Federal Sustainable Acquisition Regulations and Goals versus Actual Purchasing Behavior: The Disconnect
Our government wants to buy green: Look at the regs!

**Buy Green Products**

Federal agency customers are required to buy environmentally-friendly products whenever possible. **Executive Order 13514 requires 95% of new contracts to contain recycled content and sustainable materials.** Other legislation, such as **Federal Acquisition Regulation (FAR) 23.204 also requires agencies to purchase environmental products and services.**

(Excerpt from GSA website (www.gsa.gov)

….23.103 Sustainable acquisitions.
(a) Federal agencies shall advance sustainable acquisition by ensuring that 95 percent of new contract actions for the supply of products and for the acquisition of services (including construction) require that the products are—
(1) Energy-efficient (ENERGY STAR® or Federal Energy Management Program (FEMP)-designated);
(2) Water-efficient;
(3) Biobased;
(4) Environmentally preferable (e.g., EPEAT-registered, or non-toxic or less toxic alternatives);
(5) Non-ozone depleting; or
(6) Made with recovered materials.
Regulations affecting lighting purchases

COVERED PRODUCT CATEGORIES

Federal agencies are required by law to purchase products that are designated by the Federal Energy Management Program (FEMP-designated) or qualified by ENERGY STAR. Choose a product category below for information about purchasing, installing, and using energy-efficient products.
Regulations affecting lighting purchases

COVERED PRODUCT CATEGORY: LIGHT FIXTURES (LUMINAIRE)

The Federal Energy Management Program (FEMP) provides acquisition guidance and Federal efficiency requirements for light fixtures or luminaires. The luminaires product category is very broad and covers a wide variety of lighting products. Both ENERGY STAR and FEMP provide programmatic guidance for various types of luminaires. See Table 2 for more information about which types of light fixtures are covered by which program (FEMP or ENERGY STAR).

Federal laws and executive orders mandate that agencies meet these efficiency requirements in all procurement and acquisition actions that are not specifically exempted by law.

For luminaire types covered by ENERGY STAR, manufacturers display the ENERGY STAR label on complying models. Check the qualified products list maintained on the ENERGY STAR website to see if a model is ENERGY STAR-qualified. For luminaire types covered by FEMP, product efficiency requirements are provided in the relevant product overview guidance. See Table 2 for more information.

MEETING ENERGY EFFICIENCY REQUIREMENTS FOR LUMINAIRES (LIGHT FIXTURES)

A list of ENERGY STAR-qualified luminaires and the most up-to-date efficiency levels are available from the ENERGY STAR website. Buy products with the ENERGY STAR label and/or check the ENERGY STAR-qualified products list. Buyers can assume that ENERGY STAR-qualified products are life cycle cost-effective; if a Federal buyer finds this is not the case, or that a qualified product is not reasonably available, then the head of the agency must document in writing this justification for an exception.

<table>
<thead>
<tr>
<th>Luminaire Type</th>
<th>Luminaire Efficacy (Initial)</th>
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</thead>
<tbody>
<tr>
<td>Portable Desk Task</td>
<td>≥ 29 lumens per watt</td>
</tr>
<tr>
<td>Downlight (recessed, surface mount, pendant, SSL retrofit)</td>
<td>≥ 42 lumens per watt</td>
</tr>
<tr>
<td>Under-Cabinet</td>
<td>≥ 29 lumens per watt</td>
</tr>
<tr>
<td>Accent</td>
<td>≥ 35 lumens per watt</td>
</tr>
</tbody>
</table>
...and look at the tools
Lighting and Ceiling Fans

Commercial and residential lighting products, such as fixtures and bulbs, and ceiling fans. Products in this category may also apply to the acquisition of construction and facilities operations & maintenance services.

Products

Ceiling Fans
Last Updated: 2/4/2014 12:39:27 PM

Decorative Light Strings
Last Updated: 1/23/2014 10:13:15 AM

Downlights
Last Updated: 2/4/2014 12:39:46 PM

Exterior Lighting
Last Updated: 1/23/2014 10:15:49 AM

Fluorescent Ballasts
Last Updated: 2/4/2014 12:11:02 PM

Fluorescent Luminaires
Last Updated: 2/4/2014 12:14:20 PM

Industrial Luminaires (High/Low Bay)
Last Updated: 3/24/2014 8:39:22 AM

Light Bulbs
Last Updated: 1/23/2014 11:21:15 AM

Light Fixtures
Last Updated: 1/23/2014 11:23:44 AM

Procurement Info

Energy Star *

Where to Buy

- Schedule 51 V SIN 105 001
- Schedule 51 V SIN 105 002
- Schedule 56 SIN 206 4 - Ocean Only Requirement
- Buy on GSA Advantage!

