

OCT 19 2012



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer and
Assistant Secretary for Administration
Washington, D.C. 20230

PROCUREMENT MEMORANDUM 2013 - 02

MEMORANDUM FOR: BUREAU PROCUREMENT OFFICIALS
HEADS OF CONTRACTING OFFICES

Signed

FROM: Barry E. Berkowitz
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Contractor Reporting of Biobased Products – FAR 52.223-2

Background:

Section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. 110-246 (the Farm Bill) requires Federal Agencies to give a procurement preference to USDA-designated biobased products. In addition, the legislation requires each procuring agency to report annually on the types and dollar amount of biobased products that their contractors purchase under service and construction contracts.

On February 21, 2012, President Obama issued the Presidential Memorandum, "Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement." In accordance with Section 5 of the Memorandum, the FAR Council published a final rule (77 FR 23365) implementing the reporting requirement found in the Farm Bill. FAR Clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, became effective May 18, 2012.

Purpose:

The purpose of this procurement memorandum is to require Bureau Procurement Officials (BPOs) to take necessary actions to implement and report on Contractor use of Biobased products as required in FAR Clause 52.223-2.

Required Actions:

As part of the responsibilities for promoting and implementing DOC's Green Procurement Program, the following actions are required:

- ❖ For new solicitations and resulting contracts with requirements for biobased products, Contracting Officers shall include FAR Clause 52.223-2. The Contracting Officer shall insert the name, phone number, and email address of the environmental point of contact in FAR Clause 52.223-2. The Contracting Officer shall give each contractor the reporting template

(Attachment B) instructing them to submit the completed forms to the environmental point of contact.

- ❖ For existing contracts entered into on or after May 18, 2012, that contain clause 52.223-2, Contracting Officers shall give each contractor the reporting template (Attachment B) instructing them to submit the completed form to the environmental point of contact, Greg Falzetta, at GFalzetta@doc.gov by October 31, 2012, with a copy to the Contracting Officer.
- ❖ If a Contractor has already reported on its biobased products to the bureau, please forward to the environmental point of contact, Greg Falzetta, at GFalzetta@doc.gov so he may compile the data into the reporting template.
- ❖ Contracting Officers shall have the responsibility to enforce FAR Clause 52.223-2. If contractors have failed to report to the designated environmental point of contact leading up to October 31, 2012 it is the responsibility of the Contracting Officer to follow up.

Please direct any questions to Stephen Boutwell at 202-482-3340.

Attachments:

A- FAR Clause 52.223-2

B- Biobased Products Reporting Template

Attachment A: FAR Clause 52.223-2

AFFIRMATIVE PROCUREMENT OF BIOBASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACTS

(a) In the performance of this contract, the contractor shall make maximum use of biobased products that are United States Department of Agriculture (USDA)-designated items unless—

(1) The product cannot be acquired—

(i) Competitively within a time frame providing for compliance with the contract performance schedule;

(ii) Meeting contract performance requirements; or

(iii) At a reasonable price.

(2) The product is to be used in an application covered by a USDA categorical exemption (see 7 CFR 3201.3(e)). For example, all USDA-designated items are exempt from the preferred procurement requirement for the following:

(i) Spacecraft system and launch support equipment.

(ii) Military equipment, *i.e.*, a product or system designed or procured for combat or combat-related missions.

(b) Information about this requirement and these products is available at <http://www.biopreferred.gov>.

(c) In the performance of this contract, the Contractor shall—

(1) Report to the environmental point of contact identified in paragraph (d) of this clause, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the Contractor during the previous Government fiscal year, between October 1 and September 30;

(2) Submit this report no later than—

(i) October 31 of each year during contract performance; and

(ii) At the end of contract performance; and

(3) Contact the environmental point of contact to obtain the preferred submittal format, if that format is not specified in this contract.

(d) The environmental point of contact for this contract is:

_____ [Contracting Officer shall insert full name, phone number, and email address. In addition, the Contracting Officer may include the agency website for reporting.]

