

**From:** [REDACTED]  
**To:** [DECC GPP](#)  
**Subject:** Submission on the draft Green Public Procurement Strategy and Action Plan - LGOPC  
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[DECC GPP Public Consultation submission from LGOPC\\_16.11.23.pdf](#)

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Hello,

Please find our submission from the Local Government Operational Procurement Centre attached.

Regards

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Local Government Operational Procurement Centre (operating under the auspices of Kerry County Council)

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*Cé gur féidir liom ríomhphoist a léamh agus a sheoladh lasmuigh de ghnáthuaireanta oibre, nílím ag súil le freagra ná gníomh uaitse lasmuigh de d'uaireanta oibre féin. While I may read and send emails outside normal working hours I do not expect a response or action outside your own working hours.*

## Draft Green Public Procurement Strategy and Action

### Plan Public Consultation Questions

#### Template for Responses

No.	Question
1	<p>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?</p>
<b>Response:</b>	<p>Some growth can be expected where market solutions are already available or can transition quickly, and where published GPP criteria can be used. Majority of Public Service Buyers will likely rely on learning from case studies, which will hinder any significant progress.</p> <p>The public procurement process in and of itself is not a solution to the delivery of more sustainable works, goods and services – it is simply an enabler or delivery medium that is only part of the solution. A multi-faceted approach beyond policy is required e.g. Grants/Funding for innovation, R&amp;D, Pilot Projects, Tax Relief schemes, Subject matter Experts/Advisory Board, etc.</p> <p>Significant market consultation should be progressed at national level, targeting sectors that have the greatest potential to adapt and deliver progress quickly. Outputs and learnings from this process could then inform resources to be made available to public procurers, which would greatly assist in driving the desired transition.</p>
	<p><b><i>Ref 5.1d Applying Green Public Procurement Criteria (Award Criteria)</i></b>  <b><i>Typically, at least 5% of the award marks could be allocated to GPP award criteria: rising to 10% should the project, for example, have the potential of securing significant GHG emission reductions and improved energy efficiency performance.</i></b></p> <p><b><i>6.1 The Green Public Procurement Implementation Mandate</i></b>  <b><i>This GPP Strategy and Action Plan commits to the overall target that all public bodies include GPP criteria in all tender competitions using public funds, where possible.</i></b></p> <p><b><i>Actions A16, A17, A18</i></b></p> <p>This type of an approach heightens the probability that the GPP award criteria will be insufficient to incentivise more sustainable tenderers, given that a heavy weighting towards Price/Total Cost will most likely lead to Price/Total Cost being the determinant factor in the award of the contract.</p> <p>It could be much more productive if public sector bodies were allowed to aggressively focus on contracts that provided the best opportunities for achieving measurable reductions in GHG emissions/Energy Efficiency upgrades. It should be about incentivising results, not a blanket approach.</p>
2	<p>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 in the Green Public Procurement Strategy and Action Plan?</p>
<b>Response:</b>	<p>Significant changes to how public sector bodies approach the public procurement process will be required so that GPP is considered at the start of any purchasing</p>

	<p>decision. A decision tree or flowchart representing the optimal/best practice approach may be welcomed.</p> <p>As above, significant market consultation should be progressed at national level, targeting sectors that have the greatest potential to adapt and deliver progress quickly. Outputs and learnings from this process could then inform resources to be made available to public procurers, which would greatly assist in driving the desired transition.</p> <p>As above, a multi-faceted approach beyond policy is required e.g. Grants/Funding for innovation, R&amp;D, Pilot Projects, Tax Relief schemes, Subject matter Experts/Advisory Board, etc.</p> <p><b>Site Waste Management</b></p> <p>Have supporting strategies for minimising waste been considered ? e.g. developing after-market pathways for recycled materials; expanding existing recycling centres; etc. For example, manufacturing eco-system to be promoted whereby all construction by-products, residues, resources and waste can be processed to be re-used within the construction process.</p> <p><b>GPP Criteria</b></p> <p>It is critical that an expansion of the GPP Criteria Search online tool is further considered to support the Green Public Procurement Strategy and Action Plan. The GPP Criteria Search needs to be the go-to tool for incorporating consistent, fair and verifiable green criteria in tender documents.</p> <p>For major projects consideration to be given to different procurement methods e.g. Competitive Dialogue.</p> <p>The insurance industry to support the use of construction by-products and innovative solutions for the use of green materials in construction. Reform of Liability, indemnity, and insurance to meet these needs.</p> <p><b>Reporting</b></p> <p>The strategy emphasises the importance of LA’s reporting on GPP implementation and impacts. There is a big implementation risk here as how to quantify/measure the impact of GPP in the built environment will be difficult unless you are very much a subject matter expert. Additional resources may be required to provide transparent and accountable reporting.</p> <p><b>Case Studies</b></p> <p>A target for the built environment sector should include the establishment of a best practice sharing platform, for sharing best practices and case studies associated with successful GPP implementation. This would help local authorities learn from each other's experiences.</p>
	<p><b>7.1.1 The Built Environment</b></p> <p><b>7.1.2 Climate Action Plan Commitments</b></p> <ul style="list-style-type: none"> <li>▪ <b>Support the delivery of emissions savings of 375 KtCO<sub>2</sub> in public (and commercial) buildings and by 735 KtCO<sub>2</sub> by 2030.</b></li> </ul> <p>Given that 99% of the heating of public sector buildings is reported to be from fossil fuels, and that more sustainable solutions are already available, should the strategy include an aggressive target for replacing all such heating systems ?</p>
3	<p>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?</p>

