

## ANNEX C

### FEDERAL ACQUISITION REGULATION PROVISIONS AND CONTRACT CLAUSES

#### **52.204-4 Printed or Copied Double-Sided on Postconsumer Fiber Content Paper.**

*(Insert the clause at 52.204-4, Printed or Copied Double-Sided on Recycled Paper, in solicitations and contracts that exceed the simplified acquisition threshold.)*

As prescribed in 4.303, insert the following clause:

#### **PRINTED OR COPIED DOUBLE-SIDED ON POST CONSUMER FIBER CONTENT PAPER (May 2011)**

(a) Definitions. As used in this clause

"Postconsumer fiber" means-

(1) Paper, paperboard, and fibrous materials 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, or

(2) All paper, paperboard, and fibrous materials that enter and are collected from municipal solid Waste; but not

(3) Fiber derived from printers' over-runs, converters' scrap, and over-issue publications. (b) The Contractor is required to Submit paper documents, such as offers, letters, or reports that are printed or copied double-sided on paper containing at least 30 percent postconsumer fiber, whenever not using electronic commerce methods to submit information or data to the Government.

**(End of clause)**

#### **52.223-1 Bio-based Product Certification.**

As prescribed in 23.406(a), insert the following provision:

#### **BIO-BASED PRODUCT CERTIFICATION (May 2012)**

As required by the Farm Security and Rural Investment Act of 2002 and the Energy Policy Act of 2005 (7 U.S.C. 8102(c)(3)), the offeror Certifies, by signing this offer, that bio-based products (within categories of products listed by the United States Department of Agriculture in 7 CFR part 3201, subpart B) to be used or delivered in the performance of the contract, other than bio-based products that are not purchased by the offeror as a direct result of this contract, will comply with the applicable specifications or other contractual requirements.

**(End of provision)**

#### **52.223-2. Affirmative Procurement of Bio-based Products Under Service and Construction Contracts.**

As prescribed in 23.406(b), insert the following clause:

**AFFIRMATIVE PROCUREMENT OF BIO-BASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACTS (Sept 2013)**

(a) In the performance of this contract, the contractor shall make maximum use of bio-based products that are United States Department of Agriculture (USDA)-designated items unless:

(1) The product cannot be acquired-

(i) Competitively within a time frame providing for compliance with the contract performance Schedule;

(ii) Meeting contract performance requirements; or

(iii) At a reasonable price.

(2) The product is to be used in an application covered by a USDA categorical exemption (see 7 CFR 3201.3(e)). For example, all USDA-designated items are exempt from the preferred procurement requirement for the following:

(i) Spacecraft system and launch support equipment. (ii) Military equipment, i.e., a product or system designed or procured for combat or combat-related missions.

(b) Information about this requirement and these products is available at

<http://www.biopREFERRED.gov>

(c) In the performance of this contract, the Contractor shall

(1) Report to <http://www.sam.gov> with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated bio-based products purchased by the Contractor during the previous Government fiscal year, between October 1 and September 30; and

(2) Submit this report no later than-

(i) October 31 of each year during contract performance, and

(ii) At the end of contract performance.

**(End of clause)**

**52.223-4 Recovered Material Certification.**

*(The following FAR provision, "Recovered Material Certification" (52.223-4), shall be inserted into Solicitations having specifications requiring the use and/or procurement of recovered materials, except for the acquisition of commercially available off-the-shelf items.)*

As prescribed in 23.406(c), insert the following provision:

## RECOVERED MATERIAL CERTIFICATION (MAY 2008)

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i)), the offeror certifies, by signing this offer, that the percentage of recovered materials content for EPA-designated items to be delivered or used in the performance of the contract will be at least the amount required by the applicable contract specifications or other Contractual requirements.

