



## POLICY FLASH 2011-8

**DATE:** October 18, 2010

**TO:** Procurement Directors

**FROM:** Director, Policy Division  
Office of Procurement and Assistance Policy  
Office of Procurement and Assistance Management

**SUBJECT:** Sustainable Acquisition, Federal and Department of Energy Acquisition Regulation Amendments

**SUMMARY:** Executive Order 13514, Federal Leadership in Environmental, Energy and Economic Performance was issued October 5, 2009. Among its purposes were the promotion of sustainable acquisition, including energy, fuel, and water efficiency; reduced waste; and leverage of Federal purchasing power to promote environmentally-responsible products and technologies.

FAR Case 2010-001 was begun, in February 2010, to amend the Federal Acquisition Regulation (FAR) to implement the Executive Order in the Federal acquisition community. At the same time, the Department of Energy began an amendment of the Department of Energy Acquisition Regulation to implement the Executive Order and the FAR amendment within the Department of Energy acquisition community. The Energy amendment was published as an Interim Final Rule in the September 22, 2010, *Federal Register* at page 57690 with an effective date of October 22, 2010. It was posted to the Electronic DEAR on October 14, 2010.

Publication of the Federal Acquisition Regulation amendment has been delayed but is expected in the near future. Until such time as the FAR amendment is published, Contracting Officers should include the new DEAR clauses, 48 CFR 952.223-78, Sustainable Acquisition Program, 970.5223-6, Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, and 970.5223-7,

Sustainable Acquisition Program, in appropriate contracts but not include the still unpublished Federal Acquisition Regulation clauses 52.223-XX Sustainable Acquisition Program, or 52.223-10, Waste Reduction Program, (other than the existing version dated August 2000) in their contracts.

This Flash will be available online within a day, at the following website:  
[http://www.management.energy.gov/policy\\_guidance/policy\\_flashes.htm](http://www.management.energy.gov/policy_guidance/policy_flashes.htm).

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