

Reclamation Manual

Directives and Standards

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| Subject: | Sustainable Operation and Maintenance Requirements for Certain Water-Related Contracts |
| Purpose: | To set forth the minimum contractual requirements for addressing sustainable operation and maintenance of Federal buildings by non-Federal parties. The benefit of this Directive and Standard is to comply with contracting requirements and continue to effectively pursue sustainability goals set forth in the authorities cited below. |
| Authority: | The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), and acts amendatory and supplementary thereto (Federal reclamation law); the Clean Water Act of 1948, as amended (33 U.S.C. § 1251, et seq.); the Clean Air Act of 1955, as amended (42 U.S.C. § 7401, et seq.); Executive Order 13834 of May 17, 2018, <i>Efficient Federal Operations</i> |
| Approving Official: | Director, Mission Assurance and Protection Organization (MAPO) |
| Contact: | Reclamation Law Administration Division (84-55000) |

1. **Introduction.** Executive Order 13834 (EO 13834)¹ requires Federal agencies to meet certain sustainability goals involving Federal facilities, vehicles, and overall operations. Section 2 of EO 13834 sets forth the goals, which are based on statutory requirements, applicable to agencies in carrying out the requirements of EO 13834. This Directive and Standard (D&S) sets forth minimum requirements for Bureau of Reclamation water-related contracts² under which a non-Federal party will be responsible for the operation and maintenance (O&M) of Federal buildings. For details of the requirements associated with sustainable³ O&M of Federal buildings and related matters, see Reclamation Manual (RM) Policy, *The Bureau of Reclamation's Commitment to Environmental Stewardship* ([ENV P05](#)), RM Policy, *Sustainable Buildings* (ENV P08), and RM D&S, *Environmental Management System (EMS) Implementation* ([ENV 05-01](#)).
2. **Applicability.** This D&S applies to Reclamation personnel involved in proposing, approving, negotiating, and executing water-related contracts that establish responsibilities for performance of the O&M of Federal buildings by non-Federal parties. The requirements of this D&S will be applied prospectively to such contracts executed, renewed, amended, or supplemented after its issuing date.

¹EO 13834 in 2018 revoked Executive Order 13693 which provided the sustainability responsibilities of lessors or contractors to the operation of Government-owned “buildings or vehicles.”

²The term “water-related contracts” refers to contracts authorized by the Federal reclamation law or the Water Conservation and Utilization Act of 1939 (WCUA). This D&S applies only to those water-related contracts described under Paragraph 2.

³The term “sustainable” is used herein as defined at Paragraph 3.F. of ENV P05.

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3. **Minimum Requirements for Environmental Stewardship Article.** Reclamation must include provisions in contracts that are subject to this D&S, as specified above in Paragraph 2, that:
 - A. incorporate the requirement stated under section 2 of EO 13834;
 - B. follow all internal strategies or instructions developed by the Department of the Interior or the Office of Management and Budget (OMB)⁴; and
 - C. establish requirements for the contractor to periodically report progress toward meeting the established sustainability goals.
4. **Definitions.**
 - A. The definitions appearing below or under Paragraph 3 of ENV P05 or Paragraph 3 of ENV 05-01 apply to the defined terms where used in this D&S.
 - B. **Sustainability Goal.**⁵ A general goal associated with the sustainable O&M of Federal buildings that reflects the requirements and goals set forth in EO 13834.⁶
5. **Review Period.** The originating office will review this release every 4 years.

⁴EO 13834 addresses agency-wide sustainability goals; it does not establish environmental performance goals for particular facilities. How the agency-wide objectives may be best pursued at individual buildings depends on variable factors, such as the size and type of buildings involved, the size and type of organization responsible for operating those buildings, and existing equipment, systems, and practices at those buildings. Because the appropriate goals vary among buildings, they need to be determined on a case-by-case basis, where they have not already been established.

⁵Agency-wide sustainability goals are addressed under Section 2 of EO 13834. Section 5 of EO 13834 provides that OMB shall issue instructions, directions, and guidance to agencies regarding evaluation of agency progress and performance related to the implementation of EO 13834, and prepare scorecards evaluating agency performance and identify areas of improvement in implementing EO 13834.

⁶Such as achieving and maintaining annual reductions in building energy use, meeting statutory requirements related to the consumption of renewable energy and electricity, reducing potable and non-potable water consumption.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____