**(End of provision)**

### **52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Products.**

*(The following FAR provision "Estimate of Percentage of Recovered Material Content for EPA Designated Products" (52.223-9) shall be inserted solicitations and contracts exceeding \$150,000 that include the provision at 52.223-4, except for the acquisition of commercially available off-the Shelf items. If it is practical to verify the estimate, use the clause with is Alternate 1.)*

As prescribed in 23.406(d), insert the following clause:

#### ESTIMATE OF PERCENTAGE OF RECOVERED MATERIAL CONTENT FOR EPA DESIGNATED ITEMS (MAY 2008)

(a) Definitions. As used in this clause-"Post-consumer material" means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Postconsumer material is a part of the broader category of "recovered material." "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. (b) The Contractor, on completion of this contract, shall-

(1) Estimate the percentage of the total recovered material content for EPA-designated item(s) delivered and/or used in contract performance, including, if applicable, the percentage of post-consumer material content; and

(2) Submit this estimate to [Contracting Officer complete in accordance with agency procedures].

**(End of clause)**

Alternate 1 (May 2008). As prescribed in 23.406(d), redesignate paragraph (b) of the basic clause as paragraph (c) and add the following paragraph (b) to the basic clause:

(b) The Contractor shall execute the following certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)):

## CERTIFICATION

I, (name of certifier), am an officer or employee responsible for the performance of this contract and hereby certify that the percentage of recovered material content for EPA-designated items met the applicable contract specifications or other contractual requirements.

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*[Signature of the Officer or Employee]*

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*[Typed Name of the Officer or Employee]*

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*[Title]*

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*[Name of Company, Firm, or Organization]*

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*[Date]*

(End of certification)

## **52.223-10 Waste Reduction Program.**

*(Insert the clause at 52.223-10, Waste Reduction Program, in all solicitations and contracts for Contractor operation of Government-owned or -leased facilities and all solicitations and contracts for support services at Government-owned or -operated facilities.)*

As prescribed in 23.705(a), insert the following clause:

### **Waste Reduction Program (May 2011)**

(a) Definitions. As used in this clause-

"Recycling" means 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 products other than fuel for producing heat or power by combustion.

"Waste prevention" means 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.

"Waste reduction" means preventing or decreasing the amount of Waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 3(j) of Executive Order 13693, the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor's programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act (42 U.S.C. 6962, et seq.) and implementing regulations (40 CFR Part 247).

**(End of clause)**

## **52.223-11 Ozone-Depleting Substances.**

*(Except for contracts that will be performed outside the United States and its outlying areas, insert the clause at 52.223-11, Ozone-Depleting Substances, in solicitations and contracts for ozone depleting Substances or for supplies that may contain or be manufactured with ozone-depleting Substances.)*

As prescribed in 23.804(a), insert the following clause:

### **Ozone-Depleting Substances (May 2001)**

(a) Definition. "Ozone-depleting substance," as used in this clause, means any substance the Environmental Protection Agency designates in 40 CFR Part 82 as-



(1) Class I, including, but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or

(2) Class II, including, but not limited to, hydrochlorofluorocarbons.

(b) The Contractor shall label products which contain or are manufactured with ozone-depleting substances in the manner and to the extent required by 42 U.S.C. 7671j (b), (C), and (d) and 40 CFR part 82, Subpart E, as follows:

Warning Contains (or manufactured with, if applicable) \_\_\_\_\_, a substance(s) which harm(s) public health and environment by destroying ozone in the upper atmosphere.

\* The Contractor shall insert the name of the substance(s).

**(End of clause)**

### **.223-12 Refrigeration Equipment and Air Conditioners.**

As prescribed in 23.804(b), insert the following clause:

#### **REFRIGERATION EQUIPMENT AND AIR CONDITIONERS (MAY 1995)**

The Contractor shall comply with the applicable requirements of Sections 608 and 609 of the Clean Air Act (42 U.S.C. 7671g and 7671 h) as each or both apply to this contract.

