

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

NOTE: This document contains sample solicitation/contract language that may be used as a starting point for greening your acquisition. While this represents one potential approach, it is important to tailor the environmental goals and requirements to each individual acquisition. The excerpts below are organized into typical sections of a solicitation or contract. The language is not suitable for all circumstances and is intended to be a guide – not a template. It is not meant to replace any internal, agency-specific language or requirements.

Contents

Specifications/Performance Requirements	2
Sustainability Plan	2
Use of Green Products	2
Green Products Report	3
Sustainability in Concessions	3
Recycling/Waste Minimization and Management.....	4
Energy and Water Conservation	4
Education and Promotion	4
Applicable FAR Clauses and Provisions	6
Instructions to Offerors.....	7
Sustainability Plan	7
Prior Experience	7
Past Performance	7
Evaluation	8
52.212-2 Evaluation – Commercial Items	8
Sustainability	8
Prior Experience	8
Past Performance	8
Attachments.....	10
Attachment A. Environmental Requirements for Potentially Applicable Food Service Products	10
Attachment B. Concessions Sustainability Guidelines	13

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Specifications/Performance Requirements

The Government's policy is to acquire supplies and services that promote a clean energy economy that increases our Nation's energy security, safeguards the health of our environment, and reduces greenhouse gas emissions from direct and indirect federal activities. This commitment is demonstrated through various laws, executive orders, regulations, and other policies that promote sustainability. As such, the Government has established minimum sustainability-related performance requirements and encourages the Contractor to implement innovative sustainability concepts and practices beyond the base performance standards.

Sustainability Plan

Each offeror is required to submit a comprehensive Sustainability Plan with its initial offer, as detailed in the Instructions to Offerors section. The successful Contractor shall submit an updated Sustainability Plan to the Contracting Officer's Representative (COR) for approval annually thereafter. The plan must describe how the Contractor will meet the minimum sustainability requirements and detail any sustainable practices above and beyond the minimum requirements that will be implemented under this contract. At a minimum, the plan shall address the following:

- Use of Green Products
- Sustainability in Concessions
- Recycling/Waste Minimization and Management
- Energy and Water Conservation
- Education and Promotion
- Other Sustainable Practices

The sections below detail the minimum sustainability requirements in each of these areas. The Use of Green Products section shall include a complete list of green products the Contractor intends to use or supply during performance, as detailed below. Other sustainable practices may include any other measures that will minimize the environmental impact of the service provided. This may include, but is not limited to, the use of environmentally preferable products not specified in Attachment A (e.g., non-toxic products), implementing Contractor employee sustainability training programs, meeting or exceeding "above standard" criteria for vending options (see [Health and Sustainability Guidelines for Federal Concessions and Vending Operations](#)).

Use of Green Products

The Contractor shall provide products that comply with the federal sustainable acquisition policy, as outlined in [FAR Subpart 23.1](#), during performance of this contract. This requires the Contractor to supply or provide environmentally sustainable (i.e., green) products to the maximum extent possible without jeopardizing the intended end use or detracting from the overall quality delivered to the end user. This includes products that are:

- (1) Delivered to the Government during performance;
- (2) Acquired by the Contractor for use in performing services at a Federally-controlled facility; or
- (3) Furnished by the Contractor for use by the Government.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Though not all-inclusive, Attachment A includes a list of products covered by environmental programs that the Government anticipates will be applicable to this contract. Any products listed in Attachment A that are used or supplied during performance must meet the associated environmental requirement. This includes products covered by the [BioPreferred](#), [Federal Energy Management Program \(FEMP\)](#), [Energy Star](#), [Safer Choice](#), [Significant New Alternatives Policy \(SNAP\)](#), [WaterSense](#), and [Comprehensive Procurement Guidelines \(CPG\)](#) programs.

Within thirty (30) days of contract award, the Contractor shall provide a complete list of green products that it intends to use or supply during performance, including products used or supplied by subcontractors. For each product, the Contractor shall identify the product, brand/manufacturer, and environmental attribute or program. For biobased products, the Contractor shall also identify the percentage of biobased content. For products containing recovered materials, the Contractor shall also identify the product material and content levels (postconsumer content % and total recovered materials content %). The Contractor is encouraged to use the format below for this information.

