

Affirmative Procurement Program

U.S. Department of Health and Human Services



**Issued by
Office of the Secretary
Office of the Assistant Secretary for Financial Resources
Office of Acquisitions**

February 2023

Table of Contents

| | |
|--|----|
| Summary | 3 |
| 1. Purpose, Authority, and Applicability | 4 |
| a. Purpose | 4 |
| b. Authority | 4 |
| c. Applicability | 4 |
| 2. Affirmative Procurement Preference Program | 5 |
| a. Recovered (Recycled) and Biobased Products..... | 5 |
| b. Biobased Products and Services in Construction Contracts..... | 6 |
| c. Written Justification Guidelines | 6 |
| 3. Implementation of HHS’ Affirmative Procurement Plan | 6 |
| a. Requirements Document and Requisition Package..... | 6 |
| b. Acquisition Planning and Specifications..... | 7 |
| c. Affirmative Procurement of Biobased Products Under Service and Construction Contracts | 7 |
| d. Procedures for Contractor Estimation, Certification, and Verification..... | 8 |
| e. Decision Making Process | 9 |
| 4. Promotion Program | 10 |
| a. Internal promotion includes..... | 10 |
| b. External promotion includes | 10 |
| 5. Annual Review and Monitoring Procedures | 10 |
| a. Data Tracking | 10 |
| b. Review and Monitoring..... | 11 |
| c. Goals and Reporting | 11 |
| 6. Appendix A – Sustainable Purchasing Legal and Other Requirements | 12 |
| 7. Appendix B – “Sample” Custodial Statement of Work with Biobased Language | 13 |

Summary

The U.S. Department of Health and Human Services (HHS) procured over \$39.0 billion of products and services in fiscal year 2022. This Affirmative Procurement Plan (APP) rewrites the prior APP issued in 2010 in its entirety. The APP provides guidance, policy, and procedures, for an effective sustainable acquisition program that encompasses the purchasing and the use of designated recovered (recycled) content and biobased products.

HHS' APP consists of policy, planning, implementation and operation, monitoring, corrective action, and management review and oversight. HHS' APP has been developed to ensure that sustainable products will be purchased to the maximum extent practicable and fulfills the applicable affirmative procurement requirements of Section 6002 of the [Resource Conservation and Recovery Act](#) (RCRA), Section 9002 of the [Farm Security and Rural Investment Act of 2002](#) (FSRIA), [Energy Policy Act of 2005](#) (EPAAct), the [Federal Acquisition Regulation \(FAR\) Part 23](#) and the [Health and Human Services Acquisition Regulations \(HHSAR\) Part 323](#).

This APP is a “living” document that will be maintained and routinely updated by the HHS Office of Acquisitions (OA) and the Office of the Chief Sustainability Officer (CSO).

Questions or clarifications regarding this guidance should be directed to: [Sustainable Acquisitions OA \(HHS/ASFR\)](#).

1. Purpose, Authority, and Applicability

a. Purpose

HHS has developed this Affirmative Procurement Plan (APP), also known as the sustainable acquisition plan. The goal of HHS' APP is to maximize the purchase of products that are recovered from municipal solid waste streams, biological, or renewable domestic agricultural or forestry materials.

Through HHS' APP, the following objectives are achieved:

- i. Procurements of recovered materials designated by the Environmental Protection Agency (EPA) ensures that materials collected in recycling programs will be reused to manufacture new products.
- ii. Purchases of biobased products designated by the United States Department of Agriculture (USDA) will increase the demand for domestic crops for feedstock to manufacture biobased products and increase economic development in rural America, by creating markets for agricultural products.

The combination realized through maximized procurements of both EPA-designated recovered materials and USDA-designated biobased materials translates to reduced carbon emissions, promotes environmental stewardship, supports a resilient supply chain, drives innovation, and incentivizes markets for sustainable products and services.

Consistent with [FAR 23.404](#), this document formally establishes HHS' APP for recovered materials and biobased products and provides agency-wide guidance for implementing an effective program. The purpose of federal affirmative procurement programs is to increase and expand markets for recovered materials by increasing government preference and demand for products made with such materials, consistent with the demands of efficiency and cost-effectiveness.

b. Authority

HHS has written this APP as departmental policy in accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976; Section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA); [FAR 23.404\(a\)\(3\)](#), and [Section 208, Sustainable Acquisition and Procurement](#) of Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs through Federal Sustainability*.

c. Applicability

HHS' APP applies to all acquisitions including contract actions that meet the criteria outlined in [FAR 23.4](#), *Use of Recovered Materials and Biobased Products*, including simplified acquisitions, purchases below the micro-purchase threshold, and those made with a Government Purchase Card.

