



**MINISTRY OF ENVIRONMENT &
FORESTRY**

GREEN PUBLIC PROCUREMENT FRAMEWORK

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Table of Contents

ABBREVIATIONS AND ACRONYMS	3
LIST OF TABLES	4
KEY DEFINITIONS	6
CHAPTER ONE: INTRODUCTION.....	7
1.1 Background information	7
1.2 Global and Regional Overview of GPP	8
1.3 Why Green Public Procurement	10
1.4 Institutional Mandate for GPP Implementation in Kenya.....	11
1.5 Situational analysis	12
CHAPTER TWO: FRAMEWORK GOALS, OBJECTIVES AND GUIDING PRINCIPLES	19
2.1 Framework Goal	19
2.2 Rationale.....	19
2.3 Scope.....	19
2.4 Objectives	19
2.5 Guiding principles.....	19
2.6 GPP Opportunities.....	19
CHAPTER THREE: GREEN PUBLIC PROCUREMENT PROCESS.....	21
3.1 Introduction.....	21
3.2 GPP Procurement Cycle and Key Activities	21
3.3 GPP Procurement Cycle and Opportunities for Green Procurement.....	22
CHAPTER FOUR: GREEN PUBLIC PROCUREMENT TARGETS	25
4.1 Introduction.....	25
4.2 Target.....	25
4.3 Priority products and services	25
CHAPTER FIVE: FRAMEWORK IMPLEMENTATION	27
5.1 Implementation Plan	27
5.2 Resource Requirements.....	27
5.3 Risk Management.....	27
5.4 Institutional Arrangements.....	27
5.5 GPP Framework implementation	28
5.6 Framework Review.....	28
ANNEX 1: GPP Implementation Plan	29
ANNEX 3: PRIORITISED ACTIONS	41
ANNEX 2: LIST OF AMMENDMENTS	42
ANNEX 3: LIST OF CIRCULARS	43
ANNEX 4: LIST OF AVAILABLE ECO-LABELS AND INSTITUTIONS.....	44
ANNEX 6: LIST OF PRIORITISED PRODUCTS AND GPP CRITERIA.....	47

ABBREVIATIONS AND ACRONYMS

ME&F	Ministry of Environment and Forestry
GDP	Gross Domestic Product
GGEP	Green Growth and Employment Programme
GPPF	Green Public Procurement Framework
GPP	Green Public Procurement
PPADA	Public Procurement and Assets Disposal Act, 2015
PPADR	Public Procurement and Assets Disposal Regulations, 2020
PPRA	Public Procurement Regulatory Authority
FGDs	Focus Group Discussions
CIDPs	County Integrated Development Plans
GESIP	Green Economy Strategy and Implementation Plan
M&E	Monitoring & Evaluation
NPO &	Non-Participant Observations
PWDs	People with Disabilities
SOPs	Standard Operating Procedures
SPP	Sustainable Public Procurement
QDA	Qualitative Data Analysis
ICT	Information Communication Technology
SOPs	Standard Operating Procedures
GESIP	Green Economy Strategy and Implementation Plan
UNEP	United Nations Environmental Program

LIST OF TABLES

Table 1: SWOT Analysis of Green Public Procurement in Kenya 13
Table 2: GPP Key actors and roles 14
Table 3: Stakeholder analysis and sector products 15
Table 4: Procurement Cycle and Opportunities for Green Procurement..... 22
Table 5: Areas of frequent government spending..... 25
Table 6: Proposed Sectors/Products for GPP implementation 25

LIST OF FIGURES

Figure 1 Benefits in implementing GPP.....10

Figure 2 Green Public Procurement Proces.....22

KEY DEFINITIONS

Eco label

An official symbol that shows that a product has been designed to do less harm to the environment than similar products

Eco labelling

The practice of marking products with a distinctive label so that consumers know that their manufacturer conforms to recognized environmental standards.

Green Public Procurement

A process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle while compared to goods, services and works with the same primary function that would otherwise be procured.

Circular Procurement

An approach to green public procurement which pays special attention to "the purchase of works, goods or services that seek to contribute to the closed energy and material loops within supply chains, whilst minimizing, and in the best case avoiding negative environmental impacts and waste creation across the whole life-cycle".

CHAPTER ONE: INTRODUCTION

1.1 Background information

Green Public Procurement (GPP) is defined as “a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured”¹.

Across many countries, public expenditure on goods, works and services represents a significant percentage of the GDP². In Kenya, contestable public procurement forms about 35% of the total public expenditure,³ making it the single biggest item of public spending, ahead of salaries and wages. Therefore,³ Public Entities being major consumers in Kenya can use their procurement power to influence the availability of goods, services and works with a reduced environmental impact in the market. Through this power, it is possible for the Government to use GPP as a Framework tool to achieve its national and international sustainability goals. GPP can also be used to drive innovation in developing green products and services, and provide financial savings for public authorities when full life-cycle costs concept is used and the benefits that accrue from using green products and services.

Top three GPP enablers as identified by a survey conducted by UNEP⁴ included: (i) policy commitments, goals and action plans;(ii) strong political leadership on sustainable public procurement and (iii) mandatory sustainable public procurement rules/legislation. The participants of the global survey recommended a top down approach to implementing Sustainable Procurement (SP). Other drivers in their order of importance included: Training of procurement staff in SP; Expertise in Sustainable Procurement (legal, environmental, social, economic); availability of SP criteria and specifications; Personal commitment to sustainability by staff; Monitoring, evaluation and enforcement of SP policies; Sufficient availability of sustainable products and services that cost the same or less than conventional equivalents ; Sufficient availability of sustainable products and services; Availability of credible sustainability standards and eco-labels; Measurement of the environmental and/or social benefits generated by SP (e.g. GHG emissions reduced or jobs created); Measurement of the economic and financial benefits of SP (e.g. cost savings generated); Access to tools that measure life-cycle costs; External recognition for SP programme (e.g. awards); Pressure from stakeholders / activist campaigns; Inclusion of SP activities in staff performance and promotion reviews; and lastly, Learning from peer organizations.

This Framework document is developed to create an enabling environment for GPP implementation in Kenya by: (i) defining Framework commitments, goals and action plans for GPP; (ii) marshalling political leadership on sustainable public procurement and; (iii) recommending appropriate GPP framework. It is also envisaged that with steadfast implementation of this Framework, capacity will be built across the GPP stakeholders, more sustainable products and services will be available in the market; and more credible sustainability standards and eco-labels will be available.

The implementing agency for this Framework will be the National Treasury and the Public Procurement Regulatory Authority (PPRA) as prescribed in the Public Procurement and Assets

¹European Commission’s Communication Public procurement for a better environment –COM (2008)

² 14% of EU GDP,

³Kavula, J., Kalai, J.M. & Migosi, J. (2014). Determinants of implementation of public procurement regulations in Kenya. *International Journal of Educational Research and Reviews*, 2(1), 9-16.

⁴ UNEP-Global Review of Sustainable Public Procurement, 2017

Disposal Act, 2015 (PPADA). Other key actors for this Framework will be Ministry of Environment and Forestry, National Environment Management Authority, Kenya Revenue Authority and Kenya Bureau of Standards.

1.2 Global and Regional Overview of GPP

Globally, the European Union (EU) countries have been at the forefront in implementing GPP as a non-mandatory agenda. The EU encourages its members to develop and publish National Action Plans (NAPs) for GPP. These NAPs contain individual member Situation Analysis and ambitious targets spread over a period of three years. After every three years, the NAPs are reviewed and updated. The first series of NAPs were drawn in 2006. While the NAPs are not legally-binding, their use was deemed important to provide political impetus and raising awareness of GPP. Further, the EU has introduced several tools, programmes and initiatives to drive GPP across its member states. The DG INFSO PCP website, is a repository of EC Communication and Staff Working Paper on Pre-Commercial Procurement. The initiative documents best practices to encourage better innovation policies in Europe. Other initiatives include: Environmental Technologies Action Plan (ETAP) to further Eco-innovation and GPP, the Covenant of Mayors, a formal commitment where towns, cities and regions voluntarily commit to reducing their CO₂ emissions beyond this 20 % target through the implementation of Sustainable Energy Action Plans (SEAPs). The European Commission Green Public Procurement (GPP) website provides advice to GPP policy-makers and practitioners. The European Commission's Buying Green! Handbook on GPP is the basis for training for policy makers and practitioners across EU. High-impact **sectors** for GPP in the EU are: buildings, food and catering, vehicles and energy-using products. Others include cleaning products and services, combined heat & power, copying and graphic paper, electricity, furniture, gardening products and services, indoor lighting, office IT equipment, office supplies, printing products and services, street, lighting and traffic signals, road design, construction and maintenance, textiles, transport, waste management and collection, waste water infrastructures, water based heaters and others. These key sectors have been identified and prioritized based on quantum of public expenditure; environmental impacts and risks; potential impact on suppliers; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency. In implementing GPP the EU distinguishes between core criteria, those used to address key environmental impacts and comprehensive criteria, those with enhanced levels of environmental performance. The core criteria are designed to be used with minimum additional verification effort or cost increases. The comprehensive criteria may require additional verification effort or a slight increase in purchase price compared to other products with the same functionality.

In Ireland, EU Country, their Green Tenders adopts the indicative EU political target of 50% of GPP, where GPP means incorporating green criteria into the procurement contract. In line with EU practice, these groups have been chosen on the basis of the following criteria: quantum of public expenditure; scope for environmental improvement; potential impact on suppliers; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use criteria; market availability and economic efficiency. The products group include; Construction, Energy, Transport, Food and catering services, Cleaning products and services, Paper, Uniforms and other textiles and ICT.

