



Das Lebensministerium



Green procurement is simpler than you think!

In brief - the most important steps to take

Freistaat  Sachsen

Saxon State Ministry for the Environment and Agriculture

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Dear Sir, dear Madam,

The question of the integration of environmental aspects into the procurement processes arises more and more frequently. The Saxon

Constitution (Art. 10, §1) describes environmental protection as the duty of the State and the responsibility of every individual. The responsibility of public administration includes the promotion, development, market launch and distribution of products and services requiring less raw material and energy, emitting fewer pollutants and noise and producing a minimum of waste, as well as nature conservation efforts around buildings. Public authorities can make an important contribution to sustainable development by using their purchasing power to select environmentally-friendly products and services. Green public procurement extends to areas such as the purchasing of energy-efficient computers, office furnishing made of environmentally sustainable timber, recycled paper, environmentally friendly public transport, electricity stemming from renewable energy sources and air conditioning systems based on a technology meeting environmental requirements. Green procurement is also a way to set a good ex-

ample and to influence the market. By opting for environmentally friendly products and services, public authorities can encourage the development of green technologies. Finally consider the costs of the entire life cycle of a product or service. Green procurement makes you save money and contributes to the protection of the environment. An intact environment is a clear locational advantage.

We would like herewith to encourage cities and communities to purchase cleverly, opting for environmentally friendly products and services. This brochure gives concrete advice as to available solutions.

A handwritten signature in black ink, appearing to read 'S. Tillich', written in a cursive style.

Stanislaw Tillich
State Minister of the Environment and Agriculture

Introduction

Especially in times of climate change every individual is responsible for the protection of the environment and of our children. The communities can lead the way by setting an example, thus improving the quality of life of their residents. In this context, procurement is a critical criterion. Reducing one's use of products and services is obviously the best way to an environmentally friendly consumption. However, the communities' procurement behaviour can have great influence on the demand of green products. In 2003, approximately 50% of the total public procurement expenditure (on a national, state and community level) was made by the communities. Not only the demand of green products as such plays a decisive role but also the fact that from the very beginning the procurers consider the costs of the entire life cycle of a product or service. In many communities, the environment and sustainability are already critical criteria of the procurement process, they are also being communicated as such. Public procurement (IT equipment, paper, cleaning products or furniture) already requires the consideration of environmental aspects by the suppliers.

Green public procurement is therefore a political tool that may be used complementarily to other instruments of the environmental policy to promote-environment oriented innovations and it is easy to communicate to the citizens.

Once you as a community have decided to introduce an environmentally friendly process, the following question will certainly arise: "Where do I start?"

Six steps to green procurement

In the following we list six easy steps that explain how to introduce green procurement. They will give you an overview on how to proceed, what to observe and how to get more information.

STEP 1



Make a clear decision about green procurement!

According to the slogan “Environmental protection is down to management”, which has been heard for years, environmental behaviour requires a clear commitment by the persons responsible for procurement. The manager is hereby not necessarily the mayor or the staff involved with procurement. It is rather the decision maker at a given step of the process – being the manager at this point, who can take a step towards environmentally friendly procurement. Ideal would of course be the commitment of top management, which would put less justification pressure on subordinated staff and allow all to act in line.

You maybe have the feeling that your community does not support environmental procurement sufficiently, or that too many departments are involved in the procurement of selected products or services. Hurdles analysis is a good way to take up the discussion on green procurement. This tool was developed by the Technische Universität Dresden especially to address green procurement and has already been tested in several communities.

What hinders green procurement? – An instrument to identify hurdles.

Everyone at every step of the procurement process can be the origin of so-called hurdles that complicate, slow down or completely block the green procurement process. Also a lack of knowledge, information, interest, financial resources or regulation can hinder the procedure. The Professorship for Environmental Management of the Technische Universität Dresden has developed a simple self-evaluation tool in order to promote the continuous improvement of green public procurement. This tool is meant to help organisations:

Step 1

- to identify their hurdles,
- to find out the reason for these hurdles,
- to sort them according to their relevance
- to develop a strategy

The programme comprises an online questionnaire that can be filled in by the persons involved from their PC, tools for the analysis and assessment of the results as well as discussion and strategy workshops. Interested organisations can register at <http://www.wwil.wiwi.tu-dresden.de/hurdles/en/index.html> You will also have access to further information about hurdles analysis and a description of the procedure via e-mail.