Legal Requirements

FAR Subpart 23.2 Energy and Water Efficiency and Renewable Energy
FAR Subpart 23.1 Sustainable Acquisition Policy

* Federal agencies are required to purchase products as designated or specified under this program.
Government wants to help businesses (especially small ones) sell green to the government

Guiding Principles for Environmentally Preferable Purchasing

Executive agencies, under E.O. 13101, have been directed to identify and give preference to the purchase of products and services that pose fewer environmental burdens. Federal consumers have been asked to consider five guiding principles when making purchasing decisions. You should consider these principles when assessing the environmental performance of your own products and services and when providing information to federal consumers about your products. These guiding principles are:

- Include environmental considerations as part of the normal purchasing process.
- Emphasize pollution prevention early in the purchasing process.
- Examine multiple environmental attributes throughout a product’s or service’s life cycle.
- Compare relevant environmental impacts when selecting products and services.
- Collect accurate and meaningful information about environmental performance and use it to make purchasing decisions.
Government wants to help businesses (especially small ones) sell green to the government
Manufacturer of energy-saving LED task lighting made in California from recycled e-waste

- ENERGY STAR
- 58.4% post-consumer content
- Made in USA
- Woman Owned Small Business
- LEED points
- On GSA schedule
Having so many attributes that meet FARs and goals should have been a big advantage when selling to government. Right?

• ENERGY STAR
• 58.4% post-consumer content
• Made in USA
• Woman Owned Small Business
• LEED points
• On GSA schedule

HeronLED® Personal Task Light
Real word examples of the disconnect

GSA Solicitation - 2012

ITEM PURCHASE DESCRIPTION

NSN: 6230-00-643-2076

LIGHT, DESK, INCANDESCENT, FLEXIBLE COLUMN: Flexible arm incandescent, electric desk light with parabolic-shaped reflector and weighted base. One 120 V, 60 W lamp shall be included. Shall be in accordance with the following characteristics:

Fire and casualty hazards. Each contractor shall submit proof that the desk lights they propose to supply under this Item Purchase Description conform to the requirements of Underwriters’ Laboratories, Inc., Standard No. UL 153. Evidence of conformance with UL 153 shall be the Underwriters’ Listing Mark affixed to the light. In lieu of the Underwriters’ Listing Mark, the contractor may submit a test report from an independent laboratory, acceptable to the Government, indicating that the desk light conforms to applicable requirements of the published standards, including test methods of UL 153. Compliance with the above preliminary requirements in regard to fire, safety and casualty hazards does not absolve the contractor from complete compliance with the other requirements of this Item Purchase Description in order to secure acceptance of the material or equipment.

General. The light shall consist of a weighted base and an attached column (see Reflector housing assembly paragraph) supporting at the upper end a lampholder and reflector.

Electrical rating. The desk light shall be designed for operation on 110-125 volt, 60-cycle alternating current electrical power. Maximum lamp wattage rating shall be permanently indicated on the lamp base or reflector.

2014

Lost opportunity to sell 1000 desk lamps to federal agency

- Winning product NOT ENERGY STAR and uses almost TWICE as much energy as ours
- Made from aluminum – low to no recycled content
- Was cheaper, but not significantly and represented a tiny percentage of overall furniture buy
- Agency in question actually administers the ENERGY STAR program
The will is there, the regulations is there, the information is there. But are the results????

A report put out by GAO in June 2001 sites the following as shortcomings in federal agencies’ green procurement:

- lack of effective tracking and monitoring of purchases; and

- insufficient awareness among procurement officials about recycled product procurement laws and methods.

Same problems exist today
How can the SPLC help?

• Make it easy!!!!!!!!!!
• Work closely with GSA, EPA, etc. to close the gap
  – GSA already working on sample green solicitation/contract language
  – Can we revamp big-time?
• Provide training, credentialing to agency buyers
• Advocate to require SPLC credentials??
• Advocate for accountability?