

AMS CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 14-54

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Title: Construction Waste Management- Clause Reference Change

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Guidance and Policy must be submitted with separate CR coversheets

Policy OR Guidance: Guidance

Summary of Change:

Administrative change in reference to applicability of clause 3.6.3-22 "Construction Waste Management"

Reason for Change:

Consistency with changes to clause

Development, Review, and Concurrence:

Acquisition Policy Division,Procurement Legal,and Contracting

Target Audience:

Contracting Workforce

Briefing Planned: No.

ASAG Responsibilities: None.

Section / Text Location:

T3.6.3A.11(b)(2)

The redline version must be a comparison with the current published FAST version.

I confirm I used the latest published version to create this change / redline

Links:

N/A

Attachments:**Redlines****T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace**

Revised 4/2009

A Environment, Conservation, Occupational Safety, and Drug Free Workplace

Revised 4/2009

1 Contracting for Environmentally Preferable and Energy-Efficient Products, Services and Facilities Revised 1/2014

FAA must acquire (i) environmentally preferable, energy and water efficient, recycled content containing, non-ozone depleting, less or non-toxic, and biobased products and services, and (ii) Environmental Protection Agency (EPA) compliant facilities whenever possible. Throughout the acquisition process, FAA must consider:

- (a) Obtaining and using renewable energy technology products and services considered to be environmentally preferable and energy and water efficient;
- (b) Eliminating or reducing the generation of hazardous waste and the need for special material processing (including special handling, storage, treatment, or disposal);
- (c) Requiring the use of less-toxic, non-hazardous materials and non-ozone depleting substances;
- (d) Realizing life-cycle cost savings;
- (e) Promoting cost effective waste reduction when creating plans, drawings, specifications, standards and other product descriptions authorizing material substitutions, extensions of shelf-life, and process improvements;
- (f) Requiring the use of biobased and recovered or recycled products;
- (g) Ensuring the offeror's facility is not on the General Services Administration (GSA) "List of Parties Excluded from Federal Procurement and Nonprocurement Programs"; and
- (h) Requiring contractors to manage the diversion of non-hazardous solid waste and Construction and Demolition (C&D) debris (generated as a result of their work) from municipal landfills or incineration facilities, including management, tracking, and reporting.

2 Responsibilities Revised 10/2013

a. *Program Office Responsibilities.*

- (1) Program offices are responsible for identifying hazardous materials and any safety controls that may be required in the delivery of supplies, services, or construction to FAA.
- (2) When preparing specifications and purchase descriptions for the acquisition of supplies, services, and construction, program offices must:
 - (a) Specify environmentally friendly products and ensure requirements comply with applicable laws and Executive Orders (such as Clean Air Act, Executive Orders 13423 and 13514);
 - (b) Consider energy and water conservation and efficiency data in acquisition planning;
 - (c) Incorporate FAA and EPA recycled content, biobased, non-ozone depleting, less-toxic, and energy and water efficient product standards into requirements; and
 - (d) Incorporate pollution prevention (such as waste reduction and diversion) and electronics stewardship considerations into requirements.
- (3) Program offices are responsible for reviewing and revising specifications or requirements during the planning phase of the acquisition to support FAA's procurement of environmentally preferable, energy and water efficient, biobased, less toxic, non-ozone depleting, and recycled content products. In addition to the program area specific resources available in AMS Guidance, refer to the [GSA's Green Products Compilation Tool](#) for a listing of products and services for which the EPA, DOE, and USDA have issued designations otherwise provided guidance for sustainability attributes.
- (4) When required by law or FAA policy, program offices are responsible for documenting and certifying compliance with applicable environmental or conservation standards (i.e. the recycled content determination)

b. *Contracting Officer Responsibilities.*

- (1) *Pre-Award.* The Contracting Officer (CO) must ensure:
 - (a) That Procurement Request (PR) packages include all required justifications (i.e. recycled content determination, Energy Star® etc.);
 - (b) The Screening Information Request (SIR) includes all required provisions to support FAA's procurement of environmentally preferable, energy and water efficient, biobased, less-toxic, non-ozone depleting, and recycled content products and services (i.e. energy efficiency standards for energy-consuming products, diverting non-hazardous solid waste, etc.). The GSA Green Products Compilation Tool is a reference as described in (a)(3) above.
 - (c) All required certifications (such as Toxic Chemical Release Inventory Form (Form R) certification or Material Safety Data Sheets (MSDS)) are received prior to contract award; and
 - (d) Offeror's facilities are Environmental Protection Agency (EPA) compliant.
- (2) *Post Award.*

The CO must:

(a) Ensure that all post-award certifications (e.g. minimum content standards, Energy Star®, biobased, etc.) or MSDS are submitted to FAA as required;

(b) Ensure that contractors notify FAA prior to delivering hazardous or radioactive material; and

(c) Cooperate with the Environmental Protection Agency (EPA) and its representatives as required.

