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European Guidelines for Public Procurement and EU Green Public Procurement Training Toolkit

WORKSHOP ON OPPORTUNITIES FOR GREEN AND
ETHICAL PUBLIC PROCUREMENT IN SLOVENIA
AND THE EU,
Ljubljana, February 20th 2009

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Contents

- EU policy developments
- Guidelines: Buying Green! - Handbook on green public procurement (2004)
- GPP Training Toolkit

EU policy 2001-2004

2001: EU acceptance of ecological criteria for public procurement

2003: Integrated Product Policy > national action plans on Green Public Procurement (GPP) by the end of 2006 (14 countries so far)

2004:

- integration of environment into public procurement (EU Directives)
- ETAP > greening of public procurement.

Buying Green! - Handbook on green public procurement (2004)

1. Green purchasing strategies
2. Organising public procurement
3. Defining the requirements of the contract
4. Selecting suppliers, service providers or contractors
5. Awarding the contract
6. Contract performance clauses



Green purchasing strategies

Strategic planning:

1. Organising appropriate training for purchasing staff
2. Ensuring access to environmental information
3. Setting priorities when choosing the contracts most suitable for “greening”

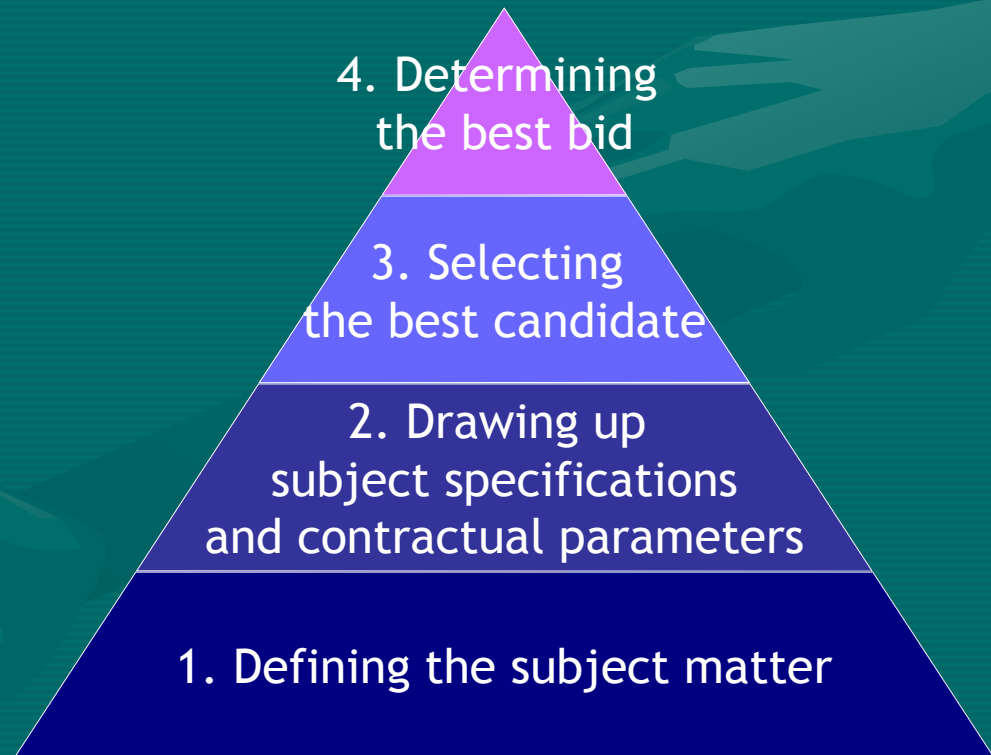
Organising public procurement

Principles

- Getting the best value for money
- Acting fairly: equal treatment, transparency

Assessing **actual**
needs

Several procedural stages



Defining the requirements of the contract

Subject matter: basic description

Technical specifications: clear and precise

- Standard based

 - Environmental standards

- Performance based

Pass / Fail

Variants

Using eco-labels, specific materials, origin

Selecting suppliers, service providers or contractors

Selection criteria

- Exclusion criteria

- Technical capacity

- Environmental management

Compliance with the criteria

- Past experience (records)

- Educational and professional qualification

- Declarations

- EMAS certificate

Awarding the contract

Evaluating the quality of offers and comparing prices

Award criteria must*

- Have a link to the subject matter of the contract

- Be specific and objectively quantifiable

- Have been advertised previously

- Respect Community law

*rulings of the Court of Justice

Predetermined **award criteria**:

Lowest price

Economically most advantageous

environmental subcriteria - matrix comparisons of offers, relative weighting, bonus/malus systems

Life-cycle costing

Purchase, delivery, installation..

