



APPROVING THE ISSUANCE OF POSITION PAPERS ON HOUSE BILL NO. 6526, PROPOSED AMENDMENTS ON HOUSE BILL NO. 6526, AND SENATE BILL NO. 1371, ON THE ESTABLISHMENT OF A SUSTAINABLE OR GREEN PUBLIC PROCUREMENT PROGRAM FOR ALL DEPARTMENTS, BUREAUS, OFFICES, AND AGENCIES OF THE GOVERNMENT

WHEREAS, on 6 March 2020, the Government Procurement Policy Board - Technical Support Office (GPPB-TSO) received a letter from the Finance Committee¹ of the Senate of the Philippines, requesting for comments on Senate Bill (SB) 1371² entitled “An Act Establishing a Sustainable Procurement Program for All Departments, Bureaus, Offices, and Agencies of the Government”, among others;

WHEREAS, on 11 May 2020, the GPPB-TSO received an invite letter from the Committee on Sustainable Development Goals³ of the House of Representatives (House Committee), inviting GPPB-TSO to attend a deliberation meeting⁴ and also requesting for a ten (10) minute powerpoint presentation of the current procurement system. The House Committee will deliberate on House Bill (HB) No. 6526,⁵ entitled “An Act Establishing A Green Public Procurement Program for All Departments, Bureaus, Offices, and Agencies of the Government;”

WHEREAS, HB No. 6526 and SB No. 1371 seek to mandate all departments, bureaus and agencies of the government to practice sustainable procurement of their input goods and services and further directs the Government Procurement Policy Board (GPPB) to appoint a third-party verifier of claims of sustainability products and services while establishing capacity-building program for all government agencies;

WHEREAS, under GPPB Resolution No. 38-2017,⁶ the GPPB delegated to the GPPB-TSO, through the Executive Director, the submission of initial comments on Senate and House Bills, subject to the annual and/or quarterly review of the Inter Agency Task Working Group (IATWG) and the GPPB, and the GPPB’s issuance of a Position Paper, when requested;

WHEREAS, on 19 May 2020, during the deliberation meeting, the House Committee, as moved by Representative Khalid Dimaporo, requested for GPPB’s Position Paper, while on 22 May 2020, the House Committee sent a letter to the GPPB-TSO requesting for comments on the proposed amendments on HB No. 6526 by Representative Dimaporo;

WHEREAS, on 26 May 2020, the House Committee sent another letter to the GPPB-TSO inviting the latter to attend the second deliberation meeting⁷ scheduled on 02 June 2020 for the deliberation of the draft substitute bill on House Bill No. 6526 based on the comments submitted by the House Members as well as stakeholders;

WHEREAS, a Special Online Meeting on 26 May 2020 with the Board did not push through due to lack of quorum, and per protocol, the GPPB-TSO sent to the Board the position

¹ Dated 5 March 2020, received by electronic mail.

² Authored by Senator Pia S. Cayetano

³ Dated 11 March 2020, Received by electronic mail.

⁴ Via web-based video conferencing tool on 19 May 2020.

⁵ Authored by Representative Luis Raymund F. Villafuerte, Jr.

⁶ Dated 7 November 2017.

⁷ Via web-based video conferencing tool.

papers relative to HB No. 6526, proposed amendments to HB No. 6526, and SB No. 1371, anchored on the GPP initiatives being implemented by the GPPB in the Philippine Green Public Procurement Roadmap adopted through GPPB's Resolution No. 25-2017;

WHEREAS, per protocol the submitted position papers are for the Board's comments, and approval of the resolution covering the above shall be formalized and approved by the members *ad referendum*;

WHEREAS, only the Department of Health (DOH) provided their comments before the deadline, wherein DOH: (i) agreed to the concept of Government Sustainable Procurement Program; (ii) provided a brief background on a previous bill that the Board supported⁸ that later became a law; and (iii) provided comments that are phrased differently but are in the attached position papers;

WHEREAS, after careful review and comments on the position papers, the GPBB adopted the recommendation of the GPPB-TSO and confirmed the submission of Position Paper on HB No. 6526, on the proposed amendments on HB No. 6526 and SB No. 1371, supporting the establishment of a Green Public Procurement (GPP) regime in Government that is aligned with the Philippine Green Public Procurement Roadmap.