(End of clause)

Attachment B: Biobased Products Reporting Template

<p>FAR REPORTING CATEGORIES AND USDA DESIGNATED BIOBASED PRODUCTS</p> <p>FAR 52.223-2</p> <p>Presidential Memorandum, "Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement" issued February 21, 2012 directs agencies to take stronger steps to procure biobased products. The Memorandum also directs changes to be made to the FAR to capture information about biobased products purchased by contractors on service and construction contracts, as required by law. These FAR changes became effective May 18, 2012.</p> <p align="center">Due No Later Than COB 10/31/2012</p>

Federal Government Contract and/or Order Number:	
Name of Vendor Contract Point of Contact:	
E-mail Address of Contract Point of Contact:	
Contractor DUNS Number:	
Designated Environmental Point of Contact (Filled Out By Agency)	

Category	\$ Amount Purchased
Cafeteria/Food Services	
Dishwashing Products	
Disposable Containers	
Disposal Cutlery	
Disposable Tableware	
Food Cleaners	
Oven and Grill Cleaners	
Total Cafeteria/Food Services	
Construction	
Asphalt Restorers	
Carpets	
Composite Panels – Acoustical	
Composite Panels – Interior Panels	
Composite Panels - Plastic Lumber	
Composite Panels – Structural Interior Panels	

Composite Panels – Structural Wall Panels	
Concrete and Asphalt Release Fluids	
Dust Suppressants	
Erosion Control Materials	
Floor Coverings (Non-Carpet)	
Fluid-Filled Transformers – Vegetable Oil-Based	
Interior Paints and Coatings – Latex and Waterborne Alkyd	
Interior Paints and Coatings – Oil-based and Solventborne Alkyd	
Plastic Insulating Foam for Residential and Commercial Construction	
Roof Coatings	
Water Tank Coatings	
Wood and Concrete Sealers – Membrane Concrete Sealers	
Wood and Concrete Sealers – Penetrating Liquids	
Wood and Concrete Stains	
Total Construction	
Custodial/Janitorial/Housekeeping	
Adhesive and Mastic Removers	
Air Fresheners and Deodorizers	
Asphalt and Tar Removers	
Bathroom and Spa Cleaners	
Carpet and Upholstery Cleaners - General Purpose	
Carpet and Upholstery Cleaners – Spot Removers	
Concrete and Asphalt Cleaners	
Floor Cleaners and Protectors	
Floor Strippers	
Furniture Cleaners and Protectors	
General Purpose Household Cleaners	
Glass Cleaners	
Graffiti and Grease Removers	
Industrial Cleaners	
Ink Removers and Cleaners	
Laundry Products – General Purpose	
Laundry Products – Pretreatment/ Spot Removers	
Multipurpose Cleaners	
Total Custodial/Janitorial/Housekeeping	

Hospitality/Lodging/Personal Care	
Bath Products	
Bedding, Bed Linens, and Towels	
Cuts, Burns, and Abrasion Ointments	
Foot Care Products	
Hair Care Products – Conditioners	
Hair Care Products - Shampoos	
Hand Cleaners and Sanitizers – Hand Cleaners	
Hand Cleaners and Sanitizers - Hand Sanitizers	
Lip Care Products	
Topical Pain Relief Products	
Total Hospitality/Lodging/Personal Care	
Landscaping	
Animal Repellents	
Compost Activators and Accelerators	
Fertilizers	
Mulch and Compost Materials	
Total Landscaping	
Lubricants, Fluids and Greases	
2-Cycle Engine Oils	
Chain and Cable Lubricants	
Corrosion Preventatives	
Firearm Lubricants	
Forming Lubricants	
Gear Lubricants	
Greases	
Greases – Food Grade	
Greases – Multipurpose	
Greases – Rail Track	
Heat Transfer Fluids	
Hydraulic Fluids – Mobile Equipment	
Hydraulic Fluids – Stationary Equipment	
Metalworking Fluids – General Purpose Soluble, Semi-Synthetic, and Synthetic Oils	
Metalworking Fluids – Straight Oils	
Multipurpose Lubricants	

Penetrating Lubricants	
Pneumatic Equipment Lubricants	
Slideway Lubricants	
Turbine Drip Oils	
Total Lubricants, Fluids and Greases	
Miscellaneous	
Candles and Wax Melts	
Films – Non-Durable	
Films – Semi-Durable	
Expanded Polystyrene Foam Recycling Products	
Packing and Insulating Materials	
Total Miscellaneous	
Operations and Maintenance/Facilities Maintenance	
Bioremediation Materials	
Blast Media	
De-Icers – General Purpose	
Electronic Components Cleaners	
Parts Wash Solution	
Sorbents	
Total Operations and Maintenance/Facilities Maintenance	
Printing (Contractor and Government)	
Inks	
Inks - News	
Inks - Printer Toner (Greater than 25 pages per minute)	
Inks - Printer Toner (Less than 25 pages per minute)	
Inks - Sheeffed (Black)	
Inks - Sheeffed (Color)	
Inks - Specialty	
Total Printing (Contractor and Government)	
Vehicle	
Diesel Fuel Additives	
Greases - Truck	
Total Vehicle	