycled-content product does not meet specific performance, price, or contracting requirements. See Section 2.2 of this guide for a discussion of the exemption criteria and how to apply them.

### 1.3.8 Federal Acquisition Regulation (FAR) and DoD FAR Supplement (DFARS)

Applicable portions of the FAR include Part 4--Administrative Matters; Part 11--Describing Agency Needs; Part 13, Section 13.005--Simplified Acquisition Procedures; Subpart 23.4--Use of Recovered Materials; Subpart 23.7--Contracting for Environmentally Preferable and Energy-Efficient Products and Services; and Part 36--Construction and Architect-Engineer Contracts.

- Subpart 4.3 calls for contractors to use recycled-content paper and to print documents double-sided whenever practicable.
- Part 11 requires agencies to consider use of recovered material, the EPP criteria developed by the EPA, and environmental objectives in specifications, requirements for supplies and services, and source selection factors.
- Subpart 23.4 states that agency AP programs must require 100 percent of purchases of the 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 micropurchase threshold (\$2,000 for construction and \$2,500 for all other purchases.)
- Subpart 23.7 requires agencies to implement cost-effective contracting programs that favor EPP, and adds a policy requirement for agencies to consider the use of biobased products.
- Part 36 requires attention to environmental concerns in the architectural-engineer (A-E) selection process, and in the work that is performed by the chosen A-E firm.

These requirements are supplemented by DFARS 223.404(b)(3). It forbids awarding a contract for an EPA-designated item that does not meet the EPA minimum recovered material standards, before approval of the written determination required by the FAR

### 1.3.9 Summary

EO 13101 calls for federal agencies to “comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services.” This call to action is based on the requirements of the many drivers listed above. The rest of this plan will discuss the specific program requirements in greater detail, describe the Air Force approach to AP, list tools and resources, and detail the manner in which SAFB will implement AP regulations.

## CHAPTER 2: THE SHEPPARD AIR FORCE BASE AFFIRMATIVE PROCUREMENT PROGRAM

### 2.1 Applicability

Once a guideline item is designated by the EPA, Sheppard Air Force Base, within 1 year, is required by RCRA and 40 CFR 247 to purchase the designated item composed of the highest percentage of recovered materials practicable, taking into consideration competition, price, availability, and performance. This applies to all items, unless the total DoD consumption of that item is less than \$10,000 annually. All items currently on the list exceed that threshold. In addition, nonappropriated fund activities must participate in the installation AP program.

Section 701 of EO 13101 directs SAFB to include AP requirements in all contracts for operation of Government-owned or leased facilities, and also in contracts that provide for support services at Government-owned or operated facilities. This is clearly stated in the EO:

**Contracts awarded by executive agencies after 14 Sept 98 shall include provisions that obligate the contractor to comply with EO 13101 within the scope of their operations.**

82 CONS will include the necessary wording in all contracts to comply with this directive.

Mandatory purchase requirements apply to recycled-content (CPG) item purchases, but not to biobased products. There are presently no hard requirements for purchase of biobased products. If legal requirements are promulgated in the future, or in the event DoD issues policy on the purchase of biobased products, these requirements will become part of the AP program.

### 2.2 Exemptions: When and How to Apply Them

The authors of RCRA recognized that there would be occasions when the use of a recycled-content product would not meet operational needs, and they provided exemptions to cover these situations. These exemptions are reflected in EO 13101, 40 CFR 247 and AFI 32-7080. Recycled-content products meeting EPA guidelines will always be purchased unless

1. the product is not available competitively;
2. the product is not available within a reasonable time frame;
3. the product does not meet appropriate performance standards; or
4. the product is only available at an unreasonable price.

In order for an exemption to be legal, the customer must obtain a signed waiver from their commander. The “Sheppard AFB Recovered Materials Exemption Form” may be used to document the determination (see Appendix).

EO 13101, Section 402(c) says that, for micropurchases (less than \$2,500), no written determination is needed. However, the Contracting Squadron remains responsible for ensuring that all IMPAC purchases for guideline items are purchased with the required amount of recovered material. See Section 4.3 for SAFB’s IMPAC purchase procedures for guideline items.

Blanket determinations for a series of identical purchases of guideline items are acceptable as long as AETC has not issued instructions to the contrary. However, all blanket determinations will be reviewed annually. This is because technical requirements, prices, and product performance are not fixed quantities but are subject to change.

Written determinations will be kept in the official file to document the decision to make a noncompliant purchase. This information will be important in case SAFB receives an EPA or state audit of affirmative procurement compliance. Written determinations also document the decisions made by construction project managers, and are essential documents in case the designer’s selection of materials is challenged by a bid protest.

## 2.3 SAFB’s AP Program

### 2.3.1 Elements of the SAFB AP Program

Sheppard’s program consists of four elements as required by RCRA: Preference Program; Promotion Program; Vendor Estimates, Certifications, and Verifications; and Annual Monitoring and Review. In addition to this section, Section 4 specifically tasks Sheppard team members with responsibilities regarding the SAFB AP Program.

#### 2.3.1.1 Preference Program

Sheppard AFB will take the following steps to meet the RCRA requirement for a Preference Program:

***An AP policy letter*** signed by the chairperson of the Environmental Protection Committee (EPC). The letter will clearly state that all installation organizations, as well as contractors who want to do business with the installation, must comply with the requirements in EPA’s Comprehensive Procurement Guidelines--regardless of the magnitude of the purchase.

***A written AP plan.*** This plan describes AP requirements, states the actions needed to meet the requirements, and identifies who will perform the required actions.

***Ensure that all contract solicitations for the purchase of CPG items include AP requirements language*** clearly stating SAFB's obligation to meet EPA minimum recycled-content requirements when purchasing CPG items.

#### 2.3.1.2 Promotion Program

Sheppard Air Force Base will take the following steps to meet the RCRA requirement for a Promotion Program:

##### **Raising Employee Awareness**

***Familiarize all installation purchasers with AP program requirements.***

***Conduct workshops or training sessions*** to educate employees about their responsibilities under the AP program.

***Distribute SAFB AP policies*** to all installation organizations along with AP training materials, to include posting AP information in the SAFB Public Folders.