Operating costs (energy, spare parts, maintenance)

End-of-life costs (removal, disposal)

Contract performance clauses

How a contract must be carried out

Way of setting relevant extra environmental conditions in addition to the green contract

Examples:

- The goods are to be shipped by train

- Use of re-usable containers

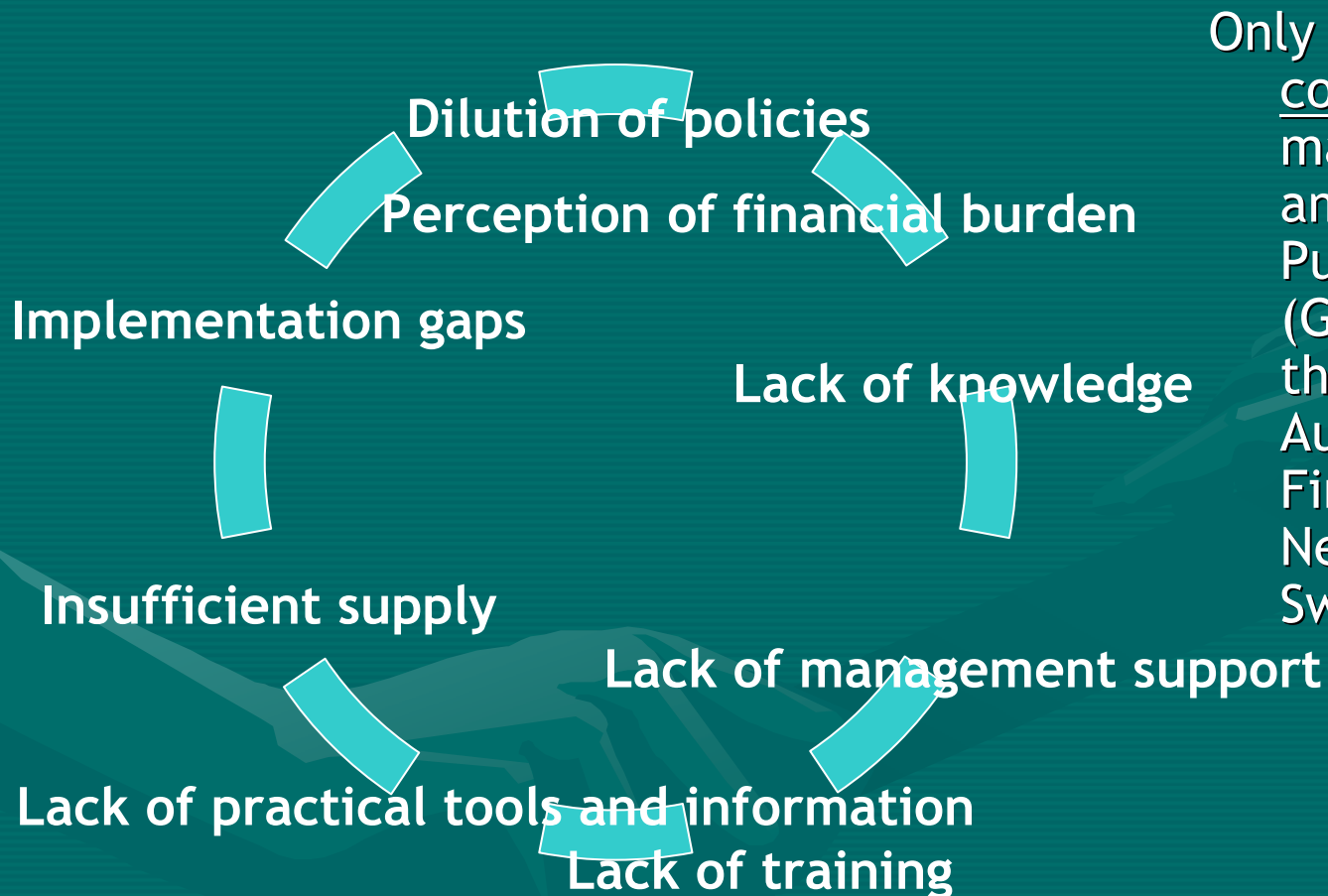
- Use of dosage indicators for cleaning products

