



Development of the EU Green Public Procurement Criteria (GPP) for Public Space Maintenance

EEB comments on the 1st draft of the JRC technical report and GPP criteria proposal

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Summary

The European Commission (EC) is developing EU Green Public Procurement (GPP) criteria for Public Space Maintenance. In October 2017, the Joint Research Centre (JRC) of the EC published the first draft of their technical report including proposals for draft GPP criteria. EU GPP criteria are formulated either as Selection criteria (SC), Technical specifications (TS), Award criteria (AC) or Contract performance clauses (CPC). For each set of criteria there is a choice between two levels of environmental ambition: core criteria and comprehensive criteria.

Based on the discussions of JRC's proposals during the first meeting of the Ad-Hoc Working Group (AHWG) on 15 November 2017, this paper provides recommendations and comments on the proposed GPP criteria on behalf of the EEB. The EEB has consulted this input together with its member organisations and other environmental NGOs.

In particular, we would like to highlight the following aspects for further consideration:

- Services for Public Space Maintenance are more than just using products.
- At least for the comprehensive criteria set, the EEB strongly advocates for prohibiting the use of any pesticides or herbicides.
- We are missing more proactive measures for promoting biodiversity within the Gardening Service Category, such as developing habitats for pollinating insects. This needs to be added also to the criteria related to the competence of the tenderer, staff training and environmental management practices.
- Electric machines with zero exhaust emissions are already available especially for handheld appliances and their use should be promoted by the GPP criteria as much as possible.
- Simplification of some criteria would make them more usable, both for purchasers and tenderers.
- The use of Contract Performance Clauses (CPCs) for Public Space Maintenance Service Categories would allow for a more flexible follow up on further improvements of the environmental performance during the actual implementation of the contract.

General comments

Public Space Maintenance is often contracted to local Small and Medium sized Enterprises (SME's) who might be overwhelmed with very detailed technical demands. Therefore, the EEB strongly recommends establishing a thorough market dialogue to ensure that enough tenderers are ready to bid on the multiple and cumulative aspects as outlined in the JRC's GPP criteria proposal.

The contracting authority must develop a plan how to follow up on the criteria they chose to use during the contract period. This is why we suggest formulating additional or alternative proposals that take the form of Contract Performance Clauses (CPCs) and would allow for more flexibility to improve environmental performance over time instead of requiring strict technical specifications upfront. On the other hand, if the contracting authority have a low ambition to follow up on implementation, they should be very strict to ask tenderers for verification of the required high performance in their bids. In reality, environmental demands hardly make any difference if the contracting authority does not care about them during the contract period.

The EU GPP proposal on Public Space Maintenance should be accompanied by some guidance how the contracting authority could adapt the selection of a suitable criteria set according to the environmental goals and priorities in their municipality or region.

Outdoor Cleaning Activities

Cleaning products

TS1. Use of cleaning products with low environmental impacts

The EEB recommends **using value rather than volume or weight** in purchasing cleaning products. Otherwise, the evaluation of using concentrated cleaning products or those diluted with water becomes more complicated. In general, **the EEB supports this criteria proposal but proposes adding an award criterion for tenderers who go beyond the minimum value of Ecolabel products** defined in the technical specification. Usually, more eco-labeled products are available for household and indoor cleaning. Purchasers may have to check the market situation before striving for a higher percentage.

When purchasing maintenance as a service, the EEB recommends adding a criterion to encourage to using less, not only using environmental friendly cleaning products. This could be done through an additional Contract Performance Clause: **The contractor has to work to reduce the usage of chemical products. The amount and choice of products should be followed up and discussed with client regularly, at least once a year, with the common goal to reduce the amount of chemicals used and to use as little harmful products as possible.**

De-icing and snow removal products

TS2. De-icing and snow removal products

This criterion requires further research and should be developed in a way to combine different product and methods for de-icing and snow removal instead of only looking at products. In addition, the tenderer needs to prove the competence in dealing with different weather conditions according to the geographical and meteorological location. For example, a combination of salt and sweep results in less salt use with good performance. Sand and gravel, without salt or with less salt, are also used frequently. The JRC could also investigate the environmental and health related properties of Zeolites as an alternative.