***Publish articles*** in SAFB paper and organizational newsletters. Explain the program and solicit support. As the program matures, publish AP success stories about individuals and organizations.

***Update local operating instructions*** to include AP program requirements.

***Seek volunteer organizations for limited trials of new products***, get feedback on the cost and performance of the products, and publicize the results installation wide.

***Provide periodic updates*** through e-mail system. Send out information on new products and how to purchase them. Recognize outstanding efforts of installation personnel toward AP.

##### **Raising Contractor/Vendor Awareness**

***Prepare a Fact Sheet about SAFB's AP program*** and distribute it through the contracting office.

***Discuss SAFB's AP program*** at bidders' conferences.

#### 2.3.1.3 Vendor Estimates, Certification, and Verification

The third RCRA program element is for vendor estimates, certifications, and verification. It requires vendors to certify that the products they are providing to SAFB do indeed meet EPA

requirements, and provides data on recycled-content material use. This is accomplished through contract clauses as required by the FAR.

***FAR 52.223-4 Recovered Materials Certification.*** Insert in all solicitations that are for, or specify the use of, recovered materials. It states that the contractor certifies, by signing the bid or proposal documents, 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.

***FAR 52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items.*** This clause requires the contractor, at the end of the contract, to estimate, for each of the guideline items specified, the quantity, the dollar value, and the recycled-content percentage. Use FAR 52.223-9 only when the total contract value (not the value of the guideline items purchased) exceeds the simplified acquisition threshold, which currently is \$100,000. (However--as stated earlier in this chapter, the size of the contract is not a license to ignore all other AP requirements besides contractor certification.) When the technical experts for a particular contract determine that the contractor is capable of certifying the contents of a particular recycled-content item required by the solicitation, Alternate I must be added to 52.223-9. Again, this portion of the clause only applies to contracts over \$100,000. Alternate I requires the contractor to certify that the items provided in accordance with contractual AP requirements contain the minimally acceptable amount of recovered material/post-consumer material.

#### 2.3.1.4 Annual Monitoring and Review

SAFB will review and evaluate the effectiveness of its AP program every year. This review will be conducted by the SAFB Affirmative Procurement Working Group. The working group is chartered by SAFB Instruction 32-7003. The group is cochaired by an 82 CONS Company Grade Officer and 82 CES Company Grade Officer, and the mandatory members include 82 CES/CEVP, 82 CONS/LGCA, 82 CONS/LGCB, 82 CES/CECCA, and 82 CES/CECS. The opinions and concerns of other units at SAFB will be represented by group Unit Environmental Coordinators (UEC), who will be optional attendees of the working group. The annual monitoring and review will not simply be collecting data for metrics; it will be a look at the workings of the program to see where improvements could be made. Here are some things the working group will consider in our annual program review:

***Is our program up to date?*** New CPG items are periodically added to the list by the EPA. Check [www.epa.gov/cpg/products.htm](http://www.epa.gov/cpg/products.htm) for the latest requirements. Are all buyers of all guideline items aware of all requirements?

***Is the AP plan reasonably current?*** If requirements or operations have changed substantially, it's time to update the plan.

***Are all SAFB organizations participating as required by AFI 32-7080 and the plan?*** If not, the annual review is a good opportunity to identify the problem and elevate it to senior management.

***Are any new information resources available?*** Take a minute to look through our files and make sure we have sent out all the information we have been collecting about new products, conferences, or training.

***What did our latest ECAMP turn up?*** If there are any deficiencies related to AP, make sure the corrective actions are in work and changes to the AP Plan are made if necessary.

***Are credit card purchasers actually buying recycled-content products when they need guideline items?*** Ensure that the requirements of Section 4.3 of this plan are being followed correctly. Periodic and random surveillances of credit card holders will validate compliance.

***Are contractors providing recycled-content guideline items as required by project specifications?*** Review the process, from specification through project completion, to make sure all required contract work meets the specification requirements. Whenever a guideline item is acquired as part of a contract,

- Civil Engineering and Contracting ensure the specifications state the requirement to buy recycled and include the contract clauses appropriate to the dollar value of the contract;
- if an exemption is claimed before contract award, the written determination must be provided to the contracting officer; and
- following award, if the total contract value exceeds \$100,000, the contractor must provide the information required by FAR 52.223-9 and Alternate I, as applicable, for each guideline item in the contract. Check these submittals to make sure we actually got what we specified. If we didn't get it, find out why and take steps to fix the problem for future contracts.

Although the Federal Environmental Executive believes in the need for quantitative purchase data to evaluate program success, DoD has no system in place to capture this information. EO 13101 acknowledges the problem by establishing a working group to develop recommendations for tracking and reporting requirements, taking into account the costs and benefits. These recommendations must then be coordinated with DoD and other agency executives and approved by a Steering Committee consisting of the chair of the Council on Environmental Quality, the Federal Environmental Executive, and the Administrator for Federal Procurement Policy. The EO does not establish a timetable for resolving the reporting issue, but the working group hopes to have an answer by the end of FY01. This plan will be updated when reporting requirements are known.

### 2.3.2 Executing the AP Program

In accordance with SAFBI 32-7003, the SAFB Affirmative Procurement Working Group is responsible for ensuring the AP Program is executed. The working group will meet at least quarterly, and as often as necessary, to keep the program current.

### 2.3.3 Getting What We Want: Specifications and Statements of Work

Many service contracts include a requirement to provide guideline items. If the contractor is to be held responsible for complying with EPA recycled-content requirements, the contract must contain language specifying these requirements. We will pay special attention to contracted supply operations and to service contracts for grounds maintenance, janitorial, and reproduction services. These are usually multiyear contracts. The contracts must be written to ensure they stay current with the EPA's changes to the CPG and continue to provide SAFB with products meeting EPA recycled-content requirements. If a service contract written by an organization outside the installation is creating problems for the AP program, the issue needs to be identified to the MAJCOM.

