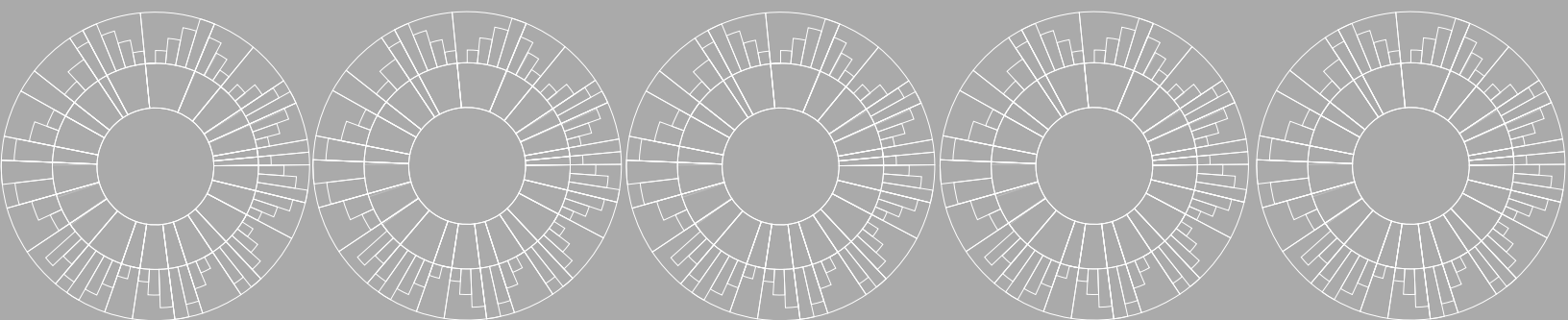


# Getting Started on Incorporating Sustainability into Public Procurement:

## A GUIDE



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## Who is this for?

This sustainable procurement guide helps public sector procurement professionals to improve the sustainability outcomes of their organisation's buying decisions and to avoid adverse impacts on social and environmental systems.

Through their procurement spend and through their contracting processes, public sector organisations can help to uphold human rights, protect the environment, and support communities. With over \$200 billion spent annually on public procurement in Canada<sup>1</sup>, imagine the influence and positive effect that your organisation can have on the market if you demand more sustainable goods and services.

Being proactive about environmental, social, and governance (ESG) issues in your supply chain can help you to reduce supply chain disruptions, anticipate policy changes or evolving societal expectations, and ensure that you are doing your part to support workers, local communities, and the environment.

## What are ESG issues?

ESG stands for environmental, social, and governance. ESG issues cover a broad range of corporate sustainability topics, including the following:

ENVIROMENTAL	SOCIAL	GOVERNANCE
Waste & pollution Climate impacts & emissions Water use & water quality Ecosystems & biodiversity	Impacts on communities Human rights & rights of Indigenous Peoples Occupational health & safety Diversity, equity, & inclusion	Board composition/ independence ESG risk oversight/management Executive compensation Transparency & disclosure Anti-bribery & corruption

<sup>1</sup> <https://www.tpsgc-pwgsc.gc.ca/app-acq/app-collaborat-procur/index-eng.html>

Every individual, no matter where they live in the world, has the right to a life of equality, dignity, and respect, and to freedom from discrimination, slavery, or bondage. They have rights in the workplace, including the freedom to form unions and the right to equal pay and a safe work environment. More broadly, every person has the right to live in a [clean and healthy environment](#) and have access to clean water, the right to earn a decent living, the right to privacy, freedom of thought and religion, [and more](#). Indigenous Peoples also have a unique set of rights outlined in the [UN Declaration of the Rights of Indigenous Peoples](#) (UNDRIP). Companies need to ensure that their actions do not infringe upon these rights.

In addition, sustainable procurement can have direct advantages in your organisation such as helping to meet your environmental and social policy goals; improving financial efficiency; improving your reputation among citizens, civil society organisations, and other engaged members of your community; reducing your own risk of non-compliance with ESG related legislation; and increased innovation and market stimulation in your local market.

