

VA GREEN PURCHASING PROGRAM

- 1. REASON FOR ISSUE.** This directive prescribes the goals, policies, roles, and responsibilities and major requirements for Administration and staff office green purchasing program management and reporting within the Department of Veterans Affairs (VA).
- 2. SUMMARY OF CONTENTS.** This directive outlines the principles, policies, and other key elements necessary to facilitate the continual improvement of VA's green purchasing program management.
- 3. RESPONSIBLE OFFICE.** The Office of the Assistant Secretary for Management/Chief Financial Officer (004), Office of Asset Enterprise Management (044), Green Management Program Service (044E), is responsible for the contents of this directive.
- 4. RELATED DIRECTIVE.** VA Directive 0057, VA Environmental Management Program.
- 5. RELATED HANDBOOK.** VA Handbook 0058, VA Green Purchasing Program.
- 6. RESCISSIONS.** None.

CERTIFIED BY:

/s/
Stephen W. Warren
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**BY DIRECTION OF THE SECRETARY
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1. PURPOSE AND SCOPE

a. The goal of the Green Management Program Service within VA's Office of Asset Enterprise Management (OAEM) is to lead the Department in becoming sustainable. This effort supports VA's mission by making more resources available for Veterans' care and optimizing VA stewardship of public resources. The purpose of this directive is to support and expand the programmatic policies of VA Directive 0057, VA Environmental Management Program. This directive establishes policy, roles, and responsibilities with respect to "green purchasing" in support of VA's mission and goal.

b. This directive establishes Department-wide policies for implementing the green purchasing requirements of VA Directive 0057. Specific implementing procedures are found in VA Handbook 0058, VA Green Purchasing Program. VA Directive and Handbook 0058 are designed to facilitate the development of consistent internal policies and procedures across the Administrations and staff offices.

c. VA recognizes that before a decision is made to purchase a product or service, all efforts should be made to buy only what is needed and reuse products and materials to the maximum extent practicable. Requirements for source reduction are further explained in VA Handbook 0063, Waste Prevention and Recycling Program.

d. The provisions of this directive apply VA-wide. Each Administration and staff office shall ensure that all subordinate organizations are aware of and comply with this directive.

2. POLICY

a. **General.** Pursuant to its mission to serve our Nation's Veterans, it is VA policy to conduct business in a sustainable manner that protects human health and the environment, is economically and fiscally sound, and ensures continuous improvement. Environmental considerations and accountability are fundamental and integral components of policies, planning, operations, and management processes across all VA missions, activities, and functions.

b. **Green Purchasing.** VA will procure environmentally preferable goods and services. This policy applies to all types of acquisitions (e.g., purchase card purchases, micro-purchases, and contracts). Specifically, VA will:

(1) Advance sustainable acquisition to ensure that at least 95 percent of new contract actions (including task and delivery orders) for products and services (including construction) are energy efficient (ENERGY STAR or Department of Energy Federal Energy Management Program [FEMP]-

designated), water efficient, biobased, environmentally preferable (e.g., Electronic Product Environmental Assessment Tool [EPEAT]-registered), and non-ozone depleting, contain recycled content, or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements; and

(2) Ensure the preferred acquisition of other types of environmentally preferable goods and services, including, but not limited to, low standby power products, alternative fuel vehicles and alternative fuels, and renewable energy. NOTE: Requirements for procuring alternative fuel vehicles, alternative fuels, and renewable energy can be found in VA Directive 0637, VA Vehicle Fleet Management Program, and VA Directive 0055, Energy and Water Management.

c. **Green Purchasing Program (GPP).** This directive and the corresponding handbook constitute the VA GPP. The Administrations and staff offices shall implement the VA GPP and may develop and implement supplemental GPP procedures. VA and supplemental GPPs shall incorporate all components of the Federal Green Purchasing Program and include:

- (1) Procurement preferences for environmentally preferable and Federally-mandated green products and services;
- (2) Monitoring and reporting of compliance with GPP requirements;
- (3) Developing corrective actions for instances of non-compliance with GPP requirements; and
- (4) Establishing and conducting green purchasing training programs.

d. **Environmental Management Systems (EMS).** Green purchasing shall be incorporated into all VA environmental management systems as a management approach for addressing environmental compliance and the environmental aspects of the Department's operations and activities.

