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NASA Procedural Requirements

NPR 8530.1A
Effective Date: June 04, 2004
Expiration Date: June 04, 2014

COMPLIANCE IS MANDATORY

Affirmative Procurement Program and Plan for Environmentally Preferable Products (REVALIDATED 4/3/09 w/change 3)

Responsible Office: Environmental Management Division

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Change Log

Change #	Date	Description
1	12/21/2006	Section 3.2.1.1.3 was added to read "Biobased products in accordance with 7 CFR 2902."
2	12/21/2206	Section 3.2.3.1.1 replace the amount of \$2,500 with the amount "\$3,000."
3	4/3/2009	The changes include office title changes, correct Executive Order citations and correct authority citations

Preface

P.1 PURPOSE

a. Consistent with responsible environmental stewardship as defined in the NASA 2003 Strategic Plan, NASA's Environmental Management Policy Directive (NPD) 8500.1, and consistent with the requirements of the Federal Acquisition Regulation (FAR) Part 23 and Executive Order (EO) 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," this directive establishes NASA standard procedures for procuring EPA-designated and other environmentally preferable goods and services to the maximum extent practicable. To achieve this purpose, NASA will accomplish the following:

(1) Purchase environmentally preferable products and services to the maximum extent practicable, consistent with EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," the Environmental Protection Agency's (EPA) Comprehensive Procurement Guideline (CPG); EPA's Recovered Materials Advisory Notices (RMAN); and Office of Federal Procurement Policy (OFPP) Letter 92-4, "Procurement of Environmentally Sound and Energy-Efficient Products and Services."

(2) Publicize and promote NASA's use of environmentally preferable goods and services through convenient and cost-effective methods such as Internet Web sites and other types of electronic distribution;

(3) Review and revise, as necessary, NASA specifications and standards, as applicable, to eliminate barriers to the preference for recovered materials; and

(4) Submit Annual Affirmative Procurement Progress Reports to the Federal Environmental Executive, in support of section 3 of EO 13423.

P.2 APPLICABILITY

a. Section 6002 (a) of the Solid Waste Disposal Act (SWDA), as revised by the Resource Conservation and Recovery Act (RCRA), and EPA's CPG, as required by EO 13423 and implemented by FAR Part 23, applies to NASA. This requirement shall apply to NASA Headquarters, NASA Centers, and NASA Component Facilities, and to contractors to the extent specified in their contracts.

b. Affirmative procurement requirements apply for all EPA-designated products set out in Title 40 Code of Federal Regulations (CFR) Part 247.

c. Individual Centers and Component Facilities are encouraged to develop additional requirements for environmentally preferable products and services as appropriate, in support of their pollution-prevention and conservation programs.

P.3 AUTHORITY

a. The Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6962.

b. FAR Subpart 23.2 "Energy and Water Efficiency and Renewable Energy."

- c. FAR Subpart 23.4 "Use of Recovered Materials and Biobased Products."
- d. FAR Subpart 23.7 "Contracting for Environmentally Preferable Products and Services."
- e. EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management"
- f. NPR 8570.1 "Energy Efficiency and Water Conservation Technologies and Practices."
- g. OFPP Letter 92-4, "Procurement of Environmentally Sound and Energy Efficient Products and Services," dated November 2, 1992.
- h. EPA Regulations at 40 CFR Part 247, "Comprehensive Procurement Guideline for Products Containing Recovered Materials," (CPG) <http://www.epa.gov/cpg/>.

P.4 REFERENCES

- a. "NASA Strategic Plan," NPD 1000.1.
- b. "The NASA Organization," NPR 1000.3.
- c. "NASA Environmental Management," NPD 8500.1.
- d. "NASA Environmental Management System (EMS)," NPR 8553.1.
- e. NASA Procurement Information Circular (PIC) 01-27, "Applicability of Affirmative Procurement."
- f. EPA "Recovered Materials Advisory Notices" (RMANs), published periodically in the Federal Register, as well as at <http://www.epa.gov/cpg/>.
- g. FAR Subpart 7.1, "Acquisition Plans."
- h. FAR Subpart 23.2 Energy and Water Efficiency and Renewable Energy
- i. FAR Subpart 23.10, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements."