In Philippine, the first approach towards GPP was made by the presidential Executive Order No. 301/2004 which ordered the establishment of a green procurement program in all Government Agencies. The GPPB took up the task of GPP implementation through Resolution 15, series of 2013 confirming, adopting and approving that by virtue of its powers;(i) To support the implementation of GPP in Government, (2) to assist in implementation of GPP with the United Nations Environment Programme and other stakeholders and (3) to create a special GPP

committee⁵. Similarly, in shortlisting products and services for GPP, the Philippine GPP model considers market readiness, environmental impact, cost implications, practicability, Support to government environmental objectives and Support to the local economy. Factors to include on environmental impact include: energy consumption and energy sources, carbon emissions, waste to landfills and recycling options, packaging, water use, hazardous substances, local environmental pollution of air and water, biodiversity, and materials including renewable alternatives. Through a consultative process, the government of Philippines has shortlisted ten products as follows: Lighting and Electrical (Led Bulbs, Ballast), Furniture and Fixtures (Steel cabinet, Tables, Chairs) IT/Office equipment (Copiers, Personal computer) and General Services (Janitorial services (cleaning agents and) materials).

In Korea, GPP was first introduced via enactment of the Act on Development and Support of Environmental Technology, 1994. The Act introduced in the Korea Eco-label where public entities were directed to preferentially procure products which have been marked “Korea Eco-label”. Initially, there was slow implementation owing to the limited number of eco-labelled products and lack of a GPP monitoring system. Further, the Act on Encouragement of Purchase of Green Products, 2005 was introduced to consolidate GPP in Korea. The Act obliged all public entities to develop and submit GPP Implementation Plans at the beginning of each year and the performance records of the previous year to the Ministry of Environment. After further consultations with line ministries, other public entities, industry and experts, GPP was implemented in tandem with eco-labelling (Korea Eco-label and Good Recycled Mark).

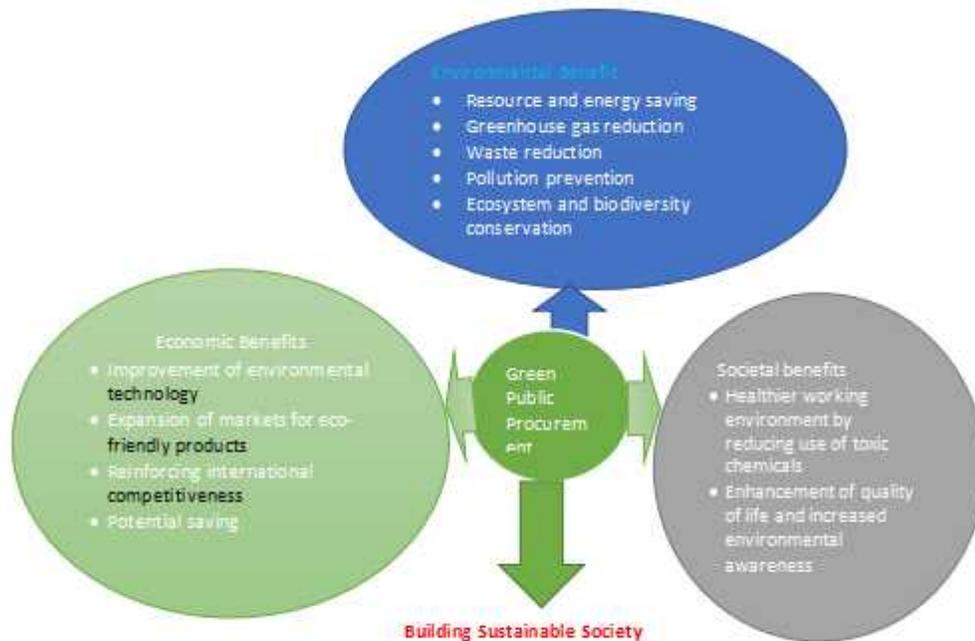
In the African region, United Nations Environmental program (UNEP) has been running a project aimed at supporting the development and the implementation of SPP policies in 7 pilot countries (Chile, Colombia, Costa Rica, Lebanon, Mauritius, Tunisia and Uruguay) through the testing of the Marrakech Task Force (MTF) Approach to SPP since 2009. The public procurement accounts for such a large share of GDP and considered to be a key instrument in the delivery of the sustainable development agenda and has therefore been included in UNEP’s work programme. The Government of Mauritius agreed to be one of the pilot countries for the SPP capacity-building project administered by UNEP on behalf of the Marrakech Task Force on SPP, led by Switzerland. The Procurement Policy Office (PPO), which falls under the Ministry of Finance and Economic Development, was identified as the enabler for implementation of the SPP project. With the Government directives, the National Action Plan on GPP was developed to promote and achieve SPP in Mauritius. Seven products/services that the action plan will focus on in the next five years were selected on the basis of: (i) the potential of generating substantial sustainability impacts over the life cycle(ii) the opportunity to set a good example to suppliers and the general public (iii) for which sustainable criteria and alternatives are available and a robust evidence base is available(iv) the availability of higher standard products at little or no additional cost over the life time of products(v) the degree of Influence of public procurement(vi) the willingness /ability of suppliers to supply more sustainable products/services (vii)where there is a possibility to harness win-win solutions with limited administrative obstacles and (viii)alignment with delivery of MID objectives. The products/services selected on the basis of these criteria are: 1) Paper and Printing; 2) IT Devices; 3) Cleaning Products and Services; 4) Office and Classroom Furniture; 5) Vehicles; 6) Food and Catering Services and 7) Construction work.

⁵ The Philippines green public procurement roadmap; Advancing GPP until 2022 and beyond, 2017 pg 23

1.3 Why Green Public Procurement

Consolidating all the gains accrued in so far as environmental policy reforms is concerned, adopting Green Public Procurement bring us not only environmental, but also societal and economic benefits. The diagram below shows the advantages of implementing GPP.

Figure 1 Benefits in implementing GPP



Specifically, Kenya needs to adopt Green Public Procurement so to accrue the benefits including but not limited to;

1. Provide cost savings, through focusing organisations on following a whole life costing methodology when sourcing goods and services. This would include reducing use, reusing and recycling and ultimately reducing the amount of waste going to landfill.
2. Demonstrate environmental leadership and influence Public sector industry and citizens to use environmentally preferable goods, services and processes. Hence Public procurement will be instrumental in addressing environmental problems such as;
 - Deforestation, (e.g. through the purchase of wood and wood products from legally harvested and sustainably managed forests)
 - Greenhouse gas emissions (e.g. through the purchase of products and services with a lower CO₂ footprint throughout their life-cycle)
 - Water use (e.g. through choosing more water-efficient fittings)
 - Energy efficiency and resource use (by choosing products which are more efficient and implementing environmentally conscious design principles, e.g. cradle-to-cradle)
 - Air, water and soil pollution (by controlling chemicals and limiting the use of hazardous substances)
 - Waste (by specifying processes or packaging which generate less waste or encouraging reuse and recycling of materials)
 - Sustainable agriculture (e.g. by purchasing organically produced food subject to approval by the relevant Authorities.)

3. Catalyze innovation and market development of, and demand for, environmentally preferred goods and services, making them available and mainstreaming them for other sectors of society
4. Support emerging environmental technologies. Introducing 'green' tendering criteria can influence the marketplace and result in new entrants in the field of environmental technologies and products - potentially resulting in increased competition and reduced prices.
5. Benefit the environment by contributing to the achievement of the constitutional right to a clean and healthy environment.
6. Result in more responsible environmental planning, acquisition, use and disposal practices in the Republic of Kenya
7. Increased consistency and transparency in Green Public Procurement reporting requirements for all government departments
8. Increased availability of appropriate information and tools for use by all government departments to implement the framework on Green Public Procurement.

1.4 Institutional Mandate for GPP Implementation in Kenya

Mandate of the National Treasury

The overall responsibility of the National Treasury as established under Section 11 of the Public Finance Management Act, 2012, is formulation of public procurement and asset disposal Framework. Specifically, the National Treasury is mandated to:

- a) formulate, evaluate, promote and research on national and county public procurement and asset disposal Framework and standards;
- b) develop Framework guidelines for the efficient procurement management and disposal system for national executive;
- c) design and prescribe an efficient procurement management system for the national and county governments to ensure transparent procurement and asset disposal as contemplated by Article 227 of the Constitution;
- d) provide technical assistance on procurement and assist in the implementation and operation of the public procurement and asset disposal system;
- e) manage and administer the scheme of service of the procurement and supply chain management services cadre for the national government;
- f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies;
- g) carry out review of procurement and supply chain management system to assist procuring entities;
- h) develop and review Framework on procurement of common user items in the public sector both at national and county government levels;
- i) develop Framework on the administration of preference and reservations scheme and registration of target groups under preference and reservations scheme as prescribed;
- j) facilitate affirmative action for disadvantaged groups in accordance with the Constitution and advance their participation in the procurement process;
- k) develop and review policies and guidelines on the management of assets;
- l) issue guidelines to public entities with respect to procurement matters; and
- m) perform such other functions as prescribed by PPADA or any other legislation.

Mandate of the Public Procurement Regulatory Authority

The Public Procurement Regulatory Authority (PPRA) is mandated by the PPADA to:

- a) monitor, assess and review the public procurement and asset disposal system to ensure that they respect the national values and other provisions of the Constitution, including Article 227 and make recommendations for improvements;

- b) monitor the public procurement system and report on the overall functioning of it and present to the Cabinet Secretary and the county executive member for finance in each county, such other reports and recommendations for improvements;
- c) enforce any standards developed under the PPADA;
- d) monitor classified procurement information, including that of specific items of security organs and make recommendations to the Cabinet Secretary;
- e) monitor the implementation of the preference and reservation schemes by procuring entities;
- f) prepare, issue and publicise standard public procurement and asset disposal documents and formats to be used by public entities and other stakeholders;
- g) provide advice and technical support upon request;
- h) to investigate and act on complaints received on procurement and asset disposal proceedings from procuring entities, tenderers, contractors or the general public that are not subject of administrative review;
- i) research on the public procurement and asset disposal system and any developments arising from the same;
- j) advise the Cabinet Secretary on the setting of standards including international public procurement and asset disposal standards;
- k) develop and manage the State portal on procurement and asset disposal and ensure that it is available and easily accessible;
- l) monitor and evaluate the preference and reservations provided for under the PPADA and provide quarterly public reports;
- m) create a central repository or database that includes-
 - a. complaints made on procuring entities;
 - b. a record of those prohibited from participating in tenders or those debarred;
 - c. market prices of goods, services and works;
 - d. benchmarked prices;
 - e. State organs and public entities that are non-compliant with procurement laws;
 - f. statistics related to public procurement and asset disposal;
 - g. price comparisons for goods, services and works; and
 - h. any information related to procurement that may be necessary for the public;
- n) inform, as applicable, the Cabinet Secretary, Parliament, the relevant County Executive member for finance, the relevant County Assembly or Auditor-General on issues of non-compliance with procurement laws once the relevant State organ or public entity ignores the written directives of the Authority, including material breaches of the measures established under the PPADA;
- o) generally, report to Parliament and the relevant county assembly;
- p) develop a code of ethics to guide procuring entities and winning bidders when undertaking public procurement and disposal with State organs and public entities;
- q) in undertaking its functions, cooperate with state and non-state actors with a view to obtaining recommendations on how public procurement and disposal can be improved;
- r) ensure the procurement entities implement the preference and reservations and provide data to the Authority disaggregated to indicate the number of disadvantaged groups that have benefitted;
- s) perform such other functions and duties as are provided for under the PPADA and any other relevant law.