3. ROLES AND RESPONSIBILITIES

a. VA recognizes that implementing the GPP is the responsibility of every VA employee. The Department is actively working to ensure that every person involved in the acquisition process—from the procurement request originators to contracting officials, and including purchase cardholders—is aware of their role and responsibility in realizing the goals of the GPP.

b. **The Assistant Secretary for Management/Chief Financial Officer (CFO).** The Assistant Secretary for Management/CFO establishes the overall policy and guidelines to implement environmental programs within the Department, oversees the VA GPP, and is specifically responsible for:

(1) Monitoring VA's activities to implement GPPs and reporting progress to the Secretary of Veterans Affairs, the Chairman of the Council on Environmental Quality (CEQ), the Federal Environmental Executive, the Director of the Office of Management and Budget (OMB), the Administrator of the U.S. Environmental Protection Agency (EPA), and other applicable entities, as required;

(2) Supporting the cross-functional, Department-wide VA Environmental Management Task Force, and ensuring that the appropriate representatives from the Administrations and staff offices are assigned to expeditiously meet green purchasing goals; and

(3) Requesting sufficient funds to ensure Department-wide implementation of green purchasing policies and programs.

c. Under Secretaries, Assistant Secretaries, and Other Key Officials.

Under Secretaries, Assistant Secretaries, Directors of staff offices, and other key officials establish the overall policy and guidelines to implement GPPs within their management areas consistent with this policy and are specifically responsible for:

(1) Ensuring that supplemental GPPs that meet or exceed the policies and goals of this directive are developed, routinely evaluated, and maintained so they are consistent with current Federal Green Purchasing Program requirements and mandates, and that there are procedures in place for identifying and correcting program issues;

(2) Ensuring that measures for successful implementation of GPPs are included in performance standards and performance evaluations of senior Administration and staff office officials, and other personnel, as appropriate;

(3) Requesting sufficient funds in Administration and staff office budgets to ensure compliance with all applicable green purchasing laws, regulations, and Executive Orders (EOs);

(4) Ensuring that appropriate and sufficient staffing and resources are available to implement the green purchasing goals of this directive and to support the work of the VA Environmental Management Task Force;

(5) Performing periodic management reviews of their GPP;

(6) Developing, implementing, and maintaining a green purchasing training and awareness program, if applicable;

(7) Establishing procedures to meet reporting requirements and responding to information requests from OAEM, including, but not limited to, acquisition-related reports requested by the CEQ, OMB, Office of the Federal Environmental Executive (OFEE), EPA, and other applicable entities;

(8) Updating and maintaining specifications to incorporate Federal Green Purchasing Program requirements and mandates, and so that any language prohibiting or otherwise precluding the use of sustainable products and services is removed;

(9) Ensuring that contracting, procurement, logistics staff, and procurement request originators incorporate all applicable green purchasing requirements into their contracts and other procurement activities. Procurement request originators may include purchase card holders, acquisition personnel, technical requirements or specification writers, program managers, or contracting officer representatives;

(10) Ensuring that contracting officers and other acquisition staff:

(a) Review all procurement requests to ascertain whether green products or services are or should be involved in the procurement action;

(b) Provide guidance to procurement request originators and facilitate acquisition planning with respect to green products and services;

(c) Incorporate appropriate green purchasing requirements language and Federal Acquisition Regulation (FAR) provisions and clauses into contracts;

(d) Gather, sort, and report procurement data for management evaluation of green purchasing performance, when such data is maintained in the Federal Procurement Data System – Next Generation, the VA Electronic Contract Management System, and/or other databases operated by procurement organizations;

(e) Ensure all contract actions (from requirements development through award, administration, and close-out) meet relevant FAR and supplemental regulation requirements for green purchasing;

(f) Maintain required documents in the contract file, including recovered materials estimates, certifications, and written justifications for exemptions from purchasing EPA-designated recycled content, USDA-designated biobased, and energy efficient products;

(g) Comply with the procedures for monitoring and annually reviewing the effectiveness of the GPP; and

(h) Take GPP training, as required.