Product	Brand/Manufacturer	Environmental Program or Attribute	Content Levels (%) and Material (if applicable)
Dishwashing Liquid	Manufacturer X	BioPreferred	58% biobased
Hot Food Holding Cabinets	Manufacturer X	Energy Star	Not applicable

This list shall be updated and submitted annually with the Sustainability Plan, as detailed above. The Contractor shall refer to the [Green Procurement Compilation](#) for an updated, complete database of products with federal environmental requirements. For any applicable products that receive a federal environmental designation after contract award, the Contractor shall make a reasonable effort to use or supply such compliant products under this contract. The Contractor may substitute products that are equivalent or better to those identified in the submitted list without prior approval by the Contracting COR. All supplies and materials to be used during performance are subject to the approval of the COR.

Green Products Report

The Contractor shall submit a quarterly Green Products Report quantifying the number, type, and dollar value of green products used or supplied under this contract. The report shall include data for the current quarter, current contract year, and total contract period. The report shall also include a brief explanation of the methodology used to calculate the dollar value of green products used or supplied. The report shall be submitted to the COR via email within thirty (30) calendar days following the end of each quarter of performance.

The Contractor is also responsible for complying with the biobased reporting requirements identified in [52.223-2](#), *Affirmative Procurement of Biobased Products Under Service and Construction Contracts*.

Sustainability in Concessions

The Contractor shall meet the standard criteria for the Sustainability Standards specified in the [Health and Sustainability Guidelines for Federal Concessions and Vending Operations](#) (see Attachment B), which establishes standard

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

sustainability criteria for general operations, general food, sustainability labeling, animal products, and beverages. For additional information on [green cleaning](#) and [pest management services](#) addressed in the General Operations section, visit the services section of the [Green Procurement Compilation](#).

Recycling/Waste Minimization and Management

The Contractor shall participate and integrate with the recycling program operated by or for the Government in the building. The Contractor is responsible for collecting, separating, and transporting recyclables to the loading dock.

The Contractor shall implement a program for collecting compostable materials for the appropriate food products, to include collection, storage, and pick up. The composting containers and surrounding space shall be kept clean and orderly by the Contractor. Compostable materials shall be collected in containers that are waterproof, vermin-proof, covered with working lids, and well-labeled to indicate what should be deposited in the container. All disposable products used shall be compostable and compatible with the recycling and composting program. The use of polystyrene foam products is prohibited.

The Contractor is responsible for collecting, storing, and recycling grease and cooking oils. The containers and surrounding space are to be kept clean and orderly by the Contractor. The Contractor is responsible for the proper storage and marking of containers of grease and cooking oils. The kitchen grease shall be collected in containers that are waterproof, vermin-proof, covered with working lids, and well-labeled to indicate what should be deposited in the container.

The Contractor is encouraged to implement additional practices that will minimize waste, such as bulk purchasing programs (in lieu of individually packaged products); partnering with a food bank donation program; using compostable pre-bottled beverages or pre-bottled beverages that minimize plastic content; maximizing the use of products made with recyclable content; and using reusable linens, flatware, glassware, etc. The Contractor shall describe these additional measures in its annual Sustainability Plan, which is detailed below.

Energy and Water Conservation

The contractor shall implement a complete and comprehensive internal energy and water conservation plan incorporating practices that will be used to reduce energy and water use in the facility. The Contractor shall describe these practices in its annual Sustainability Plan.

At minimum, the Contractor is responsible for turning off lights and cafeteria/kitchen equipment during periods of non-active operations that are not essential for safety, security, or sanitation. The Contractor shall also operate and maintain all energy-using equipment in accordance with manufacturer specifications to maximize efficiency.

Energy audits may be conducted at random during and after operating hours to ensure Contractor adherence to sound energy conservation practices, including usage and conservation of water and energy.

Education and Promotion

The Contractor is responsible for communicating the environmental benefits of the cafeteria design and product choices to patrons. At minimum, the Contractor shall:

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

- Display signage that communicates the environmental benefits associated with design and product choices (e.g., compostable or biobased materials, local food sources, etc.) within the food service area; and
- Provide informational display boards at recycling/trash stations that identify material and instruct customers to sort recyclable and/or compostable material from waste material.

The Contractor shall detail how it will accomplish these requirements, as well as any additional efforts to promote sustainable aspects of the facility, in its annual Sustainability Plan.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Applicable FAR Clauses and Provisions

The following environmental clauses and provisions may be applicable to cafeteria and food service contracts. Check the FAR for prescribed usage and updates. Also be sure to check for agency-specific clauses and provisions that may apply to your acquisition.