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US**, by law and other executive issuances, hereby **RESOLVE**, to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the issuance of Position Papers on HB No. 6526, proposed amendments to HB No. 6526, and SB No. 1371, copies of which is hereto attached as **Annexes "A", "A-1" and "B"**.

This Resolution shall take effect immediately.

APPROVED this 28th day of May 2020 at Manila City, Philippines.

⁸ GPPB Resolution No. 20-2016 dated 23 September 2016.

SGD.

WENDEL E. AVISADO
GPPB, Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

SGD.

LAURA B. PASCUA
Alternate to the Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

SGD.

DEPARTMENT OF HEALTH

SGD.

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT**

SGD.

**DEPARTMENT OF NATIONAL
DEFENSE**

SGD.

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

SGD.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

SGD.

DEPARTMENT OF TRADE AND INDUSTRY

DEPARTMENT OF TRANSPORTATION

SGD.

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

SGD.

PRIVATE SECTOR REPRESENTATIVE

**Position Paper of the
Government Procurement Policy Board
on
House Bill No. 6526**

Title of the Bill: An Act Establishing a Green Public Procurement Program for All Departments, Bureaus, Offices, and Agencies of the Government.

Author of the Bill: Representative Luis Raymund F. Villafuerte, Jr.

Salient Features of the Bill:

The bill seeks to mandate all departments, bureaus, and agencies of the government to practice sustainable procurement in their input goods and services. The Sustainable Procurement Program shall take into consideration the lowest life-cycle cost of products and services and include a coding system for packaging materials and products to facilitate waste recycling and reuse.

It aims to establish a Sustainable Procurement Program in government offices, with the objective of promoting sustainable policy decisions, crafting sustainability criteria in public purchases, and developing programs to incentivize suppliers of sustainable products.

It further directs the Government Procurement Policy Board (GPPB) to appoint a third-party verifier of claims of sustainability products and services while establishing a capacity-building program for all government agencies.

Findings and Remarks on House Bill (HB) No. 6526 as filed:

The GPPB supports the intent of the bill as to the establishment of a Sustainable Procurement Program. In particular, the Board recognizes the importance of having a program on Green Public Procurement (GPP) or Sustainable Public Procurement (SPP) included in our public procurement system with the adoption of the GPP Roadmap in 2017, in line with the Philippines’ commitment to adopting Sustainable Consumption and Production, Green Economy and Sustainable Development Strategies.

The GPP Roadmap is based on our well-developed public procurement system under Republic Act (RA) No. 9184 and its Implementing Rules and Regulations (IRR), including existing legislation and rules that deal with the protection of our environment and natural resources, which perfectly allow the integration of green practices without introducing a parallel system of public procurement system just for the green or sustainable purpose. The GPPB’s strategy in the GPP Roadmap is integrating the following approaches: (1) circumspect approach, looking into the prevailing issues and concerns and providing opportunities for stakeholders to raise and discuss these challenges, capacities of Procuring Entities (PEs) and the private sector, and best practices; (2) stepwise approach that is gradually advancing from GPP to SPP; (3) well-developed procurement processes; (4) best deal for the government and the industry; and (5) concept of having the government to lead by example in transforming the market. The ultimate goal of the GPP Roadmap is that the implementation of GPP, and later on, SPP, shall become the norm of public procurement in the medium to long term.

The GPP also finds support in the 2016-2022 Philippine Development Plan, particularly in strengthening the nation’s aspirations of inclusive and sustainable development through

national efforts by exceling the role of the government including public procurement to create businesses, jobs, and income. To date, the GPP initiative of the government is already in its medium-term implementation. Hence, it is the position of the GPPB that any proposed legislation that would institutionalize GPP and SPP must be anchored on the GPP initiatives already in place to take advantage of the progress already made by the Philippine government.