1.5 Situational analysis

There have been notable strides in the protection of the environment and activity geared towards mitigating the effects of climate change and halting the continuity of the predicament, through the promotion of green environments and programs for example to increase forest coverage. Further, the Constitution of Kenya and PPADA have provisions within which GPP can be anchored and implemented. Despite this, the available policies, legal and institutional frameworks are silent on GPP. Therefore, there is need to develop/review or enact specific

policies that specifically address GPP across various sectors and across different stakeholders and actors.

Kenya’s blue print for Green Public procurement is in the Kenya vision 2030 and Sustainable development goals(SDGs). To start the implementation of the SDGs, the Government of Kenya conducted a study to determine the extent to which the SDGs converged with Kenya’s own development objectives as set out in the Kenya Vision 2030. This study sought to identify which SDGs are relevant to Kenya’s development context. Equally, mapping of the 17 SDG goals with Kenya Vision 2030 has been conducted by the Kenya Association of Manufacturers. The findings revealed that the Vision is well aligned to the global development framework and its implementation is directly linked towards achieving the SDGs.

Circular public procurement also has a role to play in achieving the Sustainable Development Goals, as defined by the United Nations 2030 Agenda for Sustainable Development. In particular, Goal 12 - Responsible Consumption and Production - includes a specific target on promoting public procurement practices that are sustainable, in accordance with national policies and priorities.

The strategies proposed in GESIP supports key development priorities, namely: rapid economic growth, infrastructure development, diversification and commercialization of agriculture, food security, wider access to better quality education and health care, youth employment, provision of better housing, and provision of improved water sources and sanitation. The policy framework for green economy is designed to support a globally competitive low carbon development path through promoting economic resilience and resource efficiency, sustainable management of natural resources, development of sustainable infrastructure, and providing support for social inclusion. The policy mix is aimed at aligning national policies towards supporting and accelerating the process of greening the economy by addressing vulnerabilities to shocks.

1.5.1 SWOT Analysis

The SWOT (Strength, Weakness, Opportunities and Threats) analysis represented by Table 1 below that looks into the internal and external factors as well as current and future potential for GPP implementation in Kenya.

Table 1: SWOT Analysis of Green Public Procurement in Kenya

Strengths	Weaknesses
i. Environmental protection anchored in the Constitution	i. Lack of GPP Framework and guidelines
ii. Environmental protection anchored in the PPADA	ii. Lack of and unavailability of GPP training programs for procurement
iii. Environmental Protection policies already in place (MOEF and NEMA)	iii. Inadequate expertise in Sustainable Procurement (legal, environmental, social, economic)
iv. Institutional arrangements already in place	iv. Unavailability of GPP criteria and specifications
v. Mandate provided to National Treasury and PPRA to develop GPP Framework	v. Lack of monitoring, evaluation and enforcement of GPP policies;
vi. Existence of GPP products in the market	vi. Insufficient availability of sustainable products and services
vii. Available human capital to implement GPP	vii. Lack of credible sustainability standards, Eco design and eco-labeling standards
viii. Development partners support to	viii. Lack of tools for measuring economic,

<ul style="list-style-type: none"> ix. Decentralized services x. Global trends 	<ul style="list-style-type: none"> ix. Lack of coordination mechanisms across GPP players and stakeholders
Opportunities	Threats
<ul style="list-style-type: none"> i. Commitment from the Government in the implementation of the public procurement law. ii. Support from Development Partners iii. Advancements in Information Communication Technology (ICT) iv. Increased awareness of environmental protection by citizens 	<ul style="list-style-type: none"> i. Inadequate budgetary allocation ii. Overlapping of mandates with other Government agencies

1.5.2 Stakeholders Analysis

The Stakeholder analysis represented by table 2 below shows the key actors and roles in the implementation process of GPP in Kenya.

Table 2: GPP Key actors and roles

GOVERNING INSTITUTION	RESPONSIBILITIES
<i>The Ministry of Finance The National Treasury</i>	Overall management of the GPP Framework, definition of strategic goals and priorities.
<i>Public Procurement Regulatory Authority (PPRA)</i>	Facilitate actual Procurement of green products and services Monitor the implementation of GPP Communication of green products information to public institutions Compilation of procurement records of public institutions Development of GPP guidelines
<i>The Ministry of Environment and Forestry (MOEF)</i>	Overall management of the Environmental Protection policies, definition of National strategic goals and priorities
<i>Ministry of Industrialization, Trade and Enterprise Development</i>	Focus on Eco design and Eco-labeling standards
<i>Kenya Revenue Authority (KRA)</i>	Tax incentives on Green imports
<i>National Environment Management Authority (NEMA)</i>	Central role in GPP Implementation Develops standards, criteria documents and eco-labeling programs for products and services for use in public procurement Develop guidelines for the assessment of environmental performance standards and ecolabels Advise KEBS on Eco-design and Eco-labeling specifications and standards for public procurement Management of the Green Procurement Information System and the Green Product Information System Provision of education and awareness raising on GPP Monitoring and evaluation of GPP records and performance

	Transfer of know-how both nationally and internationally Cooperation with stakeholders including other ministries, NGOs, research institutes and business
<i>County Governments and Public Institutions</i>	Development of an annual GPP plan with voluntary targets for GPP and institutionalization of GPP in their own organization Monitoring and reporting of green purchase records to MoEF annually Designate a Green Procurement Official within their own organization
<i>Private Sector</i>	Production and supply Green products and services Innovation the development of new GPP solutions and approaches Participate and contributing in Ecolabelling Programme Comply with GPP standards
<i>NGOs</i>	Advocacy roles on GPP issues, concerns and needs Information and Awareness Building on GPP: Expertise and Advice on GPP especially through research and development Innovation the development of new GPP solutions and approaches Perform review function of the GPP

Table 3: Stakeholder analysis and sector products

Line Ministry (Overall Mandate)	Sector Institutions	Role in GPP	Main Sector Products
Ministry of Environment and Forestry (Policies and implementing Government decisions on the Environment)	National Environment Management Authority (NEMA)	Develop and implement policies on waste management and disposal of hazardous and non-hazardous waste Regulation of carbon emission by industries and transport equipment	Printing Paper Office products Testing equipment Administrative Office products
Ministry of Finance (Policies and implementing Government decisions on Budgeting and expenditure control)	National Treasury (NT) Public Procurement Regulatory Authority (PPRA)	Allocation of budgets for GPP (NT) Developing policies on GPP (NT) Regulate and directing GPP (PPRA) Procure and dispose	Administrative Office products

		GPP products & services (all sector institutions)	
Ministry of Education (MOE) (Policies and implementing Government decisions on Education)	Kenya Institute of Curriculum Development (KICD) Tertiary Institutions Vocational Training Institutions Secondary Schools	Mainstreaming GPP in the education sector Developing GPP Standards for educational products and services Procurement and disposal of GPP products and Services	Textbooks, Printing and Publishing Services Tonners Administrative Office products
Ministry of Energy and Petroleum (Policies and implementing Government decisions on the Energy and petroleum)	Energy regulatory Commission The Kenya Power and Lighting Company (KPLC) The Kenya Electricity Generating Company (KenGen) Geothermal Development Company (GDC) Kenya Nuclear Electricity Board (KNEB)	Mainstreaming GPP in the energy & transport system Developing GPP Standards for Sector products and services Promote energy efficiency and conservation while protecting the environment Supply of green energy in form of clean fuel or clean power	Energy using products such as Street lights and Solar Panels Energy generating products such as Hydro-power plants Wind power plants Geothermal power plants
Ministry of Transport, infrastructure Housing, Urban development and Public Works(Policies and implementing Government decisions on transport, housing and works)	National Transport Authority (NTSA) National Construction Authority (NCA) Kenya Maritime Authority (KMA)	Mainstreaming GPP in the transport, infrastructure and public works sectors Developing GPP Standards for Sector products and services Regulation in imports requirement for transport and infrastructure equipment in line with GPP requirements Procurement and	Building and Construction equipment Architectural design Motor vehicles Administrative Office products Paper Printers Tonners

		disposal of GPP products and Services	
Ministry of Public Service and Gender (Policies and implementing Government decisions on public service)	Public Service Commission	<p>Mainstreaming GPP in the public service</p> <p>Developing GPP public service performance Standards for GPP</p> <p>Enhancing GPP into Public Sector Reforms and Transformation including operational standards and process engineering;</p> <p>Procurement and disposal of GPP products and Services</p>	<p>Administrative Office products</p> <p>Paper</p> <p>Printers</p> <p>Tonnens</p>
Ministry of Industrialization (Policies and implementing Government decisions on industrialization)	<p>Directorate of industrialization</p> <p>Directorate of enterprise development</p> <p>Directorate of co-operatives</p> <p>Kenya association of Manufacturers</p>	<p>Mainstreaming GPP in the industrialization sector</p> <p>Developing GPP Standards for Sector products and services</p> <p>Development of standards for imported and locally made products to support GPP</p> <p>Developing and enforcing eco-labelling Framework</p> <p>Procurement and disposal of GPP products and Services</p>	<p>Garments and clothing</p> <p>Industrial machinery and equipment</p> <p>Automotive equipment</p> <p>Administrative Office products</p> <p>Paper</p> <p>Printers</p> <p>Tonnens</p>
Ministry of Agriculture (Policies and implementing Government decisions on agriculture)		<p>Mainstreaming GPP in the agriculture sector</p> <p>Developing</p>	<p>Automotive</p> <p>Industrial agricultural tools</p> <p>Agricultural research equipment</p>

		standards for agricultural products and services Procurement and disposal of GPP products and Services	Fertilizer seeds Pesticides
Ministry of ICT, Innovation and Youth Affairs	Communication Authority of Kenya (CAK) Postal Corporation of Kenya Kenya ICT Authority	Mainstreaming GPP in the ICT Developing GPP standards in the ICT sector Developing GPP standards in Innovation sector Procurement and disposal of GPP products and Services	Electronic and Electric equipment Motor vehicle Administrative Office products Paper Printers Tonners