(3) *Reporting Clean Air or Water Violations.* If a CO becomes aware of noncompliance with clean air or water standards in a prospective or performing contractor's facilities, the CO must notify and coordinate the award with EPA.

3 Hazardous Material Identification and Material Safety Data Revised 7/2008

a. The CO should obtain information before award about hazards that may be introduced into the workplace by the supplies being acquired such as:

(1) That required by Federal Standard No. 313 (including revisions adopted during the term of the contract) in obtaining hazardous material; or

(2) That identified by a FAA technical representative as potentially hazardous and requiring safety controls.

b. As required by 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, the successful offeror/contractor is required to submit Material Safety Data Sheets (MSDS) prior to contract award and with supplies at the time of delivery, unless the offeror/contractor certifies that the supplies are not hazardous. The CO should provide a copy of all MSDSs received to the safety officer and program office.

4 Notice of Radioactive Material Revised 4/2009

a. The procurement team requires contractors to notify FAA receiving activities prior to delivering radioactive material so FAA can initiate appropriate safeguards. The CO may waive the notification if the contractor certifies that a notification on prior deliveries is still

accurate. However, the CO may only waive the notice after consultation with the cognizant contracting technical representatives.

b. The procurement team should require offerors to specify the number of days in advance of delivery that the receiving activity will be notified of an impending delivery. The determination of the number of days should be done in coordination with the installation/facility radiation protection officer (RPO). The RPO is responsible for insuring the proper license, authorization or permit is obtained prior to receipt of the radioactive material.

5 Ozone Depleting Substances Revised 7/2013

a. FAA must minimize procurement of materials and substances (such as those found in refrigerants, foam

blowing agents, cleaning solvents, fire suppression, aerosols, sterilants, and adhesives, coatings, and inks) that contribute to depleting the stratospheric ozone. FAA must also give preference to procuring alternative chemicals, products and manufacturing processes that reduce overall risks to human health and the environment by lessening the depletion of ozone in the upper atmosphere.

b. When preparing specifications and purchase descriptions for supplies and services, program officials must ensure that each comply with the Clean Air Act and substitute safe alternatives to ozone depleting substances, as approved by the EPA's Significant New Alternatives Policy (SNAP) Program.

c. For contracts calling for the delivery of ozone-depleting substances or supplies that may contain or be manufactured with ozone-depleting substances, it must be specified in the Screening Information Request (SIR)/contract that only offerors with the appropriate EPA certifications will be considered for award. Required certifications based on service type (such as Section 608 Certification for stationary refrigeration and air conditioning technicians) can be found under EPA's Ozone Layer Protection Regulatory Programs .

d. Additional information regarding non-ozone depleting alternatives can be found in the following locations:

- (1) EPA's [SNAP Program website](#); and
- (2) EPA's [Ozone Layer Protection - Regulatory Programs website](#).

6 Chemicals Management Revised 4/2014

a. To the maximum extent practicable, FAA procurements must 1) reduce the overall quantity of chemicals and toxic materials acquired, used, and disposed of; and 2) increase the use of less or non-toxic alternatives.

(1) FAA must purchase and use less or non-toxic building product alternatives (such as paints, sealants, adhesives, carpet, engineered wood, etc.) wherever practicable. Products should meet the suggested Volatile Organic Compound (VOC) limits set forth in the Whole Building Design Guide's (WBDG) Federal Green Construction Guide for Specifiers.

(2) FAA must utilize environmentally preferable methods for indoor and outdoor cleaning and Integrated Pest Management (IPM).

(a) Cleaning product specifications should align with green cleaning guidelines set forth in EPA's Environmentally Preferable Purchasing Program. For example, preference should be given for cleaning products that:

- (i) Have minimal presence of (or exposure to) harmful chemicals (such as corrosives, carcinogens, etc.) and Volatile Organic Compounds (VOCs);
- (ii) Are biodegradable by standard methods and definitions; and
- (iii) Contain biobased solvents.