Below are the GPPB's comments and proposals to the specific provisions of HB 6526:

Specific Provisions	Proposed Text	Comments
<p>Section 1. Short Title. - This Act shall be known as <i>Green Public Procurement Act</i>.</p>		<p>We recommend that the House Bill (HB) title and short title use the proposed bill, as this aligns with current government initiatives.</p>
<p>Sec. 3. Establishment of a Sustainable Procurement Program in all Government Agencies. — All government departments, offices, and agencies shall establish their respective Sustainable Procurement Program, which shall take into consideration the lowest life-cycle cost of products and services.</p>	<p>Sec. 3. Establishment of a GREEN PUBLIC Procurement Program in all Government Agencies. – All government departments, offices, and agencies, INCLUDING GOVERNMENT-OWNED AND/OR -CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS, SHALL IMPLEMENT A GREEN PUBLIC PROCUREMENT PROGRAM TOWARDS THE ACHIEVEMENT OF SUSTAINABLE CONSUMPTION AND PRODUCTION IN GOVERNMENT PROCUREMENT THROUGH SUSTAINABLE PUBLIC PROCUREMENT IN ACCORDANCE WITH THE GPP ROADMAP ESTABLISHED BY THE GOVERNMENT PROCUREMENT POLICY BOARD (GPPB) FOR THE PURPOSE, CONSISTENT WITH THE GOVERNING PRINCIPLES OF REPUBLIC ACT (RA) NO. 9184, THE GOVERNMENT PROCUREMENT REFORM ACT”.</p>	<p>We support the objective of the bill, which is the establishment of a Green Public Procurement (GPP) regime in Government, however, we deem that this proposed bill needs to be aligned with several government initiatives that are already in place and presently being implemented towards the realization of this objective as follows:</p> <ol style="list-style-type: none"> 1. Government Procurement Policy Board (GPPB) Resolution No. 15-2013 that was issued to initiate programs that will sustain the implementation of SPP and/or GPP in the Government acquisition system. This denotes that the GPP concept has already been integrated in the well-established procurement procedures of the country. 2. The Philippine Green Public Procurement Roadmap adopted by the GPPB in 2017, the ultimate goal of GPP which is to establish a program for all departments, bureaus, offices and agencies of the government, including local government units. The GPP Roadmap covers Common-Use Supplies and Equipment (CSEs), which are centrally

<p>For purposes of this Act, "lowest life-cycle cost" means the lowest total cost of owning, operating and maintaining a product or service over its useful life, including fuel and water, energy, labor, and replacement components, determined on the basis of a systematic evaluation and comparison of alternative products and services.</p> <p>The Sustainable Procurement Program shall likewise include a coding system for packaging materials and products to facilitate waste recycling and reuse as</p>		<p>purchased through the Department of Budget and Management-Procurement Service (DBM-PS), and non-CSEs directly purchased by Procuring Entities (PEs).</p> <p>3. Updates on the Philippine Green Public Procurement Roadmap - the GPPB, through its TSO, is currently undertaking activities to improve the existing GPP Roadmap, expand the list of CSEs and non-CSEs for GPP, enhance the monitoring system for GPP, and conduct the necessary capacity building activities relative thereto, through a technical assistance from the Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ).</p> <p>As for the "lowest life-cycle cost" concept, this is presently being implemented by the GPPB, not just under the GPP Roadmap but in the procurement activities of the government, in general. The life cycle cost of procurement projects can be considered by PEs during their planning stage where they would be setting their project requirements – determining what they should buy – in relation to the projects, activities and programs that they would be implementing in pursuit of their mandates. Hence, this paragraph is recommended to be aligned by clarifying that there are existing policies or guidelines and could be updated to incorporate sustainable procurement into the government's procurement framework and practices, and this may be coured through in the IRR or the guidelines to be crafted and implemented by the GPPB which will allow for better understanding and pilot testing by PEs.</p>
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<p>mandated in Article 4, Section 27 of Republic Act 9003 otherwise known as Ecological Solid Waste Management Act.</p>		<p>We anticipate that this route would provide more flexibility for fine tuning the requirements of Life Cycle Cost Analysis in accordance with the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184. This will in turn, give guidance to the PE during procurement planning, particularly in the crafting of the Approved Budget of Contract and technical specifications with green criteria. This will also guide the Commission on Audit on what parameters to look into when auditing.</p> <p>As for the third paragraph, allow us to emphasize that RA No. 9184, as a reform measure, prescribes a uniform set of rules on public procurement. It was enacted precisely to standardize the procurement process of all governmental bodies and agencies in order to make procurement activities more transparent and understandable by the public. With this, the GPP could be readily adopted using the said existing procurement law. Nonetheless, since this provision seeks for the introduction of a coding system for packaging materials and products that will facilitate the identification of waste materials, we recommend that this will be better implemented by the formulation of technical specifications that could be used in the bidding documents, where applicable and practical, to be introduced in the IRR or guidelines to be crafted by the GPPB.</p>
<p>Sec. 4. Objectives of the Sustainable Procurement Program. The Sustainable Procurement Program</p>	<p>Sec. 4. Objectives of the GREEN PUBLIC Procurement Program. The GREEN PUBLIC Procurement Program shall</p>	<p>The use of the term “Green Public Procurement” is suggested for consistency and it being a broader approach to sustainability. The phrase “especially in government</p>

