

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 https://www.energystar.gov/buildings/save_energy_commercial_buildings/ways_save/energy_efficient_products and <https://www.nrel.gov/analysis/tech-lcoe.html>.

(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 [2.101](#), 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](#)