Another major procurement avenue for guideline-item purchases is through construction contracts. CPG requirements must be met, unless an exemption applies, whether the project specifications are written inhouse or by contract. FAR Part 36 covers construction and Architect and Engineering (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: Statements of Work for A-E services shall require the A-E*** to specify the maximum practicable amount of recovered materials, consistent with performance, availability, price reasonableness, and cost effectiveness.

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

It must be clear to all potential vendors that they are required to meet EPA requirements whenever they provide a guideline item to the Government as part of their contract. Here is one example of a paragraph that can be placed in the solicitation:

In an effort to comply with the affirmative procurement requirements of Section 6002 of RCRA and Executive Order 13101, the Government strongly promotes the use of the recycled and recovered materials and products identified in the Environmental Protection Agency's Comprehensive Procurement Guidelines (available at the following Web site: <http://www.epa.gov/epaoswer/non-hw/procure/index.htm>). If the solicitation identifies these products, we have determined that the items are available competitively, are available within a reasonable time frame, meet appropriate performance standards, and are available at a reasonable price. In order to be responsive, a proposal must correctly and completely include the recovered/recycled items delineated in the solicitation. Material and product submittals for all recycled-content items should clearly list the recycled and recovered materials used and the percentage content. EPA guideline items are the minimum that should be considered when evaluating recycled/reuse materials.

Other materials and products not listed, but commonly used in industry outside of the government, should also be considered, and may be included in the proposal.

Either CE (if internal) or the A-E firm will review the service contract or project design in detail, identify all of the guideline items to be used, and write specific recycled-content requirements into the applicable sections of the service and construction requirements documents.

## 2.4 Understanding Specific Product Requirements

Recycled-content guideline items and biobased products are all part of the AP program, but they are found on different lists prepared by different agencies, and so the requirements differ. The following sections will discuss these requirements in detail.

### 2.4.1 Recycled-Content Guideline Items

The EPA specifies the recycled content products we must include in our AP program by listing them in the CPG. The guideline item list is divided into eight categories:

- Construction Products
- Landscaping Products
- Park and Recreation Products
- Paper and Paper Products
- Non-Paper Office Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

The EPA's Web site ([www.epa.gov/cpg](http://www.epa.gov/cpg)) is the best source for the latest CPG product list and the specific recycled-content requirements for each product. The Web site also offers technical support information including product fact sheets, recommendations on how to specify compliant products, and lists of manufacturers and suppliers of guideline items.

Along with the CPG, the EPA issues guidance on buying recycled-content products in documents called Recovered Material Advisory Notices (RMANs). The RMANs determine appropriate recycled-content ranges for CPG products based on current information about commercially available recycled-content products. These ranges are updated as market conditions change.

The EPA's CPG Web page consolidates the CPG and RMAN information. On the "Products" section of the page, users can view a series of tables listing the guideline items, which are linked to more tables describing the specific recycled-content requirements. For those who need more detail, the full text of each CPG and RMAN is also found on the CPG Web page.

### 2.4.2 Unique Requirements for Certain Guideline Items

**Paper.** Section 505 of EO 13101 places specific requirements on federal agency purchases of high-speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock. For each of these items, the minimum content standard shall be no less than 30

percent postconsumer materials beginning 31 December 1998. If products with 30 percent postconsumer content are not available, do not meet performance requirements or are unreasonably priced, federal purchasers must buy paper containing no less than 20 percent postconsumer material. **No exemptions to the 20 percent minimum are authorized.** As an alternative to these requirements, paper products having 50 percent recovered materials may be used.

**Re-refined Lubricating Oil.** Section 507 of EO 13101 calls on fleet and commodity managers to take immediate steps to procure re-refined oil. It also states this requirement does not preclude the acquisition of biobased (vegetable) oils. However, Air Force technical offices responsible for vehicle management have not yet approved vegetable oils for use in AF vehicles.

**Retread Tires.** Section 507 of EO 13101 names the DoD Cooperative Tire Qualification Program as a focal point for retread tire purchases. This program is administered by the Army Tank-automotive and Armaments Command (TACOM). Their latest information is found on the “Team Tire” Web site ([www.tacom.army.mil/immc/Support/Teamtire/home1.htm](http://www.tacom.army.mil/immc/Support/Teamtire/home1.htm)).

### 2.4.3 Biobased Products

Biobased products will become part of the AP program when USDA creates the first biobased products list. Agencies are “encouraged” by Section 504 (b) of EO 13101 to “modify their AP program to give consideration to biobased products.” AFI 32-7080 calls for the Air Force to promote purchase of biobased products as part of the AP program. However, not all AP program requirements will apply to biobased product purchases. For example:

- EO 13101 does not require agencies to set a goal for a specific percentage of their purchases to be biobased products, and the Air Force has not set such a goal; and
- EO 13101 does not require agencies to prepare written determinations if they decide not to purchase biobased products.

However, a reporting requirement exists. One year after USDA places a product on the biobased products list, Section 302(b)(6) of EO 13101 requires agencies to estimate their purchases of that product and report the estimate to the Secretary of Agriculture. SAFB will await guidance from AETC as to how to submit this data.

## 2.5 Future AP Requirements Resulting from EO 13101

Some sections of EO 13101 identify issues that are unresolved and actions that are in progress, which will affect the way we define and execute federal AP programs. These issues and actions are discussed in the following paragraphs.

### 2.5.1 Environmentally Preferable Purchasing (EPP) Program Guidance and Pilot Projects

EO 13101 requires the EPA to develop EPP guidance that is designed for government-wide use and is targeted towards products and services that have the most effect. The EO also encourages federal agencies to partner with the EPA on pilot projects that will be designed to test the EPA's concepts and provide them with practical information to improve future guidance.

Information on the EPA's EPP Program and previous pilot projects is found at [www.epa.gov/opptintr/epp](http://www.epa.gov/opptintr/epp). Upon completion, these pilot projects usually generate future requirements. In fact, EO 13101 calls for agencies to use the EPP guidance and lessons learned from the pilot projects to modify their AP programs. Reviewing pilot project results can provide a glimpse into the future of AP and can aid program managers in anticipating future changes.