You can perform a hurdles analysis before or after each of the steps listed in this brochure. This way, you will be able to eliminate the hurdle where it occurs.

STEP 2



Try to figure out which products or services are the most suitable!

Take environmental impacts into account. Select those products or services, which have a high impact on the environment (e.g. motor pool and PCs). First of all focus on one or two aspect(s), such as climate change (CO₂ emissions) or waste. You will find information on environmental impacts on the poster attached. Also, the handbook published in 1999 by the German Federal Environmental Agency remains a benchmark for green procurement. It includes detailed descriptions of the impact that particular product groups and services have on the environment. The outcome of research projects such as RELIEF carried out by the European Commission or the NaBesI project of the BMBF (German Federal Ministry of Education and Research) are also sources of information.

The environmental relief potential of public procurement

For example the NaBesI project (Potentials of a Sustainable Procurement and Instruments for Implementation) funded by the BMBF analysed the

environmental relief potential of the environmental purchasing for six products: electricity, buildings, food, computers, buses and sanitary devices. Some examples are represented on the basis of the greenhouse gas emission indicator: if public authorities purchased "green electricity" instead of the German traditional electricity mix, just under 24 million tons of CO₂ equivalents could be saved, further 15 million tons would be saved if passive house standards were applied to public buildings. Using the concept of person equivalent, these values equal the average emission of 2.9 and 1.9 million people respectively. These savings alone amount to 15% of the German Kyoto commitment and exceed Germany's saving target for 2008. The reasoning requires however that the electricity originates from additional capacities, as mentioned in some certification plans. Not all products show an environmental relief potential of such an extent. Further examples evidence, however, that public procurement can trigger great environmental relief. The reduction of ground-level ozone of city buses was calculated to amount to "only" 140,000 person equivalents. These buses are however meant

to circulate in conurbation areas and involve environmental relief only where they are used the most. (Erdmenger, C.; Winter, M. (2005): Das Umweltentlastungspotenzial öffentlicher Beschaffung. In: Barth, R.; Erdmenger, C.; Günther, E. (Ed.) (2005): Umweltfreundliche öffentliche Beschaffung – Innovationspotenziale, Hemmnisse, Strategien. Physica-Verlag, Heidelberg 2005.)

Identify your actual need. Describe your need first in a functional way, in order not to exclude any solution. Once you have assessed your need properly, you may come to the conclusion that a commissioning is not necessary and that the purchasing can be avoided. This way, you will not only preserve the environment but also avoid additional costs.

Example: stationery

Organise a barter network in your administration via the intranet for instance. Using this system, you may acquire items from other departments where they are no longer needed.



STEP 3



Take the green alternative into account!

Once the product or service to be purchased has been identified as particularly environmentally friendly and a corresponding need has been confirmed by the community, the procurer can assess the market. Specialist publications (Stiftung Warentest - Organization for the Comparative Testing of Consumer Goods, öko-test - ecological consumer institute, environmental municipal newsletters, Umweltmagazin – environmental magazine) as well as the supplier databases of the German eco-label “Blauer Engel” – Blue Angel (<http://www.blauer-engel.de/>) or of the European Union eco-label “EU-flower” (<http://www.eco-label.com/>) are particularly helpful. You can also contact suppliers directly to get more information about their products, or request catalogues and samples.

Environmental information networks such as <http://www.beschaffung-info.de> were created for public purchasers. In discussion forums, you can learn about the experience other German public purchasers have made. Perhaps other communities purchased the product you selected (additional information at the end of this document under “Interesting links” and on the poster attached).

STEP 4



Consider the costs of the entire life cycle of a product or service!

