

52.223-23 Sustainable Products and Services.

As prescribed in 23.109(a), insert the following clause:

Sustainable Products and Services (May 2024)

(a) *Definitions.* As used in this clause—

Biobased product means a product determined by the U.S. Department of Agriculture (USDA) to be a *commercial product* or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological *products*, including renewable domestic agricultural materials and forestry materials, or that is an intermediate ingredient or feedstock. The term includes, with respect to forestry materials, forest *products* that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging. (7 U.S.C. 8101) (7 CFR 3201.2).

Recovered material means waste materials and by-*products* recovered or diverted from solid waste, but the term does not include those materials and by-*products* generated from, and commonly reused within, an original manufacturing process. (42 U.S.C. 6903).

Sustainable products and services means *products* and services that are subject to and meet the following applicable statutory mandates and directives for purchasing:

(1) *Statutory purchasing programs.*

(i) *Products* containing *recovered material* designated by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Procurement Guidelines (42 U.S.C. 6962) (40 CFR part 247) (<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products>).

(ii) Energy- and water-efficient *products* that are ENERGY STAR® certified or Federal Energy Management Program (FEMP)-designated *products* (42 U.S.C. 8259b) (10 CFR part 436, subpart C) (<https://www.energy.gov/eere/femp/search-energy-efficient-products> and <https://www.energystar.gov/products?s=mega>).

(iii) *Biobased products* meeting the content requirement of the USDA under the BioPreferred® program (7 U.S.C. 8102) (7 CFR part 3201) (<https://www.biopreferred.gov>).

(iv) Acceptable chemicals, *products*, and manufacturing processes listed under EPA's Significant New Alternatives Policy (SNAP) program, which ensures a safe and smooth transition away from substances that contribute to the depletion of stratospheric ozone (42 U.S.C. 76711) (40 CFR part 82, subpart G) (<https://www.epa.gov/snap>).

(2) *Required EPA purchasing programs.*

(i) WaterSense® labeled (water efficient) *products* and services (<https://www.epa.gov/watersense/watersense-products>).

(ii) Safer Choice-certified *products* (*products* that contain safer chemical ingredients) (<https://www.epa.gov/saferchoice/products>).

(iii) Product and services that meet EPA Recommendations of Specifications, Standards, and

Ecolabels in effect as of October 2023 (<https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>).

(b) *Requirements.*

(1) The *sustainable products and services*, including the purchasing program and type of product or service, that are applicable to this contract, and any *products* or services that are not subject to this clause, will be set forth in the statement of work or elsewhere in the contract.

(2) The Contractor *shall* ensure that the *sustainable products and services* required by this contract are—

(i) Delivered to the Government;

(ii) Furnished for use by the Government;

(iii) Incorporated into the *construction* of a public building or public work; and

(iv) Furnished for use in performing services under this contract, where the cost of the *products* is a *direct cost* to this contract (versus costs which are normally applied to the Contractor's general and administrative expenses or *indirect costs*). This includes services performed by contractors performing management and operation of Government-owned facilities to the same extent that, at the time of award, an agency would be required to comply if an agency operated or supported the facility.

(3)

(i) Except as provided in paragraph (b)(3)(ii) of this clause, *sustainable products and services must* meet the applicable standards, specifications, or other program requirements at time of quote or offer submission; and

(ii) *Sustainable products and services must* meet the EPA Recommendations of Specifications, Standards, and Ecolabels in effect as of October 2023.

(c) *Resource.* The Green Procurement Compilation (GPC) available at <https://sftool.gov/greenprocurement> provides a comprehensive list of *sustainable products and services* and *sustainable acquisition* guidance. The Contractor *should* review the GPC when determining which purchasing programs apply to a specific product or service.

End of clause

Parent topic: [52.223 \[Reserved\]](#)