(11) Ensuring that procurement request originators, as applicable:

(a) Identify and document whether green products and services, as defined in this directive, are available that can satisfy local requirements for price, performance, and availability;

(b) Include a written justification with the procurement request package and in the contract file for exemptions from purchasing EPA-designated recycled content, USDA-designated biobased, and energy efficient products;

(c) Ensure that purchase requests and statements of work address all relevant green purchasing requirements prior to submitting them to the contracting office, the approving official, or the source of supply;

(d) Consult with environmental and contracting specialists to improve and enhance procurement plans and prepare statements of work or specifications that incorporate relevant green purchasing requirements;

(e) Follow appropriate VA, Administration, and staff office procedures for documenting exemptions to green purchasing requirements;

(f) Consider potential life cycle cost savings of green alternatives compared to non-green options for use in acquisition and procurement decisions;

(g) Provide oversight of contract execution to ensure that green purchasing requirements are provided or delivered in accordance with the terms of the contract; and

(h) Take GPP training, as required.

d. **The Director of OAEM.** The Director of OAEM, as the VA Senior Sustainability Officer, is responsible for:

(1) Working with counterparts in other VA organizations to ensure that green purchasing issues are addressed in all procurement activities, and

(2) Assisting in resolving conflicts among organizations regarding green purchasing issues.

e. **The Director of the Green Management Program Service.** The Director of the Green Management Program Service, within OAEM, is responsible for:

(1) Providing program support to the Assistant Secretary for Management in implementing the green purchasing provisions of this directive and other applicable environmental laws, regulations, and EOs;

(2) Conducting oversight activities to ensure that an effective GPP is implemented throughout VA; and

(3) Coordinating the submission of required green purchasing reports to the CEQ, OFEE, OMB, EPA, and other applicable entities.

f. **The Chief Acquisition Officer.** The Chief Acquisition Officer is responsible for:

(1) Developing, maintaining, and evaluating the performance of the VA GPP, to include all current components of the Federal Green Purchasing Program, with input and collaboration from the Director of OAEM and senior procurement representatives (e.g., the heads of contracting activity) from all Administrations and staff offices;

(2) Ensuring compliance with all green purchasing policies and procedures contained in the FAR and other Federal green purchasing mandates;

(3) Updating VA's acquisition policy and guidance (to include, but not limited to, the VA Acquisition Manual and VA Acquisition Regulation) with the latest environmental FAR amendments and other Federal Green Purchasing Program mandates;

(4) Developing and implementing procedures for conducting management reviews, internal control reviews, and other monitoring activities;

(5) Developing and implementing procedures for identifying and correcting program compliance weaknesses through appropriate means;

(6) Identifying training needs and developing or providing access to training programs to ensure that Administration and staff office procurement and acquisition program managers are aware of the goals of this directive;

(7) Providing a technical representative to serve on the VA Environmental Management Task Force and on the various committees and working groups, as appropriate, to support the implementation of this directive;

(8) Providing assistance to OAEM, including, but not limited to, developing VA-level responses to GPP acquisition-related questions in reports requested by the CEQ, OMB, OFEE, EPA, and other applicable entities;

(9) Ensuring that contracting officers include required green purchasing FAR clauses, preferences, and specifications in contracts they prepare;

(10) Providing computerized tracking methods or enhancing purchasing software to allow for coding green purchases; and

(11) Ensuring appropriate and sufficient staffing and resources, including, but not limited to, a full-time GPP manager in the acquisition group within the Office of Acquisition and Logistics.

g. **The Director of the Office of Construction and Facilities Management (OCFM).** The Director of OCFM is responsible for updating master construction specifications in accordance with all federal requirements, including, but not

limited to, those specified in Section 9002 (d) of the Farm Security and Rural Investment Act of 2002 (FSRIA), the February 21, 2012 Presidential Memorandum -- Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement, and all OMB guidance materials. The Director of OCFM shall review and revise all specifications under their control to assure that, wherever possible and appropriate, such specifications require the use of sustainable products, including USDA-designated biobased products, and that any language prohibiting the use of biobased and/or other sustainable products is removed. The reviews and revisions shall be conducted on a 4-year cycle, such that at least 25 percent of the specifications are reviewed and updated annually. The results of such reviews and revisions shall be reported to OAEM annually or more frequently as determined by OAEM.

h. The Assistant Secretary for Information and Technology (Chief Information Officer). The Chief Information Officer is responsible for:

