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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 8530.1A
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Request Notification of Change (NASA Only)

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

Responsible Office: Environmental Management Division

| [TOC](#) | [ChangeLog](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |
[AppendixA](#) | [AppendixB](#) | [ALL](#) |

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).

| [TOC](#) | [ChangeLog](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |
[AppendixA](#) | [AppendixB](#) | [ALL](#) |

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