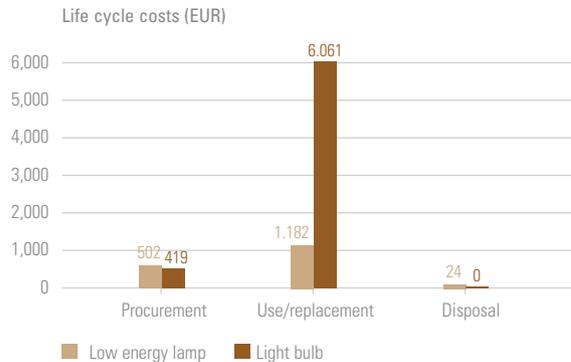
Green products are thought to be too expensive. This prejudice against environmental procurement is partly due to the behaviour of public budget managers who do not provide an incentive for purchasers and users to scrutinise prices.

You should consider the total life cycle costs of the product or service – from the production through transportation to use and finally disposal. An analysis of the life cycle costs can justify the higher purchase costs of products with a longer life cycle. Also considering the disposal step, the use of products containing less harmful substances allows the reduction of disposal costs. Modular design can also be a key concept. Crucial components (e.g. the use of cleaning agents and water consumption) can influence the assessment of a cleaning service if you take its accomplishment into account.

Example: Procurement of energy efficient bulbs

The environment agency in Hamburg, Germany replaced all bulbs with half as many energy efficient lamps in 300 buildings. Its yearly power consumption could thereby be decreased by 4.5 Mio. kWh, which amounts to a 225,000 EUR saving with a unit price of 5 ct.

The below comparative chart shows the example of an administrative unit equipped with 50 lamps, taking into account the life cycle of an energy saving lamp (40 months) as well as interest rate effects for 2004.



Initiating buying syndicates with other communities also helps to reduce purchasing costs.

Buying syndicates

In the region of Vorarlberg in Austria, the local environmental association has initiated a service called ÖBS (ÖkoBeschaffungsservice). This service supports 96 mostly small communities in assessing their needs, prepares invitations for tenders and offer assessments and is in charge of commissioning. In a following step, the selected providers and the communities agree to outline conditions, which will be valid for any delivery carried out in a given period of time. Communities thereby save costs and time on the one hand for the procurement itself and on the other hand for the implementation of environmental criteria. So far the ÖBS has been involved in the procurement of computer hardware, photocopiers and multipurpose devices, copy and print paper, toilet tissue, cleaning agents and materials, office furniture, office stationery, fair trade products, photovoltaic equipment, appliances for street lighting and fire fighting equipment.

STEP 5



Include environmental criteria in invitations for tenders!

The public procurement law is very complex in many ways. It does not clearly state whether and to what extent environmental aspects can be included in the individual phases of the award procedure. The following section outlines the many possibilities to include these aspects. At the time of the publication of this brochure, the German procurement law is going through a radical change, this is the reason why various legal provisions are not being quoted in the following section. It is therefore rather a matter of showing basic positions that are based on European legislation and inevitably find expression in the relevant regulations. These basic principles can also provide a guideline for those contract awards, which are not directly bound by European legislation as the contract value is below the threshold required. Every staff member involved in the procurement process is required to adapt them so that they comply with the relevant legal framework.

1. Definition of the contract subject

Procurers are free to define the subject of the contract in any way that meets their needs. Contract award policies do not restrict the contract subject, rather dealing with HOW procurement should be undertaken. There is a lot of flexibility surrounding the question of WHAT can be procured. However, equal opportunities must be guaranteed for all suppliers in Europe, i.e. it must be ensured that the contract does not affect the access to your national market by other EU companies.

If you choose a green contract title, any tenderer will understand that the environment will be the key requirement of that contract. In addition to this, concrete features can and need to be built into the performance description, particularly the technical specifications.



2. Drawing up of technical specifications

Technical specifications should include every technical criterion necessary to meet the contract subject requirements. Though it is recommended not to describe the performance in too much detail. There are four different ways to implement environmental aspects into the performance description:

(1) Implementation of product specifications:

Some raw materials or primary products, for example reusable materials can be set in advance provided they are relevant to the contract. For example, you can indicate various hazardous substances that shall not be contained in cleaning detergents. It is also possible to state the minimal amount of recycled substances that a product should contain.

(2) Take production processes into account

The current commissioning guidelines allow purchasers to mention environmentally friendly production processes and methods such as “ökologischer Landbau” – organic farming – or “grüner Strom” – green electricity – in technical specifications. It is

thereby important that the environmental aspects of the production process are also found in the product.

