

Procurement reform nears the finish line



On Wednesday 15 January the European Parliament (EP) approved the new EU Public Procurement Directives. The process was overseen by the EP Committee on the Internal Market and Consumer Protection (IMCO). The new legislation will replace the classical (2004/18/EC) and utilities (2004/17/EC) Directives.

The revision of the procurement directives was undertaken with the aim of improving flexibility in the procurement process for both the public and private sector, while at the same time giving greater importance to quality and innovation.

The adoption of the revised public procurement directives by the General Affairs Council configuration is currently scheduled for 11th February or, alternatively on 20th February by the COMP Council. It is expected that publication in the Official Journal of the European Union (OJEU) will take place in March 2014 at the earliest. The new directives will be binding in all EU Member States once they have been transposed into national law. States have up to two years time for the transposition.

Purchasing ICT equipment and management services in Italy



Consip SpA, the Italian central purchasing body, identified a need for leasing ICT equipment and management services. The organisation established that by purchasing an integrated service, as opposed to a product, several economic and ecological targets could be met. More specifically, Consip felt that by using this approach they could achieve greater energy efficiency, rationalise their IT infrastructure, cut staff costs and reduce the need for regular maintenance.

In 2013, Consip set up a €380 million framework agreement over 24 months for ICT services covering 160,000 workstations located on the premises of various Italian public bodies. The desktop sourcing services included the management of ICT

platforms, leasing of hardware, software licenses and virtualisation services.

Consip chose to set up an "incomplete" framework agreement as part of their tendering strategy, under which not all terms had been established. This allowed the public bodies purchasing through the contract flexibility with their individual purchases, setting additional technical specifications and award criteria on a case-by-case basis. At the same time, it ensured compliance with Consip's minimum requirements.

Consip ensured that suppliers would in fact be able to meet the standards specified in their tender documentation, by carrying out a market analysis prior to tendering, and by including the minimum environmental criteria issued by the Italian Environment Ministry in their tender. The sustainability criteria included in the tender contributed to the selection of brand new products on the market with low energy consumption.

Download the full GPP example [here](#).

To read more GPP examples, visit the GPP [website](#). Previous News Alerts are available [here](#).

Zoom in on... new EU GPP Criteria for imaging equipment



The Commission has published new EU GPP criteria for printers, copy machines and multi-functional devices. The criteria have been developed for voluntary use by all public authorities interested in improving the environmental and economic performance of imaging equipment.

The guidance is currently available in English and translations into all EU languages will be available shortly, along with the accompanying Technical Background Report.

[More information...](#)

Zoom in on... GPP training in Estonia



In autumn 2013, the Estonian Ministry of the Environment, together with the Estonian Environmental Board, delivered a series of five training sessions on GPP involving over 100 participants. The sessions were successful in reaching out to procurers and trainers as well as some suppliers. Trainings were based on the Baltic GPP train-the-trainer approach.

[More information...](#) (in Estonian).

Zoom in on... City of Barcelona



New rules governing the inclusion of environmental and social criteria in procurement contracts have been issued by the City of Barcelona, Spain. The rules entered into force from 15 December 2013, following the enactment of a new Municipal Decree. Integrating green requirements is now obligatory for all contracting bodies tendering for vehicles, electricity, food and catering services and a range of other high priority procurement categories.

[More information...](#) (in Catalan)

Zoom in on... Launch of PPI Award



A Public Procurement of Innovation (PPI) Award has now been launched, which aims to recognise successful public procurement practices used to purchase innovative, more effective and efficient solutions. Public authorities can apply for the award by completing the application form and sending it to the Public Procurement of Innovation (PPI) Platform team. The deadline for applications is 31 March 2014. The successful entry will be selected in May 2014.

[More information...](#)

New public procurement directives: The potential for GPP



MEP Malcolm Harbour CBE is the Chairman of the European Parliament Committee on the Internal Market and Consumer Protection (IMCO), which has overseen the revision of the classical (2004/18/EC) and utilities (2004/17/EC) EU

Public Procurement Directives. Mr Harbour is the UK Conservative spokesman on Single Market and Consumer Protection issues.

Which is the most significant way in which the (classical) procurement Directive has changed in terms of facilitating sustainable public procurement?

To begin with, the old Directive was entirely unclear in that there was absolutely no detailed built-in guidance on how to take social and environmental criteria into consideration when drafting procurement documentation or award criteria. There was only an indication that, on an optional basis, such criteria could be taken into account, but the lack of clarity made it very difficult to ascertain what was legally possible. The guidance provided by the Commission, such as the [Buying Green Handbook](#), was helpful in this context, but uncertainties remained, so the full potential for green procurement remained untapped to a large extent".

The new Directive makes it clear that social and environmental aspects can now be taken into account in certain circumstances, in particular with the explicit mention of taking into account whole procurement lifecycle costs in what constitutes the best value for money offer. Buyers can also require certification/labels or other equivalent evidence of social or environmental characteristics including fair trade criteria, further facilitating procurement of contracts with such objectives. At the same time, the potential abuse of these new rules on social and green procurement should be adequately curtailed by safeguards. In particular, contracting authorities cannot use reference to labels as an excuse to favour certain suppliers over others, since the social and environmental criteria must refer to

factors directly linked to the subject matter of the contract.

The clarifications achieved in this reform of the EU procurement rules on reference to social and environmental considerations represent an important first step, which now needs testing in practice and most likely adapting at a later stage according to practitioner experiences and feedback. The European Commission should also work with Governments in drawing up best practice guidance on how to apply these new rules. The Directive is already very ambitious in terms of the jump it has made from very little clarity to, a developed system for ensuring more social and environmentally friendly public procurement. It would probably not have been wise to go any further at this stage.

Do you see a potential benefit for green public procurement in terms of the newly permitted innovation partnerships?

With the new "innovation partnerships" procedure, which I proposed, buyers can now readily work in structured partnerships with innovative start-ups and SMEs, providing them with a boost while channelling their innovation potential in developing new products or services. Since many innovations have a positive environmental impact, or have an environmental objective in delivering innovative public services, works or supplies, this procedure will undoubtedly boost green procurement.

The approach to referencing ecolabels has been modified in the new Directives. Do you think this is likely to significantly alter the way in which they are used by procurers?

Indeed, the possibility of referencing ecolabels already existed in Article 23(6) of 2004/18/EC, so this provision is not new. However the changes enacted in the reform will make it more readily possible for procurers to make reference to environmental labelling standards in procurement documentation.

To read the interview in full, click [here](#).