**(End of clause)**

### **52.223-13 Acquisition of EPEAT-Registered imaging Equipment.**

As prescribed in 23.705(b)(1), insert the following clause-

#### **ACQUISITION OF EPEATE-REGISTERED IMAGING EQUIPMENT (JUN 2014)**

(a) Definitions. As used in this clause-

"Imaging equipment" means the following products:

(1) Copier-A commercially available imaging product with a sole function of the production of hard Copy duplicates from graphic hard-copy originals. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as copiers or upgradeable digital copiers (UDCs).

(2) Digital duplicator-A commercially available imaging product that is sold in the market as a fully automated duplicator system through the method of stencil duplicating with digital reproduction functionality. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as digital duplicators.

(3) Facsimile machine (fax machine)-A commercially available imaging product whose primary functions are scanning hard-copy originals for electronic transmission to remote units and receiving similar electronic transmissions to produce hard-copy output. Electronic transmission is primarily over a public telephone system but also may be via Computer network or the Internet. The product also may be capable of producing hard copy duplicates. The unit is capable of being powered from a wall outlet or from a data or network Connection. This definition is intended to cover products that are marketed as fax machines.

(4) Mailing machine-A commercially available imaging product that serves to print postage onto mail pieces. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as mailing machines.

(5) Multifunction device (MFD)-A commercially available imaging product, which is a physically integrated device or a combination of functionally integrated Components, that performs two or more of the core functions of copying, printing, scanning, or faxing. The copy functionality as addressed in this definition is considered to be distinct from single-sheet convenience copying offered by fax machines. The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as MFDs or multifunction products.

(6) Printer-A Commercially available imaging product that serves as a hard-copy output device and is capable of receiving information from single-user or networked computers, or other input devices (e.g., digital cameras). The unit is capable of being powered from a wall outlet or from a data or network connection. This definition is intended to cover products that are marketed as printers, including printers that can be upgraded into MFDs in the field.

(7) Scanner-A commercially available imaging product that functions as an electro-optical device for converting information into electronic images that can be stored, edited, converted, or transmitted, primarily in a personal computing environment. The unit is capable of being powered from a Wall outlet or from a data or network Connection. This definition is intended to cover products that are marketed as scanners.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for Contractor use at a Federally controlled facility, only imaging equipment that, at the time of submission of proposals and at the time of award, was EPEAT bronze-registered or higher.

(c) For information about EPEAT, see <https://www.epa.gov/greenerproducts/electronic-product-environmental-assessment-tool-epeat>

**(End of clause)**

**52.223-14 Acquisition of EPEAT-Registered Televisions. As prescribed in 23.705(d)(1), insert the following clause:**



## ACQUISITION OF EPEAT (E)-REGISTERED TELEVISIONS (JUN 2014)

(a) Definitions. As used in this clause-

"Television" or "TV" means a commercially available electronic product designed primarily for the reception and display of audiovisual signals received from terrestrial, cable, satellite, Internet Protocol TV (IPTV), or other digital or analog sources. A TV consists of a tuner/receiver and a display encased in a single enclosure. The product usually relies upon a cathode-ray tube (CRT), liquid crystal display (LCD), plasma display, or other display technology. Televisions with Computer capability (e.g., computer input port) may be considered to be a TV as long as they are marketed and sold to Consumers primarily as televisions.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for Contractor use at a federally controlled facility, only televisions that, at the time of submission of proposals and at the time of award, were EPEAT bronze-registered or higher.

(c) For information about EPEAT, see [www.epa.gov/epeat](http://www.epa.gov/epeat)

**(End of clause)**

## 52.223-15 Energy Efficiency in Energy-Consuming Products.

As prescribed in 23.206, insert the following clause:

### ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)

(a) Definition. As used in this clause- "Energy-efficient product"- (1) Means a product that(i) Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label; or (ii) is in the upper 25 percent of efficiency for all similar products as designated by the Department of Energy's Federal Energy Management Program. (2) The term "product" does not include any energy-consuming product or system designed or procured for Combat or Combat-related missions (42 U.S.C. 8259b). (b) The Contractor shall ensure that energy-consuming products are energy efficient products (i.e., ENERGY STAR®) products or FEMP-designated products) at the time of contract award, for products that are

