

SECTION 9 - PROCUREMENT

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9 PROCUREMENT

Synopsis

The purpose of this section is to provide guidelines for NWS supervisors and employees who purchase goods and services required for the operation of the facility or work site. The section applies to all NWS facilities, work sites and employees and NWS contractors who work on NWS sites.

Initial Implementation Requirements:

- C **Determine Which Items Purchased Are Listed in the EPA Comprehensive Procurement Guidelines List (9.6 and Attachment A)**
 - S Ensure products purchased meet the comprehensive procurement guidelines (CPG) (9.6)
 - S Inform all affected NWS employees of the requirements and reasons for the program

Recurring and Annual Task Requirements:

- C **Ensure All Purchases Comply with the CPG (9.6)**

Checklist

9 Procurement	YES	NO	N/A
1. Does the facility or work site have an established policy requiring employees to review the General Service Administration's Catalog of Comprehensive Procurement Guidelines Compliant Products or the Defense Logistic Agency's Environmental Products Catalog before purchasing any item? (9.6)	-----	-----	-----

9 PROCUREMENT

9.1 Purpose and Scope

In performing its mission, the National Weather Service (NWS) requires the on-going purchase and use of many different items. From “consumables” such as office paper, printer cartridges and gasoline to items only used periodically during maintenance activities (i.e. paint, fluorescent bulbs, services contracted to apply pesticides, various types of oil and lubricants, etc.), the NWS must consider more than just “cost” when procuring items, materials and services to support NWS mission functions. This section describes the basis and purchasing guidelines applicable to all NWS facilities and work sites.

9.2 Definitions

Comprehensive Procurement Guidelines (CPG) - the mechanism through which EPA designates items as containing recycled content, for purchase by Federal, State and local agencies or by government contractors using appropriated Federal funds.

Designated Person - a NWS employee designated by the Facility Manager who is responsible for ensuring procurement activities at the facility are conducted in accordance with Federal, State and local laws as well as Presidential Executive Orders.

Environmental Protection Agency (EPA) - governmental agency responsible for the protection of our nation’s environmental resources.

Recovered Materials Advisory Notices (RMAN) - periodically updated purchasing guidelines issued by the EPA. RMANs recommend recycled-content levels and/or ranges to look for when purchasing products and materials.

9.3 Acronyms Employed in this Section

CPG	-	Comprehensive Procurement Guidelines
DLA	-	Defense Logistics Agency
FAR	-	Federal Acquisition Regulations
FEE	-	Federal Environmental Executive
FSS	-	Federal Supply Service
GSA	-	General Services Administration
NOAA	-	National Oceanic and Atmospheric Administration
NWS	-	National Weather Service
NWSH	-	National Weather Service Headquarters
RCRA	-	Resource Conservation and Recovery Act
RMAN	-	Recovered Materials Advisory Notices

9.4 Regulatory Requirements

9.4.1 Federal Legislation

Under Subtitle F - Federal Responsibilities of the Resource Conservation and Recovery Act (RCRA), “each agency must comply with the requirements set forth by the law in regard to any purchase or acquisition of a procurement item.” The law advocates the designation and use of items that are or can be produced with recovered materials. To help agencies fulfill this requirement, the Comprehensive Procurement Guideline (CPG) Program was developed by the Environmental Protection Agency (EPA). RCRA defines criteria that are to be considered when designating items as being produced with recovered materials. Consideration is to be given to:

- a. the availability of such items
- b. the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored or disposed
- c. the economic and technological feasibility of producing and using other items
- d. other uses for such recovered materials.

Once a recycled content product is designated by EPA, procuring agencies are required to purchase it with the highest percentage of recovered material content level practicable.

RCRA also stipulates that when procuring agencies write or review specifications for their required items, they eliminate any language that excludes recovered materials and require the use of recovered materials to the maximum extent possible.

The EPA’s CPG Program goes further to recommend practices to be followed by agencies for buying these products.

9.4.2 Federal Acquisition Regulations

The Federal Acquisition Regulations (FAR) originally contained provisions on energy and environmental considerations in Part 23 - Environment, Conservation, Occupational Safety and Drug-Free Workplace. Enhanced language and further considerations for buying energy-efficient and environmentally-preferable products to implement Executive Orders 13101 and 13123 have been incorporated throughout the FAR in June 2000. The following areas within the FAR have specific provisions for environmental/energy factors:

Part 17 - Acquisition Planning

Part 11 - Agency Needs

- Part 12 - Acquisition of Commercial Items
- Part 13 - Acquisition Procedures
- Part 23 - Environmental and Energy
- Part 36 - A-E Selection Criteria
- Part 37 - Performance-Based Contracts
- Part 52 - Contract Clauses

9.5 Executive Orders

9.5.1 Executive Order 12873 - Federal Acquisition, Recycling and Waste Prevention

The President, in signing this order, directed Federal agencies to implement acquisition programs aimed at encouraging new technologies and building markets for environmentally preferable and recycled products. All agencies are directed to review and revise their specifications, product descriptions and standards to foster this change. Agencies will also set goals for waste prevention and acquisition of recycled products.