<p>shall have the following objectives:</p> <p>a) To promote the culture of making sustainable and informed decisions in government, especially in the purchase and use of different products;</p> <p>b) To include sustainability criteria in public tenders, whenever possible and practicable;</p> <p>c) To establish the specifications and requirements for products of services to be considered sustainably advantageous; and</p> <p>d) To develop programs for suppliers of sustainable products and services.</p>	<p>have the following objectives:</p> <p>a) To promote the culture of making GREEN AND sustainable decisions in government, especially in GOVERNMENT PROCUREMENT;</p> <p>b) To include GREEN criteria in GOVERNMENT PROCUREMENT, whenever possible and practicable;</p> <p>c) To establish A SYSTEM FOR THE DEVELOPMENT OF GREEN CRITERIA AND INCLUDING THE SAME IN THE PROJECT REQUIREMENTS DEVELOPED BY PROCURING ENTITIES; and</p> <p>d) FOR THE RELEVANT GOVERNMENT AGENCIES to develop programs for MANUFACTURERS and suppliers of GREEN and sustainable products and services.</p>	<p>procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184.</p> <p>The mandate of the GPPB as the inter-agency body created under RA No. 9184 is primarily focused on the formulation of government procurement policies. Hence, it is recommended that the programs for suppliers of sustainable products and services be developed by the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates such as the Department of Trade and Industry (DTI) or the Department of Finance (DOF). Based on such reasons, we propose amendment to Section 4 of the proposed bill as worded in our proposed text. The Board can include the programs spearheaded or developed by the agencies in its report.</p>
<p>Sec. 5. Submission to Government Procurement Policy Board. — <i>All agencies shall submit their respective Sustainable Procurement Programs to the Government Procurement Policy Board (GPPB) within six (6) months from the effectivity of this Act. Such Program shall be fully implementable within eighteen (18) months from effectivity of this Act. The</i></p>	<p>Section 5. Submission to Government Procurement Policy Board. — All agencies shall submit their respective GREEN PUBLIC Procurement Programs to the Government Procurement Policy Board (GPPB), THE SPECIFIC REQUIREMENTS AND MECHANISM SHALL BE DEFINED IN THE IRR TO BE PROMULGATED UNDER THIS ACT. The GPPB shall in turn submit AN ANNUAL report to the</p>	<p>Further to the reasons stated above, GPP has been added as one of the indicators used to measure and evaluate the effectiveness of the practices of PEs against that of the national public procurement systems and international best practices and standards. Indicator 5c of the Agency Procurement Compliance and Performance Indicators (APCPI) System requires all government PEs to use green technical specifications. Hence the GPPB-Technical Support Office (TSO)</p>