P.5 CANCELLATION

NPR 8830.1, "Affirmative Procurement Plan for Environmentally Preferable Products," dated, February 1, 1999.

REVALIDATED 4/3/09, ORIGINAL SIGNED BY:

Jeffrey E. Sutton
Assistant Administrator for
Institutional and Corporate Management

CHAPTER 1. DEFINITIONS

1.1 Affirmative Procurement

- A program for acquiring Environmental Protection Agency (EPA)-designated products, required by the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962) and Executive Order 13423 of January 24, 2007, "Strengthening Federal Environmental, Energy, and Transportation Management."

1.2 Center

- As defined by NPR 1000.3, Section 1.2.1.2.

1.3 Component Facility

- As defined by NPR 1000.3, Section 1.2.1.3.

1.4 Environmental Managers

- The heads of the Environmental Program Offices at each NASA Center and Component Facility, as referenced in NPD 8500.1, Section 5.e.1.

1.5 Environmentally Preferable

- Products or services that have a lesser or reduced adverse 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, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

1.6 EPA-Designated Product

- An item or category of item, designated by EPA, which can be made with recovered material, advancing the purpose of Affirmative Procurement when purchased. EPA-designates items in the CPG, which is amended periodically in the Federal Register and located in EPA's regulations at 40 CFR Part 247. The minimum-recovered content standards for EPA-designated products, and recommended practices for the procurement of such items, are published periodically in the Federal Register under the title of Recovered Materials Advisory Notices (RMANs). Further defined in FAR Subpart 23.401.

1.7 Life Cycle Cost Analysis

- A comparison of the amortized annual costs of using a product with respect to a product that is not CPG-compliant. Costs under consideration include capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.

1.8 Recovered Material

- Waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. [42 U.S.C. 6903 (19)].

1.9 Recyclability

- The ability of a product or material to be recovered from, or otherwise diverted from, the solid waste stream for the purpose of recycling.

1.10 Recycling

- 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 new products other than fuel for producing heat or power by combustion.

1.11 Request Originator

- The person or organization initiating a procurement request or Governmentwide commercial purchase card micropurchase.

1.12 Waste Prevention

- (also known as "source reduction") 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.

CHAPTER 2. RESPONSIBILITY

2.1 Agency Environmental Executive

The Agency Environmental Executive, Assistant Administrator for the Office of Infrastructure, or their designee, located at NASA Headquarters, is responsible for the following: (1) overseeing and facilitating implementation of the Agency Affirmative Procurement, Energy Efficiency and Water Conservation programs and activities; (2) facilitating environmental programs in the areas of standards, waste prevention, recycling, and logistics activities as they relate to Affirmative Procurement and Pollution Prevention; (3) distributing information on best practices through awareness and outreach programs to facilitate markets for environmentally preferable products, services, and new technologies; (4) facilitating and coordinating educational and promotional programs for Agency employees and contractors, as appropriate; (5) integrating requirements into Agency programs and documents managed or scoped at Headquarters; (6) reporting the status of the Agency's Affirmative Procurement Program within the Agency and externally to other applicable Federal agencies and offices. Delegation of the Agency Environmental Executive to other than the Assistant Administrator for the Office of Infrastructure requires the concurrence of the Office of the Federal Environmental Executive.

2.2 Environmental Managers

Center and Component Facility Environmental Managers are responsible for the following: (1) implementing an awareness program to promote Affirmative Procurement; (2) advising the Request Originators and contracting officers on sources for environmentally preferable products and services, including any updates to the list of EPA's designated products; (3) reviewing and approving the Request for Waiver documentation, if required, and providing Life Cycle Cost Analysis assistance to the request originators; (4) submitting the Center's affirmative procurement data for compilation and distribution by Headquarters.

