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Subject: 20231117 Greenville submission on the Public Consultation on the Draft Green Public Procurement Strategy and Action Plan
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Attachments: [Greenville submission Consultation on Buying Greener Strategy.pdf](#)

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To whom it concerns

We wish to commend the Department on this initiative and offer our support if required.

Attached please find the Greenville Procurement Partners response to the recent call for contribution on the Department's Public Consultation on the Draft Green Public Procurement Strategy and Action Plan.

We would be happy to discuss our contribution in further detail if considered relevant.

Wishing you every success in the initiative.

Kind regards,

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17 November 2023

Circular Economy – Strategic Policy Division
Department of the Environment, Climate and Communications
Newtown Road
Wexford
Y35 AP90

Re: Public Consultation on the Draft Green Public Procurement Strategy and Action Plan

A chara,

Greenville welcomes the publication of the draft Buying Greener Strategy and Action Plan, which marks a significant step forward. We work with clients throughout Ireland's public sector to implement sustainable procurement, including through dedicated training programmes which have reached over 150 public and commercial semi-state bodies. We are also working with the EPA to update the 2021 GPP Guidance and Criteria, including consultation with stakeholders and development of a new criteria set for furniture.

In terms of the current status of GPP implementation in Ireland, the following might be said:

What we have: Good intentions; piecemeal policy and legislation; a small number of public bodies systematically applying GPP and a much larger number applying it sporadically; investments in training and capacity development; and limited monitoring data from Government Departments. The OGP has made considerable progress in including green criteria in framework agreements, and the EPA and local authority sectors have developed GPP training and guidance.

What we need: Better data on the current state of GPP implementation in Ireland (including the ambition level of criteria and their impact – not just whether they have been included in tenders); clear requirements and targets for all public bodies; coordinated policy, legislation and guidance; budgetary frameworks which are compatible with life-cycle costing; and sustained investment in capacity development and pilot projects, including on the supplier side. There also needs to be an explicit focus on GPP in the Health sector, due to both the environmental impact of the sector and the particular challenges it faces in implementing strategic procurement.

Ireland's approach to GPP needs to be both broadened and deepened. Under Circular 20/2019, only Government Departments are required to report on GPP. The reporting framework developed

by the EPA is generous in its definition of what constitutes green procurement, and even by this measure the apparent levels of implementation are disappointing.

While there are a number of examples of good practice across the commercial semi-state sector, local authorities, third-level institutions and state agencies, this is currently ad-hoc and there is a lack of consistency as well as a lack of monitoring of GPP across the contract award and management cycle.

There is currently no system for monitoring the impact of GPP in terms of emissions, costs, competition or other important metrics. In addition, there is no accountability, nor are there any implications or consequences for not adopting and/or implementing GPP. The implementation of GPP must be mandated for every sector of public funded procurement.

We have provided detailed comments in relation to the Strategy and Action Plan below, as well as brief answers to the consultation questions based on our response. We would be happy to discuss any aspect of this response or the draft Strategy with DECC, and look forward to the next steps in its development and adoption.

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██████████ (CEO) and ██████████ (Sustainability Expert)

Greenville Procurement Partners Ltd.

Responses to Consultation Questions

1. Do you think the approach as detailed in the draft Green Public Procurement Strategy and Action Plan will significantly increase Green Public Procurement across the Public Sector?

The potential is there, and the actions outlined are likely to boost uptake across many public sector bodies and categories of purchase. However, it is not clear whether the necessary resources, in particular in the form of staff time and targeted support, will be made available to implement these actions. As we currently lack data regarding levels of GPP implementation for most of the public and semi-state sector in Ireland, judging the impact of the Strategy will be difficult.

2. Are there any other key aspects or actions that could be effective in implementing Green Public Procurement and that you think should be considered for inclusion?

As outlined in our detailed response below, three additional actions which should be considered are:

- i) A commitment to assess the impact of GPP measures already adopted in Ireland, on both a qualitative and quantitative basis, to determine whether they represent good (environmental) value for money;
- ii) A clear set of actions targeting the capacity of suppliers in Ireland to respond to GPP criteria, for example through Enterprise Ireland and the Local Economic Offices;
- iii) A fund/programme to allow the piloting of more advanced GPP actions and targets amongst public bodies who are prepared to go further, with a view to establishing their costs/benefits for the wider public sector.