This includes supplies and products acquired by the contractor for use in performing services at a federally controlled facility; or furnished by the contractor for use by the Government. [FAR 23.101](#) defines a contract action as any oral or written action that results in the purchase, rent, or lease of supplies or equipment, services, or construction using appropriated dollars, including purchases below the micro-purchase threshold. **Contract action does not include grants,**

cooperative agreements, other transaction authority (OTA), real property leases, requisitions from federal stock, training authorizations, financial assistance, or other non-FAR based transactions. (Note: This APP does not apply to contracts performed outside of the United States.)

[FAR 23.404](#) requires procuring agencies to implement an APP consisting of four elements: 1) a preference program (See Section 2.a); 2) a promotion program (See Section 4); 3) procedures for estimation, certification, and verification (See Section 3.c and 3.d); and 4) procedures for annual review and monitoring (See Section 5.b).

2. Affirmative Procurement Preference Program

a. *Recovered (Recycled) and Biobased Products*

[FAR 23.404\(d\)](#) requires federal agencies to specify in the contract that the products procured by the contractor have the highest percentage of recovered (recycled) materials practicable or minimum content standards in accordance with [EPA's Recovered Materials Advisory Notice](#).

Recycled content products are products that are made from or contain recovered materials. There are currently hundreds of designated products across eight categories: paper and paper products, vehicular, construction, landscaping, parks and recreation, transportation, non-paper office, and miscellaneous products. The current list of designated products, EPA's guidance, and related technical information can be found on EPA's web site at <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

In accordance with [FAR 23.406](#), the relevant solicitation provisions and contract clauses must be included in the contract action related to recovered material. [FAR 23.404\(d\)](#) requires federal agencies to specify in contract actions for the procurement of products with either the highest percentage of biobased materials practicable or USDA's recommended minimum contents standard. Recent FAR guidance provides a certification provision in [FAR 23.406\(a\)](#), *Biobased Product Certification*, at [FAR 52.223-1](#), that should be inserted in solicitations that require the delivery or specify the use of USDA-designated items.

[FAR 23.406\(b\)](#) states that the *Affirmative Procurement of Biobased Products Under Service and Construction Contracts* clause, at [FAR 52.223-2](#), must be inserted in service or construction solicitations and contracts, unless the contract does not involve the use of USDA-designated items. Biobased products are products determined by the Secretary of Agriculture to be commercial or industrial products (other than food or feed) that are composed in whole, or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials.

Examples of USDA-designated biobased products include mobile equipment, hydraulic fluids, roof coatings, diesel fuel additives, penetrating lubricants, water tank coatings, and bedding, bed linens, and towels. USDA is responsible for implementing the BioPreferred® procurement preference program. Information on these designated products, USDA's guidance, and related documentation can be found at USDA's website at <https://www.biopreferred.gov/BioPreferred/>

HHS provides a preference for recycled content, BioPreferred®, and alternative fuel vehicles and alternative fuels. This preference shall be established in all HHS contracts, as appropriate, in accordance with Section 6002 of RCRA, Section 9002 of FSRIA, the FAR and the HHSAR. Regulatory applicability and associated requirements for recycled content, BioPreferred®, alternative fuels and alternative fuel vehicles are summarized in Appendix A.

b. *Biobased Products and Services in Construction Contracts*

In addition, HHS must design buildings according to a Leadership in Energy and Environmental Design (LEED) Silver rating. LEED has sustainable products criteria in both new construction and existing building standards.

The [2021 HHS Climate Action Plan](#) (CAP) requires all construction projects to use the HHS Sustainable Buildings Implementation Plan (SBIP) and incorporate the [Guiding Principles for Sustainable Federal Buildings](#) into the planning, design, construction, operation, maintenance, and decommissioning processes. The SBIP also includes provisions for improvements to existing facilities and leases and requires third party certification of a multi-attribute sustainable building standard or rating system developed by an American National Standards Institute (ANSI)-accredited organization. The LEED Silver rating for either new construction or existing buildings is an example of an acceptable third-party certification.

c. *Written Justification Guidelines*

In accordance with [FAR 23.404\(b\)](#), *Exemptions*, 100% of HHS' relevant purchases must meet or exceed USDA or EPA guideline standards unless there is written justification in accordance with OPDIV/STAFFDIV policy that the products or services:

- i. Are not available competitively or within a reasonable timeframe;
- ii. Do not meet appropriate safety standards; or
- iii. Are available only at an unreasonable price.