1.5.3 Challenges/Gaps Identified

The gaps identified in implementing GPP in Kenya can be summarized according to the key drivers of GPP as defined by UNEP⁶: (i) lack of Framework commitments, goals and action plans on GPP; (ii) absence of political leadership on sustainable public procurement, and (iii) lack of mandatory sustainable public procurement rules/legislation; (iv) lack of and unavailability of GPP training programs for procurement; (v) unavailability of expertise in Sustainable Procurement (legal, environmental, social, economic); (vi) unavailability of GPP criteria and specifications; (vii) Lack of monitoring, evaluation and enforcement of GPP policies; (viii) insufficient availability of sustainable products and services; (ix) lack of credible sustainability standards and eco-labels; (x) access to tools for measuring economic, financial, environmental, social benefits generated by GPP, among others.

⁶ UNEP-Global Review of Sustainable Public Procurement, 2017

CHAPTER TWO: FRAMEWORK GOALS, OBJECTIVES AND GUIDING PRINCIPLES

2.1 Framework Goal

The overall goal of this Framework is to provide guidance on how the Authority will manage the introduction and monitoring of GPP in the public sector as the process roll out.

2.2 Rationale

The Government of Kenya like other developing countries spends approximately 60% on development expenditures of its budget on procurement of goods, works, non-consultancy services and consultancies, excluding procurement on recurrent expenditure⁷. Channeling this spend towards environmentally friendly products and services contributes to the achievement of the Governments constitutional obligation of “ensuring that there is sustainable exploitation, utilization, management and conservation of the environment and natural resources for the benefit of the Kenyan people”. Further, this action is in line with the PPADA’s values and principles for public procurement of promotion of local industry, **sustainable development and protection of the environment**. To effectively execute this obligation and drawing from lessons learnt in many other countries, there is need for Kenya to develop and introduce this GPP Framework.

2.3 Scope

The Framework shall be used to guide the implementation and monitoring of GPP activities of public procuring entities under the national and county governments as outlined in the PPADA.

2.4 Objectives

The objectives of this GPP Framework shall include to:

- a) Develop mechanisms for environmentally responsible public procurement, contracting, use and disposal practices,
- b) provide environmental leadership and influence industries and citizens to use environmentally preferable goods, services and processes,
- c) help in the attainment of national environmental objectives,
- d) stimulate innovation and market development of, and demand for, environmentally preferred goods and services, making them available and mainstreaming them for other sectors of society

2.5 Guiding principles

The overarching guiding principle of this Framework is founded on the principle of value for money, taking into consideration factors such as quality, performance, price, environmental performance and availability.

Environmentally, this GPP Framework is developed to promote Circular Economy in Kenya through:

1. Procurement that stimulates and creates demand for goods that contribute to the circular economy
2. Procurement with no negative external impacts or waste
3. Procurement of recycled / reused products and parts with no harmful substances

2.6 GPP Opportunities

In the promotion of a Circular Economy, the following opportunities have been identified for incorporation into our public procurement regime:

1. *Circular procurement models*. The model is about making agreements to ensure that the products that are procured are produced in accordance with the principles of the circular economy and will be further processed after use. Such products are, for

⁷(Akech, 2005)

example, designed for durability, repairability and recycling and can at the end of their life cycle be broken down into components, materials or raw materials, which can then be used again in the production chain Other factors included in the Circular Procurement include sharing, leasing, renting.

2. Product supplier contracts (listed under the EPR regulations) to include condition for take back mechanisms
3. Prioritization of products with eco-labels, can be re-used, recycled, remanufactured, refreshment etc.
4. Introduce green Procurement criteria in tender documents. Bidding documents to include Technical specification for products and services should include the general conditions for green procurement and include specification on environmental criteria.
5. Include green and circular dimensions to technical specifications and standards. GPP criteria and Circular dimension to be stated as a minimum requirement or pre-qualifier in the bid where applicable.
6. Prioritization of supplier take back schemes within the public system, resource use efficiency
7. lifecycle costing

The table below shows a summary of the circular procurement model;

Sn	Level	Circular Procurement Models
1	Product Level	<ul style="list-style-type: none"> ● Recycled material ● Resource efficiency and Total Cost of Ownership ● Recyclable materials ● Product can be disassembled after use ● Materials in the product can be identified
2	Supplier Level	<ul style="list-style-type: none"> ● Internal reuse of products ● External reuse/sale of products - Buy-resell ● Reparability of standard products ● Design to disassembly ● Supplier take-back-systems
3	System Level	<ul style="list-style-type: none"> ● Supplier take-back-systems including reuse/recycling/refurbishment/remanufacturing ● Rent/lease ● Cooperation with other organisations on sharing and reusing ● Public Private Partnerships ● Product Service Systems

CHAPTER THREE: GREEN PUBLIC PROCUREMENT PROCESS

3.1 Introduction

The Public Procurement and Asset Disposal Act (PPADA) No. 33 of 2015 constitutes the statutory framework that regulates public procurement and asset disposal. The PPADA is however explicitly silent on GPP. The absence of explicit provisions on GPP in the PPADA does not mean that the government is limited in implementing GPP. Firstly, the PPADA anticipates the implementation of GPP as a matter of value and principle under Section 3(i). The PPADA's values and principles for public procurement among others include the promotion of local industry, sustainable development and protection of the environment. This principle provides a solid foundation for the introduction of regulations for the implementation of GPP as a tool or process for promoting sustainable development and protection of the environment. The act highlights several phases of the procurement process where green criteria can be implemented. These include the following:

- a) Procurement and disposal planning; (by identifying goods, works or services which have an opportunity to reduce negative environmental impact)
- b) Technical specifications; (by defining the technical specifications to include wide range of environmental performance standards e.g. Eco-labels standards)
- c) eligibility and selection criteria; (in addition to establishing the financial and technical competence in performing the contract, one can criteria to establish environmental law and practice compliance and certification e.g. ISO14001)
- d) Successful best and final offer; (in addition to quality and price, the bidding documents should include environmental and other social criteria to determine award criteria); and
- e) performance clauses in the contract documents (the GPP friendly contracts should include performance clauses and conditions on: Dematerialization, Environmentally friendly packaging, Waste collection for recycling, construction or demolition waste recycling, reduced material and energy use, reduced greenhouse gas and pollutant emission, reduction of waste, and hazardous waste, reduction of noise, vibration, radiation, avoidance of air, water and soil pollution, recycling of industrial by-products and secondary raw materials etc.).

Several amendments to the PPADA have been proposed to reinforce the above highlights. However, the GPP criteria should not be implemented in a manner that restrain competition or discriminates against the bidders.

3.2 GPP Procurement Cycle and Key Activities

3.2.1 GPP Procurement planning

From a procurement system perspective, the National Treasury and the PPRA will be responsible for the overall implementation of GPP including formulation of the policy, laws and regulations and action plan, planning, implementation and monitoring. It is advisable to hire full time officers responsible for GPP from planning to monitoring.

The procuring entities will be responsible for preparing their Annual Procurement Plans and budgets which shall include not less than 30% of the items and spend on GPP goods, services and works. At the bottom of this procurement plan sheet percentage of sustainable public procurement in relation to total public procurement, types of procurement-goods, works, services and categories of products and service can be elaborated. The approved plans will be submitted to PPRA for publishing.

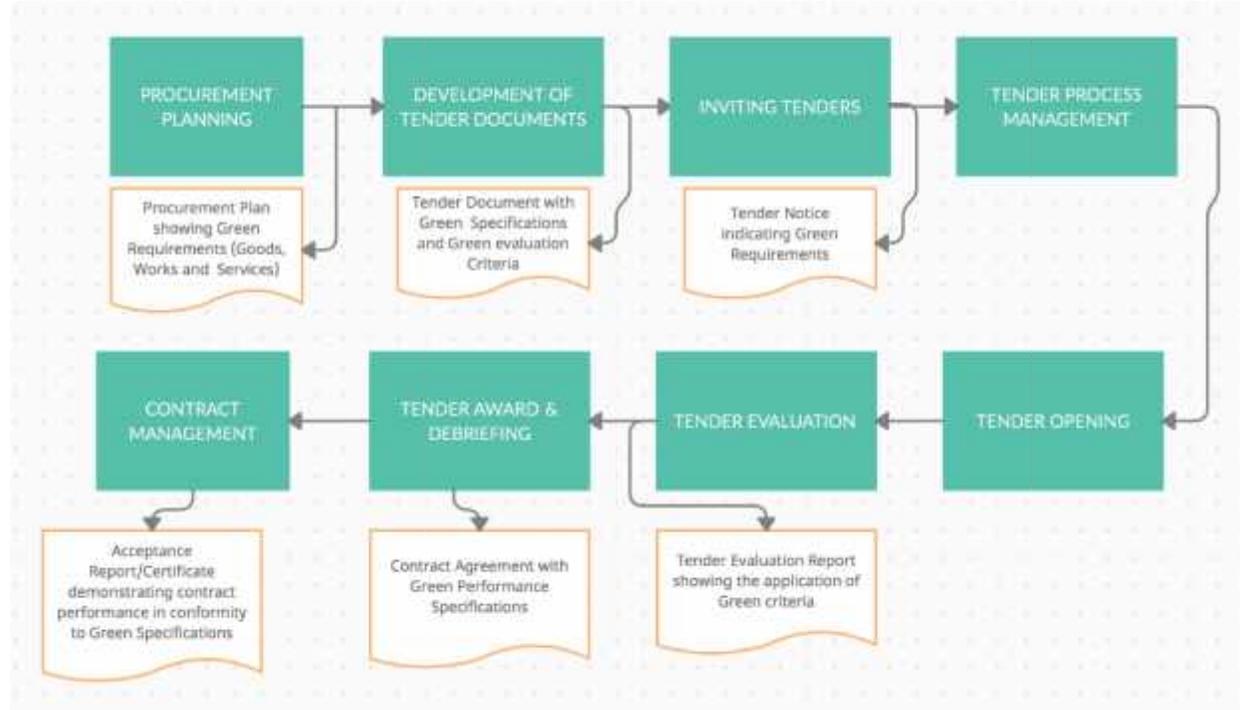
3.2.2 GPP Process Implementation

The procurement process is divided into the following stages;

