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## Subpart 5123.1 - Sustainable Acquisition Policy

### 5123.104 Exceptions.

(a) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) shall make the determination at FAR 23.104(a). See Appendix GG for further delegation.

### 5123.105 Exemption authority.

The Assistant Secretary of the Army (Acquisition, Logistics and Technology), on a non-delegable basis, makes exemptions as set forth in FAR 23.105.

## Subpart 5123.2 - Energy and Water Efficiency and Renewable Energy

### 5123.204 Procurement exemptions.

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) has the authority to make the determination at FAR 23.204. See Appendix GG for further delegation.

### 5123.205 Energy-savings performance contracts.

Energy-savings performance contracts are service contracts and require inclusion of a quality assurance surveillance plan in the contract file.

## Subpart 5123.3 - Hazardous Material Identification and Material Safety Data

### 5123.302 Policy.

(d) See Army Regulation 700-141 for instructions for obtaining and processing Material Safety Data Sheets.

(e) The contracting officer shall provide hazard warning labels and Material Safety Data Sheets to the safety office in accordance with Army Regulation 700-141.

### 5123.370 Safety precautions for ammunition and explosives.

#### 5123.370-4 Procedures.

(1)(i) The head of the contracting activity shall approve the waiver of the mandatory requirements at DFARS PGI 222.370-4(1)(i). See Appendix GG for further delegation.

## Subpart 5123.8 - Ozone-Depleting Substances

### 5123.803 Policy.

(1) *Contracts.*

(i) The organization with primary responsibility for determining the principal specifications and standards cited in the solicitation or contract is responsible for obtaining authorization to include the specification or standard in the contract.

(ii) The approving official must be from the technical or program organization with primary responsibility for determining the equipment or systems specifications and standards.

(2) *Modifications.*

(i) For contracts administered by the Army, the contracting officer must obtain an evaluation and written determination of the suitability of proposed substitutes for ozone-depleting substances from the organization in (1)(i).

(ii) The written determination must be based on a certification by a technical representative of the

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in coordination with the requiring activity. Elevate any dispute concerning what constitutes a suitable substitute through the requiring activity’s leadership to the Army Acquisition Executive for a final decision.

## Subpart 5123.9 - Contractor Compliance With Environmental Management Systems

### 5123.903 Contract clause.

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) shall make the determination as described in FAR 23.903. See Appendix GG for further delegation.

### 5119.803 Selecting acquisitions for the 8(a) program.

(a) The Associate Director, U.S Army Office of Small Business Programs, shall respond directly to general search letters from SBA. The Associate Director, U.S. Army Office of Small Business Program may further delegate this function to the small business specialists at contracting activities.

(b) The contracting officer, in coordination with the small business specialist, shall respond to SBA requests for a specific requirement either by offering the requirement to the 8(a) program or by explaining to the SBA the rationale for not offering the requirement to the 8(a) program (see 5119.804-2).

(c) Where a number of requirements are being offered to SBA for planning purposes, associate directors, Army Small Business Programs or their designated small business specialist must identify the requirements to SBA. Specific individual requirements shall be offered in accordance with 5119.804-2(a).