(1) Delivered; (2) Acquired by the Contractor for use in performing services at a Federally-controlled facility; (3) Furnished by the Contractor for use by the Government; or (4) Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance. (c) The requirements of paragraph (b) apply to the Contractor (including any subcontractor) unless

(1) The energy-consuming product is not listed in the ENERGY STAR® Program or FEMP, or (2) Otherwise approved in writing by the Contracting Officer. (d) Information about these products is available for

(1) ENERGY STAR® at <http://www.energystar.gov/products>, and

(2) FEMP at <http://www.energy.gov/eere/femp/federal-energy-management-program>

**(End of clause)**



## ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)

(a) Definition. As used in this clause- "Energy-efficient product"- (1) Means a product that(i) Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label; or (ii) is in the upper 25 percent of efficiency for all similar products as designated by the Department of Energy's Federal Energy Management Program. (2) The term "product" does not include any energy-consuming product or system designed or procured for Combat or Combat-related missions (42 U.S.C. 8259b). (b) The Contractor shall ensure that energy-consuming products are energy efficient products (i.e., ENERGY STARGE) products or FEMP-designated products) at the time of contract award, for products that are

(1) Delivered; (2) Acquired by the Contractor for use in performing services at a Federally-controlled facility; (3) Furnished by the Contractor for use by the Government; or (4) Specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance. (c) The requirements of paragraph (b) apply to the Contractor (including any subcontractor) unless

(1) The energy-consuming product is not listed in the ENERGY STARGE) Program or FEMP, or (2) Otherwise approved in writing by the Contracting Officer. (d) Information about these products is available for

(1) ENERGY STARGE) at <http://www.energystar.gov/products>, and (2) FEMP at [http://WWW1.eereenergy.gov/femp/procurement/eep\\_requirements.html](http://WWW1.eereenergy.gov/femp/procurement/eep_requirements.html).

**(End of clause)**

## **52.223-16 IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.**

As prescribed in 23.706(b)(1), insert the following clause:

### IEEE 1680 STANDARD FOR THE ENVIRONMENTAL ASSESSMENT OF PERSONAL COMPUTER PRODUCTS (DEC 2007)

(a) Definitions. As used in this clause-

"Computer monitor" means a video display unit used with a computer. "Desktop Computer" means a computer designed for use on a desk or table. "Notebook computer" means a portable-style or laptop-style computer system. "Personal computer product" means a notebook Computer, a desktop computer, or a computer monitor, and any peripheral equipment that is integral to the operation of such items. For example, the desktop computer together with the keyboard, the mouse, and the power cord would be a personal computer product. Printers, copiers, and fax machines are not included in peripheral equipment, as used in this definition.

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal Computer products that at the time of submission of proposals were EPEAT Bronze registered or higher. Bronze is the first level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.



(c) For information about the standard, see <http://www.epeat.net/resources/criteria-2/>  
**(End of clause)**

Alternate 1 (Dec 2007). As prescribed in 23.706(b)(2), substitute the following paragraph (b) for paragraph (b) of the basic clause:

(b) Under this contract, the Contractor shall deliver, furnish for Government use, or furnish for contractor use at a Government-owned facility, only personal computer products that at the time of submission of proposals were EPEAT Silver registered or higher. Silver is the second level discussed in clause 1.4 of the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

**52.223-17 Affirmative Procurement of EPA-designated items in Service and Construction Contracts.**

As prescribed in 23.406(e), insert the following clause:

**AFFIRMATIVE PROCUREMENT OF EPA-DESIGNATED ITEMS IN SERVICE AND CONSTRUCTION CONTRACTS (MAY 2008)**

(a) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired-

(1) Competitively within a timeframe providing for compliance with the contract performance schedule;

(2) Meeting contract performance requirements, or

(3) At a reasonable price.

(b) Information about this requirement is available at EPA's Comprehensive Procurement Guidelines Web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>

The list of EPA-designated items is available at <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products>

**(End of clause)**