- Procurement Planning
- Development of bidding Documents
- Inviting Tenders
- Tender Process Management

- Tender Opening
- Tender Evaluation
- Tender Process Debriefing, Award and Contracting
- Contract management

Figure 2 Green Public Procurement Process



3.3 GPP Procurement Cycle and Opportunities for Green Procurement

The GPP procurement process will be in compliance with the PPADA. Regardless of the procurement method, the GPP procurement cycle is summarized into three stages: (i) procurement planning; (ii) supplier selection; and (ii) contract implementation.

Table 4: Procurement Cycle and Opportunities for Green Procurement

SN	Procurement Process	GPP opportunities
1	<p>Procurement Planning</p> <p>a) Identify clear need linked to the organization’s procurement objectives</p> <p>b) Review options to satisfy this need to determine whether procurement is the best means to deliver a value for money outcome and if a contract already exists that can meet the need</p> <p>c) Identify lifetime environmental impact associated with the particular product or service</p> <p>d) Identify the most appropriate procurement method</p> <p>e) Confirm availability of funds.</p> <p>f) Confirm and commit resource requirements for the procurement process</p>	<p>Procurement entities to develop annual GPP products plan account for 30% of the total spend.</p> <p>A section of the GPP guideline shall include how to identify priorities and budget for GPP products.</p> <p>Circular procurement will be a consideration for procuring entities during planning. Some of the consideration for a product or service to be purchased shall include; Eco-design, design for recyclability, extended producer responsibility, waste prevention packaging material and sharing, collaborative economy, reuse, refurbishment.</p>

2	<p>g) Finalise and approve procurement plan.</p> <p>Bidding</p> <p>a) Develop Bid Documents including Specifications (standards of performance, codes of practice, performance measures)</p> <p>b) Develop and approve Evaluation Plan. including criteria for evaluation, membership of evaluation team, bid process brief</p> <p>c) Appoint evaluation team</p> <p>d) Invite Bids selectively or by advertising the requirement in line with procurement plan</p> <p>e) Undertake briefings and clarification of information with bidders</p> <p>f) Receive and open bids</p> <p>g) Evaluate bids according to evaluation plan</p> <p>h) Evaluation recommendation and approval</p> <p>i) Debrief bidders (Notify successful and unsuccessful supplier/s)</p> <p>j) Negotiate final contract</p> <p>k) Execute final contract documentation</p> <p>l) Commence contract implementation once contract is signed/executed.</p> <p>m) Record the contract on the contract register.</p>	<p>Compiling bid document</p> <p>Bidding documents to include Technical specification for products and services should include the general conditions for green procurement and include specification on environmental criteria. Each individual bid document will have a different set of potential environmental impacts to be assessed and considered.</p> <p>i. Supply requirements</p> <ul style="list-style-type: none"> • The environmental impact of materials used to make the product (e.g. are the raw materials from renewable sources?). • The impact of the production processes used. • The energy and water consumption of the product during use. • Durability / lifespan of the product. • Opportunities for recycling/reusing the product at the end of life. • The packaging and transportation of the product. <p>ii. Service requirements</p> <ul style="list-style-type: none"> • The technical expertise and qualifications of staff to carry out the contract in an environmentally friendly way. • The products/materials used in carrying out the service. • Management procedures put in place to minimize the environmental impact of the service. • The energy and water consumed, and waste generated in carrying out the service. <p>iii. Works requirements</p> <ul style="list-style-type: none"> • In addition to all of the above considerations, works requirement may have significant environmental impacts e.g. in respect of land use or traffic planning. • For some projects a formal Environmental Impact Assessment (EIA) will need to be carried out – and the results should inform your procurement. <p>a) GPP criteria could be stated as a minimum requirement or pre-qualifier in the bid</p> <p>Evaluation</p> <p>Evaluation each supplier’s proposal for provision of product and service against the</p>
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		<p>GPP criteria such as but not limited to; (i)Do the products/services fulfil the requirements in the bid document? (ii)How can the green product/service be distinguished from conventional products? (iii)Does the supplier meet the supplier qualification criteria? (iv)How does the supplier report on the environmental effects and disposal methods (if required)? (v)are the Eco-labels provided valid(vi)What are the result of environmental and Quality conformity test based on the certificate obtained?</p> <p>Contract Award All contracts to be awarded on the basis of most economically advantageous tender. Adopting a life-cycle costing approach reveals the true costs of a contract</p>
3	<p>Contract Management</p> <ul style="list-style-type: none"> a) Form contract management team and allocate roles and responsibilities b) Finalise and approve a contract management plan c) Identify contract risks and develop risk management plan. d) Establish information and communication strategies for supplier/s and stakeholders e) Monitor risks during the life of the contract f) Establish and manage relationship with supplier/s and stakeholders. g) Implement the contract in accordance with the contract management plan and/or implementation plan/strategy h) Monitor delivery and evaluate key performance indicators and ensure all obligations under the contract are being met i) Evaluate the outcomes of the contract and document and explain variances where measures or outcomes are not met in full. 	<p>Ensure compliance with contractual obligations on environmental requirements, monitoring and corrective action</p> <p>Procuring units to monitor the actual purchasing of green products and services by users</p> <p>Procuring unit to monitor disposal and whether it is done as per green disposal requirement with consideration of environmental safeness.</p>

CHAPTER FOUR: GREEN PUBLIC PROCUREMENT TARGETS

4.1 Introduction

Public Entities should be drivers of GPP based on their volume of procurement in the market. The common areas of government spending across the goods, works and services categories is summarized below.

Table 5: Areas of frequent government spending.

Goods	Services	Works
Purchase of Agricultural Materials, Supplies and Small	Purchase of Accommodation - Domestic Travel	Maintenance of Buildings - Residential
Purchase of Communication, Supplies and Services	Purchase of Contracted Guards and Cleaning Services	Maintenance of Buildings and Stations - Non- Residential
Purchase of Education and Library Supplies	Purchase of Contracted Professional Services	Minor Alterations to Buildings and Civil Works
Purchase of Engineering Equipment Materials and Supplies	Purchase of Electricity-Utility	Refurbishment of Buildings
Purchase of Food and Rations	Purchase of Gas	Construction of Residential Buildings
Purchase of Fuel Oil and Lubricants	Hire of Equipment, Plant and Machinery	Construction of Non-Residential Buildings
Purchase of Office and General Supplies and Services	Hire of Training Facilities and Equipment	Construction of Roads Infrastructure
Purchase of Other Fuels (wood, charcoal, cooking gas etc...)	Hire of Transport	Construction of Water and Sewer Infrastructure
Purchase of Agricultural Machinery and Equipment	Purchase of Hospitality Supplies and Services	Other Infrastructure and Civil Works
Purchase of Bedding and Linen	Purchase of Internet Services	
Purchase of Certified Seeds, Breeding Stock and	Maintenance Expenses - Motor Vehicles	
Purchase of Computers, Printers and other IT	Maintenance of Computers, Software, and Networks	
Purchase of Educational Aids and Related Equipment	Maintenance of Office Furniture and Equipment	
Purchase of Fire fighting Vehicles and Equipment	Maintenance of Plant, Machinery and Equipment (including lifts)	
Purchase of Household Furniture and Institutional Equipment	Purchase of Printing , Advertising and Information Supplies	
Purchase of ICT networking and Communications Equipment	Production and Printing of Training Materials	
Purchase of Musical Instruments	Publishing and Printing Services	
Purchase of Office Furniture and General	Routine Maintenance - Other Assets	
Purchase of other Office Equipment	Subscriptions to Newspapers, Magazines and	
Purchase of Photocopiers	Training Services	
Purchase of Software	Transport Costs and Charges (freight, loading/unloading, clearing and s	
Purchase of Specialised Plant, Equipment and Machinery	Purchase of air Tickets	
Purchase of Uniforms and Clothing - Staff	Water and sewerage Maintenancecharges	
Purchase of Sanitary and Cleaning Materials, Supplies and Services		
Purchase of Supplies and Accessories for Computers and Printers		
Purchase of Vehicles and Other Transport Equipment		
Purchase of Office Furniture and Fittings		
Purchase of Computers, Printers and other IT Equipment		
Purchase of other Office Equipment		
Purchase of Office Furniture and General Equipment		
Purchase of ICT networking and Communications Equipment		
Purchase of Software		
Purchase of Specialised Plant, Equipment and Machinery		
Purchase of Educational Aids and Related Equipment		

4.2 Target

This Framework aims at achieving an indicative target of 30% of GPP across Government spend. This will entail incorporating green criteria⁸ into at least 30% of all government procurement. This target shall be in both the number and the value of Government contracts.

4.3 Priority products and services

This Framework nominates five groups of products and services for GPP implementation. These groups have been nominated based on the following criteria: quantum of public expenditure; environmental impacts and risks; potential impact on suppliers; potential for setting an example to private or corporate consumers; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.