For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

When purchasing other than environmentally preferable products and services, requirements officials and contracting officers must document the joint determination to provide a brief written explanation in accordance with OPDIV/STAFFDIV policy. This justification must be included in the contract file or documented in the purchase card file in accordance with OPDIV/STAFFDIV procedures. Recycled content products shall be purchased containing the percentages of **recovered** materials (recycled content) indicated in EPA's recommended recovered materials minimum content ranges. A complete listing of recycled content products is available at <http://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

3. Implementation of HHS' Affirmative Procurement Plan

a. *Requirements Document and Requisition Package*

The implementation of HHS' APP policy begins with the requirements document/requisition package generally prepared by the requiring activity, that are commonly HHS project/program managers (P/PMs). It is the responsibility of the requiring activity to ensure that the goods or services being procured comply with the EPA's Comprehensive Procurement Guideline (CPG) and recommendations concerning EPA's list of designated items or USDA biobased items.

To the maximum extent practicable, for any contract within the scope of this guidance, individuals appointed to serve as a contracting officer representative (COR) should be Federal Acquisition Certification-COR, Level II or above certified, and individuals appointed to serve as a program/project manager (P/PM) should be Federal Acquisition Certification-P/PM, Mid-Level or above certified. Certification at this level will ensure adequate contracting knowledge, skills, and abilities to enable CORs and P/PMs to prepare requirements and associated documents for biobased, recycled or recovered products and services, monitor contract deliverables, and close-out contract actions associated in accordance with USDA BioPreferred® and EPA's Comprehensive Procurement Guideline Program (CPG) designated recovered items.

The process of promoting environmentally preferable products or services is a collaborative one involving not just the requiring activity, but also contracting officers, CORs, P/PMs, environmental managers, senior/executive management, and other HHS personnel. The requiring activity must review the EPA-designated recovered and USDA biobased items to determine if there is an item available that meets the standards.

b. Acquisition Planning and Specifications

HHS personnel involved in planning for acquisitions must consider the procurement of sustainable products that meet or exceed sustainable acquisition goals outlined in Section 5(c). In addition, market research must be conducted in accordance with [FAR Part 10\(3\)\(v\)](#), to ensure maximum practicable use of recovered materials.

During the acquisition planning phase:

All HHS requiring activities must conduct market research to develop, review, and revise specifications, product descriptions, and standards to increase the procurement of products that meet EPA Environmentally Preferable Purchasing (EPP) and USDA biobased programs.

Suggested sources include:

- i. [USDA BioPreferred® Program Catalog](#) – Biobased product vendors choose to list products that qualify for federal purchasing. Customers can obtain a description of products and associated contact information;
- ii. [GSA Advantage!](#) – Allows searching for environmental products that meet EPA's designation for recovered material and/or biobased products;
- iii. [FedMall](#) – Operated by Defense Logistics Agency (DLA) and provides an icon to assist in identifying biobased products; and
- iv. [AbilityOne](#) – Provides numerous biobased product options; and
- v. [EPA's Comprehensive Procurement Guideline Program](#) – Provides a list of recycled content products that are products that are made from or contain recovered materials.

c. Affirmative Procurement of Biobased Products Under Service and Construction Contracts

In accordance with [FAR 52.223-2\(c\)\(1\)](#), contractors are required to submit a report at [SAM.GOV](#), with a copy to the Contracting Officer on the product types and the dollar value of any USDA-designated biobased products used by the Contractor during the previous government fiscal year.

- i. Estimation

Contractors responding to solicitations containing USDA-designated items must meet minimum content standards. The Contracting Officer must insert the following clauses:

- [FAR 52.223-9](#), *Estimate of Percentage of Recovered Material Content for EPA-Designated Items*; and
- [FAR 52.223-17](#), *Affirmative Procurement of EPA-designated Items in Service and Construction Contracts*, in service or construction solicitations and contracts unless the contract will not involve the use of EPA-designated items.

HHS' minimum content standards for designated items must be specified in the Statement of Work (SOW), Statement of Objectives (SOO), or Performance Work Statement (PWS).