Consumable goods

AC1. Compostable bin bags for biowaste

The EEB supports this criteria proposal although it is only applicable if there is both a separation of organic waste in place and the compostable bin bags are not sorted out by the designated composting plant.

Cleaning services

TS3. Cleaning, de-icing, snow removal products used for the provision of cleaning services

See our comments above on TS1 and TS2.

CPC1. De-icing and snow removal operations

The EEB agrees with this criteria proposal but recommends emphasizing the combination of products and methods (see our comments on TS2 above). Instead of an exclusive list of methods and products, the CPC could also allow new practices that must be acceptable to client before trying and will be subject to joint evaluation.

From an environmental point of view, salt should be used only when really necessary. This is achieved through a combination of the tenderer's competence, the supplier's competence and available resources in machines and staff. If you take away snow quickly, you do not need so much salt. Therefore, the GPP criteria could address the potential for reducing the quantity of de-icing products being used. **The EEB favors introducing a Contract Performance Clause like this: The Contractor should work actively to reduce the use of salt and develop environmentally less harmful methods than salting in close co-operation with client.**

CPC2. Reduction of PM10 street dust

The EEB agrees with this criteria proposal but would suggest adding "or other relevant measures". The JRC could evaluate further potential products, technologies or practices that are being used by municipalities and effectively helped reducing PM10 street dust. Magnesium chloride is a potential dust-

binder to be assessed. Lignosulfat can be used on gravel, not on asphalt. Bitumen is not recommended because of its environmental impact.

CPC3. Use of weed killers

At least for the comprehensive criteria set, the EEB strongly advocates for prohibiting the use of any pesticides or herbicides. This CPC could be combined with the following provision: If the contractor finds it impossible to avoid using weed killers in a specific situation, an exception may be discussed with client. If the client agrees that the use of weed killers is necessary, the contractor must get a written permission before usage.

Gardening Activities

Ornamental plants

TS1 and AC1. Organically grown ornamental plants

The EEB supports this criteria proposal.

TS2. Plants containers and packaging

The EEB welcomes the intention of encouraging waste prevention by introducing this criterion but we would suggest considering an additional award criterion that could give better incentives to go for more reusable plant containers instead of compostable ones. Which type of container is appropriate, also depends on how long plants will be stored or if they can be planted together with the container. Other environmental considerations should be addressed if neither reusable nor compostable solutions are available, such as the following proposal for a technical specification: **If plant containers and packaging are made out of paper, carton or plastic, they should use 100% recycled material.**

Soil improvers

TS3-TS7. Organic constituents, hazardous substances, physical contaminants, product performance and Primary pathogens

In general, the EEB agrees with this criteria proposal to be aligned with the revised criteria for the EU Ecolabel for growing media, soil improvers and mulch. We also support the introduction of a technical specification at Core level limiting heavy metals contents. At the same time, we acknowledge that it is currently formulated in a quite complicated way to express which constituents of soil improvers are eligible and it should be made clearer that the EU Ecolabel can be used as means for verification for the whole set of criteria on soil improvers.

Automatic irrigation systems

TS8. Automatic irrigation

The EEB supports the criteria proposal on the use of locally recovered water sources. If the client is not certain that this can be used in all locations or at all times of the year, it might be easier to integrate this aspect into a Contract Performing Clause such as: Locally recovered water should be used when contracting authority judges it appropriate or as suggested in CPC1 for watering practices for gardening services (see below).

Gardening Services

TS9. Ornamental plants and soil improvers used for the provision of gardening services

The EEB supports this criteria proposal.

