United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 26 2012

Department of the Interior Acquisition Policy Release (DIAPR) 2013-02

Subject: **Class Deviation from the Federal Acquisition Regulation (FAR) Extending the Biobased Product Reporting Requirement**

References: Civilian Agency Acquisition Council (CAAC) Memorandum for Civilian Agencies Other than NASA, *Class Deviation from the Federal Acquisition Regulation (FAR) Extending the Biobased Product Reporting Requirement*, dated October 29, 2012; and Federal Acquisition Regulation (FAR) 1.404

1. Purpose: This DIAPR issues a class deviation, in accordance with FAR 1.404, for Contracting Officers to insert the attached clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

2. Effective Date: Upon signature.

3. Expiration Date: This DIAPR will remain in effect until the change is made in the FAR or is otherwise rescinded.

4. Background and Explanation:

On October 29, 2012, the CAAC issued a memorandum extending the reporting deadline contained in paragraph (c)(2) of the clause at FAR 52.223-2 from October 31, 2012, to December 31, 2012, for this reporting cycle only. This only pertains to those contracts issued from May 18, 2012, through September 31, 2012, which contained FAR clause 52.223-2. The subject memorandum is included as an attachment.

5. Action Required:

In accordance with FAR 1.404, I hereby authorize a class deviation from FAR 52.223-2, to extend the reporting period from October 31, 2012, to December 31, 2012, for the 2012 reporting cycle only. Contractors are to be notified immediately that the use of biobased products shall be reported to the U.S. Department of Agriculture's web-based portal found at http://www.biopreferred.gov no later than the close of business on December 31, 2012.

Please disseminate this guidance within your bureau. It will also be available online at http://www.doi.gov/pam/diapr.html. Questions may be directed to contact Brian Heath , Procurement Analyst, at 202-513-0735 or by e-mail at Brian_Heath@ios.doi.gov.

Debra E. Sonderman

Debra E. Sonderman, Director
Office of Acquisition and Property Management

Attachments

October 29, 2012

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM: LAURA AULETTA
CHAIR
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) extending the Biobased Product Reporting Requirement

The clause at FAR 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires reporting of biobased products under service and construction contracts, for the previous Government fiscal year, by October 31st of each year during contract performance. The United States Department of Agriculture (USDA) is implementing a web-based portal designed to consolidate government-wide reporting. The web-based portal is scheduled to be available for contractors by October 31, 2012.

To ensure contractor use of the web-based portal for this reporting period, agencies are encouraged to issue a class deviation, in accordance with FAR 1.404, to extend the reporting deadline contained in paragraph (c)(2) of the clause at FAR 52.223-2 from October 31, 2012 to December 31, 2012. Agencies should also notify contractors of the USDA web-based portal at http://www.biopreferred.gov for satisfying the reporting requirements of the clause, including the reporting template under "Key Initiatives," or at http://www.biopreferred.gov/FARReporting/FARReporting.xhtml.

This CAAC memorandum constitutes consultation with the Chair of the CAAC required by FAR 1.404(a)(1). Agencies are reminded that FAR 1.404 requires agencies to furnish a copy of each approved class deviation to the FAR Secretariat, General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers at hada.flowers@gsa.gov.

If you have questions or require additional information regarding this memorandum, please contact Marissa Petrusek at (202) 501-0136 or by email at marissa.petrusek@gsa.gov.

52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

As prescribed in 23.406(b), insert the following clause:

AFFIRMATIVE PROCUREMENT OF BIOBASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACTS (DEVIATION)(Nov 2012)

This clause implements the temporary policy provided by the Civilian Agency Acquisition Council Memorandum Extending the Biobased Product Reporting Requirement, dated October 29, 2012.

(a) In the performance of this contract, the contractor shall make maximum use of biobased products that are United States Department of Agriculture (USDA)-designated items unless—

(1) The product cannot be acquired—

(i) Competitively within a time frame providing for compliance with the contract performance schedule;

(ii) Meeting contract performance requirements; or

(iii) At a reasonable price.

(2) The product is to be used in an application covered by a USDA categorical exemption (see 7 CFR 3201.3(e)). For example, all USDA-designated items are exempt from the preferred procurement requirement for the following:

(i) Spacecraft system and launch support equipment.

(ii) Military equipment, *i.e.*, a product or system designed or procured for combat or combat-related missions.

(b) Information about this requirement and these products is available at *http://www.biopreferred.gov*.

(c) In the performance of this contract, the Contractor shall—

(1) Report to the environmental point of contact identified in paragraph (d) of this clause, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the Contractor during the previous Government fiscal year, between **May 18, 2012 and September 31, 2012;**

(2) Submit this report no later than—

(i) **December 31, 2012 during contract performance;** and

(ii) At the end of contract performance; and

(3) Contact the environmental point of contact to obtain the preferred submittal format, if that format is not specified in this contract.

(d) The environmental point of contact for this contract is:

_____ [*Contracting Officer shall insert full name, phone number, and email address. In addition, the Contracting Officer may include the agency website for reporting.*]

(End of clause)