3. In terms of the sectoral/product targets included in the draft Green Public Procurement Strategy and Action Plan, do you have any views in relation to the targets, the ambition level, and a timeframe for target achievement?

Please see our detailed comments below on the actions, including areas where the ambition level may need to be considered. For some of the targets, it may be necessary to allow for staggered timelines to reflect different levels of capacity across the public and semi-state sectors.

4. Are there any other sectoral/product targets related to Green Public Procurement that you think should be considered for inclusion?

We have provided detailed comments on some of the sectoral targets below. As a general point, it should be clear that each of the targets includes service or works contracts which specify provision of the relevant products, as these account for the majority of public procurement spend in Ireland. In addition, actions/targets which relate specifically to road building and maintenance, and wood products, could provide significant environmental benefits.

5. Have you any other comments or feedback on the content of the draft Green Public Procurement Strategy and Action Plan?

Please see our further comments overleaf.

Comments on the Draft Strategy:

As an overall comment, the Strategy provides a significant amount of background information related to GPP and general procurement policy and legislation. While this provides important context, it tends to distract from the Strategy itself and the actions outlined. Perhaps some of this information could be included in an Annex or separate background document, with the Strategy itself focusing on providing explanations and rationales for the Actions, as well as an indication of timelines and who is responsible for implementation.

The key objectives for the Strategy set out on page 8 seem correct; however, there is a lack of assessment of where Ireland currently stands in relation to these goals, which would allow for clear mapping of the route to get there. There is no evidence of an impact assessment being carried out: what is the cost of implementing the Strategy, and what are the expected benefits (to the public sector, Ireland as a whole, and globally?) Implementing GPP successfully and systematically requires investment of public and private sector resources. Without a clear assessment of where Ireland currently stands on GPP, the opportunities and barriers to broader take-up, there is a risk that the Strategy will not provide the required focus.

An impact assessment could help to identify and evaluate different policy options, e.g.:

- The use of legislation, and/or an OGP circular to set minimum mandatory GPP requirements either across all public contracts, or in respect of priority categories;
- The incorporation of emissions linked to procurement within the CAP carbon budgets which apply to public sector bodies;
- The use of legislation, and/or an OGP circular to require use of life-cycle costing in respect of certain contracts or categories;
- Maintaining a (largely) voluntary approach to GPP, but increasing resources to assist with implementation;
- Focusing on organisations which have already adopted GPP, and providing support for them to deepen the ambition level of the criteria applied;
- Focusing on organisations which have not yet adopted GPP, and attempting to address the barriers they face;
- Requiring external certification, for example under ISO 20400:2017; or
- Some combination of the above options.

In terms of existing policy commitments, it would be important that an assessment be made regarding their implementation. For example, what compliance rates have been achieved for the CAP commitments on electric vehicles and phasing out fossil-fuel heating systems? This information is needed to inform future actions, as otherwise a gap between policy and reality risks undermining the credibility of GPP in Ireland. All future policy commitments should have a clear framework for monitoring and evaluation, on both a quantitative and qualitative basis.

Section 1

- In addition to citing the links between green procurement, material consumption, GHG emissions and the circular economy, the links to other environmental issues such as air, water and soil pollution and biodiversity should also be mentioned at the outset.
- The OECD figures on material management may not be the most relevant ones to quote, especially as the environmental impacts of procurement go far beyond materials/supplies. A more relevant set of figures might be those set out in the World Economic Forum's 2022 report. As services and works account for the majority of public procurement spend in Ireland, it is important that the Strategy clearly addresses these rather than focusing solely on materials/supplies.
- The connections between green procurement and the other two pillars of sustainability, social and economic, are well established. Green procurement can help to drive innovation and develop the skills needed for a more sustainable economy in Ireland. For example, the supply chain transparency measures needed to track carbon or other impacts can also help to shed light on human and labour rights abuses or other social risks. Because green procurement, socially responsible procurement and innovation procurement are intrinsically linked, many EU countries have national strategies which address all three pillars. This is noted on page 6 – however there is no explanation for Ireland's decision to pursue green procurement in isolation.