This order was superceded by the following order.

9.5.2 Executive Order 13101 - Greening the Government Through Waste Prevention, Recycling and Federal Acquisition

Signed on September 14, 1998, this Executive Order puts more teeth into the concepts introduced in Executive Order 12873. It asks executive agencies to work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products. The Order imposes an implementation strategy that will hold Federal Agencies increasingly accountable for what they buy. The order requires the agencies to set recycling goals, creates a steering committee to oversee implementation and currently mandates the purchase of printing and writing paper with a minimum recycled content.

Executive Order 13101 specifies compliance by contractors and the application of its provisions even when micro-purchases are undertaken by an agency. The order requires each agency to make an annual report to the Federal Environmental Executive (FEE) about their compliance status with this order. To ensure compliance, the order further directs the EPA to also report to the FEE the results of its inspections of the agencies. The FEE is then required to prepare a biennial report to the President on the progress under this order.

9.6 NOAA Policy

(Reserved)

9.7 NWS Policy

(Reserved)

9.8 Comprehensive Procurement Guidelines

The Comprehensive Procurement Guideline Program as authorized by Congress under Section 6002 of RCRA, is one of EPA's efforts to promote the use of materials recovered from solid waste. These guidelines are found in 40 CFR 247. In 1995, the EPA issued the first CPG which covered EPA's original five (5) procurement guidelines and added 19 products. As required by Executive Order 13101, the EPA is required to promulgate amendments to the CPG every two (2) years. The first update to the CPG (CPG II) in 1997 designated 12 additional items and the second update (CPG III) in 2000 designated 18 items. See Attachment A for a listing of designated items by category. The EPA's website on the Comprehensive Procurement Guidelines (CPG) contains a description for each product listed as well as EPA's recommended recycled-content ranges, manufacturers, vendors and suppliers for each item. The General Services Administration (GSA) has prepared a catalog of CPG Compliant Products. See 9.9, Additional Resources, for a website reference.

As technology and market conditions change, new items and/or increases in the levels of recovered materials content become available, the EPA will promulgate Recovered Materials Advisory Notices (RMAN) to update the listed items in the CPG.

For products that have been designated, agencies must buy those products which contain recycled content as long as they are available, they meet the performance needs of the agency and they are cost-competitive.

9.9 Additional Resources

The following organizations have environmentally-preferable products and services referenced on their websites.

- C U.S. General Services Administration. Federal Supply Service (GSA/FSS)
www.fss.gsa.gov/environ

The U.S. General Services Administration, Federal Supply Service has introduced many products into its supply system that have recycled content, offer energy and/or water savings or that have been reformulated to be less environmentally detrimental. This site

includes product descriptions, ordering information, information for prospective vendors and more. You can also access [GSA Advantage!](#), GSA's on-line ordering system to order any GSA product.

- C CPG-Compliant Products and Other Recycled Content Products
www.gsa-CPG Compliant Products and Other Recycled Content Products.htm

This on-line catalog identifies CPG-compliant products available through GSA. NWS personnel who purchase these products should review this list to determine what is available.

- C Defense Logistics Agency (DLA)
www.dscr.dla.mil/products/epa/eppcat.htm

The Defense Logistics Agency's *Environmental Products Catalog* includes information on several CPG-designated items including re-refined lubricating oil, recycled plastic lumber and remanufactured/recycled laser printer toner cartridges. This site provides products and ordering information for these and other environmental products.

- C Other DLA Catalogs
www.dscr.dla.mil/catalogs/catalog.htm

This page identifies product catalogs with on-line ordering capabilities and includes a link for a catalog for batteries and motor oil.

- Javits-Wagner-O'Day Program (JWOD)
www.jwod.gov

The JWOD Program supports employment opportunities for the blind or those with severe disabilities by coordinating government purchases of products and services provided by non-profit agencies employing these individuals. JWOD is a mandatory source of supply with environmentally-preferable products on their procurement list. These items are identified with a JWOD environmental logo. Certain JWOD program items are also listed in the GSA Environmental Products catalog.

- UNICOR
www.unicor.gov

The Federal Prison Industries, Inc. Program employs and provides skills training to inmates confined with the Federal Bureau of Prisons. As a mandatory source of products for

Federal agencies, items with environmentally-preferable applicability such as furniture, toner cartridges, printing and re-manufacturing services are available through this source.