(3) Considering eco-labels

In the performance description purchasers can also require eco-labels (Blue Angel, EU-Flower, Energy Star), if available. Though it must be clear that eco-labels cannot be considered as the exclusive proof of compliance with the environmental requirements of the invitation for tenders. It is always important to know exactly according to what criteria eco-labels are awarded. Consequently it is safer to mention in detail the awarding criteria of the eco-label in the performance description than the label itself.

(4) Consider variations (alternative offers)

You can also accept alternative offers or variations to the performance description. Thus, tenderers will submit proposals for change, and provided they meet minimum requirements, these proposals will be assessed in the same way as the main offers. Products featuring for instance a higher environmental compatibility than other products can be tendered



as green alternatives. In this case the contract award documentation including the invitation for tenders has to mention that alternatives are also accepted. Minimal environmental requirements for green alternatives (e.g. environmentally friendly feature or eco-label) must be defined as well for distinction purposes between green and “non-green” tenders. Additionally, information must be given on how alternative offers have to be submitted (e.g. separate envelope).

3. Selection of tenderers (suitability criteria)

Bei den Eignungskriterien gibt es zwei Möglichkeiten zur Einbeziehung von Umweltkriterien:

(1) Exclusion of contractors:

A contractor can be excluded from the award procedure if they have been convicted for reasons putting their professional reliability into doubt or in the case of a conviction for professional misconduct. This may also include offences against the environmental protection law. The German criminal code contains provisions dealing with offences against the environment.

(2) Assessment of technical abilities

European contract award policies allow demanding a proof for specific environmental experience, provided it is necessary for the proper execution of the contract, for example:

“... an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator’s undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;

... a description of the technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking’s study and research facilities;

...a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;” (Directive 2004/18/EC Article 48 §§2b), c) and h)).



Environmental management schemes such as EMAS or ISO 14001 et seqq. can be used for the certification of technical abilities for public works contracts and service contracts, though not for supplies contracts. (Directive 2004/18/EC Article 50).

EMAS

The EU Eco Management and Audit Scheme (EMAS) is the most demanding of all eco management systems available. EMAS is based on the EC environmental audit regulation (Regulation (EC) No. 761/2001). The EMAS quality label not only guarantees the compliance with environmental legislation but also the continuous improvement of an organisation's environmental performance. The participation in EMAS is voluntary and extends to self-reliant organisations, companies, workshops, business enterprises, and also public organisations. To receive EMAS membership, an organisation must assess the environmental impact of its activities, products and services and in the light of these results establish an environmental management scheme.





Many types of European or international standards other than EMAS and ISO 14001 et seqq. may be a proof of compliance with environmental criteria.

For a non-discriminatory award process, environmental management measures equivalent to those performed by the contractor must be recognised.

Integration of an environmental management schemes for construction contracts

Let us examine the example of a bridge to be built in a nature reserve: the procurer can apply an environmental management scheme to ensure that the technical abilities of the contractor comply with EMAS. The contract conditions require the establishment of specific measures aimed at ensuring effective protection of fauna and flora in the area during the bridge construction. Companies being able to demonstrate similar management schemes or their ability to perform the environmental measures required by EMAS must be recognised. (See “Buying green! – A handbook on environmental public procurement” by the European Commission)

Introduction of environmental management schemes in Bavaria, Germany

In 2005, Bavarian ministries issued guidelines for the public authorities to award contracts in compliance with EMAS. The following information on direct awards was included:

Provided direct awards are allowed and no public invitation for tenders takes place, suitable companies can be selected and asked to tender. Procurers can select specifically EMAS-registered companies, though the procedure must not result in the elimination or discrimination against other potential tenderers. Moreover the award has to be based on criteria relevant to the contract subject. A practicable solution would be to call for the minimal number of

tenders required without mentioning particular criteria in addition to tenders from EMAS-registered companies.

4. Evaluation of tenders / Contract award (award criteria)

The evaluation of the tenders can be performed according to either of the following criteria:

- to the lowest price
- to the most economically advantageous offer.

