

MWI 8540.2

BASELINE

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MARSHALL WORK INSTRUCTION

AD01

AFFIRMATIVE PROCUREMENT PROGRAM FOR ENVIRONMENTALLY PREFERABLE PRODUCTS

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1. PURPOSE

This directive establishes the Marshall Space Flight Center (MSFC) Affirmative Procurement (AP) program for purchasing environmentally preferable products designated by the Environmental Protection Agency (EPA). As one of the major procuring agencies in the Federal Government, NASA must comply with the Federal requirements to purchase recycled-content products. The purpose of the AP program is to increase and expand markets for recovered materials through greater Government preference and use of products made with such materials consistent with the demands of efficiency and cost-effectiveness. Expanding markets will reduce the amount of solid waste requiring disposal through the purchase and use of products containing recovered materials.

2. APPLICABILITY

This Marshall Work Instruction (MWI) applies to all MSFC employees, support contractors, and contractors operating Government-owned or leased facilities that procure EPA-designated items.

3. APPLICABLE DOCUMENTS

3.1 Executive Order (EO) 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition"

3.2 MWI 5100.1, "Procurement Initiators Guide"

3.3 NPG 8830.1, "Affirmative Procurement Plan for Environmentally Preferable Products"

3.4 Environmental Protection Agency Comprehensive Procurement Guidelines <http://www.epa.gov/cpg/index.htm>

3.5 40 Code of Federal Regulations (CFR) Part 247

4. REFERENCES

4.1 Federal Acquisition Regulation (FAR)

4.2 MPG 5000.1, "Purchasing"

4.3 MPG 8500.1, "MSFC Environmental Management Program"

4.4 NPD 8500.1, "NASA Environmental Management"

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4.5 NPG 8820.3, "Pollution Prevention"

4.6 Office of Federal Procurement Policy, Policy Letter 92-4

4.7 Resource Conservation and Recovery Act, Section 6002

5. DEFINITIONS

5.1 Affirmative Procurement (AP). The preferential procurement of environmentally preferable goods and services.

5.2 Agency Environmental Executive. NASA Headquarters manager of environmental affairs, code JE.

5.3 Comprehensive Procurement Guidelines (CPG). Promotes the use of materials recovered from solid waste.

5.4 Designated Item. An EPA guideline item or category of item that can be made with recovered material, advancing the purpose of AP when purchased. EPA designates items in the CPG which is amended periodically in the Federal Register and located in EPA's regulations at 40 CFR Part 247. The minimum-recovered content standards for designated items and recommended practices for the procurement of such items are published periodically in the Federal Register under the title of Recovered Materials Advisory Notices (RMANS).

5.5 Environmental Engineering Department (EED). AD10

5.6 Environmentally Preferable. Products or services that have a lesser or reduced adverse effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

5.7 Initiator. As defined in MWI 5100.1, this is the person who prepares or is otherwise responsible for initiating the procurement request. In NPG 8830.1, the initiator is referred to as the "Request Originator." The initiator is the person (Government or contractor) who makes the actual product purchase.

5.8 Life-Cycle Cost. The amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.

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5.9 Minimum Content Standard. The minimum-recovered material content specifications, set to assure the recovered material content required, are the maximum available without jeopardizing the intended item use, as set forth by the EPA Recovered Material Advisory Notice (RMAN).

5.10 NASA Environmental Tracking System (NETS). NASA data base for reporting affirmative procurement data and other environmental parameters.

5.11 Recycling and Affirmative Procurement (RAP).

5.12 RAP Coordinator. Leads and coordinates the RAP programs for MSFC; responsible for collecting and submitting affirmative procurement data to NASA Headquarters.

5.13 Resource Conservation and Recovery Act (RCRA).

5.14 Recovered Material Advisory Notice (RMAN). Guidance issued by the EPA regarding the purchase of recycled-content products.

5.15 Request for Waiver. MSFC Form 4412; this waiver is required if an environmentally preferable product or service is available and the request originator chooses not to purchase it due to exceptions listed in paragraph 6.1.3.