9.10 Responsibilities

9.10.1 NWS Headquarters (NWSH)

- a. The NWS Environmental/Safety Office shall perform an annual assessment of the NWSH facilities to ensure that the facilities are in compliance with this section.
- b. The NWSH Environmental/Safety Office shall periodically perform an assessment of the regional headquarters and field offices to ensure compliance with this section. The frequency of these regional and field office assessments shall be determined by the NWSH Environmental/Safety Office.
- c. Requests for clarification concerning this section shall be directed to the NWSH Environmental/Safety Office.

9.10.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Shall monitor and coordinate to promote compliance with the requirements of this procedure for the regional headquarters and field offices or operating units.
- b. Shall ensure that procedures are developed at regional headquarters or operating unit facilities.
- c. Shall assist regional headquarters and field offices or operating units in locating and assessing environmentally-preferable products.
- d. Shall perform an annual assessment of the regional headquarters facilities or operating unit to monitor and promote compliance with the requirements of this section.
- e. Shall perform assessments or designate personnel to perform assessments of all field offices to monitor and promote compliance with the requirements of the section every two years.

9.10.3 Station Manager

- a. Shall have oversight over the implementation of this section and ensure that the requirements of this section are followed by individuals at the NWS facility.
- b. Shall ensure that sufficient personnel and funding are available to enable compliance with all applicable requirements of this section.
- c. Shall review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review shall be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.

9.10.4 Environmental or Environmental/Safety Focal Point or Designated Person

- a. Shall ensure any tasks delegated to them by the Station Manager are implemented in accordance with the requirements of this section.

9.10.5 Employees

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Environmental Focal Point.

9.11 References

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

9.11.1 3 CFR Presidential Executive Order 13101, September 14, 1998,
 “Greening the Government Through Waste Prevention,
 Recycling, and Federal Acquisition”

9.11.2 FAR Federal Acquisition Regulations

Part 7 - Acquisition Planning
Part 11 - Describing Agency Needs
Part 12 - Acquisition of Commercial Items
Part 13 - Acquisition Procedures
Part 23 - Environmental and Energy

Part 36 - A-E Selection Criteria

Part 37 - Performance-Based Contracts

Part 52 - Contract Clauses

U.S. Environmental Protection Agency

9.11.3 40 CFR 247 Comprehensive procurement guideline for products containing
recovered materials

9.11.4 <http://www.epa.gov/cpg/products.htm>

This website contains a brief description for each of the designated products listed in EPA's CPG Program. Additional information on recycled content ranges and suppliers is available for viewing.

ATTACHMENT A

EPA's Comprehensive Procurement Guidelines	
<p>Construction Products</p> <p>Designated:</p> <p>Building insulation products Carpet Carpet cushion Cement and concrete containing: -Coal fly ash -Ground granulated blast furnace slag Consolidated and reprocessed latex paint Floor tiles Flowable fill Laminated paperboard Patio blocks Railroad grade crossing surfaces Shower and restroom dividers/partitions Structural fiberboard</p>	<p>Proposed:</p> <p>Cement and Concrete containing: -Cenospheres -Silica fume Modular threshold ramps Nonpressure pipe Nylon carpet and nylon carpet backing Roofing materials</p>
<p>Landscaping Products</p> <p>Designated:</p> <p>Garden and soaker hoses Hydraulic mulch Plastic lumber landscaping timbers and posts Lawn and garden edging Compost made from yard trimmings or food waste</p>	<p>Proposed:</p> <p>None at this time.</p>
<p>Nonpaper Office Products</p> <p>Designated:</p> <p>Binders, clipboards, file folders, clip portfolios, and presentation folders Office recycling containers Office waste receptacles Plastic desktop accessories Plastic envelopes Plastic trash bags Printer ribbons Toner cartridges</p>	<p>Proposed:</p> <p>Office furniture</p>

EPA's Comprehensive Procurement Guidelines	
<p>Paper and Paper Products</p> <p>Designated:</p> <p>Commercial/industrial sanitary tissue products Miscellaneous papers Newsprint Paperboard and packaging products Printing and writing papers</p>	<p>Proposed:</p> <p>None at this time</p>
<p>Park and Recreation Products</p> <p>Designated:</p> <p>Park benches and picnic tables Plastic fencing Playground equipment Playground surfaces Running tracks</p>	<p>Proposed:</p> <p>None at this time.</p>
<p>Transportation Products</p> <p>Designated:</p> <p>Channelizers Delineators Flexible delineators Parking stops Traffic barricades Traffic cones</p>	<p>Proposed:</p> <p>None at this time.</p>
<p>Vehicular Products</p> <p>Designated:</p> <p>Engine coolants Re-refined lubricating oils Retread tires</p>	<p>Proposed:</p> <p>Rebuilt vehicular parts Tires</p>

EPA's Comprehensive Procurement Guidelines

Miscellaneous Products

Designated:

Awards and plaques
Industrial drums
Mats
Pallets
Signage
Sorbents
Manual-grade strapping

Proposed:

Bike racks
Blasting grit