(b) Indoor and outdoor pest management must be accomplished through an IPM approach that minimizes the use of chemical pesticides.

(3) FAA must utilize environmentally preferable methods for landscape management wherever practicable. For example:

- (a) Preference should be given for snow and ice management methods that promote proactive ice prevention and employ the use of less-toxic chemical de-icing alternatives to calcium chloride and sodium chloride.
- (b) Low-impact and biodegradable cleaning products should be specified for use on building exterior, sidewalks, pavement, and other hardscapes in a manner that promotes water efficiency and prevents runoff.
- (c) Preference should be shown for organic or natural fertilizers (such as compost, grass clippings) in lieu of chemical fertilizers where their use would be meaningful and consistent with mission needs. Where synthetic fertilizers must be used, preference should be given to slow-release formulations and those which consider appropriate nutrient management practices based on local environmental sensitivities and regulations.

b. Additional information regarding less or non-toxic alternatives can be found at the following locations:

- (1) [Federal Green Construction Guide for Specifiers website](#)
- (2) [Design for the Environment \(DfE\) website](#)
- (3) [EPA Environmentally Preferable Purchasing Program \(EPP\) website](#)

7 Energy Conservation and Efficiency Revised 4/2014

a. The procurement team (CO, program official, legal counsel, and others supporting a program) must make energy conservation and efficiency a contracting consideration when procuring products affecting energy consumption. Energy conservation and efficiency data must be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring energy-consuming products:

- (1) FAA must procure the most energy efficient products available, where life-cycle cost effective and consistent with the mission need;
- (2) FAA must purchase Energy Star® or other energy-efficient items listed with the Department of Energy's (DOE) Federal Energy Management Program (FEMP) Product Energy Efficiency Recommendations products list;
- (3) For products that consume power in standby mode and are listed on FEMP's Low Standby Power Devices product listing, FAA must;
 - (a) Purchase items which meet FEMP's standby power wattage recommendation or document why such items were not purchased; or
 - (b) If the FEMP has listed a product without a corresponding wattage recommendation, purchase items which use no more than one watt in standby power consuming mode. If meeting the one watt requirement is impracticable, FAA will purchase items with the lowest standby wattage practicable.
- (4) FAA must purchase Electronic Product Environmental Assessment Tool (EPEAT) Bronze-registered electronic products (such as personal computers, imaging equipment, televisions) or higher if available (Gold registered products are preferred). All EPEAT-registered products are Energy Star® labeled); and

(5) FAA must purchase technologies that utilize renewable energy sources where their application and use would be practicable, life-cycle cost effective, and consistent with mission needs.

b. When contracting for service or construction that will include the provision of energy- consuming products, FAA will specify products that comply with the standards outlined above.

c. FAA is not required to procure Energy Star®, EPEAT registered, or FEMP-designated products if it is determined in writing by the program official that:

(1) An Energy Star ® product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account;

(2) No Energy Star® or FEMP-designated product is reasonably available that meets the functional requirements of FAA, or

(3) No EPEAT standard for the product exists.

d. Information regarding EPEAT registered, Energy Star® or FEMP-designated products can be found at the following locations:

(1) [Energy Star® website](#);

(2) [FEMP website](#) or

(3) [EPEAT website](#)

8 Renewable Energy Certificates Revised 4/2014

a. Renewable energy certificates (RECs), also known as renewable energy credits, represent the property rights to the environmental, social, and other non-power qualities of renewable electricity generation. A REC, and its associated attributes and benefits, can be sold separately from the underlying physical electricity associated with a renewable-based generation source. FAA has the option of purchasing RECs to help meet Federal renewable energy use requirements.

b. For FY 2014, at least 50% of RECs purchased must be from new renewable sources, where “new” renewable sources means sources of renewable energy placed into service after January 1, 1999. Starting in FY 2015, 100 percent of RECs purchased must be from new renewable sources, where “new” renewable sources means sources of renewable energy placed into service within 10 years prior to the start of the fiscal year. In both instances, the RECs purchased must be from renewable sources of electricity derived from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

c. In order to meet REC reporting requirements, FAA must obtain documentation under the contract showing both transference and ownership of the RECs, and it must also include the following information:

(1) Number of RECs sold in megawatt hours (MWhs);

(2) Fuel type (renewable fuel used to generate electricity associated with RECs sold);

(3) Period of generation for RECs sold (month or quarter, and year);

(4) Cost per REC (or total purchase price);

- (5) Location of the generation facility; and
- (6) Date the generation facility was placed in service;

Optional additional information may include:

- (1) Renewable energy project name;
- (2) Generator ID number; and
- (3) Nameplate capacity.

