

## 23.406 Solicitation provisions and contract clauses.

(a) Insert the provision at [52.223-1](#), Biobased Product Certification, in solicitations that-

(1) Require the delivery or specify the use of USDA-designated items; or

(2) Include the clause at [52.223-2](#).

(b) Insert the clause at [52.223-2](#), Affirmative Procurement of Biobased Products Under Service and Construction Contracts, in service or construction solicitations and contracts, unless the contract will not involve the use of USDA-designated items at <http://www.biopreferred.gov> or 7 CFR part 3201.

(c) Except for the acquisition of commercially available off-the-shelf items, insert the provision at [52.223-4](#), Recovered Material Certification, in solicitations that-

(1) Require the delivery or specify the use of EPA-designated items; or

(2) Include the clause at [52.223-17](#), Affirmative Procurement of EPA-designated Items in Service and Construction Contracts.

(d) Except for the acquisition of commercially available off-the-shelf items, insert the clause at [52.223-9](#), Estimate of Percentage of Recovered Material Content for EPA-designated Items, in solicitations and contracts exceeding \$150,000 that are for, or specify the use of, EPA-designated items containing recovered materials. If technical personnel advise that estimates can be verified, use the clause with its Alternate I.

(e) Insert the clause at [52.223-17](#), Affirmative Procurement of EPA-designated Items in Service and Construction Contracts, in service or construction solicitations and contracts unless the contract will not involve the use of EPA-designated items.

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