

August 4, 2014

Kay Ely

Director, IT Schedule Programs

Integrated Technology Services

General Services Administration

1800 F ST NW

Washington, DC 20405

Re: *RFI – GSA Assessment of EPEAT and ENERGY STAR Applicability to Products under SIN 132*

Dear Kay,

The Coalition for Government Procurement appreciates the opportunity to provide comments in response to the Request for Information (RFI) concerning EPEAT and ENERGY STAR implementation under Schedule 70 SIN 132.

The Coalition is a non-profit association of firms selling commercial services and products to the Federal Government. Our members collectively account for approximately 70% of the sales generated through the GSA Multiple Award Schedules (MAS) program and about half of the commercial item solutions purchased annually by the Federal Government. Coalition members include small, medium and large business concerns. The Coalition is proud to have worked *with* Government officials over the past 30 years towards the mutual goal of common sense acquisition.

The Coalition generally supports GSA's efforts to promote commercial products and services that have environmentally-friendly and sustainable attributes in the Federal market. GSA Advantage, in particular, is a resource for customer agencies to identify IT products that have been awarded the ENERGY STAR and/or EPEAT labels. e-Tools like GSA Advantage and the Sustainable Facilities Tool have been successful in providing agencies with the resources needed to meet their sustainable acquisition objectives as outlined in Executive Order (EO) 13514: *Federal Leadership in Environmental, Energy, and Economic Performance* and the Federal Acquisition Regulation (FAR). This approach has provided agencies with valuable resources to find ENERGY STAR and EPEAT qualified IT equipment, while still allowing agencies the flexibility to determine

how best to meet their sustainable acquisition objectives—a flexibility that EO 13514 and FAR Subpart 23.1 allow.

1. EO 13514 and the FAR give agencies the discretion to determine when to acquire ENERGY STAR and EPEAT products. Schedule 70 should continue to provide alternatives.

EO 13514 and FAR Subpart 23 encourage Federal agencies to procure ENERGY STAR and EPEAT products, but note that these products must also meet the requirements of the acquiring agency. For example, EO 13514 requires that agencies advance sustainable acquisition by ensuring that 95% of new contract actions are environmentally preferable (ENERGY STAR and EPEAT being two of many) “where such products meet agency performance requirements.” The Executive Order also establishes a procurement *preference* for EPEAT-registered products but does not require that agencies procure EPEAT products when they do not meet an agency’s requirements. The FAR also addresses ENERGY STAR and EPEAT purchasing through the 95% goal established in EO 13514, with the same qualification that these products must also have the ability to meet the agency’s performance requirements. The FAR specifically outlines when exceptions apply. FAR 23.204 and 23.7 specify that agencies are not required to purchase ENERGY STAR or EPEAT qualified products when a determination is made that 1) there is no such product readily available that meets the functional requirements of the agency or 2) there is no such product that is cost effective over the life of the product.

Ultimately, agencies have discretion to decide how to best meet their sustainable acquisition goals. Rather than effectively dictating what products should or should not be available for purchase by government customers, GSA should allow customers the discretion to choose which products they would like to buy in order to meet their 95% sustainable acquisition objectives. Where an agency determines that there is no ENERGY STAR or EPEAT product available that is cost effective or able to meet their needs, it is important that Schedule 70 offer alternatives. GSA should not limit the scope of products on Schedule 70 to only those products that meet customers’ environmental objectives, but meet a broader spectrum of agencies’ mission critical needs including their technical, security, and other requirements.

2. Avoid limiting SIN 132 to “only those covered by the ENERGY STAR or EPEAT program” as prescribed in the RFI

As written, the RFI suggests that any product not covered by the ENERGY STAR or EPEAT program would have to be removed from Schedule 70. There are many product categories within SIN 132 that are not covered by either of these programs, including:

- Communications security equipment
- Satellite communications equipment
- Mainframes
- Two-way radio
- Microwave radio equipment
- Tape libraries
- Racks
- High performance computing servers
- Unix Servers with more than 4 processor sockets
- Data center network switches
- Radio transmitters/receivers (airborne)
- Radio navigation equipment
- High end storage

Federal agencies accustomed to purchasing these items from Schedule 70 would have to identify other contract vehicles to meet their needs. The removal of these items from SIN 132 would make Schedule 70 less reflective of the commercial market and greatly reduce GSA's market share in this area.

3. Changes to the ENERGY STAR and EPEAT standards over time could have a negative impact on Schedule 70

As GSA assesses whether to limit products under certain Schedule 70 SINs to those that are ENERGY STAR or EPEAT qualified, GSA should consider the negative impacts that changes in the standards could have on Schedule 70 over time. For example, the U.S. EPA periodically updates its specifications for each product category. The EPA may update ENERGY STAR specifications when qualified products reach more than 50% of market share, there are technological advances in energy efficiency, or for other reasons. When the EPA updates its standards, its objective is for only 25% of products on the market to be able to qualify for the new ENERGY STAR label. If an ENERGY STAR only requirement is in place for IT Schedule 70 SINs when the U.S. EPA updates its standards, GSA could have a significant number of products removed from Schedule 70. This would reduce the scope of innovative products available for customer agencies under the IT Schedule, impact existing BPAs, and cause customer agencies to seek other contract sources that are less restrictive. GSA should also be aware that any products that lose their ENERGY STAR label due to updates in the EPA standards would likely lose EPEAT certification too, since ENERGY STAR is often a minimum criterion for EPEAT.

4. GSA should allow ENERGY STAR or EPEAT qualified base systems under SIN 132 and allow agencies the discretion to issue waivers or approval to ship non-compliant products if they determine that a non-compliant configuration best meets their requirements.

For some categories of products, like desktop or laptop computers, the ability of individual products to meet ENERGY STAR or EPEAT may depend on the configuration that customers order. The Coalition suggests that GSA allow base systems that qualify for the ENERGY STAR or EPEAT label to be added to Schedule 70 SIN 132, rather than making the determination based on the configuration ordered by the end customer. Further, GSA should allow agencies to issue a waiver of ENERGY STAR or EPEAT depending on their technical requirements – including the ability for contractors to obtain approval from the contracting officer to ship non-compliant products where applicable.

Recommendation

The Coalition recommends that rather than limiting products under Schedule 70 to only those that are covered by the ENERGY STAR or EPEAT programs, GSA require that these products are properly identified for customer agencies. Qualified IT products under SIN 132 may be noted as such on GSA Advantage and other resources available to customer agencies, including the upcoming IT hallways in the Acquisition Gateway. This would allow customer agencies the discretion to decide which environmentally-friendly products they would like to purchase under SIN 132 in order to meet their sustainable acquisition objectives under EO 13514 and the FAR, without GSA losing a significant volume of IT products from Schedule 70 that are able to meet agencies' other mission critical needs.

Thank you for the opportunity to share our recommendations for implementation of ENERGY STAR and EPEAT under Schedule 70 SIN 132. If there are any questions, I may be reached at (202) 331-0975 or rwaldron@thecgp.org.

Sincerely,



Roger Waldron

President