Section 2.4 Actions

The actions aim to increase the coverage of GPP criteria within central purchasing arrangements, and contracts awarded under these arrangements. However, there is no reference to the ambition level/effectiveness of the GPP criteria applied. This is vitally important, because a push to broaden the application of GPP criteria may be accompanied by a dilution in the standards of environmental performance applied. While the EU and Irish criteria are divided into two ambition levels (core and comprehensive), a more nuanced reporting framework would capture the following information for each framework/contract awarded:

- Whether any needs assessment or market engagement linked to GPP was carried out;
- At which stage(s) of the tender process GPP criteria were applied (selection criteria, technical specifications, award criteria, contract performance conditions);
- Which environmental impacts were targeted by the criteria (in line with the required GPP reporting within the newly implemented eForms);
- Whether life-cycle costing was applied as part of the financial evaluation;
- Whether there was reference to any third-party ecolabels, standards, certifications or environmental management systems;
- Whether any expressions of interest or tenders were rejected on the basis of the environmental criteria;
- The marks awarded to the successful bidder in respect of any scored environmental criteria (where applicable);
- The estimated environmental impact of the criteria, expressed in terms of kg CO₂e (where applicable);

- If the contract has been performed or partly performed, whether any performance issues have arisen in relation to the GPP aspects.

While it may not be feasible to collect this data in respect of all frameworks/contracts, piloting a broader and deeper data collection exercise, particularly in categories with significant environmental impacts, could provide valuable qualitative and quantitative insight to inform future policy measures. For example, this could be done in relation to above-threshold works contracts, in order to inform the development of targets for this category.

Action A6: All public bodies with an annual public procurement spend (on average over the previous three years) above €200m to secure ISO 20400:2017 accreditation by the end of 2025. The document does not provide any context or justification for this action. Although ISO 20400 certification may well be valuable for larger organisations, some evidence of its benefits compared to its costs should be provided.

Section 3.4.5 Actions

Action A7: DECC to develop guidance on the application of GPP criteria relating to the circular economy and the Whole of Government Circular Economy Strategy.

The focus of this guidance, and its relationship to the EPA guidance, should be clarified. The existing Irish GPP criteria, and the new draft criteria set for furniture, are based on circular economy principles. This includes a focus on design to reduce material footprints; favouring repair, reuse and refurbishment over replacement; encouraging the use of recycled materials; and addressing areas such as packaging and food waste. Work is currently underway to update the 2021 criteria to reflect recent developments in legislation and policy, which provides an opportunity to make stronger connections to the Irish and EU circular economy strategies. As the contracted partner for this work, Greenville would welcome the opportunity to discuss this action with DECC, in order to understand its scope and avoid any duplication of effort.

Section 4.4 Actions

Action A12: The EPA's GPP guidance and criteria to be developed and updated on a regular basis, in consultation with key stakeholders and having regard to new policy, legislation and EU GPP guidance, and the practical experience of public bodies applying the current guidance. Further guidance to be developed on the principles of proportionality and equal treatment in the application of GPP criteria.

As mentioned, Greenville is currently engaged in updating the 2021 EPA guidance and criteria to reflect developments in policy and legislation, as well as feedback gathered from public bodies and other stakeholders. Due to the rapid developments in this field, review every 2-3 years appears necessary, or provision for ad-hoc updates to individual criteria sets where relevant developments occur. We would be interested to discuss the identified need for guidance on proportionality and equal treatment with DECC, as this may be something which can be addressed as part of the current update.

Action 13: New national GPP criteria to be developed by the EPA, including, for example public works projects (including retrofitting), furniture, paints, varnishes and road markings.