- 52.204-4 Printed or Copied Double-Sided on Postconsumer Fiber Content Paper
- 52.223-1 Biobased Product Certification
- 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts
- 52.223-3 Hazardous Material Identification and Material Safety Data
- 52.223-4 Recovered Material Certification
- 52.223-5 Pollution Prevention and Right-to-Know Information
- 52.223-9 Estimate of Percentage of Recovered Material Content for EPA-designated Items
- 52.223-10 Waste Reduction Program
- 52.223-12 Refrigeration Equipment and Air Conditioners.
- 52.223-15 Energy Efficiency in Energy Consuming Products
- 52.223-17 Affirmative Procurement of EPA-designated Items in Service and Construction Contracts
- 52.223-19 Compliance with Environmental Management Systems

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Instructions to Offerors

Sustainability Plan

Each offer shall include a comprehensive Sustainability Plan that details the offeror's approach toward implementing and promoting sustainable practices in all aspects of cafeteria operations. The plan shall describe in detail how the offeror will meet the minimum sustainability requirements identified in the Performance Requirements section above. It shall also describe any sustainable practices above and beyond the minimum requirements that will be implemented during contract performance. At a minimum, the plan shall address the following:

- Use of Green Products
- Sustainability in Concessions
- Recycling/Waste Minimization and Management
- Energy and Water Conservation
- Education and Promotion
- Other Sustainable Practices

The offer does not need to specify which green products it intends to use or supply during contract performance. However, the offer must provide a reasonable assurance that the offeror understands and will comply with all green product requirements. As detailed in the Performance Requirements section, the successful offeror will be required to provide a comprehensive green product list within thirty (30) days of contract award.

Prior Experience

Each offer shall include a Prior Experience narrative that demonstrates the offeror's understanding of and capability to perform the required service. At minimum, the narrative shall address relevant corporate experience (in projects of similar in size, scope, and complexity), relevant experience of key personnel, experience implementing wellness programs, and experience implementing sustainability programs or practices.

Past Performance

Each offeror shall identify three (3) projects, completed within the past three (3) years, which demonstrate successful completion of work similar in size, scope, and complexity to that described in the statement of work. For each project listed, the offer shall identify the following:

- Client name;
- Point of contact familiar with the Contractor's performance (name, telephone number, address, and email address);
- Annual and total dollar amount of work performed;
- Period of performance;
- Description of the work performed; and
- Description of sustainable practices employed.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Evaluation

52.212-2 Evaluation – Commercial Items

The Government will make award to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors will be used to evaluate offers:

1. Price
2. Technical Approach
 - a. Management & Staffing
 - b. Menu Cycle and Variety
 - c. Wellness
 - d. Sustainability
 - e. Sanitation
3. Prior Experience
4. Past Performance

Non-price factors, when combined, are more important than price.¹

Sustainability

The Government will evaluate the offeror's approach toward implementing and promoting sustainable practices in all aspects of cafeteria operations based on the proposed Sustainability Plan. The Sustainability Plan must provide a reasonable assurance that all sustainability-related performance requirements will be met. The Government will give additional consideration to offers that propose to implement sustainable practices above and beyond the minimum performance requirements.

Prior Experience

The Government will evaluate the offeror's prior experience in performing work similar in size, scope, and complexity to the current requirement based on the offeror's Prior Experience narrative. The narrative must provide a reasonable assurance that the offeror has the relevant experience and capability to successfully perform the current requirement. Offers that demonstrate more extensive experience, including implementing sustainability and wellness programs, will be rated more favorably.

Past Performance

The Government will evaluate the offeror's past performance in performing work similar in size, scope, and complexity to the current requirement. The offeror's past performance information will be verified by contacting references, as deemed necessary by the Government, and evaluated based on the relevance of the information submitted. Past performance for projects similar in size and scope to the current requirement may be given more weight in the evaluation. As such, the description of the work performed must be sufficiently detailed for the Government to make this determination. The Government may obtain and evaluate past performance information obtained from sources

¹ Evaluation factors and weights should be customized for each acquisition to reflect best value.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

other than those identified in the offer. If otherwise in line for award, the offeror will be given an opportunity to explain any negative past performance information to which the offeror has not previously had an opportunity to respond. Offerors without any demonstrated past performance will not be rated favorably or unfavorably.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Attachments

Attachment A. Environmental Requirements for Potentially Applicable Food Service Products