Due to the nature of local, state, and regional environmental requirements, each Center or Component Facility may need to expand this NPR to meet its specific requirements.

2.3 Procurement Offices

Center Procurement Offices, in consultation with the Environmental Manager and the Request Originator, are responsible for the following: (1) Providing guidance and facilitating acquisition planning with respect to environmentally preferable goods and services, including those available through Federal sources of supply; (2) assisting in any market research necessary to determine the availability of environmentally preferable goods and services; (3) ensuring that solicitations and contracts contain the appropriate provisions and FAR clauses to implement Affirmative Procurement (FAR Subpart 23).

2.4 Request Originators

The Request Originators are responsible for the following: (1) consulting early in the procurement process with appropriate parties (e.g., environmental specialists, contracts specialists) to facilitate the

process of procurement planning, including Life-Cycle Cost Analysis; (2) utilizing statements of work or specifications which eliminate virgin material requirements, promote the reuse of products, require the use of products containing recovered materials (e.g. EPA-designated products), products that are energy and water efficient, and products that are recyclable; (3) preparing any Request for Waiver or justification documentation; (4) coordinating with the Environmental Manager for his or her approval; (5) Documenting the results of these actions in the "Affirmative Procurement" special approval on the Integrated Financial Management purchase requisitions, NASA Form (NF) 1707, Appendix B)).

2.5 NASA Headquarters Environmental Management Division

The Environmental Management Division (EMD) shall identify and develop Agencywide common elements, mechanisms, and processes to implement affirmative procurement. The EMD, through the Lead Center for Recycling and Affirmative Procurement, shall maintain a Web site of resources to support users in implementing this NPR. This Web site is located at <http://nasarecycles.nasa.gov/>.

CHAPTER 3. IMPLEMENTATION

3.1 Planning

The Environmental Management Office and Procurement Office at each Center or Component Facility shall jointly review the annual Acquisition Forecast (<http://procurement.nasa.gov/cgi-bin/nais/forecast.cgi>) and its semi-annual update, and other appropriate data, to identify target procurements for early intervention, in accordance with FAR 7.103 (n).

3.2 Activities During the Acquisition Process

3.2.1 The primary implementation of this NPR begins with the requirement document generally prepared by the Procurement Request Originator. The Request Originator must ensure that the goods and services being procured comply with specific requirements regarding environmental attributes (see 3.2.1.1). The process of acquiring environmentally preferable products or services is a collaborative one, beginning with the Request Originator, with assistance and consultation from the facility's Procurement Office and Environmental Management Office.

3.2.1.1 These "specific requirements regarding environmental attributes" include:

3.2.1.1.1 EPA's Comprehensive Procurement Guidelines (CPG) and recommendations concerning EPA's list of designated products, or as appropriate, the use of environmentally preferable products or services. (ref: FAR 23.401, FAR 23.703)

3.2.1.1.2 Energy-efficiency requirements regarding Energy Star[®] and other considerations (ref: [FAR Subpart 23.2](#))

3.2.1.1.3 Biobased products, (ref:FAR Subparts 23.4 and 23.7).

3.2.1.1.4 Computer Equipment, (ref: FAR 23.705).

3.2.1.5 State and local regulations, permits, or requirements regarding the purchase of materials with specific environmental attributes.

3.2.2 The Request Originator shall review the statement of work (SOW) or specifications with respect to the specific requirements regarding environmental attributes. For support service contracts or major procurements, this review should be accomplished in collaboration with the facility Environmental Management Office (see also PIC 01-27).

3.2.2.1 If the product or service involves the use of these materials, the SOW, specifications, and/or purchase requisition must be reviewed and modified (as appropriate). Document this information on NF 1707 and proceed with the procurement.

