

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAR Case 2022-G517, Reduction of Single-use Plastic Packaging

1. **Purpose.** This order transmits a revision to the General Services Administration Acquisition Regulations (GSAR) with the goal of reducing single-use plastic packaging through the Federal Supply Schedule (FSS).
2. **Background.** The rule reduces the plastic waste stream by encouraging GSA's Federal Supply Schedule contractors to identify—and allows federal agency buyers to select—single-use plastic free (SUP free) packaging for products supplied and purchased under those Federal Supply Schedule (FSS) contracts. To make it easier for buyers to make sustainable purchases, the rule change allows contractors to highlight that they offer SUP free packaging with a new product icon on ordering systems, including GSA Advantage!® to encourage federal agencies to consider this in buying decisions. Finally, this GSAM change provides procedures for GSA contracting activities placing orders and establishing blanket purchase agreements against FSS contracts to consider sustainable packaging options as part of their best value determination.

This change supports similar policy steps taken by GSA to reduce waste and seek innovative solutions to achieve sustainability goals such as those identified in GSAM Change 138, Case 2021–G528.

3. **Effective date.** July 8, 2024. The Federal Acquisition Service Office of Policy and Compliance in coordination with the MAS Program Office are responsible for implementing this rule.
4. **Explanation of changes.** This amendment includes regulatory GSAR and changes. For full text changes of the amendment see Attachment A, GSAR Text Line-In/Line-Out.

The following is a summary of the revisions:

502.101 Definitions (Regulatory)

- Defines packaging, plastic, single-use plastic packaging and single-use plastic free packaging.

508.405 Ordering Procedures for Federal Supply Schedule (Non-Regulatory)

- Includes general guidance regarding ordering procedures and sustainability with a specific focus on single-use plastic free packaging.

538.273 FSS Solicitation Provisions and Contract Clauses (Regulatory)

- Includes prescription language for the single-use plastic free packaging provision and clause for FSS solicitations.

552.2 Text of Provisions and Clauses (Regulatory)

- Updates FSS clause at 552.238-88 GSA Advantage. This addition encourages contractors to utilize the GSA Advantage!® single-use plastic free (SUP free) packaging icon when applicable.
- Incorporates FSS provision at 552.238-118 Single-use Plastic (SUP) Free Packaging Identification. This provision requires the offeror to identify whether they do or do not offer single-use plastic (SUP) free packaging. If the offeror provides single-use plastic free packaging, it will also identify whether the SUP free packaging is standard or must be specified by the ordering official.
- Incorporates FSS clause at 552.238-119 Single-Use Plastic (SUP) Free Packaging Availability. This clause includes a requirement to identify whether sustainable packaging is available as the standard shipping practice, or at a premium or discount rate. Contractors that offer SUP free packaging are encouraged to highlight sustainable packaging in their price list and marketing materials.

5. Point of contact. For clarification of content, contact Adina Torberntsson, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

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GSAR Text, Line-In/Line-Out

GSAM Baseline: Change 182 effective 07/02/2024

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a subsection

Part 502 - Definitions of Words and Terms

Subpart 502.1 - Definitions

502.101 Definitions.

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["Packaging" means the material used to protect an item. Packaging includes, but is not limited to: brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.]

(1) Brand packaging, sales packaging or primary packaging means packaging intended to provide the user or consumer with the individual unit of the product, such as plastic casing.

(2) Grouped packaging or secondary packaging means packaging intended to bundle, sell in bulk, brand, or market/display products.

(3) Shipping packaging means packaging that serves as protection for the goods to ensure safe transport to the end customer, including:

(i) Ancillary packaging or transport packaging or tertiary packaging means packaging intended to secure the product, such as packing peanuts, wrapping materials, or molded materials. Ancillary packaging (or all shipping packaging) is typically outside of brand packaging.

(ii) Redundant packaging or unnecessary packaging means packaging that does not add any measurable protection to the supply being shipped, such as multiple layers of bubble wrap to an already durable product that is encased in a cardboard box. An example of this is a home testing kit with all plastic

components already packaged in a cardboard box with cardboard inserts to absorb shock, that is then shipped in multiple layers of bubble wrap. In this example the bubble wrap is the redundant single-use plastic packaging.]

[*Plastic* means a synthetic or semisynthetic material chemically synthesized by the polymerization of organic substances that can be shaped into various rigid and flexible forms, and includes coatings and adhesives. “Plastic” excludes natural rubber or naturally occurring polymers such as proteins or starches.]