- Appropriate disposal of packaging by contractor

- Delivery outside peak traffic times

- Delivery in bulk and dilution on site

What's stopping it?



Only seven EU countries currently manage a large amount of Green Public Procurement (GPP). These are the 'Green 7': Austria, Denmark, Finland, Germany, Netherlands, Sweden and the UK.

EU policy 2004-2008

2006: The EU Sustainable Development Strategy set the goal of bringing the average level of EU GPP up to the standard currently achieved by the best performing member states by 2010.

16 July 2008: The Commission presented a proposal to set ambitious targets for green public procurement as part of a broader Action plan for 'sustainable consumption and production'.

26 Sept. 2008: The Council adopted conclusions on the Commission's proposal.

The Commission communication 2008

Public Procurement for a better environment

addresses these obstacles by

- setting common GPP criteria
 - giving legal and operational guidance,
 - providing information on products' lifecycle costs,
 - raising political support (setting the 50% target),
 - averting distortions of the single market and
 - reducing the administrative burden for economic operators and for public administrations implementing GPP.
-
- EU Council: Member States should remain free to set their own sectoral targets and to adopt more ambitious environmental criteria should they so desire.
 - EC is invited to develop a methodology to evaluate progress made by EU states by 2010 and beyond.

Common GPP criteria

Minimum technical specifications with which all bids must comply.

- Based on wide consultations
- existing European and national standards such as the eco-label criteria
- expansion to non energy-using items like clothing and footwear, furniture, cleaning products, windows, doors, insulation materials, irrigation equipment, concrete products and plasterboard.
- establishing a labelling standard below which public authorities would not be allowed to procure.

Ten priority sectors

Priorities based on

- importance in terms of the scope for environmental improvement,
- public expenditure,
- potential impact on the supply side,
- existence of relevant and easy-to-use criteria,
- market availability and
- economic efficiency.

1. construction,
2. food and catering services,
3. transport and transport services,
4. energy,
5. office machinery and computers,
6. clothing, uniforms and other textiles,
7. paper and printing services,
8. furniture,
9. cleaning products and services and
10. health sector equipment.

GPP Training Toolkit

1. Managing GPP: Action plans
2. Legal framework: Tender documents
3. Practical Module: 11 product types

Developed for the EC by ICLEI, Local Governments for Sustainability, 2008

Module 1



.....five further Fact sheets

Integrating GPP into environmental management systems

- As many contracting authorities also have (or are considering introducing) environmental management systems such as EMAS, this guide also provides information on how GPP can be integrated into such schemes.

Developing a GPP policy

- Having the appropriate political support framework greatly increases the effectiveness of implementation.

Life-cycle costing (LCC)

- Assessing the full costs of procurement actions (including running and disposal costs) and not just the purchase price better highlights the financial benefits of GPP.

Joint procurement

- Combining the purchasing activities of several authorities can help to reduce prices for green goods and services, and help to pool expertise.

GPP and the European Ecolabel

- Ecolabels can be a useful information source to help contracting authorities set GPP criteria.