Table 6: Proposed Sectors/Products for GPP implementation

#	Sector	Products Examples	Rationale
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⁸Suitable criteria addressing the key environmental impacts

1	Office Equipment Supplies	&	Furniture Printing/Photocopy Paper		quantum of public expenditure; environmental impacts and risks; potential impact on suppliers; potential for setting an example to private or corporate consumers; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.
2	Office Electronics & ICT Equipment		Computers Imaging Equipment Mobile Phones Televisions		quantum of public expenditure; environmental impacts and risks; potential impact on suppliers; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.
3	Contracted Cleaning Services		Toilet Tissue Hand Soap Cleaning Detergents		quantum of public expenditure; environmental impacts and risks; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.
4	Constructions		Buildings Buildings) Roads	(Green	quantum of public expenditure; environmental impacts and risks; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.
5	Energy and Energy Consumption		Electricity LPG		quantum of public expenditure; environmental impacts and risks; potential for setting an example to private or corporate consumers; political sensitivity; existence of relevant and easy-to-use GPP criteria; market availability and economic efficiency.
6	Single Packaging	Use	Single use packaging	plastic	Environmental impacts and risks; potential for setting an example to private or corporate consumers;

CHAPTER FIVE: FRAMEWORK IMPLEMENTATION

This chapter sets out how the GPP Framework will be implemented. The chapter covers the Framework's implementation plan, resource requirements, risk management, institutional arrangements, monitoring of Framework implementation and Framework review.

5.1 Implementation Plan

The Implementation Plan for introduction and implementation of this Framework is given in Annex 1.

5.2 Resource Requirements

The resources required for the implementation of this Framework include adequate and skilled staff, financial resources and appropriate institutional infrastructure. The successful implementation of this Framework relies on continuous capacity building of both the Implementing Institutions staff' and economic operators. The Authority shall allocate resources and establish partnerships and collaborations with strategic stakeholders for the realization of the objectives of this Framework.

5.3 Risk Management

The Authority shall identify inherent risks that may hinder implementation of this Framework and mitigate such risks in accordance with the PPRA Enterprise Risk Management Framework and the Corporate Risk Register.

5.4 Institutional Arrangements

In the implementation of this Framework, the following establishments shall undertake their roles and responsibilities as defined.

National Treasury

The National Treasury role will be to:

- approve this Framework and reviews;
- receive, note and or approve reports generated in this Framework;
- allocate adequate resources for implementation of this Framework; and
- publish and publicize the approved reports.

Public Procurement Regulatory Authority

The PPRA role will be to:

- review and recommend work plans, budgets, guidelines, reports, manuals and relevant documents for implementation of this Framework, for approval by the Board;
- ensure timely generation and submission of reports under this Framework;
- Facilitate dissemination and use of information generated under this Framework;
- Convene quarterly and annual M&E meetings;
- Mobilize resources for implementation of this Framework;
- Ensure compliance with this Framework; and
- Cause to review this Framework.

National Environment Management Authority

NEMA role will be to:

- Coordinating the various environmental management activities being undertaken by the lead agencies.
- Promote the integration of environmental considerations into development policies, plans, programmes and projects, with a view to ensuring the proper management and rational utilization of environmental resources, on sustainable yield basis, for the improvement of the quality of human life in Kenya.

- Advise the Government on legislative and other measures for the management of the environment or the implementation of relevant international conventions, treaties and agreements.
- Advise the Government on regional and international conventions, treaties and agreements to which Kenya should be a party and follow up the implementation of such agreements.

Kenya Bureau of Standards (KEBS)

KEBS role will be to:

- To promote standardization in industry and commerce;
- To prepare, frame, modify or amend specifications and codes of practice;
- To encourage or undertake educational work in connection with standardization;
- To assist the Government or any local authority or other public body or any other person in the preparation and framing of any specifications or codes of practice;

Kenya Revenue Authority (KRA)

KRA role will be to:

- Assist the Government in the promotion of Green Imports

5.5 GPP Framework implementation

The Authority shall monitor and report on the implementation status of the Framework on a quarterly basis.

5.6 Framework Review

The Framework shall be eligible for review after 5 years or as may be necessary.

ANNEX 1: GPP Implementation Plan

This framework is based on a eight-point action plan to be implemented within the first 5 years after its approval.

Methods to implement the objectives	No	Activities	Implementation Year(s)	Implementing		Budgetary allocation (KES)(millions)	Funding Source	Output
				Main Implementing agency/ministry	Co-implementing agency/ministry			
1. Approve Green Public Procurement Framework (GPPF)								
GPP Starting Point								
1. Approve Green Public Procurement Framework (GPPF)	1.1	Approve Green Public Procurement Framework (GPPF)	0.1	Joint GPP Task Force	National Treasury PPRA MOEF	0.5		Approved Green Public Procurement Framework (GPPF)
2. Implement GPP pilot program								
GPP pilot program for 5 GPP product groups in the Ministry of Finance and Ministry of Environment and Forestry including their respective line agencies								
	1.1	Approve Green Public Procurement Framework (GPPF)	0.1	Joint GPP Task Force	National Treasury PPRA MOEF	0.5		Approved Green Public Procurement Framework (GPPF)
	1.2	Adopt/Hold a Stakeholders Validation Workshop on 5 GPP Prioritized Products and Services	0.1	Joint GPP Task Force	National Treasury PPRA MOEF			
	1.3	Develop/Adopt Technical specifications for 5 Prioritized Products and Services	0.1	Joint GPP Task Force	National Treasury PPRA MOEF			

	1.4	Re-organize staff roles and responsibilities of the Procurement Departments of MoEF and MOF on GPP planning to Monitoring before rolling it out to other Ministries and government entities	0.1	Joint GPP Task Force	National Treasury PPRA MOEF			
	1.5	Roll out 5 GPP Prioritized Products and Services in Ministries	0.1	National Treasury	National Treasury PPRA MOEF			
3. Creating a legal environment for Green Public Procurement								
Creating a legal environment for "at least 30% of the government procurement is to be green procurement"								
	3.1	Amend the Public Procurement and Assets Disposal Act (PPADA) and Public Procurement and Assets Disposal Regulations (PPADR) to support planning, implementation and reporting of GPP.	2 years	National Treasury	PPRA			Green Public Procurement legal environment in place.

	3.2	<p>Develop GPP Guidelines/Toolkit covering green criteria development, formulation of bid documents, evaluating and awarding tenders.</p> <p>The guidelines to include strategies of incorporating “Models of Circular Procurement” at the system level, supplier level and product level.</p>	3 years	National Treasury	PPRA			<p>GPP Guidelines</p> <p>GPP Tender Documents</p> <p>List of Prioritized GPP Products and Services</p> <p>GPP Product and Service Specifications</p> <p>GPP Annual Procurement Planning Template</p> <p>GPP Performance Reporting Template</p>
	3.3	Develop sample Standard Bidding Documents for selected GPP Goods, Works and Services	3 years	National Treasury	PPRA			Developed sample standard bidding documents for GPP Goods, Works and Services

	3.4	Make an amendment/ Develop system for GPP Reporting and information dissemination	3 years	National Treasury	PPRA			GPP mainstreamed in the Public Procurement Performance Monitoring and Evaluation System GPP contracts mainstreamed in the Public Procurement Information Portal (PPIP)
	3.5	The MoEF, through amendments to the EMCA should provide a system for developing, collating and certifying GPP products and GPP criteria for each sector. Develop Regulations for awarding Eco Labels and Green Certificates and get approval by the Government.	2 year	MoEF	PPRA National Treasury Ministry of Industrialization KEPSA KAM KEBS NEMA			Approved procedures for awarding Eco Labels Available Green Certificates Incentives to citizens, organizations to shift to sustainable production and consumption of green products and services
4. Implementation of Green Public Procurement in Kenya								
Integrating Green Public Procurement cycle								

		Consider priority goods, works and services and earmark for procurement planning and budgeting	Annually	Procurement Entities	All levels of government			List of priority goods, works and services and earmark for procurement planning and budgeting
		Developing, Publishing, Implementing and Reporting Annual GPP Plans	Annually	Procurement Entities	All levels of government			Planned Strategies and models for circular procurement
		Publish GPP procurement Opportunities in the Government Procurement Portal	Annually	Procurement Entities	All levels of government			GPP Procurement Opportunity Notices
		Start Procuring Priority GPP Goods, services and works Adopting green criteria-technical specifications and evaluation criteria for awarding contracts in key sectors.	Annually	Procurement Entities	All levels of government			Criteria in line with circular procurement considerations Green Contracts Demand and Supply of Green Market will be broadened. Also, the percentage of government green procurement will be increased.
		Report on spend on GPP goods, services and work contracts	Annually	Procurement Entities	All levels of government			Annual Reports on GPP Contracts
		KEBS to develop quality certifications for GPP products	2 years					Green Products Certifications

		Initiate the formation and development of Kenya's Eco label Program through expanding NEMAs mandate to include Eco labeling certification and environmental standards management	2 years					Product Eco labels and Environmental Management Standards
		Organize frequent meetings with suppliers/manufacturers, traders and conduct information session	1 years	National Treasury PPRA	Kenya National Chamber of Commerce, legal entities	10		Human Resource capacity in respect of green procurement will be enhanced.
		Update green goods/products and include it in the catalogues(like an e-shop)	1 years	All levels of State Organisation		50		Demand and Supply of green market will be broadened.
		Develop Sector Specific GPP Products Specifications	2 Years	Sector Specific Ministries and line Agencies	National Treasury PPRA MOEF Sector Specific Ministries and line Agencies			Construction Sector GPP Specifications Energy Sector GPP Specifications Transport Sector GPP Specifications ICT Sector GPP Specifications

		Organise the training for Decision Makers	3 years	National Treasury MOEF PPRA	KISM Ministry and agencies Kenya school of government	10		Knowledge concerning the Clients and Supplying Organs will be enhanced for green procurement purpose.
		Organise benchmarking tours to Mauritius, Philippines, Korea and Ireland for Key Implementing Agencies PPRA, MoEF, NEMA and KEBS Officers.		National Treasury MOEF PPRA	National Treasury MOEF PPRA KISM School of Government			Knowledge concerning the Implementation of National GPP frameworks.
5. Capacity building								
Enhancing human resources for the purpose of implementing the green public procurement								
		Organise the training for Decision Makers	3 years	National Treasury MOEF PPRA	KISM Ministry and agencies Kenya school of government	10		Knowledge concerning the Clients and Supplying Organs will be enhanced for green procurement purpose.
		Organise benchmarking tours to Mauritius, Philippines, Korea and Ireland for Key Implementing Agencies PPRA, MoEF, NEMA and KEBS Officers.		National Treasury MOEF PPRA	National Treasury MOEF PPRA KISM School of Government			Knowledge concerning the Implementation of National GPP frameworks.