If the contractor provides an alternative product which exceeds the minimum content standards specified, they must clearly identify the percentage of biobased materials in the product in their proposal. This information can be used to determine whether products are available with higher percentages of recovered materials than specified in the SOW, SOO, or PWS. **This requirement does not apply to acquisitions below the simplified acquisition threshold.**

ii. Certification

Contracting officers must ensure contractors provide their representations and certifications report in the System for Award Management (SAM.GOV). The FAR contains "Biobased Product Certification" provision ([FAR 52.223-1](#)) which contracting officers must insert into solicitations for recycled content products and solicitations requiring the use of EPA-designated products during performance of the contract. [FAR 52.223-2](#), *Affirmative Procurement of Biobased Products Under Service and Construction Contracts*.

iii. Verification

The Assistant Secretary for Financial Resources (ASFR)/ Office of Acquisitions (OA) may periodically review contractor certification documents as part of the annual review and monitoring process. Such reviews will enable ASFR/OA to verify the contractor's compliance with [Executive Order 14057](#), *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*.

iv. Exclusions

Exemptions from the preferred procurement requirement are denoted in [FAR 52.223-2\(a\)\(1\)](#) and [FAR 52.223-2\(a\)\(2\)](#).

d. Procedures for Contractor Estimation, Certification, and Verification

HHS has implemented EPA recommendations that requires potential contractors to provide an estimate of the total recycled content of their products and certify that the recycled content meets the minimum content standards when responding to HHS' solicitations. HHS has also established procedures to verify contractor estimates and certifications, and to verify these estimates and certifications as part of HHS' normal quality control assurance procedures.

i. Estimation

Contracting officers must insert the clause, [FAR 52.223-9](#), *Estimate of Percentage of Recovered Material Content for EPA-Designated Items*, in solicitations and contracts

exceeding \$150,000 that include the provision, [FAR 52.223-4](#), *Recovered Material Certification*. HHS minimum content standards for designated items must be specified in the SOW, SOO and PWS. Contractors responding to solicitations containing EPA-designated items must meet the minimum content standards. Therefore, a separate estimate from the contractor regarding the percentage of recovered materials in the product is not required unless the product exceeds the minimum content standards specified. In the latter case, these estimates can be used as a means of determining whether products are available with higher percentages of recovered materials than specified in an agency's specification. **Estimation provisions do not apply to procurements at or below the simplified acquisition threshold.** Contractual data reporting must be specified in accordance with [FAR 52.223-5](#), *Pollution Prevention and Right-to-Know Information*.

ii. Certification

Contracting officers must assure that contractors provide their representations and certifications in [SAM.GOV](#). Currently, the FAR contains a *Recovered Material Certification* provision ([FAR 52.223-4](#)) which contracting officers must insert into solicitations for recycled content products and into solicitations that will require the use of EPA-designated products during performance of the contract in accordance with [FAR 23.406\(c\)](#). This *Recovered Material Certification* provision must be included in the contractor's [SAM.GOV](#) profile and renewed annually.

iii. Verification

ASFR/OA should periodically review contractor certification documents as part of the annual review and monitoring process in SAM.GOV. Such reviews enable ASFR/OA to verify the contractor's compliance with [Executive Order 14057](#), *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*.

iv. Exclusions

Federal supply sources such as the General Services Administration (GSA), Government Printing Office (GPO), and Defense General Supply Center (DGSC) have established their own estimation, certification, and verification procedures for EPA-designated items. Therefore, HHS program offices procuring designated items through these supply sources are not required to conduct independent estimation, certification, and verification.

e. Decision Making Process

Contracting officers must be involved in the decision-making process (a collaborative activity between the project/program offices) to include the following:

- i. Review and include (as applicable) all appropriate FAR and HHSAR clauses and provisions, including the procedures as outlined in the other Departmental policies and procedures;
- ii. Ensure all products defined in the requirements package adhere to EPA's recommended recycled content percentages unless there is written justification stating why those identified products will not meet the project/program needs. This justification must be included in the contract file or documented in the purchase card file in accordance with OPDIV/STAFFDIV procedures;
- iii. Ensure maximum use of designated USDA biobased products (<https://www.biopreferred.gov/BioPreferred/faces/catalog/Catalog.xhtml#>) are included in

- service and construction contracts. If the requirements package does not include products that meet or exceed USDA's recommended biobased percentages, the requiring activity must prepare a written justification in accordance with OPDIV/STAFFDIV procedures. This written justification must document why the product is not available competitively within a reasonable time frame, does not meet appropriate performance standards, or is only available at an unreasonable price. This justification must be included in the contract file; and
- iv. Select the correct Product or Service Codes (PSCs) to ensure the appropriate environmental attribute is associated with the resultant contract action. The selected PSCs are carried throughout the acquisition lifecycle.