Module 2

Introducing green criteria in tender documents

1. Subject Matter
2. Technical specifications
3. Selection criteria
4. Award criteria
5. Contract clauses
6. Examples

Basic principles

- All environmental criteria are explicitly mentioned in the tender
- The wording of the criteria respects the general principles of transparency, non-discrimination and equal treatment
- The criteria relate to the subject matter of the contract

Subject matter - examples

“Cleaning services with low environmental impact”

“The design and construction of an energy-efficient building”

“Recycled paper for printing, copying and writing purposes”

“Contract for catering services which supply local produce”

“Tender for Energy Star certified computers and laptops”

Examples in practice

Technical specifications

Clear definitions

- Technical standards

- Performance or functional requirements

- Ecolabel criteria

- Production and process related criteria

Verification

Examples in practice

Technical specifications: examples

“Certified Blue Angel paper”

“Meets the ecological criteria as detailed in the Blue Angel”

“Durability > 100 years, according to ISO 9706 or DIN 6738”

“Compatibility with machinery: meeting DIN 19309, AFNOR Q11-013 or equivalent”

“Low fertiliser use during food cultivation” (for organic food)

“Totally chlorine free (TCF) paper”

“Containing at least 80% of post-consumer waste content”

Selection criteria

Exclusion

eg. if they have been convicted of breaking the law
(including national environmental laws)

Technical and/or professional capacity

education, experience, equipment, etc

Including capacity to manage the contract in an
environmentally sound manner

Selection criteria: examples

- *Design and construction of a bio-climatic building*
 - Technical capacity = Request a list of previous buildings which have been constructed adhering to bio-climatic principles
- *Construction of a bridge in a protected area*
 - Technical capacity = The possession of an EMAS for construction sites

Award criteria

- Lowest price
- Most economically advantageous tender:
 - Purchase price
 - Usage and maintenance costs (including energy and water consumption and other consumables such as ink or paper)
 - Disposal or resale
- Other: delivery date, technical merit or environmental characteristics, as long as they are:
 - clearly mentioned in the tender
 - related to the subject matter
 - objectively quantifiable - verifiable
 - weighted (i.e. explaining how much importance is given to each award criterion)

Award criteria - benefits

Using environmental criteria in the award phase has two important benefits:

- Rather than just setting a standard which must be met, it encourages offers which go beyond this, and therefore pushes the market to innovate and improve
- If you are unsure of the price or market availability of green products or services, this is a risk-free way of indicating that you would prefer a higher environmental standard but not at any cost

Award criteria: examples

- Computer leasing
 - for the economic offer: up to 80 points
 - for energy demand even lower than that defined in the technical specifications: up to 20 points.
- Street cleaning service
 - for the economic offer: up to 80 points
 - for environmental aspects: up to 10 points
 - for the possession of an EMAS: 10 points

Contract Clauses

They specify how a contract must be carried out.

Environmental considerations can be included as long as:

- they are explicitly indicated in the contract notice or in the contract documents
- they are related to the execution of the contract
- they are not directly or indirectly discriminatory (i.e. in principle, any contractor should be able to implement them)
- they are verifiable
- verification takes place only after the award of contract, as part of the contract management regime

Contract Clauses: examples

Products shall be delivered in bulk and the contractor must use reusable containers when delivering products.

All products must indicate the dosage that should be used in order to avoid overuse and can not be classified as toxic (T).

If selective waste collection is introduced in the bins of the parks, the contractor will have to empty the bins, maintaining the sorted waste and depositing them in the correct recycling containers of the municipality.

Module 3

Concrete examples of environmental criteria

Paper	Cleaning products	Equipment used in the health sector	
Office machinery	Transport	Furniture	Electricity
Food and catering services	Textiles	Gardening services	Construction

Product sheet

- Scope
- Key environmental impacts
- Core GPP criteria
 - address the most significant environmental impacts, and are designed to be used with minimum additional verification effort or cost increases.
- Comprehensive GPP criteria
 - intended for use by authorities who seek to purchase the best environmental products available on the market, and may require additional administrative effort or imply a certain cost increase as compared to other products fulfilling the same function.
- Cost considerations

Example 1: Paper

1. Scope:

Copying and graphic paper

2. Key environmental impacts

3. Subject matter:

Purchase of paper made from legal and/or sustainable virgin fibres

Core criteria= Comprehensive criteria

- Specifications:

- Virgin wood fibres for pulp production shall come from legal sources
 - Verification: FSC, PEFC or equivalent...
- The paper must be at least Elementary Chlorine Free
 - Verification : A technical dossier of the manufacturer

- Award criteria

- Additional points will be awarded to products complying with....

