11.302 Policy.

(a) Agencies *must* not require *virgin material* or *supplies* composed of or manufactured using *virgin material* unless compelled by law or regulation or unless *virgin material* is vital for safety or meeting performance requirements of the contract.

(b)

(1) When acquiring *products* other than *commercial products* as defined in 2.101, agencies *must* require *offerors* to identify used, *reconditioned*, or *remanufactured supplies*; or unused former Government *surplus property* proposed for use under the contract. These *supplies* or property *may* not be used in contract performance unless authorized by the *contracting officer*.

(2) When acquiring *commercial products*, the *contracting officer must* consider the customary practices in the industry for the product being acquired. The *contracting officer may* require *offerors* to provide information on used, *reconditioned*, or *remanufactured supplies*, or unused former Government *surplus property* proposed for use under the contract. The request for the information *must* be included in the *solicitation*, and to the maximum extent practicable *must* be limited to information or standards consistent with normal commercial practices.

(c)

(1) When the *contracting officer* needs additional information to determine whether *supplies* meet minimum *recovered material* or biobased standards stated in the *solicitation*, the *contracting officer may* require *offerors* to submit additional information on the recycled or biobased content or related standards. The request for the information *must* be included in the *solicitation*. When acquiring *commercial products*, limit the information to the maximum extent practicable to that available under normal commercial practices.

(2) For *biobased products*, agencies *may* not require, as a condition of purchase of such *products*, the vendor or manufacturer to provide more data than would typically be provided by other business entities offering *products* for sale to the agency, other than data confirming the biobased content of a product (see 7 CFR 3201.8).

Parent topic: Subpart 11.3 - Acceptable Material