<p>GPPB shall in turn submit a regular report to the Congress of the Philippines on the performance and compliance of the different agencies with this Act.</p>	<p>COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS, INNOVATION, AND FUTURES THINKING OF THE SENATE OF THE PHILIPPINES on the performance and compliance of the different agencies with this Act.</p>	<p>has a monitoring system in place through the PE's annual submission of their APCPI results.⁹ Additionally, RA No. 9184 requires the PEs to prepare a procurement monitoring report that shall be submitted to the GPPB on a semestral basis.¹⁰ The development of monitoring tools both at the oversight and agency level are also currently in progress.</p> <p>To gauge the effective incorporation of the GPP to the government practices and framework, the proposed bill may increase the frequency of report submission rather than limiting it to submission within six (6) months. It is recommended to include the phrase "the specific requirements and mechanism shall be defined in the Implementing Rules and Regulations to be promulgated under this Act" in order to properly guide the agencies in the conceptualization of their GPP Program and also for this provision to be implementable.</p> <p>It is further recommended that the report be submitted to the "Committee on Sustainable Development Goals of the House of Representatives" as proposed by Rep. Khalid Dimaporo, and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate on an annual basis, to properly define regular reporting.</p>
<p>Sec. 6. Third-Party Verification. — The GPPB shall appoint a competent third-party verifier of claims of sustainability of products</p>	<p>Section 6. VERIFICATION BY THE AGENCIES. — ALL AGENCIES SHALL CONDUCT VERIFICATION OF GREEN CRITERIA IN</p>	<p>As mentioned above, the mandate of the GPPB was established under RA No. 9184 and its IRR is focused mainly on public procurement policy-</p>

⁹ GPPB Resolution No. 39-2017, dated 21 December 2017.

¹⁰ Section 12 of RA No. 9184.

<p>and services. The third-party verifier shall provide a list of all certified sustainable products, which shall be updated regularly to reflect additions or deletions based on criteria to be established by the GPPB.</p>	<p>ACCORDANCE WITH THE RULES ON THE CONDUCT OF POST-QUALIFICATION UNDER R.A. NO. 9184 AND ITS IRR. THE GPPB SHALL PROVIDE A LIST OF TESTING CENTERS, which shall be updated regularly to reflect additions or deletions, based on the GREEN criteria THAT IS ESTABLISHED BY THE GPPB.</p>	<p>making. Appointing a third-party verifier of claims is deemed outside its purview.</p> <p>Moreover, current procurement rules provide that it is the PE that shall indicate the technical specifications of the goods and services that they will procure, the type of testing that will be required or is to be done in their own bidding documents, among others. Under RA No. 9184, the post-qualification stage is the stage where the bidder undergoes verification and validation whether he has passed all the requirements and conditions. Additionally, the current Green Technical Specifications document, provides for verification to be done for the twenty identified products. This Green Technical Specifications will be improved in coordination with stakeholders (i.e. increase of list of items for procurement) as part of the GPP Roadmap.</p> <p>We recommend the revision of Section 6, as stated in our proposed text.</p>
<p>Sec. 7. Capacity-Building of Government Agencies. — The GPPB shall provide the necessary technical assistance to assist government agencies in understanding and implementing Sustainable Public Procurement.</p>	<p>Section 7. Capacity-Building of Government Agencies. — The GPPB-TSO shall IMPLEMENT REGULAR CAPACITY BUILDING PROGRAMS TO DEVELOP SKILLS OF government agencies in understanding and implementing the government's GREEN Public Procurement PROGRAM.</p>	<p>Section 63.3 of the 2016 revised IRR of RA 9184 has provided that the GPPB-TSO is mandated to undertake the management and conduct of training on procurement systems and procedures. In this regard, we can clarify this provision that the GPPB-TSO could have the function to carry out the regular capacity building programs.</p> <p>Back in 2017, a GPP Education Module was published and training in the GPP education module of 14 master trainers from GPPB-TSO, DBM-PS and the Department of Environment and Natural Resources (DENR) commenced. GPPB-TSO has</p>