Usually this documentation is in the form of an attestation from the REC provider and a certificate of transfer, which demonstrates rights to the renewable attributes of the power generated by the renewable resource transfer to the buyer.

9 Water Conservation and Efficiency Revised 4/2014

a. The procurement team (Contracting Officer (CO), program official, legal counsel, and others supporting a program) must make water conservation a contracting consideration when procuring products affecting FAA water consumption. Water conservation and efficiency data must be considered along with estimated cost and other relevant factors in the preparation of plans, drawings, specifications, and other product descriptions. When procuring water consuming products:

- (1) FAA must procure the most water efficient products available, where life cycle cost- effective and consistent with the mission need.

- (2) FAA must purchase WaterSense® labeled products or other water conserving products where available and life cycle cost effective.

b. When contracting for service or construction that will include the provision of water consuming products, FAA will specify products that comply with the standards outlined above. FAA should choose irrigation contractors that are certified through a WaterSense® labeled program.

c. FAA is not required to procure WaterSense® labeled products or other water conserving products if it is determined in writing by the program official that:

- (1) A WaterSense® labeled product or other water conserving product is not cost- effective over the life of the product taking utility cost savings into account; or

- (2) No WaterSense® labeled product or other water conserving product is reasonably available that meets the functional requirements of FAA.

d. For examples of common off-the-shelf water conserving products and efficiency standards, refer to Department of Energy's (DOE) guidance "[Establishing Baseline and Meeting Water Conservation Goals of Executive Order 13423](#)".

e. Information regarding WaterSense® labeled products can be found on the [EPA's WaterSense® website](#).

10 Preference for Recycled Content and Biobased Products Revised 4/2014

a. According to Executive Orders 13423 and 13514, FAA procurements of designated recycled content products in EPA's Comprehensive Procurement Guidelines (CPG) will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products*. FAA's Green Procurement Plan (GPP) (see Appendix

2) is based on EPA's CPG designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, and are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from [EPA's CPG website](#). The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

(2) *Biobased Products*. In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. Contracting Officers should refer to the U.S. Department of Agriculture (USDA) listing of biobased products on the [USDA biopreferred website](#) when purchasing products that contain biobased material or services that could contain products that contain biobased material.

(3) *Special Requirements for Refined Oil*. FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products*. FAA's GPP provides information and guidance on purchasing and using environmentally preferable products and services. c. *Recycled Content*

Determination or Justification for Exemption.

1) *Recycled Content Determination*. Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(a) *Printing and Writing Paper*: FAA promotes complying with the minimum content standards stated in Executive Orders 13423 and 13514 when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

(i) 30 percent post-consumer fiber;

(ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably priced.

(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

(i) Are not available competitively;

(ii) Are not available within a reasonable time frame; (iii) Do not meet

reasonable performance standards; or (iv) Are only available at an

unreasonable price.

Written justification is not required for purchases below the threshold level of \$10,000.

(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix

2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. *Recycled Content CPG Items.* The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$10,000.

e. *Federal Supply Sources for EPA-Designated Products.*

(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), the Defense Supply Center Richmond, and Ability One Program are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with GPP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

f. *Contractors Use of EPA-Designated Products.*

(1) The requirement to buy recycled content items applies to contractors when they are purchasing or

supplying EPA-designated products for use in the performance of a contract. The contractor is required to monitor and report on its GPP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's GPP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include GPP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable GPP requirements contained in their contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the procurement of recycled content products. COs may, at any time, when appropriate, emphasize to contractors the importance and requirements of Executive Orders 13423 and 13514.

g. Life-Cycle Cost Analysis. FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

h. Specification Review/Revision.