This guide helps public purchasers working within governments, municipalities, or other organisations to integrate sustainability considerations across the procurement life cycle from planning, to awarding, and close-out. The tips outlined here align with a competitive tendering process, whether it is for a one-off contract or an ongoing supply arrangement.

In some cases, government agencies will extend their Corporate Supply Arrangements to others. CSAs that incorporate sustainability benefits can help to extend these benefits to: other ministries or agencies, independent offices, Indigenous Nations, towns, cities, health authorities, universities, and schools.



## Stage 1. Procurement Planning

While you may not be able to alter existing contracts, before your current contracts approach the end of their term, you can engage in proactive planning that will allow you to integrate key environmental, social, and governance (ESG) considerations into future extensions or into new solicitations.

### Consider whether a purchase is the only option

Start your planning process by understanding the essential aspects of the underlying need. What's the function that needs to be fulfilled? Then, consider whether you might meet that need in a more sustainable way.

Identifying sustainable needs and outcomes informs the rest of the procurement process. In many cases, the most sustainable procurement decision you can make is to find ways to buy less, or in the case of some products or services, not to buy them at all. Start by asking do we really need to purchase this?

It is a good idea to speak to service users, other citizens and colleagues to help build ideas and targets for sustainable outcomes. It can also make sure what is purchased is genuinely needed and sustainable as a future used service.

- Can you reuse, repurpose, refurbish, or repair existing products or services instead of purchasing new? Can you squeeze a bit more use out of what you have? Or can you purchase used or refurbished products instead?
- Does an XaaS (Anything as a Service) model make sense in this case? Would renting, leasing, or asset sharing be a more sustainable solution than purchasing it outright?

Some organisations will even track 'dollars not spent' and include these figures in tracking their contributions to 'sustainable procurement'.

If meeting your core needs still requires purchasing a new product or service, you can still improve the sustainability of your choices by adjusting your contracting practices.

## Understand the applicable laws, regulations, and trade agreements

You will need to begin by identifying the relevant national laws, policies, and guidance relating to public procurement, sustainability and human rights to see what environmental, human rights, and governance requirements are allowed and/or required.

For instance, those contracting in British Columbia will want to consider:

- The [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs)
- The [International Bill of Human Rights](#)
- The [International Labour Organisation \(ILO\) Labour Clauses \(Public Contracts\) Convention 1](#)
- The [United Nations Declaration on the Rights of Indigenous Peoples](#)
- Note also that the United Nations has recognised a [Human Right to Water and Sanitation](#) and in October 2021, the United Nations recognised a human right to a clean, healthy and sustainable environment
- The anticipated [Federal Modern Slavery Act](#) Bill S-216

Other topics to monitor include [conflict minerals](#), [climate change](#) and climate justice, and a [living wage](#).

## Determine your sustainability priorities and how they will inform your purchasing decisions

To integrate sustainability into your buying decisions, first take a step back to examine your organisation. How is procurement happening now and what are the conditions that could be drivers or barriers to a more sustainable approach? A decision-making framework can be helpful and might include some of the following elements.

**Legal and policy:** start with understanding your legal obligations and your own organisation's sustainability commitments and how they extend into your value chain. These may include commitments to eliminate carbon emissions; support local, diverse, and/or Indigenous business; or to pay a living wage. You will also want to consider whether there are any gaps in how your organisation has interpreted your legal obligations when it comes to procurement.

**Budgetary factors:** at the start, you might prioritise certain categories or departments with higher procurement spend, as you will see a bigger relative impact from sustainable procurement efforts. High profile success stories of sustainable procurement should also help to spread the practice throughout the organisation.

**Contract cycles:** what contracts are upcoming for renewal? What is their potential for enhanced environmental, social, and governance outcomes? How much time is available to work on new approaches? What is the current level of knowledge or expertise in team for sustainability?

**Market knowledge:** availability of sustainable alternatives and your potential to influence the market could also be considered, but this can be gained as part of the pre-procurement process.



Consider creating two lists. The first is a list of *minimum* criteria that a supplier must meet (or your organisation will not consider them). For instance, many organisations require a publicly stated and demonstrated respect for human rights. Or, the [UK government now requires](#) bidders to commit to achieve net-zero greenhouse gas emissions by 2050 to be eligible to bid on major contracts.

