

## 23.104 General procedures.

(a) *Maximum extent practicable.* If the requiring activity submits a written justification addressing the reasons described in [23.103\(a\)\(1\)](#), the *contracting officer may* consider it not practicable to procure sustainable *products* or services. A written justification *may* be for a specific product or service or at the *line item* or contract level. The *contracting officer shall* maintain the written justification in the contract file.

(b) *Identification.*

(1) Except as provided in paragraph (b)(2) of this section, the *contracting officer shall* ensure the *solicitation* and contract identifies—

(i) The *sustainable products and services*, including the purchasing program and type of product or service, that are applicable to the *acquisition*, as identified by the requiring activity; and

(ii) Any *products* and services that are not subject to the requirements of this subpart and the clause at [52.223-23, Sustainable Products and Services](#), based on the written justification under paragraph (a) of this section, an exception at [23.105](#), or an exemption at [23.106](#).

(2) The requirement in paragraph (b)(1) of this section does not apply if the justification, exception, or exemption covers the entirety of the *contract action* requirements.

(c) *Prioritization.* Agencies *shall* prioritize *sustainable products and services* as follows:

(1) Procure *products* and services that meet applicable statutory purchasing program requirements (see [23.107](#)). When both an EPA-designated item (see [23.107-1](#)) and a *biobased product* in a USDA-designated product category (see [23.107-2](#)) could be used for the same purposes, and there is not an EPA-designated item that is also a *biobased product* in a USDA-designated product category that meets the agency's needs, procure the EPA-designated item.

(2) Consistent with other statutory *procurement* requirements, prioritize multi-attribute *sustainable products and services*, which are those that meet applicable statutory purchasing program requirements (see [23.107](#)) and one or more required EPA purchasing programs (see [23.108](#)).

(3) If no statutory purchasing program requirements apply, procure *sustainable products and services* that meet required EPA purchasing program requirements (see [23.108](#)).

(d) *Resource.* The Green Procurement Compilation (GPC) available at <https://sftool.gov/greenprocurement> provides a comprehensive list of *sustainable products and services* and other related *sustainable acquisition* guidance. In addition to the resources identified for each purchasing program listed in [23.107](#) and [23.108](#), agencies *should* consult the GPC when determining which purchasing programs apply to a specific product or service.

**Parent topic:** [Subpart 23.1 - Sustainable Products and Services](#)