### 2.5.2 Compliance Assurance

In Section 403 of the EO 13101, EPA is tasked to produce guidance for use in determining federal facility compliance with RCRA and the EO. Section 403 states that RCRA or multimedia inspections of federal facilities "will include, where appropriate, evaluation of facility compliance with section 6002 of RCRA and any implementing guidance." The EO also calls on the EPA Administrator to encourage authorized states to evaluate AP compliance as part of their RCRA inspections.

The AP requirements of RCRA 6002 are outside the scope of the waiver of sovereign immunity set forth in RCRA 6001, as that waiver extends only to the "control and abatement of solid waste or hazardous waste disposal and management." Only Congress can broaden a waiver of sovereign immunity. Thus, direction in EO 13101 that regulators review compliance with RCRA 6002 during RCRA inspections does not make bases subject to enforcement actions for alleged violations of that section. The bottom line is that while bases should comply with the EO, AF personnel should also understand that any enforcement of RCRA 6002 AP requirements by regulators is beyond the scope of their authority. A Notice of Violation (NOV) may be issued for affirmative procurement violations, but inclusion of RCRA section 6002 requirements in a subsequent Administrative Order would be an overreach of the regulator's enforcement authority. In other words, the EPA can issue an Affirmative Procurement Program (APP) NOV but cannot take enforcement action based on APP violations. Please consult the installation's legal office with questions about APP enforcement.

If the installation receives an NOV for APP, don't challenge the inspector's authority. Accept the NOV without agreeing to any response actions and then consult the legal office. Don't let the base's relationship with the regulator become strained so that it affects other areas of environmental compliance. Also please bear in mind that the rules could change in the future, so that DoD could become subject to enforcement actions for RCRA section 6002.

Bases receiving NOV's that include alleged APP violations should take the following actions:

- Report the NOV as an Enforcement Action (EA).
- If an NOV includes any mention that failure to correct APP violations may result in subsequent administrative penalties or orders, the base should tactfully inform the regulator that enforcement of RCRA section 6002 requirements is beyond their authority.
- A base should not enter into any compliance agreement addressing corrective action for alleged violations of RCRA section 6002, since such agreements are perceived as exhibiting direct or implied enforcement authority.
- In no case should bases pay administrative penalties assessed for violations of RCRA section 6002.

### 2.5.3 Biobased Products List

The responsibility for listing biobased products does not belong to the EPA, but rather to the USDA. EO 13101 tasked USDA to come up with the first list of biobased products within 180 days after EO 13101 signature. They will most likely start with the list of products already identified in the USDA's Alternative Agricultural Research and Commercialization (AARC) Corporation's "Source Book" ([http://www.access.gpo.gov/su\\_docs/fedreg/a990813c.html](http://www.access.gpo.gov/su_docs/fedreg/a990813c.html)). Thirteen product categories are currently listed in the Source Book.

- Absorbents/Adsorbents
- Adhesives/Inks/Coatings
- Alternative Fuels and Fuel Additives
- Construction Materials/Composites
- Lubricants/Functional Fluids
- Renewable Alternative Fiber Papers/Packaging
- Solvents/Cleaners/Surfactants
- Plant-Based Plastics/Degradable Polymers/Films
- Landscaping Products
- Bioremediation Products
- New Fibers/Filler/Yarn/Insulation
- Enzymes/Intermediate Chemicals
- Other

Once USDA publishes the biobased products list, we will include the listed products in our existing AP program. Actions SAFB will take include:

***Publicizing the new list*** to organizations that use similar products.

***Seeking opportunities to pilot test*** these products and expand their use to other organizations if they work well and are cost effective.

*Informing vendors of SAFB's preference* for using biobased products on the USDA's list where feasible, along with the recycled-content products listed in the CPG. Some product categories, such as lubricating oils, are common to both lists. There is no requirement to purchase recycled-content products instead of biobased products, or vice versa. If both types of products are available, purchasers should decide which of these environmentally preferable products does the best job at the best price.

#### 2.5.4 Reporting

As discussed in Section 2.3.1.4 of this guide, a federal agency working group has been chartered by EO 13101 to resolve the issues of data collection and reporting. The only AP data currently collected at installation level is the contractors' report of guideline item purchases (when the total contract value exceeds \$100,000). Until the reporting issue is resolved, SAFB will follow the instructions provided by AETC.

## CHAPTER THREE: TOOLS AND RESOURCES

### 3.1 Program Management Tools

#### **Sheppard AFB Recovered Materials Exemption Form**

This form may be used to document a procurement action's compliance with CPG requirements. A copy of the form is in the Appendix to this guide.

#### **Affirmative Procurement Awareness Brochure**

This brochure is a 2-page Adobe Acrobat document prepared by the AFCEE Environmental Quality Directorate, intended to be printed double-sided and folded in thirds. This brochure gives basic awareness information for people who are new to the AP requirements. It can be downloaded from AFCEE's Web site:

<http://www.afcee.brooks.af.mil/eq/programs/progpage.asp?rbox=False&type=program&groupcode=0&progid=1>

#### **Environmentally Preferable Purchasing (EPP) Training Briefing for EO 13101 Compliance**

This briefing is an 88-slide PowerPoint package prepared by the AFCEE Environmental Quality Directorate. It covers the following topics: Definitions, Benefits of EPP, Barriers and Common Misconceptions, DoD Policy, Regulatory Drivers and Requirements, Role of the Government, Role of the EPA, Guideline Items, Role of the USDA, Biobased Products, Executing the Program, Resource List/Web sites, and USAF Points of Contact. It can be downloaded from AFCEE's Web site:

<http://www.afcee.brooks.af.mil/eq/programs/progpage.asp?rbox=False&type=program&groupcode=0&progid=1>

### 3.2 List of Policy Drivers

Web addresses are provided for all documents. AF personnel having difficulty with Web downloads may also request copies from AFCEE's PRO-ACT service at DSN 240-4214.