		Develop the training syllabus and materials on GPP targeted to all levels of budgetary organisation	1 year	Kenya School of Government KISM	National Treasury MOEF PPRA	10		
		Organize training of Trainers and certify them	1 year	Kenya School of Government KISM	National Treasury MOEF PPRA	5		Trainers trained and certified
		Organize the trainings for procurement officers of Ministries and Government Agencies	3 years	Kenya School of Government KISM	National Treasury MOEF PPRA Other Ministries, Agencies	5		Knowledge concerning the Clients and Supplying Organs will be enhanced for green procurement purpose.
		Organize the trainings for procurement officers of County Government	3 years	Kenya School of Government KISM	National Treasury MOEF PPRA Council of Governors	15		Knowledge concerning the Clients and Supplying Organs will be enhanced for green procurement purpose.
		Organize frequent meetings with suppliers/manufacturers, traders and conduct information session	1 years	National Treasury PPRA	Kenya National Chamber of Commerce, KEPSA, KAM, Suppliers	10		Human Resource capacity in respect of green procurement will be enhanced.

		Develop the training syllabus and materials on GPP targeted to private sector (suppliers)	1 year	National treasury Kenya school of government	PPRA KISM KEPSA	5		Conduct a public awareness targeting green procurement so that green procurement culture Among the public will be introduced and enhanced
6. Communication strategy								
Ensure effective information dissemination and raise awareness on GPP								
		Build GPP Communication strategy and action plan	1 year	National Treasury	MoEF	3		Capacity for communication built
		Organize GPP events with the support of media	3 years	PPRA National Treasury MoEF	Media Council of Kenya KEPSA	5		Organized fixed GPP events with the support of media
		Frequently arrange press conferences and other events (monthly-based)	3 years	National Treasury MoEF	Media Council of Kenya	3		Press conference and other events are organized monthly and GPP is promoted
		Launch a GPP opener campaign	1 year	National Treasury MoEF	Media Council of Kenya	3		The public has an understanding of GPP

		Develop and organize a series of TV and radio programs including debates and discussions	3Years	PPRA National Treasury MoEF	Media Council of Kenya KEPSA KMA	100		Every month developed and organized a series of TV and radio programs including debates and discussions
		Develop interactive website	1 Year	National Treasury	MoEF PPRA	5		Developed interactive website
		Organize and introduce the workshop/training amongst the media and Journalists	1 year	PPRA National Treasury MoEF	Media Council of Kenya	3		Introduce the information about green procurement activities.
		Develop media contents and publicize and disseminate to the media agencies-TVs, radio and online newspapers and social networks such as Facebook, Twitter, YouTube, blogs targeted for public and stakeholders;	3years	National Treasury MoEF	Media Council of Kenya KEPSA KMA	50		A Module and guidance developed

7. Market engagement

Develop better engagement with suppliers and ensure that Suppliers benefit from GPP

		Publish forward procurement plan	From the launch date	National Treasury MoEF	Kenya National Chamber of Commerce			Better information dissemination to SMEs
		Attend trade shows and buyer events	1 year	Procuring entities	National Treasury			Better understanding of market

		Issue a request for information	1 year	National treasury All procuring entities				Increased knowledge about green goods, work and service
		Call suppliers to explain their proposed solutions	1 year	Procuring entities				Increased knowledge about green goods, work and service and better relation with the suppliers
		Meet with industry associations and group of key suppliers individually	3 years	Procuring entities				Increased knowledge about green goods, work and service and better relation with the suppliers
8. Monitoring and Review								
		Determine what administrative data needs to be collected, develop a methodology (how) for collection, compilation, processing and dissemination	1 year	National treasury	All levels of state organizations			Administrative data and relevant methodology for collection, compilation and processing is in place

		Develop online database records;	3 years	All levels of state organizations				Database is available to use the data for target assessment and policy and implementation plan improvement
		Assign responsibility for monitoring at National Treasury and PPRA as well as at each procuring entity (who should and could be responsible for internal review);	3 years	All levels of state organizations				Responsible unit/person is in place with appropriate knowledge and skills
		Define frequency of updating/reporting and carry out regular reviews and evaluation and reporting (quarterly reporting and compilation and annual compilation at National Treasury and submission by National Treasury to Cabinet);	3 years	All levels of state organizations				Frequent reporting system in place

ANNEX 3: PRIORITISED ACTIONS

Sn	Action	Deliverables	Responsible Institution
1	Legal framework	<ul style="list-style-type: none"> Make extensive use of the current procurement legal framework (use of circulars) to initiate green public Procurement at the Ministry of Environment and its respective Semi-Autonomous Agencies (SAGAs). 	National Treasury MoEF PPRA
2	Policy	<ul style="list-style-type: none"> Establish Sector policies on Green Products and Services that meets the requirement of this framework and is appropriate for all public procurement activities 	National Treasury Respective Sector Ministries
3	Planning-programme and procedures	<ul style="list-style-type: none"> Develop GPP guidelines that establish and document a process of identifying opportunities to procure green products and services (Circular Procurement) All procuring entities to list green procurement opportunities and maintain it at their organization level. Develop GPP targets and objectives. The objectives and targets to be cascaded down to individual organization level based on the procurement activities. 	All Government Institutions
4	Implementation and Operation	<ul style="list-style-type: none"> Define the roles and responsibilities for GPP implementation and operation by ensuring that the individuals are aware of their responsibilities Implement training programme through GPP awareness training programme and identify training requirements for each position. Implement internal and external GPP communication programme i.e for government personnel and contractors alike. Define GPP documentation requirements like: Certification, estimations and verification; Performance data and metrics; Required reports and records Implement operational control Establish procedure to ensure GPP requirement are addressed in all procurement actions and at each appropriate stage of the procurement process Initial training and follow-up training for each individual with responsibilities under GPP 	All Government Institutions
5	GPP Reporting and corrective actions	<ul style="list-style-type: none"> Establish a process for evaluation and reporting of GPP performance Incorporate GPP reporting procedure in the current Public Procurement Monitoring and Reporting Framework Establish GPP requirements into self-assessments, compliance inspection protocol, management system audit protocol and contract audit protocol. 	PPRA All Government Institutions

ANNEX 2: LIST OF AMMENDMENTS

- i. **Procurement and Asset Disposal Regulations, 2020 (PPADR)** through adding provisions and guidelines to implement GPP as a way of promoting Section 3(i) of the PPADA.
- ii. The MoEF, through amendments to the EMCA or through enacting a new law altogether, should provide a system for developing, collating and certifying GPP products and GPP criteria for each sector.

Sn.	Legal Framework	Proposed Amendment	Rationale
1	Amend EMCA or through enacting Enact New law on Green Products promotion.	Enact a new law on promoting GPP on the demand and supply side “ Act on Promoting Green Procurement and Green Products”	<p>1. To encourage the public sector to procure eco-friendly goods, services, works etc.</p> <p>2. To encourage the development of eco-friendly goods, services, works etc.</p> <p>3. To provide information on eco-friendly goods, services, works etc.</p> <p>4. To provide mechanism for monitoring and evaluation of GPP implementation.</p> <p>Country examples: Japan and Korea</p>
2	Public Procurement and Asset Disposal Act 2015	Add an additional clause on Section 55 (1) to read “(i) is not guilty of any serious violation of environmental laws and practices”.	<p>To promote the participation of environmentally responsible contractors in public procurement.</p> <p>To strengthen the function of environment protection through public procurement</p>
		Add an additional clause on Section 60 (3) to include “(c) be based on national or international Eco labels, whichever is superior”	To consider Eco Labels as parameters for developing product and service specifications

ANNEX 3: LIST OF CIRCULARS

- National Treasury cabinet secretary circular on inclusion of GPP in the financial year budget estimates
- Circular to issue GPP guidelines for priority products

ANNEX 4: LIST OF AVAILABLE ECO-LABELS AND INSTITUTIONS

#	Sector	Products Examples	Ecolabels standards
1	Office Equipment & Supplies	Furniture Printing/Photocopy Paper	<ul style="list-style-type: none"> • Good Environmental Choice Australia • ABNT- Environmental Quality -- Brazil • China Environmental Labelling • China Environmentally Friendly Certification • Green Mark Program -- Chinese Taipei • The Blue Angel Eco-Label -- German Federal Environment Agency • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • GreenPro -- India • Israeli Green Label • Eco Mark Program -- Japan • Korean Eco-Label Program • Environmental Choice New Zealand • Nordic Swan Ecolabel • ECOLOGO -- North America (UL Environment) • Green Choice Philippines • Vitality Leaf -- Russia • Singapore Green Labelling Scheme • TCO Certified -- Sweden (TCO Development) • Green Label: Thailand • Green Crane <p>Printing paper</p> <ul style="list-style-type: none"> • Good Environmental Choice Australia • ABNT- Environmental Quality -- Brazil • China Environmental Labelling • China Environmentally Friendly Certification • Green Mark Program -- Chinese Taipei • EU Ecolabel • The Blue Angel Eco-Label -- German Federal Environment Agency • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • Israeli Green Label • Eco Mark Program -- Japan • Korean Eco-Label Program • SIRIM Eco-Labelling Scheme -- Malaysia • Environmental Choice New Zealand • Nordic Swan Ecolabel • ECOLOGO -- North America (UL Environment) • Green Choice Philippines