3.2.2.2 If the product or service does not involve the use of these materials, document this information on NF 1707 and proceed with the procurement.

3.2.2.3 If the product availability suggests a waiver of EPA CPG requirements may be appropriate (e.g. cost, availability, performance), follow the Request for Waiver Process (section 3.2.3, below).

3.2.2.4 Certain contracts (e.g., support services at Centers) are required by FAR clause 52.223-10,

Waste Reduction Program, to maintain a waste reduction program. During the development of the statement of work, reporting requirements, and quality assurance surveillance plan, the proposed work must be evaluated with respect to whether NASA requires insight into the contractor's waste reduction program. The decision regarding insight should be based upon the scope of waste prevention efforts that is appropriate to the contract size, statement of work, and environmental risk. Contractor information delivery requirements should be consistent with the Center's Environmental Management System (EMS) Implementation Plan and FAR Subpart 23.10.

3.2.2.5 As practicable, Request Originators will consider the use of common specifications modules and technical or consensus standards to fulfill these requirements. As these specifications and/or standards are discovered and validated, they will be maintained for reference on the Web site supporting this NPR (section 2.5, above). Once validated, standards will be evaluated in accordance with NPD 8070.6 for inclusion in the NASA Technical Standards database and/or the IFM specifications database.

3.2.2.6 In certain circumstances, specific requirements regarding environmental attributes may conflict practically (e.g., choice between recycled-content product and EnergyStar[®] product). In these circumstances, the facility's Environmental Management Office may prioritize or "weight" the evaluation factors regarding the conflicting requirements, and shall coordinate the weighted evaluation factors with the contracting officer.

3.2.2.7 These requirements are not in conflict with "mandatory source" procurement provisions. Once the specifications (including specific requirements regarding environmental attributes) are finalized, mandatory sources are considered to determine if they can provide the specified product. If they cannot provide the product, the procurement proceeds to commercial sources, as per procurement guidelines and regulations.

3.2.2.8 The Request Originator shall include provisions in the contract to ensure that the frequency of contractor reporting necessary to support the Chapter 4 requirements of this NPR are specified in accordance with FAR clause 52.223-5, Pollution Prevention and Right-to-Know Information.

3.2.2.9 On a case-by-case basis, NASA may elect to specify the purchase of CPG-compliant or environmentally preferable products which may be up to 10 percent more costly than conventional products. NASA may also elect to provide financial or non-financial incentives to contractors based upon their increased use of environmentally preferable products or services.

3.2.3 Request for Waiver: Process Description

3.2.3.1. Direct procurement of EPA-designated (CPG) materials which do not meet the minimum recovered material standards in the RMANs require a waiver, approved by the official designated by the Agency head. The NASA Administrator has delegated authority to manage environmental programs to the Agency Environmental Executive. Through this NPR, the Agency Environmental Executive is delegating Waiver-approval authority to the designated Environmental Manager at each Center and Component Facility. The Environmental Manager has the authority to delegate waiver approval to an appropriate subordinate.

3.2.3.1.1 Micropurchases (e.g. purchase card purchases below the \$3,000 threshold) are not subject to waiver documentation requirements, but must meet the specific requirements regarding environmental attributes (3.2.1.1).

3.2.3.2. The Request for Waiver process begins with the Request Originator by comparing the description of the desired product or service with the current EPA list of EPA designated products at (<http://www.epa.gov/cpg/>). If the Request Originator, after reviewing EPA's list of designated products, and conducting other market research with the assistance of the Center Procurement

Office, determines that one or more of the exceptions apply, the Request Originator will prepare a Request for Waiver (see Appendix A), and forward the waiver (and supporting documentation) to the Environmental Manager for approval.

3.2.3.2.1 When cost is the basis of the waiver justification, the waiver shall include documented consideration of the life cycle cost analysis for the use of the product, as well as the initial cost.