The EPA has sponsored the development of a new set of Irish GPP criteria for furniture. A stakeholder consultation meeting was held on 31st October, which provided an opportunity both for public purchasers (including the OGP and OPW) and circular economy organisations to comment on the proposed draft criteria. It is expected that an updated draft will be ready by the end of November, at which point the EPA will decide on next steps. Regarding public works projects, it is planned to revise the current Irish criteria for Office Buildings to expand their scope to include residential and educational buildings, in line with the revision of the EU criteria. The criteria cover both new build projects and substantial renovations/retrofitting. **Development of other criteria sets would ideally be based on a detailed survey of public bodies regarding their priorities and gaps in the current resources, as well as assessment of where the greatest impact could be achieved. One category identified by many local authorities as a priority is the design, construction and maintenance of roads, for which no up-to-date EU criteria currently exist. The update to the EPA Guidance will also include sample criteria for categories where no detailed GPP criteria exist, for example Professional Services.**

Section 6.1 GPP Implementation Mandate

The principles and comply or explain obligation are clear, in our view the following should also be included:

- An obligation/recommendation to carry out market sounding regarding GPP criteria, where they have not previously been applied by the contracting authority for a similar requirement; and
- Explanation of what needs to be reported, to whom, and when.

Section 6.2 Actions

Actions A16 and A17, which provide for the phasing in of the GPP Implementation Mandate, appear sensible. However, it is recommended to give careful consideration to parts of the public sector where GPP implementation is currently low, such as the Health sector, as additional support may be needed to ensure compliance. It is important to work with public bodies wherever they are on the GPP journey, setting targets which are realistic and providing the required support to build capacity.

Section 13 on Research and Innovation is very short and does not set out any specific actions to strengthen Ireland's capacity to implement GPP effectively. There is no mention of supply-side initiatives, for example through Enterprise Ireland or the Local Economic Offices, which could further develop Irish companies' capacity to respond to environmental criteria in tenders. Support for further sector-specific projects, for example addressing procurement of road works, wood products, or catering services is also needed.

Action 18: From the publication date of the GPP Strategy and Action Plan, all public bodies to include 'Minimum Sustainability/Environmental Criteria' (see Appendix III for suggested criteria) in tender documents, where possible and proportionate, and where there are no national / EU / other GPP criteria.

The draft criteria set out in the Appendix seem broadly suitable, although they would need some further definition by contracting authorities applying them. The suggested weighting of 5-10% for award criteria is more problematic: we would suggest 10% as a bare minimum, with higher percentages being appropriate for contracts with more significant environmental impacts.

Section 7.1.1 The Built Environment

While the Actions outlined under this section are considered relevant, there is a need to ensure that all environmental impacts associated with the sector are addressed, not just those which relate to building materials/components. For example, impacts on land use and biodiversity, transport, waste, water and energy management on construction sites and during operation. It should be possible to define targets based on the indicators provided in the Levels framework and/or the updated EU GPP criteria, which are due to be adopted in Q1 2024.

T1 By 20XX, a minimum of X% of construction materials procured by public bodies under new contract arrangements comprise reused or recycled materials.

A target of this nature could be a valuable driver to reduce embodied emissions and promote the circular economy. The current legal framework for using recycled materials in construction in Ireland needs to be reviewed, to bring it into line with other countries (see for example the Swiss approach to using recycled concrete in buildings, described here and here). The EPA would be an important partner in this.

As you are no doubt aware, the DETE working group on Cement and Construction Sector Decarbonisation is to propose an approach for the public sector more broadly. This should tie in with the move to carbon accounting under the CWMF, using the International Cost Management Standard: <https://constructionprocurement.gov.ie/bim-requirements-in-the-cwmf-from-january-2024/#more-9335> – it would be important for the GPP Actions and Targets to be aligned with this.

Section 7.1.4 Actions (Food and Catering Services)

The Actions are considered reasonable as first steps to reduce the impact of this important sector in Ireland. Future actions should also address the carbon footprint of food, as this would provide an incentive for the adoption of more sustainable food production practices.

