

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](#)