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[*Single-use plastic (SUP) packaging* means any plastic used for the containment, protection, handling, delivery, or presentation of goods by a producer for a consumer with the intent of being used once and then discarded, recycled or disposed of immediately after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer. Packaging includes, but is not limited to brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.]

[*Single-use plastic (SUP) free packaging* means *Single-use plastic (SUP) free packaging* means product or shipping containment materials free of single-use plastic. Other attributes of single-use plastic free packaging may include the following: use of minimal materials, will be reused multiple times, or produces less emissions compared to traditional manufacturing or distribution. These additional attributes alone do not qualify as SUP free. Examples may include, but are not limited, to corrugated cardboard, paper products, and paper backed tape.]

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Part 508—Required Sources of Supplies And Services

Subpart 508.4 - Federal Supply Schedules

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508.405 Ordering procedures for Federal Supply Schedules.

(a) For a D&F for a single award Blanket Purchase Agreement (BPA) with an estimated value exceeding \$100 million, the D&F must be approved by the HCA

(b) COs shall follow the INFORM procedures in 515.370 for all applicable orders and BPAs.

[(c)Sustainability. When placing orders or establishing BPAs, contracting officers should consider sustainability.

(1) Sustainability considerations may be accomplished by utilizing the existing sustainable ecolabels in GSA Advantage!® to meet specific environmental program goals, such as ENERGY STAR® .

(2) The GSA sustainable packaging icon on GSA Advantage!® can be used as part of the best value decision.]

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Part 538 - Federal Supply Schedule Contracting

Subpart 538.2 - Establishing and Administering Federal Supply Schedules

538.270 Solicitation, evaluation, and award of Federal Supply Schedule (FSS) contracts.

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538.273 FSS solicitation provisions and contract clauses.

(a) * * *

[(4) 552.238-118, Single-use Plastic Free Packaging Identification.]

(d) * * *

[(40) 552.238-119, Single-use Plastic Free Packaging Availability.]

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Part 552 - Solicitation Provisions and Contract Clauses

Subpart 552.2 - Text of Provisions and Clauses

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552.238-88 GSA Advantage!®.

As prescribed in 538.273(d)(12) insert the following clause:

GSA Advantage!® (MAY 2019) **[(July 2024)]**

(a) The Contractor shall participate in the GSA Advantage!® online shopping service. Information and instructions regarding Contractor participation are contained in clause 552.238-103, Electronic Commerce.

(b) The Contractor shall refer to contract clauses 552.238-77, Submission and Distribution of Authorized FSS Price Lists (which provides for submission of price lists on a common-use electronic medium), and 552.238-82, Modifications (which addresses electronic file updates).

[(c) *Single-use plastic (SUP) free packaging icon.* Contractors are encouraged to utilize the GSA Advantage!® single-use plastic (SUP) free packaging icon when applicable (see 552.238-118). The offeror may include in their price list if the contractor is providing SUP free packaging (either for shipping or as part of the product packaging) at either a price premium or discount (see 552.238-119).]

(End of clause)

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[552.238-118 Single-use Plastic (SUP) Free Packaging Identification

As prescribed in, 538.273(a) insert the following provision:

Single-use Plastic Free Packaging Identification (July 2024)

(a) *Single-use plastic free packing promotions.* Ordering activities may focus their GSA Advantage!® search on the designated icon and price to meet climate objectives. Contractors who want to be considered must include SUP free packaging as defined in 502.101.

(b) *Procedures.* Offerors may complete the information in paragraph (c) of this provision when the resulting contract includes supplies or products.

(1) ***SUP free brand packaging.*** Schedule contractors may incorporate this information as part of their Schedule price list once the products that utilize SUP free brand packaging are incorporated under their Schedule contract, prior to competing for an order for the identified product.

(2) ***SUP free shipping packaging.*** If the offeror is a reseller who is unable to address the brand packaging, but would like to pursue the icon for SUP free shipping packaging, they may identify this availability.

(c) ***Optional identification submission.*** In order to be considered for the designated icon noted in paragraph (d) of this provision, the offeror must provide the following information.

(1) ***SUP free brand packaging.*** The offeror identifies that some or all supplies delivered under a contract resulting from this solicitation ___ will use SUP free brand packaging. SUP free brand packaging where applicable should be included in the offer's price list.

(2) ***SUP free shipping packaging.***

(i) The offeror identifies that some or all the supplies to be delivered under a contract resulting from this solicitation ___ will use only SUP free shipping packaging. SUP free shipping packaging where applicable should be included in the offer's price list.