(1) Developing and implementing policies to ensure that electronic products purchased and used by VA are EPEAT-registered, ENERGY STAR, FEMP-designated, FEMP low-standby power products, and meet other energy efficiency and environmentally preferable requirements as applicable, and that all imaging equipment has duplex (double-sided) printing and copying capabilities and is duplex-enabled when delivered to VA;

(2) Developing procedures to track electronic products purchased by VA that are EPEAT-registered, ENERGY STAR, FEMP-designated, FEMP low standby power products, and have duplex printing capabilities and are operated with duplexing enabled, and responding to information requests from OAEM as needed; and

(3) Ensuring that VA information technology policy complies with applicable Federal, state, and EO green purchasing requirements.

i. The Deputy Assistant Secretary for Finance. The Deputy Assistant Secretary for Finance is responsible for:

(1) Identifying training needs to ensure that purchase card coordinators, purchase card holders, and approving officials are aware of the goals of this directive and comply with the Federal green purchasing requirements¹;

(2) Developing or providing access to training programs to meet those

¹ Purchase card coordinators, purchase card holders, and approving officials must take mandatory VA Purchase Card Training and refresher training every two years. For additional information on purchase cards, refer to VA's Financial Policies and Procedures, Volume XVI, Chapter 1, Government Purchase Card, dated February 2011. (Policy related to green purchasing is referenced in section 010203 on page 2.) This document can be found at <http://www.va.gov/finance/docs/VA-FinancialPolicyVolumeXVIChapter01.pdf>.

training needs, for example, through VA's Talent Management System (TMS); and

- (3) Ensuring that adequate internal controls are established and followed.

4. REFERENCES

a. **Executive Orders (EOs).** There are several EOs with significant implications for green purchasing in effect at the time this directive was drafted. A complete list of all environmental EOs can be found through the National Archives accessible at: <http://www.archives.gov/federal-register/executive-orders/disposition.html>. Specifically, green purchasing related EOs include:

- (1) EO 13514: Federal Leadership in Environmental, Energy, and Economic Performance;

- (2) EO 13423: Strengthening Federal Environmental, Energy, and Transportation Management; and

- (3) EO 13221: Energy Efficient Standby Power Devices.

b. **Public Laws and Regulations.** There are a multitude of green purchasing-related laws and regulations that apply to facilities, operations, and locations within VA. Federal laws and regulations are available through web-based resources such as Government Printing Office (GPO) Access, <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>. Specifically, green purchasing-related laws and regulations include:

- (1) Resource Conservation and Recovery Act of 1976 (RCRA), Section 6002 <http://epw.senate.gov/rcra.pdf> ;

- (2) Energy Policy Act of 2005 (EPAAct), Section 104 <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/pdf/BILLS-109hr6enr.pdf> ;

- (3) Energy Independence and Security Act of 2007 <http://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf> ;

- (4) Farm Security and Rural Investment Act of 2002 (FSRIA), Section 9002 <http://www.biopreferred.gov/files/TITLEIX.pdf> ;

- (5) Food, Conservation and Energy Act of 2008, Section 9002 http://www.biopreferred.gov/files/FarmBill_2008.pdf ; and

- (6) FAR Title 48 of the Code of Federal Regulations, especially Part 23 http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=d2a301f7cb47bf3c6c6bc72735bbd73f&c=ecfr&tpl=/ecfrbrowse/Title48/48cfrv1_02.tpl .

c. Presidential Memorandum -- Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement.

This Presidential Memorandum aims to ensure that agencies effectively execute Federal procurement requirements for biobased products, including those requirements identified in the EO 13514 and prescribed in the 2002 Farm Bill, as amended by the 2008 Farm Bill. It directs agencies to significantly increase Federal procurement of biobased and other sustainable products. This Memorandum can be found at <http://www.whitehouse.gov/the-press-office/2012/02/21/presidential-memorandum-driving-innovation-and-creating-jobs-rural-ameri>.