RCRA Section 6002 (42 U.S.C. 6962): <http://www.ornl.gov/ornlp2/sec6002.htm>

Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition": <http://www.ofee.gov>

40 CFR 247, "Comprehensive Procurement Guideline for Products Containing Recovered Materials": [http://www.access.gpo.gov/nara/cfr/waisidx\\_00/40cfr247\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr247_00.html)

Federal Acquisition Regulation (FAR) Subchapter D, Part 23 (for program requirements) and FAR Part 52 (for contract clauses): <http://www.arnet.gov/far>

DoD FAR Supplement (DFARS) 223.404(b)(3):  
<http://www.acq.osd.mil/dp/dars/dfars/dfars.html>

AFI 32-7080, “Compliance Assurance and Pollution Prevention”:  
<http://afpubs.hq.af.mil/pubfiles/af/32/afi32-7080/afi32-7080.pdf>

AF Engineering Technical Letter (ETL) 94-7, “EPA Guideline Items in Construction and Other Civil Engineering Specifications,” dated 14 Dec 1994. On “Construction Criteria Base” compact disk and Web site: <http://www.ccb.org> (see your design engineers to get the CCB disk or the password to access CCB on line)

DOD Instruction 4715.4, Pollution Prevention:  
<http://web7.whs.osd.mil/dodiss/instructions/ins2.html>

### 3.3 Technical Resources

**Lists of the EPA guideline items and their recycled-content requirements** are found in the “Products” section of the EPA’s CPG Web page: <http://www.epa.gov/cpg/products.htm>

**Comprehensive Procurement Guidelines (CPG) & Recovered Material Advisory Notices (RMAN)** are also found on the EPA’s Web page. The “Background” section links to proposed and final designated item lists, technical background documents, and Federal Register notices for each update of the CPG and RMAN. <http://www.epa.gov/cpg/backgrnd.htm>

**CPG Fact Sheets** are also found on the EPA’s Web page. These Fact Sheets summarize information on the CPG program; the EPA’s recovered materials content requirements; case studies from around the country; and key resources, associations, and Web sites. There is a Fact Sheet for each of the CPG product categories. You can use the Fact Sheets online as references, or print them for use as handouts in AP training sessions. <http://www.epa.gov/cpg/factshts.htm>

**AARC Biobased Products “Source Book”** is a catalog of biobased products made from agricultural materials. It includes contact information for one or more manufacturers of each item. [http://www.access.gpo.gov/su\\_docs/fedreg/a990813c.html](http://www.access.gpo.gov/su_docs/fedreg/a990813c.html)

**EPA WasteWise Program** is a voluntary partnership program that targets the reduction of municipal solid waste through recycling and buying recycled: <http://www.epa.gov/wastewise>  
The “Buy Recycled Resources” list in the Publications section of the Web site is comprehensive and current. The EPA also provides a WasteWise helpline (1-800-EPA-WISE) that can refer you to a buy-recycled contact in your state.

**EPA’s Environmentally Preferable Purchasing Program** is a federal government-wide program to encourage EPP and assist agencies. The EPP Web page includes success stories and pilot project information. EO 13101 calls for agencies to use the EPP guidance and lessons from these pilot projects to modify their AP programs. <http://www.epa.gov/opptintr/epp>

**Defense Logistics Agency (DLA) Catalogs** <http://www.dscr.dla.mil/catalogs/catalog.htm>

Download the **Environmentally Preferred Product Catalog** from DLA’s Web site, or call 1-800-345-6333 or DSN 695-4865. Download the **Energy Efficient Lighting Catalog** from

DLA's Web site, or call 1-800-DLA-BULB. For other specific DLA product information, visit <http://www.dscr.dla.mil/products/epa/htms/pocs.htm> for a list of contact phone numbers.

**General Services Administration (GSA) Environmental Products Guide** is available at <http://www.fss.gsa.gov/pub/pubbyalpha.cfm> or call (817) 334-5215. The GSA also provides customer service information at <http://www.fss.gsa.gov/customerService.cfm>.

**Javits-Wagner-O'Day (JWOD) Program** creates jobs and training opportunities for people who are blind or who have other severe disabilities. It is a mandatory source of supply for federal employees. JWOD program items are listed in the GSA Environmental Products catalog. Visit <http://www.jwod.gov/default.asp> and look under Procurement Information for distributors and contracting information. For more information send e-mail to [info@jwod.gov](mailto:info@jwod.gov), call (703) 603-7740 or fax (703) 603-0655.

**Government Printing Office (GPO)** furnishes blank paper, inks, and similar supplies to all governmental activities on order. It prepares catalogs, and distributes and sells Government publications. To obtain recycled content paper from GPO, your local Defense Automated Printing Services (DAPS) office is the main point of contact--or credit card holders may call (202) 512-0208.

**National Recycling Coalition** is a nonprofit coalition committed to maximizing recycling. The NRC also works to develop markets for recovered materials and recycled-content products. Their conference, the "Annual Congress and Exposition," includes a federal attendee track that provides the latest information on AP. Visit <http://www.nrc-recycle.org> for conference information and an on-line library. Look in the "Buying Recycled" section of the library for AP fact sheets and for a series of case studies in architectural renovations that emphasize recycled-material products. The case studies include manufacturer contact information for a variety of products.

**Guide to Resource Efficient Building Elements** is produced by the nonprofit Center for Resourceful Building Technology in Missoula, Montana. The CRBT promotes resource efficiency in building design, materials selection and construction practices. The guide is a national directory that is updated yearly and contains contact and product information for more than four hundred building material manufacturers producing everything from foundations to roofing. It also contains information on resources used in construction and resource-efficient design. Cost is \$28. Order from <http://www.crbt.org/>

**Oikos Green Building Source** provides a searchable database of green building products, including (but not limited to) recycled-content products: <http://oikos.com/index.html>. Recycled-content products are flagged in the database by an "environmental benefit code" of RC.