		<p>likewise included in its target training activities the inclusion of GPP Education Modules and has been included in the Public Procurement Professionalization Course being offered by Partner State Universities and Colleges.</p> <p>Consider the proposed text to Section 7 of the proposed bill, to ensure that it is in line with RA No. 9184 and its IRR. The term “technical assistance” might lead to confusion in the implementation, if the PEs interpret this as doing part of the task or work.</p>
<p>Sec. 8. <i>Implementing Rules and Regulations.</i> - Within thirty (30) days from the effectivity of this Act, the GPPB shall promulgate and issue the necessary guidelines for the effective implementation of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.</p>		<p>Under Section 63.1b of the 2016 revised IRR, the GPPB is authorized to review, align, and issue policies or rules to improve the efficiency and expediency of procurement processes for programs and projects related to procurement which necessarily include Sustainable or Green Public Procurement Programs.</p>

Recommendations:

We deem that the proposed legislation can be anchored on the Philippine Green Public Procurement Roadmap, which has already been launched and is on its medium-term implementation. The GPP, being built on existing policies, procedures and best practices, has carefully considered the prevailing issues and concerns on going green, the market’s capacities and opportunities, and has already involved major players and stakeholders in its implementation.

In view of the foregoing, the GPPB respectfully recommends the following:

1. Revise Section 3 of the proposed bill, by adopting the amendments proposed by Representative Dimaporo with the adjustments suggested by the Board, to reflect the initiative and ongoing actions of the government by referring to the GPP Roadmap established by the GPPB for the purpose, and consistent with the governing principles of RA No. 9184 or the Government Procurement Reform Act;
2. Revise the objectives under Section 4:

- a. to use the term “Green Public Procurement” for consistency;
 - b. to use the phrases “especially in government procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184; and
 - c. To include the phrase “For the relevant government agencies” before the start of the sentence under Section 4 (d) of the objectives to include the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates, particularly, developing support programs for suppliers and manufacturers;
3. Revise Section 5 to allow continuous monitoring of GPP implementation by the agencies and make the annual report of the GPPB to the Committee on Sustainable Development Goals of the House of Representatives and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate of the Philippines;
4. Revise Section 6 to provide for verification by the government agencies in accordance with the post-qualification process under RA No. 9184 and its IRR, or in the alternative, delete Section 6 altogether as this is provided for in the GPP Roadmap already; and
5. Improve Section 7 of the proposed bill, to ensure that it is in line with RA No. 9184 and its IRR.

**Position Paper of the
Government Procurement Policy Board
Proposed Amendments of Representative Khalid Dimaporo
To House Bill No. 6526**

PROPOSED TEXT BY REP. KHALID DIMAPORO	PROPOSED TEXT OF GPPB	COMMENT
<p>Sec.3. Establishment of a Sustainable Procurement Program in all Government Agencies- All government departments, offices, and agencies shall implement a Green Public Procurement (GPP) Program pursuant to approved GPPB Resolutions and RA 9184, the Government Procurement Act, which shall take into consideration the lowest life-cycle cost of products and services.</p> <p>For purposes of this Act, "lowest life cycle cost" means the lowest total cost of owning, operating and maintaining a product or service over its useful life, including fuel and water, energy, labor, and replacement components, determined on the basis of a systematic evaluation and comparison of alternative products and services.</p> <p>The Sustainable Procurement Program shall likewise include a coding system for packaging materials and products to facilitate waste recycling and reuse as mandated in Article 4, Section 27 of Republic Act 9003 otherwise known as Ecological Solid Waste Management Act.</p>	<p>"Section 3. Establishment of a GREEN PUBLIC Procurement Program in all Government Agencies. – All government departments, offices, and agencies, INCLUDING GOVERNMENT-OWNED AND/OR - CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS, shall IMPLEMENT A GREEN PUBLIC PROCUREMENT PROGRAM TOWARDS THE ACHIEVEMENT OF SUSTAINABLE CONSUMPTION AND PRODUCTION IN GOVERNMENT PROCUREMENT THROUGH SUSTAINABLE PUBLIC PROCUREMENT IN ACCORDANCE WITH THE GPP ROADMAP ESTABLISHED BY THE GOVERNMENT PROCUREMENT POLICY BOARD (GPPB) FOR THE PURPOSE, CONSISTENT WITH THE GOVERNING PRINCIPLES OF REPUBLIC ACT (RA) NO. 9184, THE GOVERNMENT PROCUREMENT REFORM ACT."</p>	<p>We are amenable to the use of the term "Green Public Procurement" as proposed by Rep. Dimaporo. We also support the objective of the bill, which is the establishment of a Green Public Procurement (GPP) regime in Government, however we deem that this proposed bill needs to be aligned with several government initiatives that are already in place and presently being implemented towards the realization of this objective as follows:</p> <ol style="list-style-type: none"> 1. Government Procurement Policy Board (GPPB) Resolution No. 15-2013 was issued to initiate programs that will sustain the implementation of SPP and/or GPP in the Government acquisition system. This denotes that the GPP concept has already been integrated in the well-established procurement procedures of the country. 2. The Philippine Green Public Procurement Roadmap adopted by the GPPB in 2017, the ultimate goal of GPP which is to establish a program for all departments, bureaus, offices and agencies of the government, including local government units. The GPP Roadmap covers Common-Use