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of biobased and recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring biobased and recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for biobased and recovered materials to the maximum extent practicable, and allow for the purchase of products containing biobased and recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider biobased and recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds USDA's biobased and EPA's recycled content recommendations.

i. Promotion Program. FAA is responsible for actively promoting its preference for biobased and recycled content products. This includes making biobased and recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure biobased and recycled content products, and providing FAA employees and contractors with information on sources of biobased and recycled products. FAA should internally and externally promote its desire to buy biobased and recycled products by:

(1) Including explicit biobased and recovered materials preference standards for USDA- designated biobased products and EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding

the agency's biobased and recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

j. *Vendor Procedures.*

(1) *Certification.* COs should ensure that vendors provide written certification that their products meet the minimum content standards in the SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) *Verification.* FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with Executive Orders 13423 and 13514.

k. *Annual Review and Monitoring.* FAA should take the following actions to track its procurement of USDA-designated biobased products and EPA-designated recycled content products:

(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each USDA-designated biobased product and EPA-designated recycled content product that it purchases.

(2) Assess its progress in achieving FAA goal of ensuring that 95 percent of applicable new contract actions for products and services advance sustainable acquisition, including biobased and recycled content products acquisition, where such products and services meet FAA performance requirements.

(3) Determine whether biobased and recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.

(4) Determine whether biobased and recycled content products are not being purchased due to price, performance, or availability constraints.

(5) Work with vendors, USDA, and the EPA to identify products that meet FAA's needs whenever performance is the constraint.

(6) Increase its promotion program and work with the USDA and EPA to identify sources whenever availability is the constraint.

l. *Annual Reports.*

(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:

(a) To increase the procurement of products made from biobased and recovered materials;

(b) For solid waste prevention and recycling or for solid waste diversion; and

(c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of USDA-designated biobased products and EPA-Designated items and reporting this information annually through DOT to the Federal Environmental

Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of biobased, recycled content and environmentally preferable products.

11 Waste Management Revised 4/2014 Redlined 5/16/14

a. *Non-hazardous Solid Waste.* The FAA must divert at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of Fiscal Year 2015 in accordance with Executive Order 13514. Pursuant to Executive Order 13423, every new contract for contractor operation of or maintenance at a Government owned or leased facility should require contractor programs to promote and implement cost-effective waste reduction

and diversion in performing the contract, to the maximum extent practicable Where economically feasible, existing contracts for contractor operation of or maintenance at Government-owned or leased facilities should be modified to include the promotion and implementation of cost-effective non-hazardous solid waste reduction and diversion in contract performance.

b. *Construction and Demolition (C&D) Waste.*

(1) FAA must divert at least 50 percent of overall C&D waste from landfills or incineration facilities by the end of Fiscal Year 2015 in accordance with Executive Order 13514. Examples of materials to be diverted are as follows: (a) Soil

(b) Inerts (such as concrete, masonry, or asphalt) (c) Clean

dimensional wood and pallet wood

(d) Green waste (biodegradable landscaping materials)

(e) Engineered wood products (such as plywood, particle board) (f) Metal products

(such as steel, wire, beverage containers)

(g) Cardboard, paper, and packaging

(h) Bitumen roofing materials (i) Plastics (such as

ABS, PVC) (j) Carpet and/or padding

(k) Gypsum board

(l) Insulation

(m) Paint

(n) Fluorescent lamps

(2) For all construction, demolition, or facilities modernization contracts over \$100,000 in awarded value, the

contractor must submit a Waste Management Plan to the Contracting Officer (CO) no later than 15 days after contract award and prior to the start of construction activities in accordance with Clause 3.6.3-22 "Construction Waste Management". The clause also requires the contractor to divert at least 50 percent of the weight of the total non-hazardous solid waste generated by the work from landfills and incinerators (unless a lower percentage is specified in the clause by the CO).

(a) The contractor must track C&D waste diversion efforts and provide a Waste Diversion Summary Report each month. A sample Construction and Demolition Debris Diversion Report Form can be found in the FAA AMS Statement of Work Generator under DID FAA-EOSH-0001.

(b) Information regarding C&D waste management may be found at the following websites:

(i) [EPA's Construction and Demolition Materials](#) provides basic information on C&D materials, collection, handling, recycling, reuse, and disposal.

(ii) [California C&D Debris recycling](#) provides useful best practices for managing C&D waste.

