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## 23.105 Exceptions.

The following are excepted from the requirement to procure sustainable products and services:

(a) Contracts performed or supplies delivered outside of the United States, unless the agency head determines that such application is in the interest of the United States.

(b) Weapon systems; however, compliance with applicable agency affirmative procurement programs is required for recovered materials per [23.107-1](#) (see [23.109\(b\)](#)) ([42 U.S.C. 6962](#)) and for alternatives for ozone depleting substances per [23.107-4](#) (see [23.109\(d\)](#)) ([42 U.S.C. 76711](#)), unless a written justification exists as described at [23.104\(a\)](#) ([42 U.S.C. 6962\(c\)\(1\)](#)) and [7 U.S.C. 8102\(a\)\(1\)\(B\)](#).

(c) Energy-consuming products or systems designed or procured for combat or combat-related missions are not subject to the requirements in [23.107-3](#) ([42 U.S.C. 8259b\(a\)\(5\)](#)).

(d) Biobased products to be used in military equipment (products or systems designed or procured for combat or combat-related missions), spacecraft systems, or launch support equipment are not subject to the requirements in [23.107-2](#) ([7 CFR 3201.3\(e\)](#)).

**Parent topic:** [Subpart 23.1 - Sustainable Products and Services](#)