The second will be a list of *desired* criteria that can help you to rank potential suppliers in a way that rewards efforts to improve sustainability performance. In addition to assigning a weighted score to criteria such as price, quality, reliability, or delivery timeline, you could allocate some of your weighting to environmental, social, and/or governance criteria related to the good, service, or work. For instance, you might award higher points for those that are more energy efficient or have low or zero emissions production processes or goods that are certified as ethically sourced or conflict-free or fair trade.

Take a moment to reflect on your organisation's sustainability commitments and consider what sustainability criteria your organisation might adopt. Will you require or give preference to a supplier that conducts regular human rights due diligence?<sup>2</sup> Will you require or give preference to organisations that have a public commitment to UNDRIP or that have set a net-zero greenhouse gas emissions goal?

Next, reflect on whether the market of suppliers bidding is mature and ready for such criteria. Other questions might therefore be: What percentage of your suppliers could meet the minimum criteria right now? How many suppliers would you need to be able to meet the minimum criteria and how can you work with suppliers to get there in the near future?

Next, consider what evidence you will accept as confirmation that a supplier meets your criteria. For example, will you demand that they submit data, or will you accept policies, certifications, independent Human Rights rankings, case studies, audited company reports, or links to publicly available company communications materials and web pages?

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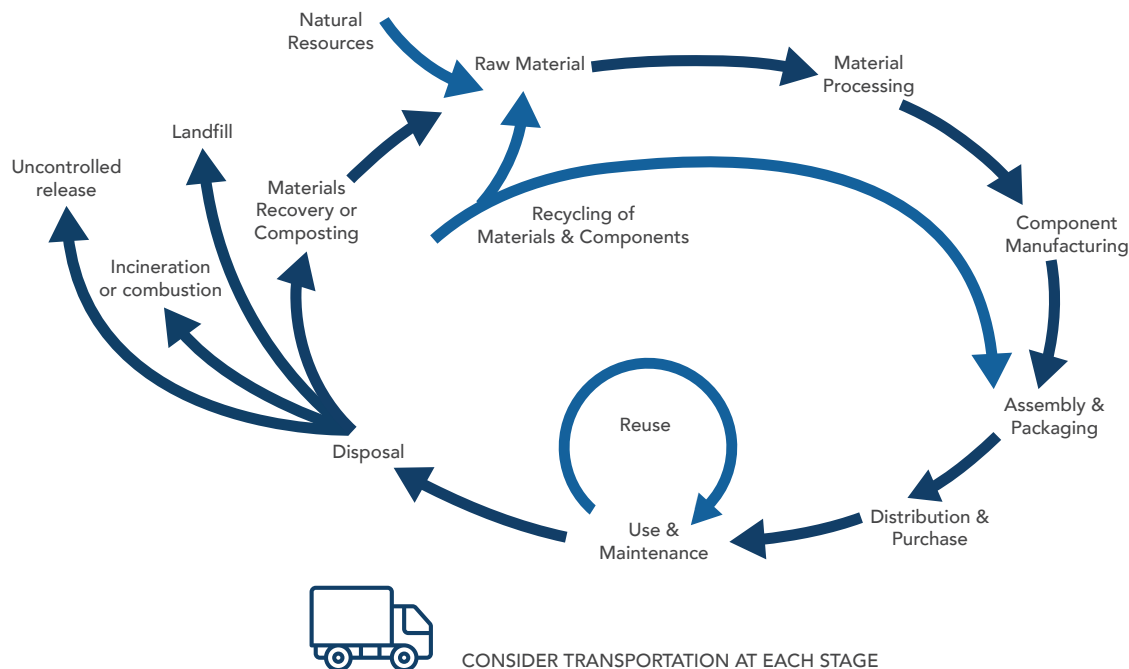
<sup>2</sup> Human rights due diligence refers to ongoing efforts by, for example, a company to identify, prevent, mitigate and account for how it addresses its adverse impacts on human rights.

## Explore the (possible) impacts of your key purchases

When developing your purchasing criteria for goods or services, consider the key sustainability issues that may be associated with each stage of the life cycle of these products or services. This includes social and environmental impacts from the raw materials, through production and use, and right through to the end of life.