(iii) [Whole Building Design Guide](#) provides a Construction Waste Management Database that contains information on companies that haul, collect, and process recyclable debris from construction projects.

c. FAA facilities must comply with the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101-13109).

d. Every FAA contract that provides for performance on a Federal facility must stipulate that the contractor must provide information necessary for FAA to comply with the emergency planning and toxics release reporting requirements of EPCRA and PPA.

12 Energy Savings Performance Contracts Revised 4/2014

a. An Energy Savings Performance Contract (ESPC) is a contract that allows the FAA to accomplish energy projects for its facilities with little or no upfront capital costs. Under an ESPC, a contractor (i.e., an Energy Savings Company (ESCO)) finances the up-front cost of the project, guarantees the project improvements will generate enough energy and water cost savings to pay for the project over the contract period, and is paid back from the resultant energy and water savings over the contract period. Financed project costs may include ESCO services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair of an identified energy conservation measure or series of measures at one or more FAA facilities. If sufficient appropriated funding to cover the entire project is not available, or is not expected to be available in a reasonable time frame, FAA may award ESPCs to accomplish energy savings projects at FAA. FAA may contract with an ESCO for a period not to exceed 25 years.

b. *Procedures.* To solicit and award an ESPC, the CO must use the procedures, selection method, and terms and conditions provided in 10 CFR Part 436, Subpart B, at the Department of Energy (DOE) [Federal Energy Management Program \(FEMP\)](#) website and must use the "Qualified List" of ESCOs established by the DOE. The resulting award would be processed as an order under the applicable DOE contract consistent with AMS guidance on interagency procurement.

c. *Training.* All COs responsible for negotiating ESPCs must take DOE FEMP-sponsored contracting training for ESPCs (ESPC Contracting and Negotiations Webinar).

d. All ESPCs must comply with the National Energy Conservation Policy Act (42 U.S.C 8287) as set forth in the DOT Limited Delegation of Authority of July 11, 2012 until such time as the DOE statute or implementing regulations are revised.

13 Utility Energy Service Contracts Revised 4/2014

a. Under a Utility Energy Service Contract (UESC), FAA may contract with a local servicing utility for technical services and/or up-front project financing for energy efficiency, water conservation, and renewable energy investments at one or more FAA facilities. The utility finances the capital costs of the project with little or no up-front capital costs to the FAA, and the utility is then repaid over the contract term from the cost savings generated by the project. If sufficient appropriated funding to cover the entire project is not available, or not expected to be available in a reasonable time frame, FAA may award UESCs at FAA facilities. Unlike a Energy Savings Performance Contract, a UESC is not required to include performance guarantees. Because of this, it is highly recommended that performance guarantees or assurances be incorporated into these contracts to reduce FAA risk. Performance assurances do not guarantee energy savings; however, they provide assurance that equipment installed will perform as expected. A UESC should also include measurement and verification of savings through equipment commissioning, recommissioning or retro-commissioning.

b. *Planning.* Acquisition planning for a UESC should include the following:

(1) Inclusion of applicable performance assurance criteria in the SIR and contract;

(2) Analysis that shows that the planned energy conservation measures are cost effective;
and

(3) A competition or alternatives analysis as part of the selection process.

c. *Procedures.* To solicit and award a [UESC](#), the CO must use the procedures, selection method, and terms and conditions provided on the Department of Energy Federal Energy Management Program (FEMP) website.

d. All UESCs must comply with the Energy Policy Act of 1992 (42 USC 8256).

14 Drug Free Workplace Revised 4/2014

a. *Applicability.* Drug-free workplace requirements apply to all contracts except those performed outside of the United States, its territories, and its possessions; or when application would be inconsistent with international obligations of the U.S. or foreign laws or regulations.

b. *Attestation.* The firm or individual attests to providing a drug-free workplace by their signature on the contract.

c. *Penalties.* After determining in writing that adequate evidence to suspect the specific cause identified exists, the CO may elect to suspend contract payments or to terminate the contract.

- (1) The specific cause for suspension of contract payments, termination of a contract, or suspension and debarment is that such a number of contractor employees have been convicted of violations of criminal drug statutes occurring in the workplace to indicate that the contractor has failed to make a good-faith effort to provide a drug-free workplace.
- (2) A determination to suspend contract payments, terminate a contract, or debar or suspend a contractor may be waived for a particular contract, only if such waiver is necessary to prevent a severe disruption of FAA's operation to the detriment of the Federal Government or the general public.