

October 1998

**SUBJECT:** Executive Order 13101-Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition

**PURPOSE:** To alert MSC Commanders to the requirements of EO 13101

**FACTS:**

President Clinton issued Executive Order 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, on 14 September 1998.

The Executive Order imposes additional requirements from those previously required by EO 12873, which is superseded.

EPA and States directed to include an evaluation of compliance with the requirement to have an affirmative procurement program for EPA designated items made from recovered material as part of their multi-media inspections of Federal Facilities.

Agencies will be encouraged to include biobased products in their affirmative procurement programs after USDA publishes a Biobased Products List

Contracts for support services at Government owned or operated facilities, as well as contracts for operation of such facilities, shall require the contractor to comply with the EO requirements.

The Order continues and strengthens the requirement to purchase EPA designated items containing recovered materials and to have affirmative procurement programs for such items.

Agencies must provide written justification for not purchasing EPA designated items that meet or exceed EPA guidelines

Written justification must be based on:

- product not available competitively
- product not available within a reasonable time
- product does not meet appropriate performance standards
- product only available at an unreasonable price

Written justification is not required for purchases below the micropurchase threshold.

EPA has designated approximately 40 items subject to requirement for affirmative procurement programs.

DAR Environmental Committee has reported to the DAR Council recommending necessary changes in the Federal Acquisition Regulations to implement the requirements.

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