<p><b>Response:</b></p>	<p><b><i>A2 - With immediate effect, all future Central Purchasing Arrangements published shall include contract specific GPP criteria, where possible, including minimum environmental/sustainability criteria (refer to Appendix III, for example).</i></b></p> <p>Under the regulations (SI 284), contracting authorities are permitted to more precisely formulate the terms for the awarding of a contract. Where such centralised arrangements provide for the award of contracts after the re-opening of competition i.e. mini-competitions are run, it would be near impossible to include contract specific GPP criteria when the arrangement is being established. Rather, wording should reflect that the inclusion of GPP should be enabled or accommodated by the arrangements in the form of a menu of GPP criteria that the contracting authority could consider using at mini-competition stage depending on the subject matter of the contract.</p> <p>Contract specific GPP criteria could be published if the arrangement was a single party Framework, or provided for direct drawdown – subject to the availability of published GPP criteria for the relevant subject matter.</p>
	<p><b><i>7.1.3.1 GPP Criteria for Buildings Setting GPP criteria for the design, construction, renovation, retrofitting, demolition, and management of buildings can potentially deliver major environmental, climate and energy efficiency benefits.</i></b></p> <p>Development of national GPP criteria for residential and non-office commercial building construction should be prioritised.</p> <p><b><i>7.1.3.3 Residential Housing</i></b></p> <p>The MMC Leadership and Integration Group should publish recommendations for residential construction in regard to best practice design, use of sustainable materials, case studies, R&amp;D, etc, that will guide a coordinated transition to the adoption of Modern Methods of Construction in residential housing construction.</p> <p>The Building Regulations Technical Guidance Documents should be updated asap to support the required transition.</p> <p>All major construction sites (above €10 million) to have access to the national grid to allow the use of electrical vehicles on site, including the use of HVO as an alternative to diesel in machinery, with site Welfare units powered by renewables.</p>
	<p><b><i>7.1.3.4 Cement</i></b></p> <p><b><i>DETE has established a Cement and Construction Sector Decarbonisation Working Group to develop actions necessary to reduce embodied carbon in the construction sector</i></b></p> <p>Has a target date been set for publication of recommendations by the working group ?</p> <p>Use of Ready-mix 'low carbon' Concrete – i.e. Require product reformulation to reduce the clinker content of cement through the use of novel binders and fillers to reduce the carbon intensity of cement without compromising its integrity. This action is technically feasible and widely used in the EU.</p> <p><b><i>Prepare and submit to Government a public procurement policy to facilitate public bodies incorporating the principle of low carbon construction methods and materials and whole life-cycle analysis approaches in all publicly procured projects.</i></b></p> <p>This is excessive. Recommend limiting to contracts with estimated costs in excess of €1Million.</p>

### **7.1.3.6 Construction Products**

#### **Sectoral Target T1 –**

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

Have supporting strategies for minimising waste been considered ? e.g. developing after-market pathways for recycled materials; expanding existing recycling centres; etc.

The availability of construction materials with desired content of re-used or recycled materials must in the first case be driven by the proposed revised EU Directive for the marketing of construction products. Until this is in place and the supply market transitions, it would be unrealistic to expect procurers to achieve any progress on this target.

Since an extremely small percentage of construction materials procured currently comprise reused or recycled materials, it's fair to assume that any percentage target will be coming off a very low base and the number of years to achieve that target will be well into the future.

Enactment of primary legislation, regulations and construction standards will ensure that all construction and demolition waste and resources are re-used in the construction process or recycled/recovered and are banned from landfill, with the onus on the Client to ensure that this is planned and implemented during the design and construction process.

Bio-based materials are one of a number of product solutions, which require particular attention as their impact extends beyond the circular economy. Bio-based building materials have potential to reduce the embodied carbon footprint of new buildings and refurbishments.

### **7.1.8 Energy Related Products, Heating Equipment, Indoor and Outdoor Lighting**

#### **Sectoral Target T9 –**

**From January 2024, 100% of all tenders for the public procurement of heating systems to not install heating systems that use fossil fuels, in (1) new buildings, and (2) "major renovation" retrofit projects (as defined in the Energy Performance of Buildings Directive (EPBD)) subject to exceptions as specified in the Public Sector Climate Action Plan Mandate 2023.**

As above, given that 99% of the heating of public sector buildings is reported to be from fossil fuels, and that more sustainable solutions are already available, should the strategy include an aggressive target for replacing all such heating systems ?