**Air Force Center for Environmental Excellence (AFCEE)** Affirmative Procurement Program home page offers the official AF AP guide (from which much of this plan's information was taken), training materials, sample AP plans, and links to other resources. Please visit <http://www.afcee.brooks.af.mil/eq/programs/progpage.asp?rbox=False&type=program&groupcode=0&progid=1>

## CHAPTER FOUR: SPECIFIC SHEPPARD PROCEDURES

### 4.1 Purchase Request Procedures

#### 4.1.1 Requirements Documents

When submitting a construction purchase request (PR), a PR exceeding \$100,000, or any PR for or requiring the use of recovered materials, the requester must include in the Requirements Document (RD) one of the following statements:

1) “In order to comply with SAFB’s Affirmative Procurement Plan, the following items must be purchased with the indicated amount of recovered material:

[all items would be listed, along with the minimum amount of recovered material]

No other items in this project are required to be purchased with recovered material; however, contractors are encouraged to propose products not listed that are commonly used in industry”; or

2) “There are no recovered-material requirements in this project; however, contractors are encouraged to propose products not listed that are commonly used in industry.”

In addition, if an exemption is being claimed in accordance with Section 2.2, the following statement must be included in the RD:

“The following item(s) are exempted from the requirements of SAFB’s Affirmative Plan, and should not be purchased with recovered material for use in this project:”

[all items would be listed that are being exempted]

#### 4.1.2 Exemptions

If a customer wishes to claim an exemption in accordance with Section 2.2, they must submit a signed exemption from their commander. The Sheppard AFB Recovered Materials Exemption Form found in the Appendix may be used for this purpose. If the PR does not contain the required statement(s) and/or determination, the PR will be returned to the customer.

#### 4.1.3 Market Research

In order to claim an exemption from Section 2.2, proper market research must be conducted to substantiate the exemption. The responsibility for obtaining the exemption rests solely in the customer’s hands. Civil Engineering (CE) will conduct market research regarding affirmative procurement before all construction PR’s are submitted. 82 CONS will assist CE customers in conducting this research if requested. 82 CONS will assist non-CE customers in accomplishing the necessary market research on an individual PR basis.

When a customer recognizes a PR item as an item that must be bought with recovered material, they should either call for the item in the RD in accordance with Section 4.1.1, or process the required exemption letter (example included in Appendix).

## 4.2 Contracting Procedures

### 4.2.1 Market Research

All 82 CONS personnel will be familiar with the SAFB AP Plan. 82 CONS personnel will be familiar with the market availability of recovered material items; they will assist CE (when requested) and all base customers in performing proper market research.

### 4.2.2 Statement of Work Review

The Contracting Officer (CO) is ultimately responsible for ensuring that RDs and contracts call for the required recovered material for all guideline items. The CO will verify that each RD has one of the statements required in 4.1. The CO will ensure that the proper exemption documentation has been included with the PR if the customer is claiming an exemption. In addition, if the CO discovers during RD review, solicitation, or contract administration that a guideline item was overlooked, they must immediately remedy the oversight by returning the project to the customer with the reasons why it was rejected, provide recommendations on how to resolve the oversight, provide suggestions on how to avoid the problem in the future, or issue an amendment or modification, as appropriate. The CO will ensure that the proper clauses are included in solicitations and contracts containing a requirement for recovered material.

### 4.2.3 Contractor Verification

For all contracts requiring recovered materials, the CO will require the contractor to certify on all AP items that they are using at least the amount of recovered materials required by the contract. The CO shall accomplish this by inserting FAR clause 52.223-4 in all contracts that call for the use of recovered materials. In addition, for contracts over \$100,000, the CO will require the contractor to estimate, at the conclusion of performance, the quantity of recovered material used, a list of all recovered-material items used, and the dollar value of the items. The CO shall accomplish this by inserting FAR clause 52.223-9 in all contracts over \$100,000 that call for the use of recovered materials. If the technical experts for a particular contract determine that the contractor is capable of certifying the content level of the recovered materials, the CO shall include FAR clause 52.223-9, Alternate I, and require the certification at the conclusion of the contract.

## 4.3 IMPAC Guidelines

While no written determination is needed for IMPAC purchases under \$2,500, the user must still verify that an item is not an EPA-designated item. If it is, they must either purchase it or determine it is not appropriate based on the exemptions in section 2.2 of this plan. If they determine that the item meets an exemption, they may purchase the non-complying item. The

user must document on their purchase log whether or not they bought the item with the required amount of recovered/post-consumer material. If they did not, they must annotate the reason they did not. This procedure is not necessary for purchases of items from a pre-priced contract (e.g. GSA). While conducting routine surveillances on IMPAC accounts, the 82 CONS will review users' compliance with AP requirements. In addition, the AP team may audit IMPAC purchase logs for AP compliance at any time.

## 4.4 Responsibilities

### 4.4.1 Affirmative Procurement Working Group Responsibilities

- The working group will be cochaired by a Contracting Company Grade Officer and a Civil Engineering Company Grade Officer.
- Meet quarterly and as necessary.
- Make changes to the AP Plan in accordance with changing regulations and process improvements.
- Ensure compliance with Section 2.3 of this Plan; responsibilities listed in Section 2.3 or in any other section of this plan that are not specifically assigned in Section 4 to an organization are the responsibility of the working group.
- Maintain and update recycled-content and biobased-products lists in accordance with updates to the EPA's Comprehensive Procurement Guideline (CPG) list.
- Distribute updated product lists to users.
- Ensure public awareness of AP through various methods, to include submitting articles to the Sheppard Senator and the Wichita Falls Times Record News, distributing an introductory AP pamphlet explaining the SAFB AP Plan, posting AP information in the public folders on the LAN, and writing articles for the monthly IMPAC newsletter.
- Ensure annual AP training and workshops are held to refresh Sheppard AFB members on the AP Plan and to keep all SAFB members current regarding AP policies and current availability of recycled products.
- Evaluate, at least annually, the effectiveness of the SAFB AP program through surveys, interviews, feedback sessions, and reviews of Contracting's IMPAC audits.
- When DoD releases its tracking method, ensure that proper tracking of all contracts that are for or specify the use of recovered materials is accomplished in accordance with the approved method.

