

## 23.204 Procurement exemptions.

An agency is not required to procure an ENERGY STAR® or FEMP-designated product if the *head of the agency* determines *in writing* that-

(a) No ENERGY STAR® or FEMP-designated product is reasonably available that meets the functional requirements of the agency; or

(b) No ENERGY STAR® or FEMP-designated product is cost effective over the life of the product taking energy cost savings into account.

**Parent topic:** [Subpart 23.2 - Energy and Water Efficiency and Renewable Energy](#)