## 23.103 Policy.

- (a) Agencies *shall* procure *sustainable products and services* (as defined in 2.101) to the maximum extent practicable.
- (1) Procuring *sustainable products and services* is considered practicable, unless the agency cannot acquire *products* or services—
- (i) Competitively within a reasonable performance schedule;
- (ii) That meet reasonable performance requirements; or
- (iii) At a reasonable price (see 23.103(a)(2)).
- (2) When considering whether the price of a sustainable product is reasonable, agencies *should* consider whether the product is cost-effective over the life of the product. For ENERGY STAR® or Federal Energy Management Program (FEMP)-designated *products*, a price is reasonable if it is cost-effective over the life of the product taking energy cost savings into account (42 U.S.C. 8259b(b)(2)). Life-cycle cost savings tools for *energy-efficient products* are available at <a href="https://www.energystar.gov/buildings/save\_energy\_commercial\_buildings/ways\_save/energy\_efficient\_products">https://www.energystar.gov/buildings/save\_energy\_commercial\_buildings/ways\_save/energy\_efficient\_products</a> and <a href="https://www.nrel.gov/analysis/tech-lcoe.html">https://www.nrel.gov/analysis/tech-lcoe.html</a>.
- (b) When procuring sustainable products and services, agencies shall—
- (1) Ensure compliance with applicable statutory purchasing program requirements (see 23.107); and
- (2) Prioritize multi-attribute sustainable products and services (see 23.104(c)(2)).
- (c) Regarding *products* under *contract actions* for services or *construction*, the contractor is required to provide *products* that meet the definition of *sustainable products and services* at <u>2.101</u>, if the *products* are—
- (1) Delivered to the Government;
- (2) Furnished by the contractor for use by the Government;
- (3) Incorporated into the *construction* of a public building or public work; or
- (4) Acquired by the contractor for use in performing services under a Government contract where the cost of the *products* is a *direct cost* to a Government contract (versus costs which are normally applied to a contractor's general and administrative expenses or *indirect costs*).

Parent topic: Subpart 23.1 - Sustainable Products and Services