(ii) If the offeror responded "will" in paragraph (c)(2)(i) of this provision, the offeror identifies that the SUP free shipping packaging ___ does need to be requested by the ordering official.

(d) ***Identification standards.*** SUP free packaging icon for the types identified in paragraph (c) of this provision, will be available on GSA Advantage!®, as applicable.

(e) ***Verification of SUP free packaging.*** An offeror, in identifying an item with SUP free packaging, must possess evidence or rely on a reasonable basis to substantiate the claim. The Government will accept an offeror's claim of SUP free packaging on the basis of possession of competent and reliable evidence. For any test, analysis, research, study, or other evidence to be "competent and reliable," it must have been conducted and evaluated in an objective manner,

using procedures generally accepted in the profession to yield accurate and reliable results.

(End of provision)]

[552.238-119, Single-use Plastic (SUP) Free Packaging Availability

As prescribed in 538.273(d), insert the following clause:

Single-use Plastic Free Packaging Availability (July 2024)

(a) Definitions. As used in this clause—

Single-use plastic (SUP) packaging means any plastic used for the containment, protection, handling, delivery, or presentation of goods by a producer for a consumer with the intent of being used once and then discarded, recycled or disposed of immediately after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer. Packaging includes, but is not limited to brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.

Single-use plastic (SUP) free packaging means product or shipping containment materials free of single-use plastic. Other attributes of single-use plastic free packaging may include the following: use of minimal materials, will be reused multiple times, or produces less emissions compared to traditional manufacturing or distribution. These additional attributes alone do not qualify as SUP free. Examples may include, but are not limited, to corrugated cardboard, paper products, and paper backed tape.

(b) *General.* The Contractor, in connection with this contract, is encouraged to—

(1) Evaluate their products for redundant or unnecessary packaging that can be eliminated without affecting quality.

(2) Package all products for shipment according to the Government's instructions or, if there are no instructions, in a manner sufficient to ensure that the products are delivered in undamaged condition with as little plastic waste material as possible.

(3) Limit the use of plastic packaging materials that have a high likelihood of not being reused or recycled, as appropriate (e.g., plastic casing or wrapping).

(4) Adopt SUP free packaging to the maximum extent practicable, as appropriate.

(c) Procedures.

(1) Price premiums and discounts. For any single-use plastic (SUP) free packaging identified per 552.238-118, Single-use Plastic (SUP) Free Packaging Identification, the Contractor may include in the submitted price list (see the Schedule, also referred to as MAS, solicitation instructions for submitting price list SUP free packaging). The submitted FSS contract price list may include a separate means of displaying information regarding product packaging. If the Contractor is providing SUP free packaging at either a price premium or discount, this should be clearly identified in the submitted price list.

(2) Submission requirements. As additional SUP free packaging becomes available, the Contractor is encouraged to notify GSA of these changes, and is responsible for keeping all electronic catalog data current.

(3) Identification of SUP free packaging. For easy identification of SUP free packaging, once available, GSA will use a SUP free packaging icon in GSA Advantage!®.

(i) Offerors who provide SUP free packaging and want to benefit from the GSA Advantage!® SUP free packaging icon must provide the information required in 552.238-118, Single-use Plastic (SUP) Free Packaging Identification.

(ii) The Contractor is encouraged to place the GSA logo and GSA Advantage!® SUP free packaging icon on their website and FSS price list for applicable supplies, see <https://www.gsa.gov/logos>. If the Contractor elects to use the GSA logo or icon, the website must clearly distinguish between those items awarded on the GSA contract and any other items offered by the Contractor on an open market basis.

(d) Reliability. Accuracy of information and computation of prices for this clause is the responsibility of the Contractor. In addition to the other remedies available in the contract, the remedies may include, but are not limited to, the following:

(1) If SUP free packaging is provided at a higher rate but different packaging is received, the Government may pursue corrective action.

(2) If SUP free packaging is utilized, but the product received is damaged, the Contractor shall replace the item, refund the item, or the Government may pursue corrective action.

(3) Inclusion of incorrect information in the price list regarding SUP free packaging may cause the Contractor to correct and resubmit the price list.

(4) Failure to correct applicable information for this clause, may constitute sufficient cause for termination, pursuant to FAR 52.212-4, Contract Terms and Condition-Commercial Products and Commercial Services, or remedies as provided by law.

(End of clause)]