

Subchapter 3023.2 Energy and Water Efficiency and Renewable Energy**3023.203 Reserved.****3023.204 Procurement exemptions.**

The contracting officer shall make the determination and document the contract file 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 may enter into Energy Savings Performance Contracts (ESPC) under 42 U.S.C. 8287, as amended, subject to the requirements of 10 CFR Part 436. The Component contracting officer shall submit the protocols for any ESPC actions: DHS Energy Program Manager, Office of the Chief Readiness Support Officer, Sustainability and Environmental Programs. The purpose of early notification is to provide DHS Sustainability and Environmental Programs the opportunity to provide assistance and guidance to the contracting activity and program officials.