4. Promotion Program

The OA, CSO, Heads of Contracting Activities (HCAs) and program/project offices are responsible for actively promoting, both internally and externally, HHS' APP by outreach and training.

a. *Internal promotion includes:*

- i. Contributing to articles in HHS' Sustainable Acquisitions Program Newsletters, climate literacy, HHS' public facing [webpage](#) which includes links to other OPDIV/STAFFDIV Sustainability sites;
- ii. Ensuring stakeholders are aware of suppliers that provide products made from recycled content and BioPreferred® raw materials;
- iii. Providing training and awareness to the acquisition workforce in accordance with the requirements of [FAR Part 23](#) and [HHSAR Part 323](#);
- iv. Participating in pilot projects; and
- v. Recognizing excellence through employee, team, or project/program awards.

b. *External promotion includes:*

- i. Participation in interagency workgroups and committees, developing public facing websites, webinars, presentations at professional associations, trade magazine articles, attending conferences;
- ii. Partnering with other government entities, industry, academia, to share and encourage joint effort solutions, to meet HHS' BioPreferred® and recycled content targets; and
- iii. Sharing information and working collaboratively to develop innovative solutions with government and industry partners to include professional associations (e.g., National Contract Management Association and American Council for Technology and Industry Advisory Council).

5. Annual Review and Monitoring Procedures

a. *Data Tracking*

ASFR/OA and the Office of the Assistant Secretary for Administration (ASA)/Program Support Center (PSC)/Real Estate, Logistics, and Operations (RLO) must collaboratively:

- i. Track HHS' procurement of USDA BioPreferred® and EPA-designated recycled content products and services through [SAM.GOV](#), and contractor generated reporting processes/mechanisms;
- ii. Report to the [Council on Environmental Quality](#) (CEQ) the Department's purchasing of

- USDA BioPreferred® and EPA-designated recycled content products and services;
- iii. Report HHS' compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of USDA BioPreferred® and EPA-designated recycled content products and services;
- iv. Incorporate environmental considerations into procurement management reviews; and
- v. Develop corrective action plans to address deficiencies identified in reviews and audits.

b. Review and Monitoring

For OPDIV/STAFFDIVs, monthly data pulls from [SAM.GOV](https://www.sam.gov) are highly recommended to ensure sustainability targets are being met. Quarterly data analysis derived from [SAM.GOV](https://www.sam.gov) is provided in the quarterly HHS' Sustainable Acquisitions Program Newsletter.

ASFR/OA and the Sustainability Program Office must:

- i. Review data on HHS' procurements and purchases made by contractors in the performance of HHS contracts;
- ii. Assess HHS' progress in achieving the federal requirements for purchasing USDA BioPreferred® and EPA-designated recycled content products and services, and HHS' progress complying with the APP; and
- iii. Incorporate environmental policies and requirements into its OPDIV/STAFFDIV processes and procedures to the maximum extent practicable.

ASFR/OA will review a discreet sample of contracts following guidance in FAR 23.404 to ensure compliance, and if necessary, develop corrective action procedures to address deficiencies identified in assessments.

c. Goals and Reporting

HHS' overall goal for sustainable acquisitions as of Fiscal Year 2022, which includes BioPreferred® and recovered products and services, is 6.1% of total applicable dollars and 7.6% of total applicable actions. Goals are subject to change per guidance provided by CEQ and the Office of Management and Budget.

As required by law, federal service and construction contractors must report annually their biobased product purchases. To enable this, contracting officers must correctly enter information about contracts in the Federal Procurement Data System (FPDS).

When [SAM.GOV](https://www.sam.gov) reporting is accurate, HHS receives the credit it deserves for making a difference and meeting federal mandatory purchasing requirements.

