

## 23.405 Procedures.

### (a) *Designated items and procurement guidelines.*

(1) *Recovered Materials.* Contracting officers should refer to EPA's list of EPA-designated items (available via the Internet at <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products>) and to their agencies' affirmative *procurement* program when purchasing *products* that contain *recovered material*, or services that could include the use of *products* that contain *recovered material*.

(2) *Biobased products.* Contracting officers should refer to USDA's list of USDA-designated items (available through the Internet at <http://www.biopreferred.gov>) and to their agencies' affirmative *procurement* program when purchasing *supplies* that contain biobased material or when purchasing services that could include *supplies* that contain biobased material.

(3) When acquiring *recovered material* or *biobased products*, the *contracting officer* may request information or data on such *products*, including recycled or biobased content or related standards of the *products* (see [11.302\(c\)](#)).

### (b) *Procurement exemptions.*

(1) Once an item has been designated by either EPA or USDA, agencies *shall* purchase conforming *products* unless an exemption applies (see [23.404\(b\)](#)).

(2) When an exemption is used for an EPA-designated item or the *procurement* of a product containing *recovered material* does not meet or exceed the EPA *recovered material* content guidelines, the *contracting officer* *shall* place a written justification in the contract file.

(c) *Program priorities.* When both the USDA-designated item and the EPA-designated item will be used for the same purposes, and both meet the agency's needs, the agency *shall* purchase the EPA-designated item.

**Parent topic:** [Subpart 23.4 - Use of Recovered Materials and Biobased Products](#)