3.2.3.2.2. When approved, a copy of the signed waiver is kept by the Environmental Manager, and the original waiver, along with NF 1707 and other necessary purchase documentation, is forwarded to the Center Procurement Office.

3.2.3.2.3. If the Environmental Manager does not approve the Request for Waiver, then the Request Originator shall revise the request to include the EPA minimum-recovered materials standard for that item.

3.2.3.2.4. Unresolved disputes regarding waivers shall be referred to the Agency Environmental Executive.

3.2.3.2.5. Purchase requests/requisitions that are forwarded to the Center Procurement Office with an incomplete NF 1707 (with respect to the "Affirmative Procurement" section) will not be finalized until a completed NF 1707 is received.

3.3 Program Review

Program effectiveness will be evaluated through two types of activities:

3.3.1 Annual Evaluation

Implementation of each Center's and NASA's Affirmative Procurement Program will be assessed through the submission of annual reports in support of the Report to the Federal Environmental Executive, required by Executive Order 13423, will include the information requested and will be in the format designated by the OFEE.

3.3.2 Functional Reviews

NASA Headquarters' Environmental Management Division will include a review of the implementation of affirmative procurement requirements in their functional review program(s).

CHAPTER 4. REPORTING

4.1 Estimation, Certification, and Verification

The estimation, certification, and verification required of NASA vendors and contractors shall be consistent with the requirements contained in the Federal Acquisition Regulation (FAR Part 23). Submittals associated with FAR 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-designated items, shall be provided to the Center Environmental Manager (or designee). Contractual data reporting shall be specified in accordance with FAR 52.223-5, Pollution Prevention and Right-to-Know Information Alternates 1 or 2, to the extent that NASA's data requirements exceed those specified in FAR 52.223-9 Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

4.2 External Reporting

The Headquarters Environmental Management Division, in cooperation with the Office of Procurement, will coordinate and compile the data necessary to submit the Agency's Annual Affirmative Procurement Progress Report to the Federal Environmental Executive. The Procurement Offices and Environmental Management Offices of Centers and Component Facilities will assist in the collection of data to support the report.

CHAPTER 5. MEASUREMENTS

5.1 Metrics are identified annually by the Executive Office of the President.

Reporting procedures are maintained by the NASA Environmental Tracking System (NETS), with supporting data from the NASA Procurement Data System (NPDS).

5.2 In support of EO 13423, Section 2,

NASA commits to a goal of annually diverting at least 35 percent of its solid waste from landfills by the year 2010, as well as reducing the number of CPG waivers required for NASA operations. Both of these goals are measured as a part of the external metrics identified in section 5.1 (above).

