

23.105 Exceptions.

The following are excepted from the requirement to procure *sustainable products and services*:

(a) Contracts performed or *supplies* delivered outside of the *United States*, unless the *agency head* determines that such application is in the interest of the *United States*.

(b) Weapon systems; however, compliance with applicable agency affirmative *procurement* programs is required for *recovered materials* per [23.107-1](#) (see [23.109\(b\)](#)) ([42 U.S.C. 6962](#)) and for alternatives for ozone depleting substances per [23.107-4](#) (see [23.109\(d\)](#)) ([42 U.S.C. 76711](#)), unless a written justification exists as described at [23.104\(a\)](#) ([42 U.S.C. 6962\(c\)\(1\)](#)) and [7 U.S.C. 8102\(a\)\(1\)\(B\)](#).

(c) Energy-consuming *products* or systems designed or procured for combat or combat-related missions are not subject to the requirements in [23.107-3](#) ([42 U.S.C. 8259b\(a\)\(5\)](#)).

(d) *Biobased products* to be used in military equipment (*products* or systems designed or procured for combat or combat-related missions), spacecraft systems, or launch support equipment are not subject to the requirements in [23.107-2](#) ([7 CFR 3201.3\(e\)](#)).

Parent topic: [Subpart 23.1 - Sustainable Products and Services](#)