The second option involves the consideration of further criteria, such as quality, price, technical merit, aesthetic, functional and environmental characteristics, operating costs, cost-effectiveness, after-sales service, technical assistance, delivery time and period as well as period of completion. The current European award regulations make explicit reference to

the possibility of integrating social aspects into the awards process. These aspects must be contract or product-related in the stricter sense, aspects relating solely to the company are not sufficient. Indeed, award criteria should not go beyond the contract subject and must be directly linked to the performance of the contract. In the case of electricity procurement, purchasers can for example reward contractors supplying electricity to the minimal extent required stemming from renewable energy sources. Purchasers can however not expect the contractor also to supply other companies with green power. The same rules apply to noise and pollutant emissions by public transport buses, i.e. procurers can use environmental impact as award criterion, other vehicles than those tendered should not be assessed, though. Award criteria mentioned in the specifications or contract notice must be specific and quantifiable, thereby ensuring non-discriminatory procurement. Also, award regulations prohibit criteria definitions leading from the start to the exclusion of potential contractors.



5. Conditions for the performance of contracts

Article 26 of the current directive includes regulations regarding the performance of contracts:

“Contracting authorities may lay down special conditions relating to the performance of a contract, provided that these are compatible with Community law and are indicated in the contract notice or in the specifications. The conditions governing the performance of a contract may, in particular, concern social and environmental considerations.” This means that additional conditions, so-called clauses, can be included at performance stage. However, contract clauses must not be used to modify technical specifications, selection or award criteria and consequently the scope of performance as this would amount to discrimination.

The directive does not specify the additional conditions to the contract. The following clauses are possible:

- Bulk rather than individual delivery / packaging,
- Reuse or recycling of packaging or products by the contractor,

- Delivery of products in reusable containers,
- Collection, return or recycling of waste incurred during or after product use by the contractor,
- Transport and delivery of chemical substances (e.g. cleaning agents) in concentrated form and dilution on site

STEP 6



Show your commitment!

Share information about your community's commitment to green procurement. Report on your experience in regional newspapers or official journals and make use of multi-municipal programmes to exchange ideas and experiences with other communities.

Procura+ Campaign

Procura+ is a European sustainable procurement campaign launched in 2003 by ICLEI – Local Governments for Sustainability. The campaign provides public relation support and background information to those public authorities, which have committed to the programme, i.e. to implement green procurement. Upon decision of their political body, public authorities will go through a step-by-step implementation process – the **Procura+** Milestones.

The campaign is based on the following principles: buying only what is needed, selecting products taking into account the costs of their entire life cycle (i.e. production, distribution, use, disposal).

Procura+ thereby focuses on improvements for the following products:

- electricity from renewable sources
- energy-efficient computers and IT devices for offices
- organic food for canteens, hospitals and catering
- buildings meeting highest heating and cooling efficiency standards
- health-oriented cleaning services
- quality-oriented public transport services with low-emission buses

Common criteria and coordination (even including collective purchasing) result in mass demand and consequently cheaper products.

The ICLEI staff of the European Secretariat for sustainable procurement in Freiburg, Germany, supports the sustainable procurement campaign by providing for example product information to participants.

All information and guidance needed to implement sustainable procurement in a public administration was brought together in a campaign manual. The manual is available to all campaign participants in

printed format and on CD-ROM. The latter contains all texts and an automatic update function always providing the latest information developed by ICLEI and can be installed on several computers within the same administration.

Participants can use the Procura + logo in publications, letterheads etc. and also display stickers on entrance doors e.g. to city halls. This way they promote the initiative to both citizens and business.