### 4.4.2 Civil Engineering Responsibilities

- Establish standard specifications during the design phase to meet AP requirements.
- During planning and design, check product list for possible use in a project.
- When a project requires the use of a material on the EPA's CPG list, verify through market research that the product does not meet one of the exemptions.
- If the product does not meet an exemption, ensure that the purchase request specifications call for the use of recovered materials; ensure that the proper percentage is included in the specifications for recovered-material level and post-consumer level.

- If a product meets an exemption, process the waiver in accordance with Section 4.1.2.

- Work directly with Contracting to approve material submittals for recovered-material items on all projects.
- Educate all CE personnel on the requirements of the SAFB AP Plan.

#### 4.4.3 Contracting Responsibilities

- Educate buyers, customers, and vendors on the requirements of the SAFB AP Plan.
- Assist customers in performing market research regarding the availability of recovered materials products in the marketplace.
- Ensure that all contracts and purchase orders that include recovered materials contain the appropriate clause(s).
- Review all specifications to ensure that the proper requirement has been included for recovered-material items.
- Ensure that all base support contracts (e.g., aircraft maintenance, vehicle operations and maintenance) include requirements to comply with the SAFB AP Plan.
- Work with customers to process purchase requests with recovered-material items and to process exemptions when necessary.
- Include AP in initial IMPAC training.
- Include AP in IMPAC audits to ensure program compliance.
- Track contracts that are for or require the use of recovered materials.
- Monitor contractors to ensure that the requirements of the SAFB AP Plan are met.

#### 4.4.4 Joint Responsibilities

Contracting, CE, and all users will coordinate efforts to not only meet the minimum requirements of this AP plan, but also to exceed them. We will look for any opportunity to increase the use of recovered materials with no degradation to our mission. It is the responsibility of every member of Team Sheppard to implement Affirmative Procurement.

#### 4.5 Summary

Purchase requesters must ensure that they include the proper statement(s) in their purchase requests and accomplish the exemption determination if necessary. They must also conduct proper market research, with assistance from Contracting as necessary. CO's must ensure that they properly conduct market research, thoroughly review all purchase requests for compliance, and include the proper clauses in all solicitations and contracts. Contractors must comply with our guidance and must be monitored for compliance.

# APPENDIX

## Glossary

### Sheppard AFB Recovered Materials Exemption Form

## GLOSSARY

**The terms included in this Glossary are related to AP requirements and program management. Technical terms related to the individual guideline items are defined in the EPA's Buy-Recycled Series Fact Sheets, and are not repeated here.**

**Acquisition** - acquiring by contract, using appropriated funds, supplies or services (including construction) by and for the use of the federal government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, or demonstrated and evaluated. Acquisition begins when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation, selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract. [Executive Order 13101]

**Affirmative Procurement (AP) Program** - a program assuring guideline items composed of recovered materials will be purchased to the maximum extent practicable, consistent with federal law and procurement regulations. [RCRA]

**Biobased Product** - a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials. [Executive Order 13101]

**Case-by-Case Procurement** - specification of different (usually lower) minimum content standards for specific singular procurement actions when a procuring agency is unable to acquire an item which complies with RCRA or DoD federal procurement requirements. Content standards may be changed if the agency determines it consistently can not procure the designated item using the standards previously established.

**Certification** - written documentation provided by offerors/bidders/vendors, certifying that the percentage of recovered materials contained in products or to be used in the performance of the contract is at least the amount required by applicable specifications or other contractual requirements. Certification on multicomponent or multimaterial products should verify the percentage of postconsumer waste and recycled material contained in the major constituents of the product.

**Comprehensive Procurement Guidelines (CPG)** - the documents in which the EPA officially designates the specific recycled-content products to be included in AP programs. Products designated in the CPG are often referred to as "guideline items." The CPG requirements are codified in 40 CFR 247.

**Cost-Effective Procurement Preference Program** - a procurement program favoring more environmentally sound or energy-efficient products and services than other competing products and services, where price and other factors are equal. [OFPP Policy Letter 92-4]

**Environmentally Preferable** - products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. [Executive Order 13101]

**Environmentally Sound** - a product or service less damaging to the environment when used, maintained, and disposed of in comparison to a competing product or service. [OFPP Policy Letter 92-4]

**EPA-Designated Item** - a recycled product found on the Comprehensive Procurement Guidelines List and determined by the Environmental Protection Agency (EPA) to be available in sufficient quantities at economical prices as to mandate their purchase by government agencies unless properly waived.

**Executive Agency or Agency** - an Executive agency as defined in 5 U.S.C 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense. [Executive Order 13101]

**Federal Supply Source** - any supply source managed by a federal agency such as the General Services Administration, Government Printing Office, or Defense General Supply Center.

**Installation** - in the Air Force, a self-supporting center of operations for actions of importance to Air Force combat, combat support, or training. It is operated by an active, reserve, or guard unit of group size or larger with all land, facilities, and organic support needed to accomplish the unit mission. It must have real property accountability through ownership, lease, permit, or other written agreement. Agreements with foreign governments that give the Air Force jurisdiction over real property meet this requirement. The term “installation” includes Air Force bases, Field Operating Agencies, Air Force Reserve bases, and Air National Guard bases.

**Life-Cycle Assessment** - the comprehensive examination of a product's environmental and economic aspects and potential impacts throughout its lifetime, including raw material extraction, transportation, manufacturing, use, and disposal. [Executive Order 13101]

**Life-Cycle Cost** - the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product. [Executive Order 13101]

**Minimum Content Standard** - the minimum recovered material content specifications set to assure the recovered material content required is the maximum available without jeopardizing the intended item end use or violating the limitations of the minimum content standards set forth by the EPA's guidelines. [RCRA, 42 U.S.C. 6962]

**Postconsumer Material** - a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. Postconsumer material is a part of the broader category of recovered materials. Postconsumer recovered materials, for purposes of purchasing paper and paper products, is a subset of the broader term “recovered materials,” and means: (1) paper, paperboard and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards and used cordage; and (2) all paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste. [RMAN I]

**Preconsumer Materials** - materials generated by manufacturers and product converters, such as trimmings, damaged or obsolete products, and overruns. Preconsumer materials, along with postconsumer materials, are part of the broader category of “recovered materials.”