6. Appendix A - Sustainable Purchasing Legal and Other Requirements

| Product Category | Legal and Other Requirements |
|--|--|
| <p>Recycled Content</p> <p>https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program</p> <p>Recycled Content Tool</p> <p>https://www.epa.gov/warm/recycled-content-recon-tool</p> | <p>Section 6002 of the Resource Conservation and Recovery Act (RCRA); FAR Parts 7, 11, 23.</p> |
| <p>BioPreferred®</p> <p>https://www.biopreferred.gov/BioPreferred/</p> | <p>Section 9002 of the 2002 Farm Security and Rural Investment Act FAR Part 23</p> |
| <p>Alternative Fuel Efficiency</p> <p>https://www.fueleconomy.gov/feg/current.shtml</p> <p>https://epact.energy.gov/</p> | <p>The Energy Policy Act of 2005 (EPAct);</p> |

7. Appendix B– “Sample” Custodial Statement of Work with Biobased Language

This is a sample statement of work that incorporates language on the purchasing of biobased products. The statement of work is provided for informational purposes only. It should be revised to add additional or unique tasks peculiar to HHS’ custodial operation. This sample statement of work along with other examples can be found under ‘[Acquisition Tools’ on USDA’s biopreferred.gov website](#).

a. *Background*

Congress passed The Farm Security and Rural Investment Act, Section 9002 to encourage the purchase of biobased products. Federal agencies must purchase designated biobased products and establish agency preferential procurement programs for such products. Benefits of biobased products are to:

- i. Enhance the nation’s energy security by substituting domestically produced biobased products for fossil fuel-based products derived from imported oil and natural gas;
- ii. Improve demands for biobased products to increase demand for agricultural commodities, which is the feedstock of biobased products;
- iii. Spur the development of value-added agricultural processing and manufacturing in rural communities, which would create new jobs and income in rural regions; and
- iv. Establish a healthier environment for users.

b. *Supplies, Materials, and Equipment to be Provided by the Contractor*

Unless otherwise specified herein, the contractor must furnish all supplies, materials, and equipment necessary for the performance of work under this contract or task order. All supplies and materials must be of a type and quality that conform to applicable federal specifications and standards. All supplies, materials, and equipment to be used in the performance of work described herein are subject to the approval of the Contracting Officer’s Representative (COR).

The contractor must submit to the COR a list of products to be utilized in the performance of its work in accordance with OPDIV/STAFFDIV procedures. The contractor must not use any materials, chemicals, or compounds that the COR determines to be unsuitable to perform the required work. The contractor must utilize products and material made from biobased materials (e.g., biobased cleaners, biobased degreasers, biobased laundry detergent) to the maximum extent possible. For the biobased content products evaluation, products proposed for use under this contract must conform to USDA’s Designated Biobased Products List (DBPL). If requested in the contract or task order, contractors must provide safety data sheets for biobased solvents and cleaners to document the level of biobased content (see <https://intranet.hhs.gov/manual/safety-manual/chapter-13> for reference). Any biobased product that the COR suspects do not meet HHS specifications or standards must be tested at the Contractor's expense by an independent laboratory qualified to perform such tests. A copy of the laboratory report of findings must be submitted to the COR. These products must meet the requirements established by applicable federal specifications and standards or be considered unacceptable for use.

c. Biobased Products to Be Provided by the Contractor

The following is a list of products HHS requires for custodial purposes. Each product submitted must be identified with one of these categories. Contractors must supply the greatest feasible number of biobased products meeting health and environmental specifications. Labeling should be printed on all containers in accordance with [BioPreferred|Seller](#).

| | |
|-----------------------------------|---|
| All-purpose-cleaner | Deodorizer |
| Heavy duty cleaner | Floor finish |
| Carpet shampoo | Floor finish restorer |
| Gum remover | Floor sealer |
| Disinfectant sanitizer | Disinfectant wipes |
| Disinfectant cleaner | Furnisher polish |
| Extraction fluid | Sanitizing spray |
| Surface sanitizer | Germicide |
| Surface cleaner | Mold and mildew remover |
| Multi-purpose cleaner | All-purpose disinfectant |
| Laundry sanitizer | Glass cleaner |
| Floor stripper | Grout sealer |
| Neutral cleaner (liquid) | Lime and scale remover (tub and tile cleaner) |
| Spot and stain remover | Liquid hand soap including dispenser |
| Air freshener including dispenser | Stainless steel polish |
| Bathroom cleaner | Toilet bowl cleaner |
| Brass polish/cleaner | Whiteboard cleaner |
| Chrome polish/cleaner | Wood floor cleaner |
| Cream cleaner | Laundry detergent |
| Solvent spotter | |
| Degreaser/cleaner | |

In addition, trash bags must contain at least 25% recycled post-consumer content and consist of biodegradable material.

d. Required Submittals and Reports

All offerors must submit with their initial proposal a complete list of products that are to be used in carrying out the requirements of the contract. Additionally, the successful contractor on each anniversary date of the contract must submit a complete list of biobased products purchased to carry out the contract requirements. The products list must be organized into the following categories: Designated Biobased products, Non-designated Biobased products, and all other “Sustainable” products (e.g., recycled content products, energy- and water-efficient products, products using renewable energy, and alternatives to hazardous or toxic chemicals). The offeror

must list volume to be used and total cost for each individual product in each category. This information will be used for reporting purposes and to determine the reasonableness of cost.