To better understand the potential sustainability and human rights impacts associated with your purchases, you will need to do a bit of research. Pick one of your key products or services to explore. Think about (or better yet, draw) its full life cycle. What materials, processes, or services did your supplier, or their suppliers, need to produce it? What transportation was required? Are there implications during the use of this product or service? Now imagine where it will go: at the end of its life, can it be recycled or reused?

Consider creating a simple 'map' of the life of your key purchases, from beginning to end.



Perhaps you are purchasing t-shirts for an event. A simple internet search for “cotton AND sustainability” or “cotton AND environmental impacts” or “cotton AND human rights” can be a great start. A quick search might reveal that cotton grown in certain countries has a higher risk of involving child or forced labour than cotton grown elsewhere.

Though human rights abuses and environmental issues are more common in certain regions and industries, that does not rule them out elsewhere. We know that environmental, social, and governance issues can and do occur anywhere in the world. And, though abuses may be common in some locations, some suppliers operating on those jurisdictions make concerted efforts to ensure they have the right policies and practices in place to mitigate the environmental and social risk in their products.

There are several tools that can help you to identify which sustainability issues may be most important in different industries. For instance, the Sustainability Accounting Standards Board (SASB)’s [materiality map](#) can help you understand which issues may be most important depending on what you are in the process of sourcing. We also provide a comprehensive list of potential environmental, social, and governance issues for you to consider in our [Scan guide](#).

## Learn more about best practice among potential suppliers

Keep in mind the availability of sustainable products and services and the certifications and metrics to support assessing them are both evolving rapidly. Before you develop your solicitation, you will want to take a bit of time to learn more about evolving best practice in the industry in question.

It’s easy to underestimate the power of asking questions. When suppliers observe their customers asking about sustainability, it has an impact. In addition, engaging with suppliers can identify solutions you might not have considered, afford the market the opportunity to build the capacity to meet your sustainability needs and requirements, and help you to design the procurement and contract in way that maximises the sustainability potential of bidders.

You can leverage permitted market research and engagement tools, such as a Request for Information (RFI) process, a forward procurement plan or prospectus, meet the buyer and supplier events, or a pre-tender briefing, to seek input from potential suppliers about potential solutions and current best practices. Consider, how are companies in this industry approaching sustainability and human rights? What issues, practices, commitments, processes, or certifications seem to be important?

You could ask potential suppliers to share:

- Descriptions of their offerings and how they might meet or go beyond your sustainability objectives;
- Sustainability priorities, approach, and performance;
- Policies on environmental performance, human rights (and Indigenous rights), and governance practices;
- Memberships or participation in industry or sustainable business standards or associations;
- Their perceived risks and issues of the procurement approach; or
- Awards and case studies about their efforts to protect workers or the environment.

You can also use this process to help you understand what criteria might make sense to include at later stages and/or what you could be doing to support suppliers to align with your ESG priorities and whether your organisation creates any barriers for the kinds of suppliers you aim to buy from.



## Stage 2. Solicitation and Evaluation

### Consider how you might broaden and strengthen your supplier pool

To attract suppliers capable of meeting your sustainability criteria or to deliver on a mandate to diversify your suppliers or support a particular supplier type (for instance, social enterprises, Indigenous-owned business, or small businesses), you may need to diversify your supplier pool. Take the time to learn more about the barriers that potential suppliers face in bidding and consider what you may be able to do to reduce or eliminate these barriers. This may involve:

- Changing how you advertise bid opportunities to access new suppliers
- Holding open days or training events to inform and assist potential suppliers to learn where opportunities are advertised, how the procurement process is structured, and what tender documentation is required
- Reducing the complexity of tender documentation (submissions can be an Unnecessarily cumbersome and bureaucratic process)
- Allowing more time for the submission of expressions of interest and tenders
- Dividing contracts into smaller lots to make contract requirements more achievable for small and medium sized enterprises
- Permitting joint tenders
- Limiting the number of lots which will be awarded to any one bidder (though you will likely need to establish objective criteria for this in advance)
- Relaxing or finding alternatives to specific requirements that may be restrictive in certain cases, such as the value of insurance coverage, the requirement for certification, the volume and timing for delivery, or travel requirements
- Where permitted, restricting certain contracts to particular categories of enterprises such as “economic operators whose main mission is the social and professional integration of persons with disabilities and disadvantaged persons”

## Internal Advocacy

Some of the efforts and initiatives recommended in this guide may require substantial changes to bureaucratic processes currently in place. To promote the successful adoption of your proposed changes, it is important to socialise your proposal and rationale with relevant stakeholders, so that you gain their buy-in and support. Change management techniques and frameworks can be helpful in doing so.