CPC1. Watering practices

The EEB agrees with this criteria proposal to use recovered water as much as possible, but please note that the requirement of a water study might not be suitable if you want to attract small bidders. The same applies for keeping detailed records of watering practices. Both water requirements and guidelines on watering practices based on the water resources availability specific to the climate and location of the irrigation system should be discussed with the local market before the call for tender is sent out.

CPC2. Waste management

The EEB welcomes this criteria proposal.

CPC3. Pest control and invasive species management

The EEB suggests excluding completely the use of chemical plant protection products at least for the comprehensive GPP criteria set (see also our similar comment above on the use of weed killers in cleaning services). This means CPC3 on pest control would only apply for the core criteria.

The EEB supports the proposal on invasive species management for both core and comprehensive criteria.

CPC4. Indigenous plant species

The contracting authorities must have some competence themselves and be able to talk to suppliers about their demands. This is also an important area for exchange of information during a market dialogue and where both the client and the supplier have to cooperate. **At the same time, we are missing more proactive actions for biodiversity which should be integrated into this Contract Performance Clause for Gardening Activities. The EEB suggests e.g. promoting plants for pollinating insects. The contractor must have an ongoing work to develop habitats for pollinating insects. The contractor must make the client aware if any measures to facilitate biodiversity require decisions by the client.**

Machinery

Machinery for Cleaning and Gardening Activities

TS1/ AC1. Engine Exhaust Emissions

The Deutsche Umwelthilfe (German Environmental Action, DUH) identified as part of emission measurements that many engines of non-road machines do not comply with the European emission limit values. The environmental and consumer protection organisation has been having the exhaust emissions of motor saws and brush cutters controlled by TÜV NORD since 2013. The EEB recommends consulting their latest test results from 2017 in the attached background report in order to adapt the values referenced accordingly in TS1 if needed. We can conclude from their findings that there are no real low emission machines that can be promoted by GPP and that using electric machines are the most effective way to reduce exhaust emissions.¹

Electric machines with zero exhaust emissions are already available especially for handheld appliances and their use should be promoted by GPP criteria as much as possible. Therefore, the EEB suggests including an explicit reference to them as the major means to reduce exhaust emissions in the formulation of the core award criterion AC1.

TS2. Battery rechargeability and quality

As the EEB supports the use of electric machines (see above), this criterion is important from an environmental point of view.

AC2. Battery heavy metal content

As the EEB supports the use of electric machines (see above), this criterion is important from an environmental point of view.

TS3/ AC3. Low Noise Polluting/ Emitting Machinery

We wonder if we could not address energy use, noise and air pollution together by simply increasing the percentage of efficient electric machines being used as proposed above. This would simplify the GPP approach on these issues and would be better understood both by procurers and tenderers. For example, a gasoline driven leaf blower is significantly louder than an electric one. If still deemed necessary, extra noise thresholds for the remaining non-electrical machinery could be established in the comprehensive set of criteria.

TS 4/ AC4. Machinery Lubricant

The EEB suggests aligning this criteria proposal with the EU Ecolabel for Lubricants that are currently being revised.

¹ <http://www.duh.de/projekte/abgase-handgefuehrter-maschinen/mobile-machinery/>

TS5. Machine materials and components

We acknowledged that this is a very detailed criteria proposal which might be used only when purchasing the machines but hardly when purchasing services.

TS6. Operation and maintenance instructions

The EEB welcomes this criteria proposal.

Machinery used in the provision of services

TS7/ AC5. Machine Engine Exhaust Emissions

Please note our comments above on TS1/ AC1 regarding Engine Exhaust Emissions. The X and Y values for percentage will differ on different markets. The client must investigate the readiness of possible tenderers to invest in machinery before setting percentage. Therefore, we also would like the JRC to explore alternative ways to limit the use of outdated machinery by indicating for how many years machinery can be used before they need to be replaced by electric machines. It might also be helpful to include minimum warranties for purchasing new machinery.