APPENDIX B: NF 1707

 National Aeronautics and Space Administration		Certifications and Special Approvals for IFM Purchase Requisitions	
CENTER		REQUISITION NUMBER	
REQUESTING ORGANIZATION			
NAME AND SIGNATURE OF APPROVER			DATE
NPG 7120.5, "NASA PROGRAM AND PROJECT MANAGEMENT PROCESSES AND REQUIREMENTS," CERTIFICATION			
<input type="checkbox"/> THIS ACTION IS NOT IN SUPPORT OF PROGRAMS AND PROJECTS SUBJECT TO THE REQUIREMENTS OF NPG 7120.5. OR <input type="checkbox"/> THIS ACTION IS IN SUPPORT OF PROGRAMS AND PROJECTS SUBJECT TO THE REQUIREMENTS OF NPG 7120.5. AND <input type="checkbox"/> ALL NPG 7120.5 REQUIRED DOCUMENTATION IS CURRENT AND HAS BEEN APPROVED. OR <input type="checkbox"/> AUTHORITY TO PROCEED WITHOUT THE REQUIRED DOCUMENTATION HAS BEEN GRANTED BY THE CHAIR OF THE GOVERNING PROGRAM MANAGEMENT COUNCIL OR DESIGNEE.			
SECTION 508, "ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY COMPLIANCE (EITAC)"			
<input type="checkbox"/> THIS PROCUREMENT IS LESS THAN \$2,500 AND EITAC DOES NOT APPLY. OR <input type="checkbox"/> THE PROCUREMENT DOES NOT INCLUDE ELECTRONIC AND INFORMATION TECHNOLOGY (EIT) ITEMS. OR <input type="checkbox"/> THIS PROCUREMENT DOES INCLUDE EIT ITEMS. AND <input type="checkbox"/> THEY MEET THE APPLICABLE ACCESSIBILITY STANDARDS AT 36 CFR PART 1194. OR <input type="checkbox"/> IS FOR A COMMERCIAL SUPPLY OR SERVICE AND MARKET RESEARCH HAS DETERMINED THAT SOME OR ALL OF THE APPLICABLE ACCESS BOARD STANDARDS CANNOT BE MET BY SUPPLIES OR SERVICES AVAILABLE IN THE COMMERCIAL MARKET PLACE IN TIME TO SATISFY AGENCY DELIVERY REQUIREMENTS. (SEE ATTACHED "EIT COMMERCIAL NOW-AVAILABILITY DETERMINATION") OR <input type="checkbox"/> IS EXEMPT FROM COMPLIANCE WITH APPLICABLE ACCESSIBILITY STANDARDS BASED ON THE FOLLOWING EXCEPTION: <input type="checkbox"/> THE ITEM IS FOR A NATIONAL SECURITY SYSTEM. <input type="checkbox"/> THE ITEM WILL BE LOCATED IN SPACES FREQUENTED ONLY BY SERVICE PERSONNEL FOR MAINTENANCE, REPAIR OR OCCASIONAL MONITORING OF EQUIPMENT; OR <input type="checkbox"/> WOULD IMPOSE AN UNDUABLE BURDEN ON THE AGENCY. (SEE ATTACHED "UNIQUE BURDEN DETERMINATION") (NOTE: TEMPLATES ARE AVAILABLE AT < http://ec.msc.nasa.gov/ig/library/et.htm > FOR THE DETERMINATIONS NOTED IN THIS SECTION.)			
AFFIRMATIVE PROCUREMENT			
IN ACCORDANCE WITH FAR PART 23.4 AND NPG 8030.1, "AFFIRMATIVE PROCUREMENT PLAN FOR ENVIRONMENTALLY PREFERABLE PRODUCTS," AND FOLLOWING ENVIRONMENTAL PROTECTION AGENCY (EPA) GUIDELINES LOCATED AT < http://www.epa.gov/ig/products.htm >: <input type="checkbox"/> THE ITEM(S) BEING PURCHASED ARE NOT ON ANY OF THE EPA'S COMPREHENSIVE PROCUREMENT GUIDELINE LISTS. OR <input type="checkbox"/> THE ITEM(S) ARE ON THE EPA'S COMPREHENSIVE PROCUREMENT GUIDELINE LISTS. AND <input type="checkbox"/> THEY MEET THE MINIMUM RECYCLED/RECOVERED CONTENT. OR <input type="checkbox"/> A WAIVER SIGNED BY THE DESIGNATED ENVIRONMENTAL PROGRAM MANAGER IS ATTACHED. (NPG 8030.1 § 4, FAR 23.405(c))			
REQUIRED SPECIAL APPROVALS			
<input type="checkbox"/> THERE ARE NO ITEMS REQUIRING SPECIAL APPROVAL. OR <input type="checkbox"/> APPROVALS FOR SPECIAL ITEMS HAVE BEEN OBTAINED THROUGH THE ESTABLISHED SAP RELEASE STRATEGY.			

This copy of NF 1707 "Certifications and Special Approvals for IFM Purchase Requisitions" is included for reference only. The approved and most-current version of this form will be available through each Centers' forms repository or at https://extranet.hq.nasa.gov/nef/user/form_search.cfm.