## Signal your priorities and expectations

To help prospective suppliers better understand your environmental, social, and governance commitments, your organisation may choose to create public statements that reflect your commitment to upholding sustainability in your supply chain and/or that cover the basics on these key topics. You can find guidance for creating a credible position statement [here](#) or view leading statements addressing different issues from a broad range of industries [here](#).

You should also signal your expectations in your requests for proposals (RFP), invitations to/for bids (ITB/IFB), requests for bids (RFB) or request for quotations (RFQ). Be clear in your solicitation about your sustainability priorities and objectives, your criteria for evaluation, what evidence you will consider during your evaluation and what data and evidence you will expect during the contract management phase.

An easy win is to include sustainability themes in the titles or subject matter of your calls for tender or bids. For example, instead of the title “Supply of food and catering services for hospitals”, you could instead use “Provision of sustainable and healthy menus for hospital patients”. This sends a signal to the market that you are taking organic, low carbon, seasonal and other issues into account and take sustainability seriously.

Outcome or performance-based specifications are a method for letting suppliers meet social or environmental goals of the procurement in a way they specify themselves. The benefit of this approach is that it focuses on your needs (e.g. reduced energy, or water saving), without being technically prescriptive and lets bidders propose the best way in which these needs may be met.

And if you're willing to pay a higher price or consider slightly different fulfillment criteria for an option that meets environmental or social criteria, specify this. This is important information that may help shift your suppliers' approach to bidding and may also help shape their overall approach to sustainability.

## Pre-qualify suppliers where appropriate

In cases where the bid opportunity is of significant value and complexity, it may be worthwhile to pre-qualify suppliers through a request for qualifications (RFQ) process. This can be one of the highest leverage mechanisms public buyers have to advance sustainability requirements for their suppliers. By limiting competition to a pre-qualified list of suppliers who meet these pre-selection requirements you are levelling the playing field for suppliers.

You could also consider creating an optional or mandatory supplier sustainability questionnaire that explains your organisation's commitment to sustainability and human rights and includes questions about your suppliers' environmental and human/Indigenous rights policies, feedback mechanisms, and approach to due diligence and remedy of human rights violations. In it, you can also request evidence of key sustainability practices and policies that will help you assess whether they address the risks that are relevant to your purchases.

In markets where there is a low level of sustainability maturity, you may want to avoid selection or pre-qualification criteria, or you may end up with very few potential suppliers. In these cases, starting with award criteria as a soft first move towards sustainability allows more bids, while still sending a signal to suppliers of your intentions for future contracts. Contract conditions and clauses on social and environmental outcomes are also a good way to work with suppliers over the course of a contract to become more sustainable.

Assessing tenderers can be a resource intensive process for buyers. At first, you may choose to focus on a few key areas or metrics that align with your organisation's ESG commitments and priorities. For example, you may ask all companies to have a public climate commitment, be a living wage employer, or have a human rights due diligence policy.

## Integrate sustainability criteria into your evaluation process

There is no one-size-fits-all approach in sustainable procurement. You will want to adjust your solicitation requirements for different goods and services, depending on your objectives for that purchase. The requirements you select should be easy to evaluate fairly.

Drawing on your earlier prioritization work, be sure to outline your minimum quality standards related to sustainability. To ensure equity and fairness you will likely be restricted to a limited set of standards or certifications that are common or well known. If no recognised and acceptable standards are available to sufficiently represent the sustainability criteria that you need, you may need to use an RFQ to limit the supplier pool by filtering out suppliers that do not align with your compliance obligations and other commitments.