### **7.1.10 Road Transport Vehicles and Services**

#### **Sectoral Target 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.**

This target is overly optimistic. There are a number of factors that will impede progress on this target in the short and medium term:

- The supply chains and availability of the varying types of EVs used by the public service to support the demand;
- Limited national charging infrastructure.

	<ul style="list-style-type: none"> <li>• Current EV range. This is a significant impact on the decision basis for public bodies on whether to transition their fleet to EVs; in particular those public bodies who have to cover a large geographical area</li> <li>• High upfront costs of electric vehicles. Until EVs become more affordable public bodies will struggle to replace their existing fleet based on their relatively static fleet budgets.</li> </ul> <p>With grants, reduced toll charges, reduced tax, the small van electric vehicle is viable. However, some of the bigger fully electrics are considerably more expensive than your conventional ICE/diesel models.</p> <p>Electrification is the long-term goal, however, at the moment, technology above 3.5 tonne is limited and even more limited for vehicles over 7.5 tonne. While cost and range parity remain challenging in comparison with traditional ICEs, security of supply has emerged as an added challenge in recent years. To be effective, vehicle targets should be considered in segregated intervals in line with market capacity. Initially, renewable biofuels such as Hydrated Vegetable Oil (HVO) can provide a short-term solution to meet our 2030 targets. Advancements in biofuels, Hydrogen technology and battery may then form part of the medium-term strategy, particularly in the HGV sector.</p> <p>HVO is being trialled as an alternative fuel in many sectors at present. Although performance challenges remain, vehicles using 100 % HVO compliant with standards are considered to emit 100% less emissions in reporting terms. Price fluctuation due to limited supply and increased demand from the transport and other industries make this biofuel difficult to budget for over the longer term.</p> <p>Significant research is being undertaken on batteries with the market signalling more efficient and environmentally sustainable solutions being delivered by solid state battery technology over the next few years. Market solutions will continue to fluctuate and evolve that warrants a more flexible approach being available to procurers in the short to medium term.</p>
4	<p>Are there any other sectoral/product targets related to Green Public Procurement that you think should be considered for inclusion in the Green Public Procurement Strategy and Action Plan?</p>
<b>Response:</b>	<p>Flexibility should be available to contracting authorities – for example, an aggregated approach should be allowed with respect to the quantification/measurement of a CA's progress in reducing GHGs and Energy Efficiency Upgrades. A CA might be in a position able to achieve significant progress in some sectors rather than others, and this should be welcomed, at least during the market transition stage.</p> <p><b>Roads</b></p> <p>By-product options are availed of in line with legislative requirements, so that the resource can be used in other projects. For example, recycled asphalt is used as a feedstock at reclaimed asphalt plants, while soil and stone are used in landscaping.</p> <p>The use of nature-based solutions should be expanded in Road specifications and maximised on road projects and maintenance schemes. While green infrastructure can often be more cost effective than conventional grey infrastructure, additional benefits in terms of sustainability and supporting biodiversity are very much aligned with our Climate Action targets. For example, the opportunities to improve drainage systems by utilising greener options such as constructed wetlands, swales and vegetated channels can reduce the construction carbon footprint, optimise earthworks and also improve water quality. In addition, non-conventional methods can also be more effective in controlling hydraulic loading during extreme weather events by maximising attenuation and reducing pollution.</p>

	<p>Recycling &amp; reuse of in-situ road construction materials should also be encouraged and accepted as alternative road construction options as we transition towards a post-fossil fuel economy. In pavement foundations, design alternatives should always be examined:</p> <ul style="list-style-type: none"> <li>• On site, the utilisation of recycling and soil stabilisation can be extremely effective as well as reducing mass haul requirements. It also aligns with the close proximity principle.</li> <li>• Alternatively, facilitating greater use of imported materials which contain reclaimed material (subject to performance characteristics) should be encouraged through the use of whole life cost evaluations. For example, Recycled Asphalt pavement designs should be offered/accepted as we seek to move away from the traditional cradle to grave linear approach and regenerate products. Supporting RAP through analytical design supports best practice, incentivises evolution of production plants as well as supporting construction &amp; demolition waste facilities.</li> </ul> <p>To support product alternatives, Tender Evaluation Metrics (balanced scorecard) needs to be expanded to ensure product premiums associated with sustainability traits such as deconstruction &amp; Adaptability do not discourage alternative products more aligned to circular business models. Such contract award metrics need to incentivise emerging industry advances while at same time aligning with sustainability practices and supporting the climate action agendas and circular economy.</p>
5	<p>Have you any other comments or feedback on the content of the draft Green Public Procurement Strategy and Action Plan?</p>
<b>Response:</b>	<p>No reference made to –</p> <p>SDG 7 - <i>Ensure access to affordable, reliable, sustainable and modern energy for all</i></p> <p>SDG 9 - <i>Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</i></p> <p><u>Note:</u> SDG 9 includes reference to Sustainable Transport</p>