

Subchapter 3023.2 Energy and Water Efficiency and Renewable Energy**3023.202 Policy.**

(a) All new solicitations and contracts shall incorporate energy efficiency requirements/standards (ENERGY STAR® or Federal Energy Management Program (FEMP)-designated) unless exempt by FAR 23.204.

3023.203 Reserved.**3023.204 Procurement exemptions.**

The requirements/program official and contract specialist/contracting officer shall make the determination and document the contract file by completing a waiver (Appendix A of DHS Affirmative Procurement Plan (APP), Appendix Q of the Homeland Security Acquisition Manual (HSAM)) with the reason(s) why no ENERGY STAR® or Federal Energy Management Program (FEMP)-designated product is reasonably available that meets the functional requirements of the Department or that no ENERGY STAR® or FEMP-designated product is cost effective over the life of the product taking energy cost savings into consideration.

3023.205 Energy-savings performance contracts.

(c) DHS and its Components shall make maximum use of the authority provided in the National Energy Conservation Policy Act ([42 U.S.C. 8287](#)) to use an energy-savings performance contract (ESPC), when life-cycle cost-effective, to reduce energy use and cost in the Component's facilities and operations. Components shall comply with 42 U.S.C. 8287 when entering in an ESPC. Components should contact their Sustainability and Environmental Program Office for additional guidance.