Once a biobased item is designated as part of the existing contract, the contractor may utilize the remainder of the biobased products that was originally purchased to carry out the requirements of the contract. Once the product has been completely consumed, the contractor must replace that product with a product that meets the requirements and specifications of the designated item. The Contracting Officer must inform the contractor and COR when an item has been designated. Additionally, the contractor must provide supporting documentation if there is an increase in cost sufficient to justify a contract price adjustment. Likewise, the contract will be adjusted downward if so warranted. To the maximum extent practicable, the contractor must use biobased products.

e. Cleaning Operations and Stewardship Plan

The cleaning operations and stewardship plan must be reviewed and updated annually, and as required by the Contracting Officer. The plan must contain and define the following elements:

- i. The Contractor's written policy stating its commitment to the use of biobased products, employee health and safety, and sound environmental management practices; and
- ii. Proposed biobased cleaning-products that must be selected in accordance with the criteria included in this solicitation. At a minimum, the plan must identify products by brand name for each of the above product types.
NOTE: Contractors may propose more than one product within a designated item and/or propose a product or products addressing more than one designated item.
- iii. Once this list of products has been approved by the Contracting Officer, the contractor is responsible for using only those approved cleaning chemical products in the building. If, for some reason, the product is found later to be ineffective, or the Contractor would otherwise like to propose an alternative product, either the Contractor or Contracting Officer may propose for consideration an "equal" product. The Contracting Officer is the final decision-maker for such substitutions and must approve each in writing in accordance with OPDIV/STAFFDIV procedures.
- iv. Product Use and Cleaning Guides that define standard operating procedures for instructing staff in the following areas: the proper use, storage, and disposal of cleaning products; proper cleaning procedures; proper operation of equipment; and other procedures/instructions to accomplish work under this contract; and
- v. The contractor must define proper procedures for the storage of hazardous materials in conformance with good housekeeping practices, the National Fire Prevention Association (NFPA) Code, and applicable federal and municipal regulations. The plan also must define proper procedures for the identification and disposal of hazardous wastes in accordance with federal RCRA regulations and the District of Columbia Municipal Regulations (DCMR), Title 20, Subpart E prior to use with personnel as applicable.

Affirmative Procurement Program

The contractor must implement the requirements of the agency's comprehensive Affirmative Procurement Program for the purchasing of biobased products to the maximum extent possible. The contractor must detail how it intends to keep abreast of the development and increasing availability of biobased products and how any new or improved products will be incorporated on an ongoing basis into contract performance.

Product Demonstration, Employee Training and Technical Assistance

HHS believes that a demonstration of how to use the products, an effective training program for the products selected, and technical assistance are central to the selection and eventual success of purchasing and using designated biobased products.

HHS seeks contractors who:

- i. Demonstrate their products; and
- ii. Offer effective training to HHS' custodial staff and are available to provide technical assistance and to troubleshoot problems.

Quality Control Program

The contractor must institute a complete quality control program to ensure that the products required by this contract are supplied or used, as specified. The overall goal of the program should be to identify and correct any problems that may exist before they are identified by or reported to the COR and/or the building-management staff. As a minimum, the program must include:

- i. An inspection system covering all the services required with a comprehensive checklist to be used to inspect contract performance during scheduled and unscheduled inspections, and the name(s) of the individuals who will be performing the inspections.
- ii. A system for identifying and correcting deficiencies and/or a pattern of deficiencies in the quality or quantity of services provided before the level of performance becomes unacceptable and/or government inspectors point out the deficiencies.
- iii. A file of all inspections conducted by the contractor and corrective actions taken. This documentation must include follow-up inspections to ensure that corrective action was appropriate, complete, and timely. It must be organized in a logical manner, kept current, and made available to the COR and the CO during the term of the contract.