		<ul style="list-style-type: none"> • Singapore Green Labelling Scheme • Green Label: Thailand • Green Crane • Green Seal -- United States
2	Office Electronics & ICT Equipment Computers Imaging Equipment Mobile Phones Televisions	<ul style="list-style-type: none"> • China Environmental Labelling • Green Mark Program -- Chinese Taipei • The Blue Angel Eco-Label -- German Federal Environment Agency • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • Korean Eco-Label Program • Nordic Swan Ecolabel • Singapore Green Labelling Scheme • Green Label: Thailand • Green Crane
3	Contracted Cleaning Services Toilet Tissue Hand Soap Cleaning Detergents	<ul style="list-style-type: none"> • Good Environmental Choice Australia • ABNT- Environmental Quality -- Brazil • China Environmentally Friendly Certification • Green Mark Program -- Chinese Taipei • EU Ecolabel • The Blue Angel Eco-Label -- German Federal Environment Agency • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • GreenPro -- India • Israeli Green Label • Korean Eco-Label Program • SIRIM Eco-Labeling Scheme -- Malaysia • Environmental Choice New Zealand • Nordic Swan Ecolabel • ECOLOGO -- North America (UL Environment) • Green Choice Philippines • Vitality Leaf -- Russia • Singapore Green Labelling Scheme • Good Environmental Choice -- Swedish Society for Nature Conservation • Green Label: Thailand • Green Crane

4	Constructions	Buildings (Green Buildings) Roads	<ul style="list-style-type: none"> • Green Seal -- United States • Good Environmental Choice Australia • The Blue Angel Eco-Label -- German Federal Environment Agency • Environmental Choice New Zealand • Nordic Swan Ecolabel
			<ul style="list-style-type: none"> • Good Environmental Choice Australia • ABNT- Environmental Quality -- Brazil • China Environmental Labeling • China Environmentally Friendly Certification • Green Mark Program -- Chinese Taipei • The Blue Angel Eco-Label -- German Federal Environment Agency • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • GreenPro -- India • Israeli Green Label • Eco Mark Program -- Japan • Korean Eco-Label Program • SIRIM Eco-Labeling Scheme -- Malaysia • Environmental Choice New Zealand • Nordic Swan Eco-label • ECOLOGO -- North America (UL Environment) • Green Choice Philippines • Vitality Leaf -- Russia • Singapore Green Labeling Scheme • Green Label: Thailand • Green Crane
5	Energy and Energy Consumption	Electricity LPG	<ul style="list-style-type: none"> • Green Seal -- United States • Good Environmental Choice Australia • China Environmentally Friendly Certification • Green Mark Program -- Chinese Taipei • Green Product Mark -- Germany (TÜV Rheinland) • Hong Kong Green Label Scheme • GreenPro -- India • Eco Mark Program -- Japan • Korean Eco-Label Program • SIRIM Eco-Labeling Scheme -- Malaysia • Green Choice Philippines • Vitality Leaf -- Russia • Singapore Green Labeling Scheme • Green Label: Thailand • Green Seal -- United States

ANNEX 6: LIST OF PRIORITISED PRODUCTS AND GPP CRITERIA

#	Sector	Products Examples	GPP Criteria
1	Office Equipment & Supplies	Furniture Printing/Photocopy Paper	<p>Papers</p> <ol style="list-style-type: none"> 1. Recycled paper- any type 1 Eco label such as recycled label 2. Paper produced from virgin fibre stemming from legally harvested woods and from sustainably harvested wood-FSC and PEFC label, European label, Nordic Swan label 3. Elemental chlorine free conforming to the European ecolabel, Blue Angel, Ecomark japan, chlorine free product association 4. Brightness-written proof that they meet this criterion 5. Environmentally friendly packaging through declaration by the packaging producer where the percentage of the recycled content for cardboard in their packaging is specified 6. Technical quality- sample of paper to be provided to the procurer in order to test quality of paper 7. Environmental management system-written corporate environmental policy consistent with ISO 14001 or equivalent 8. Quality Management system-ISO 9001 9. Long life-ISO 9706 10. Recyclable(post-consumer)-appropriate means of proof such as recyclable labels <p>Furniture</p> <ol style="list-style-type: none"> 1. Refurbishment service for existing used furniture- Refurbishment and refinishing requirements, Durable upholstery covering to meet EU eco-labels or ISO 14024 type 1, Blow agents which are high relevance to padding materials used in furniture upholstery and require declaration from manufacturer on the foam, refurbished furniture product warranty to meet the same minimum legal requirement that is set for new furniture. 2. New Furniture GPP criteria entail; Sourcing for legal timber, Formaldehyde emission from wood-based panel and the panels should be compliant with E1 emission standards, fitness for use and comply to ISO 14024 TYPE 1 ecobales, The design should be in such a way that repair and disassembly is possible, To facilitate repair the furniture should have 3 years warranty and 5 years spares availability. 3. Furniture end of life service- The GPP criteria include; (i)The furniture is reused directly or refurbished prior to further reuse, (ii)Collection and reuse of existing furniture stock, the arrangement with the supplier to offer the used furniture for free and the procurer would pay a fee to cover transport.

**Office Electronics & ICT
Equipment**

Computers
Imaging Equipment
Mobile Phones
Televisions

GPP CRITERIA 1-PRODUCT LIFETIME EXTENSION

1. Repairability, reusability and upgradeability entails the service agreement associated with the supply of ICT equipment (access to manufacturer warranty, pick-up and return clause, management of failures, access to diagnostics and repair tools, battery coverage, incidence management and preventive maintenance, upgrading), continued availability of spare parts , durability test to conform to ISO 17025

GPP CRITERIA 2-ENERGY CONSUMPTION

1. Products holding a relevant Type I Ecolabel or a label from another labelling scheme fulfilling the specified requirements will be deemed to comply. Alternative test results obtained by accredited ISO17025 test bodies according to the IEC 62623:2012 standard are accepted as proof of compliance.

2. For each model delivered, the tenderer must provide the valid Energy Label issued according to the EU's Energy Labelling framework Regulation (2017/1369). Products labelled as Class A, B, C or D will be deemed to comply.

GPP CRITERIA 3- HAZARDOUS SUBSTANCE

The tenderer must provide a declaration of compliance with this criterion. Documentation based on IEC 62474 or similar (e.g. documents produced according to the Substance Control system, such as analytical testing and suppliers' conformity assessments) can be used. Products holding a relevant Type I Ecolabel fulfilling the specified requirements will be deemed to comply

This hazard assessment must apply (as a minimum) to the flame retardants and plasticisers used in plastic parts that weigh more than 25 grams.

GPP CRITERIA 4- END OF LIFE MANAGEMENT

1. The tenderer must identify the plastic parts by their weight, their polymer composition and their ISO 11469 and ISO 1043 markings. The dimension and position of the marking must be illustrated visually. Equipment holding a relevant Type I Ecolabel fulfilling the specified requirements will be deemed to comply.

2. A statement from a minimum of three plastics recyclers individually, or at least one plastics recycler processing plastics from electronics and

working under an independent entity (e.g. not contracted/associated with the manufacturer or contracted with a trade organization), confirming these surface coatings do not negatively impact the recyclability of the plastic;

3. Tenderers must provide a service for the re-use and recycling of the whole product or of components requiring selective treatment in accordance with Annex VII of the WEEE Directive 2012/19/EU for equipment that has reached the end of its service life. The service must comprise the following activities: Collection (take back system), confidential handling and secure data erased data, functional testing, servicing, repair and upgrading to prepare products for re-use; the remarketing of products for re-use; dismantling for component re-use, recycling and/or disposal.

GPP CRITERIA 5-REFURBISHED/REMANUFACTURED EQUIPMENT

1. The tenderer must provide details of the quality assurance/quality control procedures established to ensure the quality of the equipment delivered as part of the contract.

2. Tenderers must provide test results obtained by accredited ISO17025 test bodies according to the IEC EN 61960-3:2017 standard

3. Tests on battery endurance must be carried out according to the standard IEC EN 61960- 3:2017.

CLEANING PRODUCTS

The products should be effective at a lower temperature

Avoid hazardous substance in the products

Avoid phosphorous and limit biocides in the products

Limit the overall critical dilution volume of the product

Provide information on recommended dosages

Decrease the quantity of packaging

Ensure recyclability of the packaging

Training of staff.

3 **Cleaning Products and Services**

Toilet Tissue
Hand Soap
Cleaning Detergents

4 **Constructions**

Buildings (Green Buildings)
Roads

Common contract forms that are used in the EU with Reference to the International Federation of Consulting Engineers' (FIDIC) contracts for: ---
Construction works (B) (Red Book)
- Design and Build (D-B) (Yellow Book)
- Design, Build and Operate (D-B-O) (Gold Book)
- Energy Performance Contracting (EPC) (Silver book)

1. GPP in Preliminary Scoping and Feasibility study

-Decisions on renovation v. demolition/new-build o Early cost planning [- LCC (particularly important in D-B-O) o

5

Energy and Energy Consumption

Electricity
LPG

-A reference office building to form the basis for comparative assessments of improvement options

2. GPP in Detailed design, performance and permitting

-In B contracts design team brief and mix of expertise/experience

-In D-B and D-B-O contracts, the performance requirement

-In order to stimulate innovation a design competition can be used

3. Increments in EPC or kWh.yr/m² - or 'Near Zero Energy' as a ceiling - or Cost Optimal NZE levels for climate zones (Ecofys 2013).

4. Award criteria- (i) Incorporating of recycled content, (ii) Performance of the main building elements.

-Relevant documentation from the Guarantee of Origin schemes has to be submitted. Alternatively, any other equivalent proof will be **accepted**. * This is not required from certified suppliers of 100% green electricity (i.e. carrying a Type-1 ecolabel which uses a definition of RES-E at least as strict as that of Directive 2009/28/EC).

-Switch to High efficiency CHP (HE CHP) or CHP based on renewable energy sources, or gas-fired CHP only

-Increase the share of electricity from renewable energy sources (RES-E)

