

APD ALERT

BIOBASED LABEL AND SOLICITATION SYNOPSIS

BIOBASED LANGUAGE REQUIREMENT



PURPOSE

The USDA has initiated a voluntary product certification and labeling program for qualifying biobased products. Manufacturers have the option to have biobased products tested and certified by a third party to bear the label. There is a Federal procurement preference for biobased products if they are comparable in price performance and availability to non-biobased products. Designated biobased products that do not bear the label are still eligible for Federal procurement preference. Certified means that a particular manufacturer's product has qualified for the USDA biobased label. Designated means USDA has identified a generic product or group of products as biobased.

REQUIREMENTS

- AGAR Advisory No. 82 requires standardized FedBizOpps synopsis language.
- ARS Design Manual 242.1, P&P 134.2 Energy Water, and Sustainability, and the USDA Sustainable Procurement Program require procurement of biobased products.
- Federal Acquisition Regulation (FAR) 23.403 requires competitive cost-effective purchases of products that meet reasonable performance requirements, and contain biobased content.
- FAR 23.406 requires the insertion of contract clauses regarding the use of USDA-designated items.

- FAR 23.703 requires agencies to implement cost-effective green contracting preference programs, employ sustainable acquisition strategies, and consider the use of biobased products.
- EO 13423 requires agencies to acquire and use biobased products and services.
- EO 13514 requires agencies to ensure that 95 percent of new contract actions, including task, and delivery orders, for products, and services are biobased, if the products, or services meet agency performance requirements.
- 7 CFR 2902.3 requires Federal agencies to give preference to the item with the highest percentage of biobased content where purchases exceed \$10,000 per fiscal year. The biobased label indicates biobased content by percentage.
- P&P 134.2 Energy, Water, and Sustainability Policy, requires the use of green cleaning products, except where they do not meet mission requirements. Green cleaning products are lower emitting, less toxic, biodegradable, and environmentally safer.

PROCEDURES

Biobased products shall be purchased if they are comparable in price, performance, and availability to non-biobased products. Contracts for goods and services, including construction, shall incorporate biobased products to the greatest extent possible. The contracting officer shall ensure, when biobased products have been included in a contract requirement, that the following two sentences are incorporated into the Synopsis description submitted to Federal Business Opportunities (FedBizOpps):

“This procurement requires the use of biobased products to the extent that such products are reasonably available, meet agency or relevant industry performance standards, and are reasonably priced. Where available, these products should first be acquired from among qualified products that fall under the umbrella of items designated through the USDA BioPreferredSM Program”.

Updated groupings of designated biobased products can be found at the ARS Biopreferred Web site at: www.afm.ars.usda.gov/acquisitions/biopreferred.htm. Green cleaning products can be found in the biopreferred catalog at: <http://www.catalog.biopreferred.gov/bioPreferredCatalog/faces/jsp/catalogLanding.jsp>.

In accordance with FAR Subpart 23.406, the following clauses shall be incorporated into solicitations, as applicable:

- FAR Clause 52.223-1, Biobased Product Certification;
- FAR Clause 223-2, Affirmative procurement of Biobased Products Under Service and Construction Contracts;

- FAR Clause 52.223-4, Recovered Material Certification;
- FAR Clause 52.223-17, Affirmative Procurement of EPA-designated items in Service and Construction Contracts; and,
- FAR Clause 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-designated items.

REFERENCES

Federal Acquisition Regulation (FAR) Part 23:

https://www.acquisition.gov/far/current/html/Subpart%2023_4.html#wp1086857

AGAR Advisory No.82:

http://www.dm.usda.gov/procurement/policy/advisories_x/agarad82.pdf

ARS Design Manual 242.1:

<http://www.afm.ars.usda.gov/ppweb/pdf/242-01m.pdf>

ARS P&P 134.2 Energy Water and Sustainability:

<http://www.afm.ars.usda.gov/ppweb/PDF/134-02.pdf>

Biopreferred Products and Acquisition:

www.afm.ars.usda.gov/acquisitions/biopreferred.htm

USDA Biopreferred Web site:

<http://www.biopreferred.gov>

USDA Sustainable Procurement Program:

<http://greening.usda.gov/SPPUSDAfinalJan2011.pdf>

Questions regarding this Alert can be directed to the Acquisition Programs and Oversight Branch on 301-504-1725 or via e-mail at APOB@ars.usda.gov.

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