Interesting links



www.beschaffung-info.de

- Information regarding the environmental procurement of products and services classified into nine groups (Cleaning/hygiene, office products, building furnishing, transportation, gardening and landscaping, energy management, canteen products/food, safety at work/security, supply and disposal)
- Subcategories to each group, e.g. product or service description and their environmental impact
- Detailed relevant informative literature
- Further links, checklists, successful examples as well as a compilation of eco-labels for every subject area
- Detailed overview of legal background (national, European and international award legislation)
- A "service" category providing further links, event information and a discussion forum enabling information exchange and including a second-hand market

Language: German

Last update: not indicated. Website is regularly updated.



www.oekoinkauf.at

includes

- detailed information about green purchasing (detailed definition and assessment of legal background), criteria catalogue for products/services (paper, office products, electrical office appliances, electrical household appliances, interior furnishings, cleaning, structural engineering, technical building systems, water)
- modules providing background information and recommendations regarding the environmental impact of the individual products/services
- text modules and environmental performance forms for calls for tenders
- presentation of planning and evaluation tools enabling the integration of environmental aspects in calls for tender and procurement
- provision of support tools (eco-labels etc.)
- case studies in the following modules: paper, office products, electrical office appliances, cleaning

Language: German

Published in 2001, no update



European Green Procurement Database

http://europa.eu.int/comm/environment/green_purchasing/html/general/links

- data base providing information on selected product groups (cleaning products and services, clothing and textiles, construction and engineering, electrical and electronic appliances, energy and water supply, gardening, office products, personal care products, sanitary products, paper, telecommunications, wood products, transportation of goods and passengers, waste)
- provides detailed information about green public procurement (motivations and arguments, life cycle consideration, overview of European legal background, examples from member states and other countries, introduction to existing eco-labels)
- describes the most significant environmental aspects in relation to products and services, contains links to European eco-labels and provides their most essential criteria
- provides, for every product group, possible criteria to take into account for green procurement

Language: English

Last update: 2003. The links mentioned on the website are up-to-date.

Handbooks



Federal Environmental Agency (Ed.) (1999): Handbuch für umweltfreundliche Beschaffung. Empfehlungen zur Berücksichtigung des Umweltschutzes in der öffentlichen Verwaltung und im Einkauf 4th Edition, Verlag Franz Vahlen, München 1999. ISBN: 3 8006 2437 0, Price: 25 EUR

- one of the most detailed sources of information on many product and service groups (stationery, office supplies, vehicle systems, civil engineering, heat and power supply, water supply, laundry/cleaning/hygiene products, gardening and landscaping, canteen supply, waste, logistics, safety and protection)
- the introduction includes a definition of green procurement, describes the pioneering role of public expenditure, budgetary and award guidelines, international activities and trends and pre-oper-

ating studies, provides further information sources

- illustrates needs, environmental aspects and product information (general information, eco-labels, market information) and gives suggestions about how to carry out environmental procurement for each of the above-mentioned points
- benchmark for green public procurement

Language: German

Last update: 1999. Further updates are not planned.

-  - guidelines to help European public institutions with the implementation of green procurement
- provides an introduction to green purchasing, strategies and arguments
- explains how green purchasing works
- describes awarding process from definition of contract requirements, through contractor selection and contract notice to determination of contract conditions, with regard to award legislation
- provides best practice examples to each topic
- describes the legal background as well as the role of the European Court of Justice

Language: English, German and other European languages

Last update: 2004

Clement, S.; Erdmenger, C. (2003): The Procura+ Manual – A guide to Cost-Effective Sustainable Procurement. Ökom-Verlag, München 2003, ISBN: 3936581 36 3, Price: 24.90 EUR

- good introduction to green public procurement
- explains the concept of green products
- defines six product groups featuring a high environmental relief potential (buildings, buses, cleaning agents, electricity, food, IT devices)
- presents key criteria that can be used for the procurement of selected product groups
- key criteria can only be applied provided they do not generate additional costs

Language: English (Product groups and their respective key criteria are also described in German in Barth, R.; Erdmenger, C.;

Günther, E. (Ed.) (2005): Umweltfreundliche öffentliche Beschaf-

fung. Innovationspotenziale, Hemmnisse, Strategien. Heidelberg 2005, Chapter 13)

Last update: 2003

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Commission interpretative communication on the Community law applicable to public procurement and the possibilities for integrating environmental considerations into public procurement.

Available online at

http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0274en01.pdf



Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors.

Available online at

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_134/l_13420040430en00010113.pdf



Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

Available online at

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_134/l_13420040430en01140240.pdf



Barth, R.; Erdmenger, C.; Günther, E. (Ed.) (2005): Umweltfreundliche öffentliche Beschaffung. Innovationspotenziale, Hemmnisse, Strategien.

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