6. INSTRUCTIONS

Affirmative procurement is the preferential procurement of environmentally preferable goods and services. EO 13101 requires all Federal agencies to actively pursue affirmative procurement. The EPA offers a list of environmentally preferable products on the Web under its CPG program at <http://www.epa.gov/cpg/products.htm>. The categories of products are:

- Construction
- Landscaping
- Nonpaper office
- Paper
- Park and recreation
- Transportation
- Vehicular
- Miscellaneous

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The user should go to the CPG Web site (<http://www.epa.gov/cpg/products.htm>) to evaluate the specific products listed within each category.

6.1 Initiator

6.1.1 Procurement initiators shall understand the requirements of EO 13101 and be aware of the EPA CPG program and Web site described above. The responsibilities of the initiator are defined in NPG 8830.1.

6.1.2 Before purchasing new products, the initiator shall review the EPA list of environmentally preferable products at <http://www.epa.gov/cpg/products.htm>.

6.1.3 The initiator shall purchase from the EPA list of products unless one of the following exceptions applies:

- Inadequate competition
- Unreasonable price
- Lack of quality/performance specifications or standards
- Unavailable within a reasonable timeframe

6.1.4 If one of the aforementioned exceptions applies, the initiator shall prepare a request for waiver (MSFC Form 4412), including any necessary accompanying documentation, and forward the document to EED for concurrence and approval (follow instructions on the form).

6.1.5 If a product is considered unreasonably priced, the initiator shall consider life-cycle cost to justify the waiver. EED may be consulted for assistance with determining the life-cycle cost.

6.1.6 If the waiver is approved, the excepted item may be purchased. EED shall keep the original signed waiver.

6.1.7 If the waiver is disapproved, the initiator shall revise the purchase request to include the environmentally preferable product.

6.1.8 If the initiator disputes a disapproved waiver, then Center Operations Directorate management may be consulted for resolution. If necessary, the Agency Environmental Executive shall be consulted (per NPG 8830.1) to resolve waiver disputes.

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6.2 All MSFC Organizations

All MSFC organizations shall report their quarterly (March, June, September, and December) AP purchases to the MSFC RAP coordinator for incorporation into the MSFC RCRA report.

6.3 MSFC Recycling and Affirmative Procurement Coordinator

The MSFC RAP coordinator shall annually report the MSFC AP purchases to NASA Headquarters via the NETS data base. The following Web link provides the RAP coordinator name and contact information:

<http://eemo.msfc.nasa.gov/environmental/activities/p2/recycle.shtm>

6.4 Procurement Office

Affirmative procurement responsibilities for the Procurement Office are defined in NPG 8830.1. Specifically, the Procurement Office, in consultation with EED and initiator, shall:

6.4.1 Provide guidance to all MSFC organizations with respect to environmentally preferable goods and services, including those available through Federal supply sources.

6.4.2 Assist in any market research necessary to determine the availability of environmentally preferable goods and services.

6.4.3 Ensure that solicitations and contracts contain the appropriate provisions and clauses to implement AP.

7. **NOTES**

None

8. **SAFETY PRECAUTIONS AND WARNING NOTES**

None

9. **RECORDS**

9.1 MSFC Form 4412, "Affirmative Procurement Request for Waiver," shall be maintained by EED for 3 years as part of RCRA records, then destroyed or maintained for historical purposes, per NASA Records Retention Schedule 8/43.B.

9.2 The annual RCRA report is maintained on the NETS.

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9.3 EED shall maintain attendance records of AP training for 3 years, then destroy, per NASA Records Retention Schedule N1-255-00-2.

10. PERSONNEL TRAINING AND CERTIFICATION

Training shall be conducted in accordance with MPG 8500.1, "MSFC Environmental Management Program."

11. FLOW DIAGRAM

None

12. CANCELLATION

None

Original Signed by
Axel Roth for

A. G. Stephenson
Director