Product Category	BioPreferred (Minimum % Biobased Content Required)	FEMP	Energy Star	Safer Choice	SNAP	WaterSense	CPG	Non-Federal Standards, Ecolabels, or Specifications
Appliance Cleaners				X				
Commercial Dishwashers			X					
Commercial Freezers			X					
Commercial Fryers			X					
Commercial Griddles			X					
Commercial Hot Food Holding Cabinets			X					
Commercial Ice Machines			X		X			
Commercial ovens			X					
Commercial Pressureless Steamers			X					
Commercial Refrigerators			X					
Dehumidifiers			X		X			
Dishwashers			X					
Dishwashing Products	X (58%)			X				
Disposable Cutlery	X (48%)							BPI certified compostable (provided composting available)
Disposable Tableware	X (72%)							BPI certified compostable (provided composting available)

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Product Category	BioPreferred (Minimum % Biobased Content Required)	FEMP	Energy Star	Safer Choice	SNAP	WaterSense	CPG (Minimum % Content Required)	Non-Federal Standards, Ecolabels, or Specifications
Food Cleaners	X (53%)							
Granite & Stone Cleaners				X				
Household Freezers			X		X			
Household Refrigerators			X		X			
Ice Machines (Air-Cooled)		X						
Ice Machines (Water-Cooled)		X			X			
Kitchen/Countertop Cleaners				X				
Microwaves		X						
Oven and Grill Cleaners	X (66%)			X				
Paper Napkins							X (30%-100% recovered fiber; including 30-60% postconsumer fiber ²)	
Paper Towels							X (40-100% recovered fiber; including 40-60% postconsumer fiber ³)	Green Seal GS-01
Paper Tray Liners							X (100% recovered fiber; including 50-75% postconsumer fiber ⁴)	

² While the Comprehensive Procurement Guidelines establish a range of content levels for this product, solicitations/contracts should specify a minimum content level that Contractors must meet, such as “60% postconsumer fiber” or “100% recovered fiber, including 60% postconsumer fiber”.

³ See above footnote.

⁴ See above footnote.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Product Category	BioPreferred (Minimum % Biobased Content Required)	FEMP	Energy Star	Safer Choice	SNAP	WaterSense	CPG (Minimum % Content Required)	Non-Federal Standards, Ecolabels, or Specifications
Plastic Trash Bags							X (10-100% postconsumer plastic ⁵)	UL 126 (trash bags 24" x 33" or smaller) and at least 20% post-consumer recycled content
Pre-Rinse Spray Valves		X				X		
Refrigerated Transport					X			
Retail Food Refrigeration					X			
Thermal Shipping Containers - Durable	X (21%)							
Thermal Shipping Containers - Non Durable	X (82%)							
Vending Machines			X		X			
Very Low Refrigeration Systems					X			
Water Cooled Chillers		X						
Water Coolers			X		X			

For additional information on these environmental programs, please visit the web sites listed below.

- BioPreferred: <http://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml>
- Federal Energy Management Program (FEMP): <https://www1.eere.energy.gov/femp/>
- Energy Star: <http://www.energystar.gov>
- WaterSense: <http://www.epa.gov/watersense/>
- Safer Choice: <http://www.epa.gov/saferchoice>
- Significant New Alternatives Policy (SNAP): <http://www.epa.gov/ozone/snap/>
- Comprehensive Procurement Guidelines (CPG): <http://www.epa.gov/epawaste/conserve/tools/cpg/index.htm>

⁵ See above footnote.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

Attachment B. Concessions Sustainability Guidelines

The following is an excerpt from the Health and “Sustainability Guidelines for Federal Concessions and Vending Operations”. The Contractor is required to meet or exceed all standard criteria specified below. Refer to the [full document](#) for additional background.

General Operations

Standard Criteria

- Participate in waste reduction, recycling and composting programs, as available.
- Promote and incentivize the use of reusable beverage containers.
- Promote the use of tap water over bottled water.
- Use green cleaning practices.ⁱ
- Use integrated pest management practices and green pest control alternatives to the maximum extent feasible.
- Provide materials for single-service items (e.g., trays, flatware, plates, and bowls) that are compostable and made from bio-based products.ⁱⁱ

General Food

Standard Criteria

- Offer 25%ⁱⁱⁱ of the product line to be organically,^{iv} locally,^v or documented sustainably grown (e.g., integrated pest management, pesticide free, other labeling programs).^{vi}
- Offer seasonal fruits and vegetables.

