523.105 Sustainability Exceptions.

(a) *Allowable Exceptions*. An exception for acquiring sustainable products or services is available if any of the following conditions exist:

(1)Product or service cannot be acquired competitively within a reasonable performance schedule.

(2)Product or service cannot be acquired that meets reasonable performance requirements.

(3)Product or service cannot be acquired at a reasonable price.

(i)The price shall be deemed unreasonable when the total life cycle costs are significantly higher for the sustainable product or service versus the non-sustainable product or service.

(ii)For more information on conducting a life cycle cost analysis (LCCA), review the guidance available at <u>https://sftool.gov/</u>.

(4)A specific statutory exemption applies.

(b) *Documentation Process*. If at any point during the acquisition the contracting officer determines that a contract action cannot comply with the sustainable requirements outlined in GSAM 523.104(a)(1) due to an allowable exception, the contracting officer must document within the contract file the exception being used under GSAM 523.105(a) and provide supporting rationale for using the exception. The exception can be documented in the Environmental and Energy Conservation Objectives section of the acquisition plan under FAR 7.105(b)(17) or in a separate memorandum that is included in the Acquisition Plan section of the contract file.

Parent topic: Subpart 523.1 - Sustainable Acquisition Policy