Exclusion grounds can also be introduced to ensure your organisation and/or department does not unintentionally associate itself with a supplier that may undermine its reputation or contradict its stated mandate. For instance, you may exclude suppliers that have previous breaches of environmental regulations and/or human rights violations.

You will also want to be able to compare suppliers and select the one with the best combination of sustainability performance and other requirements. To do this, you will want to establish clear, weighted criteria in your evaluation matrix. Depending your objectives, you could include criteria such as: % renewable energy use, local supplier, living wage employer, repairability, recyclability, contribution to local economy, or evidence of attention to worker well-being.

Several government sites provide examples of environmental and social criteria that can be readily applied, including these ones:

- [EU GPP Criteria](#)
- [Swedish Government](#)
- [Dutch Government](#)
- [Barcelona City Council](#)



Be clear about the evidence that you are seeking to support your evaluation process, whether through eco and social labels and certifications, supplier documentation, or other means. If selecting a particular eco label or social certification would limit your pool, you can also elect to specify some of the underlying criteria instead.



## Stage 3. Award and Contracting

### Expand your concept of best value / think about total

In the past, many public sector organisations have been constrained by budgeting processes that prioritised upfront purchase price over longer-term costs, and which may ignore social or environmental costs altogether. These challenges can be exacerbated when one department purchases a product, service or work but another is responsible for its operation, maintenance, and disposal.

Fortunately, there is already a movement in procurement to move beyond minimizing upfront price by using [Life Cycle Costing](#) (LCC) to calculate the Total Cost of Ownership (TCO) of products, services, or works. This approach helps purchasers to account for additional cost elements that are incurred during the full life of a product, service, or work including initial acquisition costs, operating and maintenance costs, costs of environmental externalities and social impacts and its eventual disposal (or residual value associated with re-sale).

With the right tender design, your supplier will input their data to reduce the time and resources you need to take this approach. Templates are often available, so you may not even need to create your own method. As an example, you can find templates from the European Union [here](#).

Increasingly, public sector organisations are seeking to procure goods, services and works with a reduced environmental impact and improved social impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured. This can be accomplished by taking a Total Value approach that looks across the lifecycle to consider the financial value along with the social and environmental value associated with a good, service, or work.

At first, these broader value components can be more challenging to assess because you lack the data and because they may occur in life cycle stages outside of the point of purchase. One approach is to assign a monetary value to social and environmental externalities related to the goods or service. These costs and benefits accrued often occur in other areas of your organisation outside of procurement, therefore you may need to collaborate with other business units in order to identify them and bring them into your assessment. Another tactic is to clearly draw out how these forms of value align with your organisation's mandate. This requires reflecting on how decisions made today will affect the organisation's ability to meet its goals over the long-term.

## Translate your expectations into contract terms

Ensure that your sustainability priorities and expectations are spelled out clearly in your organisation's procurement policies and principles and in your supplier code of conduct.

To promote sustainability-related performance, you can also integrate environmental and social performance expectations into the final awarded contract through contract performance clauses that create incentives and/or disincentives, for example as an obligation to reduce greenhouse gas emissions, to disclose sustainability performance, or to cascade requirements to tier-2 suppliers. If feasible, consider price adjustments, using the opportunity for a contract extension, favourable payment terms, or flexible timelines to incentivise your suppliers.

It takes good data to track your impacts within your value chain. Consider including requirements to provide data and disclose sustainability performance in your contract terms by specifying performance measurements or predetermined KPIs.

It is good practice to engage with your contractors and mutually agree on performance levels before the contract begins. It reduces ambiguity and ensures buy-in from both sides, especially if incentives are offered alongside penalties. Some public procurers are even co-creating conditions with suppliers, based on a 'menu' of social and green impacts and outcomes that suppliers can achieve.

An additional aspect of addressing sustainability in your contracting involves specifying sustainability related liability within your contracts (i.e. Physical risks: flooding, heat waves, fires, supply chain disruption & Transition risks: regulatory changes such as carbon tax increase).

Determining how you will verify and enforce these requirements is key to how effective they will be. As we will see in the next step, contract management may be overseen by a different team. At this stage, it is important to ensure there is sufficient coordination between the procurement team and the contract management team to ensure that any sustainability clauses can be appropriately monitored, including ensuring there will be the appropriate resources available for monitoring performance.



