23.105 Exceptions.

The following are excepted from the requirement to procure *sustainable products and services*:

(a) Contracts performed or *supplies* delivered outside of the *United States*, unless the *agency head* determines that such application is in the interest of the *United States*.

(b) Weapon systems; however, compliance with applicable agency affirmative *procurement* programs is required for *recovered materials* per 23.107-1 (see 23.109(b)) (42 U.S.C. 6962) and for alternatives for ozone depleting substances per 23.107-4 (see 23.109(d)) (42 U.S.C. 7671l), unless a written justification exists as described at 23.104(a) (42 U.S.C. 6962(c)(1) and 7 U.S.C. 8102(a)(1)(B)).

(c) Energy-consuming *products* or systems designed or procured for combat or combat-related missions are not subject to the requirements in 23.107-3 (42 U.S.C. 8259b(a)(5)).

(d) *Biobased products* to be used in military equipment (*products* or systems designed or procured for combat or combat-related missions), spacecraft systems, or launch support equipment are not subject to the requirements in 23.107-2 (7 CFR 3201.3(e)).

Parent topic: Subpart 23.1 - Sustainable Products and Services