If purchasing new machinery with zero exhaust emissions is not feasible at once, a Contract Performance Clause (CPC) may help implementing further improvements step by step: While the worst performing machinery should be banned from the very beginning of the contract through TS7, further investment in zero exhaust emission machinery must place after the first year, and perhaps also after the second year if it is a four year contract, e.g. expressed as share of electrical machinery being used. This could also be used for the formulation of AC5.

TS8. Machinery battery rechargeability and quality

As the EEB supports the use of electric machines (see above), this criterion is important from an environmental point of view. It might be worth considering it only as comprehensive criterion because it is easier to implement when purchasing machinery but more difficult when purchasing services.

AC6. Battery heavy metal content

As the EEB supports the use of electric machines (see above), this criterion is important from an environmental point of view. It might be worth considering it only as comprehensive criterion because it is easier to implement when purchasing machinery but more difficult when purchasing services.

AC7. Noise Emissions

The proposed criteria limiting noise levels might require more market research. It could be easier to reward a higher percentage of electric machinery being used for the services (see above).

CPC1. Machinery Lubricant

The EEB supports this criteria proposal.

AC8. Machinery materials

Requiring detailed information on Machinery materials might be too complicated when buying services. But as it is proposed only as an Award Criterion in the comprehensive GPP criteria set, it could still be acceptable but also limited in its impact.

Vehicles and Service Fleets

Vehicles for Cleaning and Gardening activities

TS1. Technological options to reduce GHG emissions

The technology based approach is a good solution to indicate to public authorities in a simple manner what clean solutions for Heavy Duty Vehicles (HDVs) exist. This approach should be used until the VECTO tool enters into force. Since the use of renewable methane is a crucial precondition for the environmental performance of natural gas powered vehicles, we recommend incentivizing a higher share of renewable methane being used for the fuel demand, depending on the market situation which is very different within the EU. Through the introduction of an award criterion further differentiation towards vehicles with better environmental performances could be achieved.

If gas vehicles are used, they must have a supply of renewable methane meeting at least 50% of their demand and could be rewarded up to 100% depending on the market situation. An additional award criterion could be introduced for the total percentage of full electric vehicles, fuel cell vehicles or plug in hybrids being used.

TS2. Tyre Pressure Monitoring Systems

The EEB agrees with the proposal to be applied for both the core and comprehensive criteria set. This is a reasonable demand for new trucks, but should be checked with vehicle suppliers before call for tenders are sent out, in order to check it does not leave out electric/ renewable fuels vehicles.

TS3. Low viscosity lubricant oils

The EEB agrees with the criteria proposal for the comprehensive criteria set only.

TS4. Vehicle tyres – rolling resistance

The EEB agrees with the proposal to be applied for both the core and comprehensive criteria set. In order to be sure there are vehicles with tyres that meet the requirement of the highest energy class, we recommend checking the market situation before you send out the call for tender.

AC1. Air conditioning gases

The EEB welcomes this proposal encouraging using refrigerants with a lower global warming potential (GWP) for air conditioning in the comprehensive criteria set.

AC2. Improved air pollutant emissions performance of Heavy Duty Vehicles

To have an exhaust gas formula in a call for tender is not very attractive for bidders, and a bit complicated for purchasers to use. At the same time, the German Ecolabel Blue Angel sets stringent exhaust emission and particulate matter standards for street sweepers, garbage trucks and busses for environmental and health protection that could be referenced². **In general, the EEB asks the JRC to check options for simplifying this criteria proposal (see also below on noise emissions).**

AC3. Zero tailpipe emission capability

The EEB supports the criteria proposal to reward a higher use of plug in hybrid electric vehicles (PHEV), battery electric vehicles (BEV), and fuel cell electric vehicles (FCEV).

TS5/ AC4. Efficiency of the particulate matter collection (for sweepers)

The EEB agrees with asking for sweepers that meet the EN 15429-3 standard.