## Stage 4. Contract Management

### Monitor suppliers' sustainability performance

You will want to understand the success of your efforts and the progress you're making towards supply chain sustainability. To do so, ensure you check in regularly on supplier progress, using the sustainability related performance measurements or predetermined KPIs, outlined in the supply contract. You can also use information requests to signal topics of concern and share resources to help expand your suppliers' understanding of sustainability issues relevant to their business.

Since the day-to-day responsibility for contract management may rest with a different team outside of procurement, it is important to ensure that those responsible for overseeing the contract have the capacity and the knowledge to ensure that the sustainability terms are upheld.

You will need to clearly assign responsibility for making sure each requirement is met and, in some cases, training may be required. Where possible, try to leverage the existing processes, infrastructure, training, and management systems, and quality control and audit regimes already in place for compliance monitoring. More advanced environmental, social, and governance requirements, especially those that relate to the effectiveness of systems, may require additional training and resources for those tasked with compliance monitoring. At times, you may even elect to contract this out to a specialist external organisation.

Note that effective oversight often involves ongoing dialogue with the contractor to ensure sustainability objectives are met. It is also important that those responsible for contract management provide feedback to the procurement team to help to inform and improve future requirements.

## Address non-compliance

What happens when your processes and due diligence identify environmental non-compliance or human rights abuses in your supply chain? Supplier engagement is frequently the first step. If you have influence or leverage, you might be able to motivate your supplier to improve their practices. Begin by offering the opportunity for your supplier to commit to improvements to retain your business. If this does not lead to improvements, you may need to temporarily pause or indefinitely cease purchasing from this supplier. Remember that for some suppliers, losing your business may have a substantial impact, including on their ability to retain workers. In those cases, if you must part ways, you may want to plan for a phased exit.



## Stage 5. Close Out

### Review performance

You will want to understand the success of your efforts and the progress you're making towards supply chain sustainability and improving your organisation's impacts. When reviewing your efforts and progress towards achieving desired sustainability outcomes, be sure to both identify (and celebrate!) successes and spot performance gaps. Collection of relevant data, insights, and lessons learned can help you to feed these insights into future procurement processes for continuous improvement.

Track and review progress towards your sustainable procurement priorities.

What percentage of contracts now include sustainability terms? What percentage of suppliers or spend have made progress on your key sustainability priorities? Are there areas where you're not making progress? Are there alternative options you could explore?

# Other ways you can support sustainable procurement

## Recognise efforts

It is important to stop and celebrate your organisation's and your suppliers' successes as you work to become more sustainable. Even small wins are worth celebrating and help to maintain positive momentum. To reinforce your organisation's support for these efforts, show your internal employees as well as your suppliers that sustainability efforts are valued, for example by spotlighting sustainability initiatives and amplifying success stories or stories of learning and improvement.

## Continued supplier engagement and relations

Supplier engagement can continue even after a contract has been awarded. For instance, you could choose to let all suppliers know who has been successful and what sustainability aspects led to the award. This type of engagement can help to raise market awareness of your expectations and needs and enhance the competitor offerings for your next sustainable contract cycle.

## Additional resources

- [10 Ways to start or enhance your sustainability purchasing strategy](#), Government of Canada
- [Canadian Collaboration for Sustainable Procurement \(CCSP\)](#)
- [How to Integrate Ratings of Supplier Sustainability Performance into Public Procurement](#). Ecovadis, 2019.
- [Driving change through public procurement: A toolkit on human rights for policy makers and public buyers](#). The Danish Institute for Human Rights, 2020
- [European Commission Handbook on Green Public Procurement](#)
- [EU Green Public Procurement Guidance on Life Cycle Costing](#)
- [Sustainable Facilities Tool – Responsible Business Conduct Procurement Best Practices](#), US Government
- [Sustainable Purchasing Leadership Council](#)
- [Circular Economy Procurement Framework](#), Ellen MacArthur Foundation
- [OECD Due Diligence Guidance for Responsible Business Conduct](#)



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