Core criteria / Comprehensive criteria

paper_GPP_product_sheet.pdf - Adobe Reader

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Copying & graphic paper - GPP Product Sheet

Award criteria

Additional points will be awarded for:

Sustainable forestry sources

1. All virgin wood fibres for pulp production shall come from forests that are managed so as to implement the principles and measures aimed at ensuring sustainable forest management, on condition that these criteria characterize and are relevant for the product. In Europe, these principles and measures shall at least correspond to those of the Pan-European Operational Level Guidelines for Sustainable Forest Management, as endorsed by the Lisbon Ministerial Conference on the Protection of Forests in Europe (2 to 4 June 1998). Outside Europe they shall at least correspond to the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

Verification:
All products carrying the European Ecolabel or the Nordic Swan will be deemed to comply. Certificates of chain of custody for the wood fibres certified as FSC, PEFC or any other equivalent means of proof, will also be accepted as proof of compliance. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.

Ecolabel criteria

2. Products which meet the ecological criteria of the European Ecolabel or the Nordic Swan directly related to paper production (and not the management practices of the factory).

Full criteria documents available at:

- European Ecolabel: http://ec.europa.eu/environment/ecolabel/product/pg_copyingpaper_en.htm
- Nordic Swan: www.svanen.nu/Eng/criteria/kriterie.asp?pgn=44

Verification:
Products carrying the European Ecolabel or the Nordic Swan will be deemed to comply. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.

Implementation

- Paper based on... instead containing... allowing the use of...
- Raising the price... and under the... information of... Contracting a... sustainable or...
- Award criteria... awarded for e...

European Commission GPP Training Toolkit - Module 3: Purchasing recommendations

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Example 1: Food & Catering

1. Scope:

Fruits and vegetables, fish, meat and dairy products, processed food and drinks and beverages; provision of catering services

2. Key environmental impacts

3. Subject matter:

Purchase of vegetables coming at least partially from organic sources

Core criteria

- 70 % of vegetables must be organically produced according to Regulation (EEC) No 2092/91 until 31 December 2008, and Regulation (EC) No 834/2007 as of 1 January 2009.
 - **Verification:** Proof must be supplied that vegetables are certified, by the competent body, as organically produced.
- **Award criteria**
 - Additional points will be awarded to products complying with....

Core criteria

Award criteria

Additional points shall be awarded for

1. Organic Food

Additional share of vegetables coming from organic sources above the minimum requirement in the specification.

Verification: As above.

2. Packaging

Percentage of products that:

- Are supplied in secondary and/or transport packaging with more than 45% recycled content.
- Are not supplied in individual portions (single-unit packages).

Verification: The supplier must provide a signed declaration indicating which of these criteria it is able to meet. The contracting authority will verify compliance during the contract period, and appropriate penalties will be applied for non-compliance.

Comprehensive criteria

Specifications (addition to the core set of criteria)

.....

2. Of the remaining non-organic vegetables, 50 % of vegetables must be produced in accordance with the criteria of Integrated Production or equivalent systems.

Verification: Vegetables carrying the regional/national Integrated Production label will be deemed to comply. If the vegetables are not certified, the bidder will have to provide appropriate evidence (such as a list of chemicals used in production, etc.) of compliance with each of the requirements laid down in regional/national Integrated Production standards.

Award criteria

Additional points will be awarded for:

1. Organic food

Additional share of vegetables coming from organic sources above the minimum requirement in the specification.

Verification: As above.

2. Integrated Production

Additional share of vegetables coming from Integrated Production sources above the minimum requirement in the specification.

Verification: As above.

In 2009...

- GPP Training Toolkit will be published in other EU languages (april 2009)
- GPP conferences will be held in several Member States
- EC will organise GPP training activities



Thank you.

Further information:

<http://ec.europa.eu/environment/gpp>