**Preference** - when two products or services are equal in performance characteristics and price, the Government, in making purchasing decisions, will favor the more environmentally sound or energy-efficient product. [OFPP Policy Letter 92-4]

**Procuring Agency** - any federal agency, or any state agency or agency of a political subdivision of a state, which is using appropriated federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract. [RMAN I]

**RCRA** - Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq., as amended.

**Recovered Materials** - waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. [Executive Order 13101]

**Recovered Materials Advisory Notices (RMAN)** - an EPA document that accompanies each of the Comprehensive Procurement Guidelines. The RMANs recommend recycled-content ranges for products designated in the CPG, based on current information on commercially available recycled-content products. These recommended content ranges are mandatory for all Air Force acquisitions of CPG products, unless an exemption has been documented in writing.

**Recyclability** - the ability of a product or material to be recovered from, or otherwise diverted from, the solid waste stream for the purpose of recycling. [Executive Order 13101]

**Recycled Material** - a material utilized in place of raw or virgin material in product manufacturing consisting of materials derived from postconsumer waste, industrial scrap, material derived from agricultural wastes, and other items, all of which can be used in new product manufacture. [OFPP Policy Letter 92-4]

**Recycling** - the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw

materials in the manufacture of new products other than fuel for producing heat or power by combustion. [Executive Order 13101]

**Specification** - a description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met. In general, specifications are in the form of written commercial designations, industry standards, and other descriptive references. [CPG I]

**Unreasonable Price** - The price of a recycled-content product is considered unreasonable if it exceeds the cost of a comparable non-recycled item.

**Verification** - procedures used by procuring agencies to confirm both vendor estimates and certifications of the percentages of recovered material to be used in the performance of a contract, or contained in the products supplied to them.

**Virgin Material** - a mined or harvested raw material to be used in manufacturing.

**Waste Prevention** - any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials. [Executive Order 13101]

**Waste Reduction** - preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products. [Executive Order 13101]

# Sheppard AFB Recovered Materials Exemption Form

In accordance with Section 2.2 of the Sheppard AFB Affirmative Procurement Plan, I am claiming an exemption for this project.

**This completed form becomes part of the official contract file.**

Purchase Request No. \_\_\_\_\_

The following EPA guideline items are exempted from the Affirmative Procurement requirements for this project.

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The exemption being claimed for this purchase is:

The product(s) do(es) not meet appropriate performance standards

The product(s) is(are) not available within a reasonable time frame

The product(s) is(are) not available competitively (from two or more sources)

The product is only available at an unreasonable price (it costs more than a comparable non-recycled-content product). The recycled-content product costs \$\_\_\_\_\_ per \_\_\_\_\_ and the non-recycled content product costs \$\_\_\_\_\_ per \_\_\_\_\_ (continue in same format on back of form if more than one item is being exempted).

\_\_\_\_\_  
Procurement Originator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commander

\_\_\_\_\_  
Date

## **Affirmative Procurement and You**

Most people hear the term “Affirmative Procurement” and immediately think of social hiring programs. In actuality, Affirmative Procurement (AP) is the government program that promotes the purchase of environmentally preferable products.

In the last 25 years, numerous executive orders and legislation have emphasized the importance of procuring items that are friendly to the environment. Recently, a new executive order, 13101, brought AP to the forefront.

Effective immediately, all government agencies must purchase environmentally preferable products when the Environmental Protection Agency (EPA) identifies them as available in the marketplace. In order to qualify, the items must be available from at least two sources, must be of adequate quality, and must be available at a reasonable price. Currently, the EPA has identified over 50 items that meet these qualifications. A list of these items is available at the following web site: <http://www.epa.gov/cpg/products.htm>.

An AP Plan was recently approved for Sheppard Air Force Base (SAFB). All organizations on SAFB must comply with this plan. Compliance includes purchasing EPA-identified items with the minimum amounts of recycled and post-consumer materials. The minimum levels are also available at the aforementioned web site.

The requirements not only apply to contracts accomplished through contracting, but also to all Purchase Card purchases. For example, all awards and plaques used on SAFB must be purchased with the minimum amounts of recovered and post-consumer material (e.g., glass awards must contain 75% post-consumer material and 100% recovered material).

As a further requirement, all contractors who perform services on SAFB must comply with the requirements. Any item used for performance of the contract must meet the EPA requirements (e.g., plastic trash bags must contain 10% recovered material).

The 82d Training Wing Commander recently signed a policy letter that clearly delineates the importance of the AP Program and the consequences of failure to comply. Violations of the AP requirements can result in a letter to supervisors for SAFB personnel, and appropriate consequences for contractors. In addition, the EPA has presidential consent to randomly inspect bases for compliance.

All Purchase Card cardholders and approving officials will receive training on AP upon appointment to Purchase Card positions. All personnel submitting AF Forms 9 should familiarize themselves with chapter 4 of the SAFB AP Plan. Access to the SAFB AP Plan and other AP information is available in the public access folder, or by contacting Lt Teresa Rose in 82 CES or Lt Jens Norgaard in 82 CONS.



**DEPARTMENT OF THE AIR FORCE**  
**AIR EDUCATION AND TRAINING COMMAND**

**MEMORANDUM FOR DISTRIBUTION C**

**FROM:** 82 TRW/CC

**SUBJECT:** Policy for Affirmative Procurement (AP) Purchasing

1. In accordance with the Sheppard Air Force Base AP Plan (Section 2.3.1.1), all installation organizations, as well as contractors who want to do business with the installation, must comply with the requirements in the Environmental Protection Agency's Comprehensive Procurement Guidelines. All installation organizations must comply with the Sheppard Air Force Base AP Plan.
2. The 82d Contracting Squadron and the AP Working Group, whose authority falls under the Pollution Prevention Subcommittee of the Environmental Protection Committee, will monitor compliance with this policy letter. The Sheppard Air Force Base AP Plan will be updated as needed; the AP Working Group will ensure dissemination of updates, as well as coordinate proper training for all members of the purchasing community.

**SHARLA J. COOK**  
Brigadier General, USAF  
Commander