Section 7.1.5 ICT

This section should be considerably expanded/strengthened to address the environmental footprint of ICT procurement, in particular related to services. The target relating to remanufactured/refurbished equipment is unlikely to have a significant impact, given the low

availability of this equipment in Ireland which meets public sector needs. Targets should relate to the reduction in demand for new devices, and the impact of ICT services including cloud services and consultancy. The updated Irish GPP criteria will include a number of new approaches, based on detailed discussion and feedback from stakeholders including the OGP. As an example, an award criterion for ICT services might address the following:

- Tenderers are required to nominate a tool or methodology to be used to calculate the greenhouse gas emissions associated with delivery of the contracted services (OR – contracting authority nominates a tool/methodology)
- Tenderers must describe the scope of the calculation to be carried out and how they will source the required data, including third-party data (e.g. relating to data centres used in delivery of the contract)
- The proposed methodology will be evaluated with regard to its comprehensiveness and credibility
- Reporting requirements for GHG emissions, and targets for progressive reduction, will form part of the terms of contract and/or service level agreement.

While it would be too soon to define targets based on the carbon footprint of ICT services, a target could be set for the number of contracts where this data is being recorded.

Section 7.1.6 Textiles

As with ICT, actions/targets in this sector should address the demand for new textiles, not just the used of recycled fibres (which may prove difficult to apply/verify). Actions/targets could relate to demand reduction measures (for example, by extending the life-span of existing textiles) as well as end-of-life arrangements to ensure textiles are recycled, including de-branding where necessary. Key stakeholders to consult on these actions/targets would include the HSE, Defence Forces and An Garda Síochána.

Section 7.1.7 Paper and printing services

T7: From January 2024, where office paper for printing and photocopying must be procured, 100% of the paper must be recycled paper.

It is suggested that the scope of this target be extended to include service contracts which specify the provision of paper products, for example managed print or design and print services. If 100% recycled paper is not available or suitable for a particular purpose/application, the requirement should be to procure paper with a third-party ecolabel such as FSC, PEFC or equivalent.

Section 7.1.10 Road transport vehicles and services

T11. 100% of all tenders for the public procurement of vehicles to procure zero emissions vehicles only, subject to exceptions as specified in the Public Sector Climate Action Plan Mandate 2023.

While there has been a considerable increase in the procurement of zero-emission vehicles by public bodies, there are a number of issues regarding the use of these vehicles for certain purposes. The above target needs to be clarified as to its scope – does it relate only to contracts for the purchase/lease of vehicles or also to service contracts which involve the provision of vehicles (which are covered by the Clean Vehicles Regulations)? Does it apply only to above-threshold tenders? And does zero-emission refer only to tailpipe emissions, or to life-cycle emissions? The latter are particularly important given the heavy environmental footprint associated with batteries in fully electric vehicles.

Section 7.2.1 Social Enterprises and Community Based Organisations

The actions in this section are welcome, and in fact establish a link between the Strategy and a potential future policy which also addresses social impacts of procurement. The current draft GPP criteria for Furniture have been developed with input from social enterprises involved in furniture reuse and repair, for example. A further action which would be needed to make progress in this area is capacity building for social enterprises to respond to public sector tenders, and broader market engagement prior to tenders on the part of public bodies.

Section 10.5 GPP Monitoring and Reporting

While the actions outlined would help to develop a baseline of data regarding GPP within the broader public sector, it is suggested that reflects only a ‘tick box’ approach and will not provide insight into either the ambition level or impact of GPP. The difficulty in obtaining more nuanced information is acknowledged, however without it there is no way to measure impact. An underlying question here is whether public sector bodies will eventually be required to report on Scope 3 emissions, as suggested by Action PS/23/3/C of the CAP 2023 which requires the SEAI to develop a standardised approach for Scope 3 monitoring and reporting. If this is going ahead, then it would make sense to explicitly mention this in the Strategy as part of the approach to monitoring GPP.

Section 11.2 Circular and Fair ICT Pact

Ireland’s commitment to this framework is welcome, and it will be referenced as part of the updating of the EPA guidance and criteria for ICT.

Action 49: EPA to develop baseline data on GPP impacts and establishment of ongoing analysis and reporting on impacts of GPP implementation in Ireland (e.g., emissions savings, energy savings, waste prevented, reduced material consumption, material reuse, reduced water)

This is a potentially significant action and one which could inform further policy measures related to GPP. As noted, there are a number of challenges surrounding the collection of accurate data on GPP. The most effective means of obtaining and analysing this data will require careful consideration. The actions outlined in the Strategy are welcome and provide the basis for a significant deepening of Ireland’s commitment to sustainable public procurement.