d. VA Directives. VA Directive 0057, VA Environmental Management Program, establishes VA environmental policies. It sets forth a comprehensive Department-wide environmental management policy to comply with Federal mandates and achieve internal goals. It is intended to provide direction to Administrations and staff offices developing and administering their specific environmental programs. The directive establishes policy in the areas of environmental compliance, green purchasing, chemicals management and pollution prevention, electronics stewardship, waste prevention and recycling, and environmental management systems. It also includes reporting requirements and roles and responsibilities. VA Directive 0055, VA Energy and Water Management Program, includes requirements for procuring renewable energy. Finally, VA Directive 0637, VA Vehicle Fleet Management Program, addresses requirements for procuring alternative fuel vehicles and alternative fuels. These directives can be found at: <http://www.va.gov/vapubs/>.

e. VA Handbooks. Requirements for purchasing alternative fuel vehicles, alternative fuels, and renewable energy can be found in VA Handbook 0637, Vehicle Fleet Management Program, and VA Handbook 0055.1, Energy and Water Management. Procedures for implementing this Directive can be found in VA Handbook 0058, VA Green Purchasing Program. These handbooks can be found at: <http://www.va.gov/vapubs/>.

f. VA Information Letters (ILs). VA issues ILs to provide guidance on mandatory policies and procedures. These ILs are subject to changes and updates as needed. VA ILs can be found at: <http://www.va.gov/oal/library/ils.asp>.

(1) IL 049-07-04: Green Purchasing Program Management Reviews, 2007; and

(2) IL 049-02-07: EO 13221, Energy Efficient Standby Power Devices, 2002.

5. DEFINITIONS

a. Acquisition: the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government

through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

b. **Biobased Product:** a product determined by the USDA to be a commercial 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 (including plant, animal, and marine materials) or forestry materials.

c. **Components of the Federal Green Purchasing Program:**

(1) EPA-designated recycled content products (Comprehensive Procurement Guideline items);

(2) EPEAT-registered electronic equipment;

(3) Environmentally preferable products and services;

(4) ENERGY STAR and FEMP-designated energy efficient products, and low standby power products;

(5) Water-efficient products;

(6) USDA-designated biobased products (BioPreferred);

(7) Non-ozone depleting substances;

(8) Low or non-toxic and hazardous substances or products containing low or non-toxic constituents;

(9) ²Alternative fuel vehicles and alternative fuels required by EPACT; and

(10) ²Renewable energy.

NOTE: The components are subject to change per laws, regulations, Presidential Executive Orders and Memoranda, and Federal guidance.

d. **Contract Action:** 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 transactions, real

² Note: These two program components, in (9) and (10) above, are implemented under the Federal fleet and energy management programs, respectively.

property leases, requisitions from Federal stock, training authorizations, or other non-FAR based transactions.

e. **Energy Efficient:** a product that meets Department of Energy and EPA criteria for use of the Energy Star trademark label; or is in the upper 25 percent of energy efficiency for all similar products as designated by FEMP.

f. **Environmentally Preferable:** products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, product, manufacturing, packaging, distribution, reuse, operation, maintenance, and/or disposal of the product or service.

g. **EPA-designated Item:** a product that is or can be made with recovered material, is listed by EPA in its procurement guidelines, and for which EPA has provided purchasing recommendations in a Recovered Materials Advisory Notice.

h. **Green Purchasing Program (GPP):** an acquisition program that implements sustainable acquisition requirements and assures the purchase of environmentally preferable products and services in accordance with Federally mandated "green" purchasing preference programs to the maximum extent possible.

i. **Sustainable Acquisition:**

(1) Federal agencies shall advance sustainable acquisition by ensuring that 95 percent of new contract actions for the supply of products and for the acquisition of services (including construction) require that the products are:

(a) Energy-efficient (ENERGY STAR or FEMP-designated);

(b) Water-efficient;

(c) Biobased;

(d) Environmentally preferable (e.g., EPEAT-registered, or non-toxic or less toxic alternatives);

(e) Non-ozone depleting; or

(f) Made with recovered materials.

(2) The required products in the contract actions for services include products that are:

(a) Delivered to the Government during performance;

(b) Acquired by the contractor for use in performing services at a Federally-controlled facility; or

(c) Furnished by the contractor for use by the Government.

(3) The required products in the contract actions must meet agency performance requirements.

(4) For purposes of meeting the 95 percent sustainable acquisition requirement, the term “contract actions” includes new contracts (and task and delivery orders placed against them) and new task and delivery orders on existing contracts.