TS6/ AC5. Water recirculation systems (if the contracting authority is requiring sweepers that use water for dust suppression)

The EEB welcomes this criteria proposal aiming at reducing water consumption for sweepers that use water for dust suppression.

TS7. Distribution performance of spreaders

The EEB supports this criteria proposal.

TS8/ AC6/ AC7. Noise emissions

The EEB supports this criteria proposal. The operating noise of municipal vehicles can be very annoying, especially in residential and rest areas. For resident protection, municipalities should use low-noise vehicles and busses. Hence, the German Ecolabel Blue Angel sets maximum permissible sound power levels for street sweepers, garbage trucks and busses. In addition, for environmental and health protection these vehicles must meet stringent exhaust emission and particulate matter standards. The comprehensive GPP criteria proposal could reference the Blue Angel Ecolabel criteria².

² <https://www.blauer-engel.de/en/products/business/fahrzeuge/kommunalfahrzeuge>

Service fleets

TS1/ AC1 Greenhouse Gas Emissions

The EEB supports this criteria proposal. As mentioned above, a higher percentage may be possible on different local markets.

The EEB proposes an additional Contract Performance Clause: The contractor must document ongoing efforts to save energy, for example by training staff, measuring energy usage, give constructive feedback to drivers, optimising routes and introducing routines to check tyre pressure.

TS2. Cyclelogistics (in cities where the urban infrastructure is suitable).

The EEB supports this criteria proposal. But instead of pointing out just bikes, the JRC may consider introducing a broader CPC: Services should be carried out by foot, bike or electric vehicles.

TS3/ CPC2. Vehicle tyres – rolling resistance

The EEB agrees with the proposal to be applied for both the core and comprehensive criteria set.

TS4. Tyre Pressure Monitoring Systems (TPMS)

In general, the EEB agrees with the proposal to be applied for both the core and comprehensive criteria set. We still recommend adding a note to make it clearer to the user of the GPP criteria set which type of demands are often only possible when you expect the contractor to invest in new vehicles. When purchasing services you often allow older vehicles in the fleet which means you have to be careful using too many demanding technical specifications.

TS5. Fuels

If gas vehicles are used, they must have a supply of renewable methane meeting at least 50% of their demand and could be rewarded up to 100% depending on the market situation.

TS6/ AC 2. Air pollutant emissions

The EEB supports this criteria proposal.

TS7/ AC3. Efficiency of particulate matter collection

The EEB supports this criteria proposal. But we recommend checking with the city of Gothenburg about the market situation. Gothenburg gives a bonus of 5 Euro per hour for sweepers that comply with EUnited PM10-test.

AC4. Distribution performance of spreaders

The EEB supports this criteria proposal.

AC5. Water recirculation

The EEB welcomes this criteria proposal aiming at reducing water consumption for sweepers that use water for dust suppression.

AC6/CPC3. Noise emissions/ Tyre noise

The EEB supports this criteria proposal.

CPC1. Low viscosity lubricant oils

The EEB supports this criteria proposal.

Common criteria for service categories

Competence of tenderer and staff training

SC1. Competence of the tenderer

The EEB suggests formulating the list of competences regarding environmental issues in a positive way, i.e. which good environmental practices should be supported. Promoting biodiversity needs to be added to that list.

CPC1. Staff training

The EEB proposes adding that staff for gardening activities needs to be trained on proactive actions for promoting biodiversity such as developing habitats for pollinating insects.

Environmental management measures

TS1/ CPC2. Environmental management measures

The EEB suggests formulating the list of minimizing measures in a positive way, i.e. which good environmental practices should be supported. Promoting biodiversity needs to be added to that list.

We also would like to note that client should ask the contractor only for reports and figures that they actually want to use in order to avoid unnecessary bureaucracy. Therefore, the Contract Performance Clause should focus on documenting and reporting issues that the contracting authority would like to use for information to the public or to discuss with contractor when following up during the implementation of the contract.

ENDS.