Above Standard

- Offer 35% of the product line to be organically or locally documented sustainably grown (e.g., integrated pest management, pesticide free, other labeling programs).

Sustainability Labeling^{vii}

Standard Criteria

- Label organic, local, or documented sustainably grown food items available in food service at the point of choice.

Above Standard

- Educate about the value of agricultural best practices that are ecologically sound, economically viable, and socially responsible in agency concessions services with signage, informational programs, or other means of communicating the benefits of the items that are labeled organic, local, and/or sustainable.
- For locally grown foods, include information that identifies the farms and sustainable practices used.

Animal Products^{viii}

Standard Criteria

- Where seafood options are offered, provide those procured from responsibly managed, sustainable, healthy fisheries.^{ix}

Above Standard

- Offer Certified Organic or documented sustainably or locally products milk and milk products.
- Offer Certified Organic or documented sustainably or locally produced eggs and meat (e.g., grass fed, free-range, pasture raised, grass finished, humanely raised and handled).

Beverages

Standard Criteria

- Offer drinking water, preferably chilled tap.

Above Standard

- If offering coffee or tea, include coffee or tea offerings that are Certified Organic, shade grown, and/or bird friendly.
- If composting is available, bottled water must be offered in compostable bottles.

Sample Green Solicitation/Contract Language: Cafeteria & Food Services

ⁱ U.S. Department of Agriculture. Sample Biobased Language for Custodial Services.

<http://www.dm.usda.gov/procurement/programs/biobased/CustodialJanitorialFY08.pdf>. Accessed January 25, 2011.

ⁱⁱ U.S. Department of Agriculture. Sample Biobased Language for Food Service/Cafeteria. <http://www.dm.usda.gov/procurement/programs/biobased/FoodServiceCafeteriaFY08.pdf>. Accessed January 25, 2011.

ⁱⁱⁱ Current research on food service operations at hospitals, colleges, and universities suggests that meeting a 25% purchasing level of local, organic, and/or sustainably grown food is achievable without incurring significant increases to their overall operating budget. A recent survey of California food service buyers from colleges and other institutions shows that they can increase purchases from local growers by up to 38% of their produce budget without confronting significant barriers (Hardesty et al., in press. Institutional Food Distribution Systems: Bringing Students, Farmers and Food Service to the Table). Other survey and case study examples documenting institutional food service operations confirm these findings. For example, Johnson, D. B. and G. W. Stevenson, 1998. Something to Cheer About: National Trends and Prospects for Sustainable Agriculture Products in Food Service Operations of Colleges and Universities. <http://www.cias.wisc.edu/farm-to-fork/something-to-cheer-about/>.

^{iv} USDA's national regulatory program explicitly defines organic agriculture as an ecological production system, established "to respond to site-specific conditions by integrating cultural, biological and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity." USDA requires organic farmers and ranchers to use practices that maintain or improve the physical, chemical, and biological condition of soil, minimize soil erosion, and accommodate an animal's natural nutritional and behavioral requirements. National Organic Program: <http://www.ams.usda.gov/AMSV1.0/nop>. Accessed January 31, 2011.

^v U.S. Department of Agriculture. Know Your Farmer, Know Your Food: Rationale and programs supporting local and regional food systems. <http://www.usda.gov/knowyourfarmer>. Accessed January 25, 2011.

^{vi} The statutory definition of sustainable agriculture (7 USC 3103) is a guide to the elements to look for in a sustainability program. The government does not endorse any particular labeling or documentation system or program over another, and recognizes that many agricultural producers practice sustainable agriculture without their products being labeled as such. Consideration should be given to documenting sustainable sourcing across the entire supply chain for products that include multiple ingredients.

^{vii} Third party verification is recommended.

^{viii} Examples of "Best Choices" do not imply government endorsement of these standards. Only endorsements made directly by governing agencies (e.g., USDA, FDA) should be considered government endorsements.

^{ix} The NOAA FishWatch Program defines sustainable seafood as "catching or farming seafood responsibly, with consideration for the long-term health of the environment and the livelihoods of the people that depend upon the environment." Verifying the health and sustainability of U.S. and international fisheries is not always simple. Domestic fisheries are managed by State and Federal agencies under legally established fisheries management plans. International fisheries are managed under sovereign laws and international treaties. Guidance on how to make sustainable seafood choices is found on the NOAA FishWatch site at http://www.fishwatch.gov/buying_seafood/choosing_sustainable.htm.