



February 26, 2008

By Email: OFPPGreen@omb.eop.gov
& Fax: 202/395-5105

Office of Federal Procurement Policy
Office of Management and Budget
Room 9013, 725 17th Street, NW
Washington, DC 20503

RE: Comments on Proposed OFPP Policy Letter

On behalf of the National Office Products Alliance (NOPA), I am pleased to submit these comments regarding OFPP's proposed policy letter on Acquisition of Green Products and Services, as published in the Federal Register on December 28, 2007 (72 FR 73904-09).

NOPA is the trade association that represents and serves independent commercial office products dealers and connects them with their primary industry business partners in the United States. NOPA and its members are actively working in collaboration with other industry and general business groups to promote increased awareness and use of environmentally sound products and services in our own industry and through business our members conduct with their customers.

There are two elements of the OFPP's proposed policy letter that are of particular interest to NOPA and its members: 1) general language in the draft policy letter stating that mandatory source preferences will be given to products offered by AbilityOne/JWOD and Federal Prison Industries (FPI); and 2) the information sources and review processes federal agencies will use to evaluate which products and services are environmentally preferable.

JWOD and FPI Mandatory Source Preferences

OMB's proposed policy letter directs agencies to "first consider mandatory and preferred sources to obtain green products and services." NOPA believes that the reference to AbilityOne/JWOD mandatory source preferences in the proposed policy guidance letter suggests a broader scope of federal purchasing preference for AbilityOne/JWOD program products than is legally authorized or exists in practice. The "essentially the same" criterion applied under the JWOD program should not automatically be applied in the context of the proposed policy letter for Acquisition of Green Products and Purchases.

NOPA believes that there is a high likelihood that many new, commercially available products will be environmentally preferable to those offered through the AbilityOne/JWOD program, and thus should not be considered "mandatory source" items at federal agencies.

301 N. Fairfax Street
Suite 200
Alexandria, VA 22314
800.542.6672
Tel: 703.549.9040
Fax: 703.683.7552
WWW.NOPANET.ORG



NOPA urges that the “automatic substitution” process outlined in the OFPP policy letter be used only after federal agencies themselves conduct their own reviews regarding the degree to which such products are in fact “essentially the same” as AbilityOne/JWOD products.

With respect to Federal Prison Industries, while FPI’s UNICOR program is still identified in the Federal Acquisition Regulation (FAR) as a “mandatory source,” for several years annual Defense Authorization bill language has substantially reduced the practical application of this mandate. In general agencies have been and remain free to seek competitive bids and make “best value” procurement decisions when FPI products do not meet their needs.

For this reason, NOPA urges OFPP to remove the unqualified reference to FPI as a “mandatory source” in its proposed policy letter.

Evaluation of “Green” Products and Services

In addition, NOPA believes it is essential that federal agencies have access to and are trained to consistently apply reliable, scientifically based information and industry-recognized performance standards and definitions when making comparisons and purchasing decisions based on the degree to which specific products and services are “environmentally preferable.”

The Association and its members strongly support the intent of the proposed policy guidance and see great overall opportunities and societal benefits resulting from it. However, federal agencies will encounter a confusing variety of conflicting voluntary standards, testing protocols, and certifications, as well as many scientifically unsubstantiated claims of environmental “friendliness” as they make major purchasing decisions.

For this reason, with respect to procurement of the diverse range of office products, we believe federal agencies should be given OMB guidance to base procurement decisions – to the maximum extent possible – on a “best value” approach that incorporates industry recognized standards, testing protocols and certification systems.

For similar reasons, NOPA believes that “automatic product substitutions,” which are referenced in the proposed OFPP policy letter, should be kept to a minimum in the absence of recent and specific prior federal agency determinations of environmental preference for particular products or services based on such consensus-based performance standards.



NOPA appreciates the opportunity to comment on OFPP's proposed policy letter on Acquisition of Green Products and Services. Questions regarding this comment may be directed to me at 703/549-9040, x 100 (cbates@nopanet.org).

Sincerely,

Chris Bates, President

301 N. Fairfax Street
Suite 200
Alexandria, VA 22314
800.542.6672
Tel: 703.549.9040
Fax: 703.683.7552
WWW.NOPANET.ORG