		<p>Supplies and Equipment (CSEs), which are centrally purchased through the Department of Budget and Management-Procurement Service (DBM-PS), and non-CSEs directly purchased by Procuring Entities (PEs).</p> <p>3. Updates on the Philippine Green Public Procurement Roadmap - the GPPB, through its TSO, is currently undertaking activities to improve the existing GPP Roadmap, expand the list of CSEs and non-CSEs for GPP, enhance the monitoring system for GPP, and conduct the necessary capacity building activities relative thereto, through a technical assistance from the Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ).</p> <p>As for the “lowest life-cycle cost” concept, this is presently being implemented by the GPPB, not just under the GPP Roadmap but in the procurement activities of the government, in general. The life cycle cost of procurement projects can be considered by PEs during their planning stage where they would be setting their project requirements – determining what they should buy – in relation to the projects, activities and programs that they would be implementing in pursuit of their mandates. Hence, this paragraph is recommended to be aligned by clarifying that there are existing policies or guidelines and could be updated to incorporate sustainable procurement into the government’s procurement framework and practices, and</p>
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		<p>this may be coursed through in the IRR or the guidelines to be crafted and implemented by the GPPB which will allow for better understanding and pilot testing by PEs.</p> <p>We anticipate that this route would provide more flexibility for fine tuning the requirements of Life Cycle Cost Analysis in accordance with the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184. This will in turn, give guidance to the Procuring Entities (PE) during their procurement planning, particularly in the crafting of their Approved Budget of Contract and technical specifications with green criteria. This will also guide the Commission on Audit on what parameters to look into when auditing.</p> <p>As for the third paragraph, we are amenable to its proposed deletion by Rep. Dimaporo. Allow us to emphasize that RA No. 9184, as a reform measure, prescribes a uniform set of rules on public procurement. It was enacted precisely to standardize the procurement process of all governmental bodies and agencies in order to make procurement activities more transparent and understandable to the public. With this, the GPP could be readily adopted using the said existing procurement law. Nonetheless, since this provision seeks for the introduction of a coding system for packaging materials and products that will facilitate the identification of waste materials, we recommend that this will be better implemented</p>
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		<p>by the formulation of technical specifications that could be used in bidding documents where applicable and practical, to be introduced in the IRR or guidelines to be crafted by the GPPB.</p>
<p>Sec.4. Objectives of the Green Public Procurement Program. The Green Public Procurement Program shall have the following objectives:</p> <p>a) To recognize and implement the Green Public Procurement Program of the GPPB;</p> <p>b) Require PhilGEPS to identify all government agencies procuring Consumable Supplies and Equipment (CSE) and Non-Consumable Supplies and Equipment (Non-CSE) identified by GPPB as part of the Green Procurement Road Map;</p> <p>c) Develop technical specifications for CSE and non-CSE products through the following processes and principles:</p> <p>i) Development of a standard template consisting of scope, key environmental factors, product specifications, evidence verification and references;</p> <p>ii) Extensive research for GPP technical specifications, taking into account International specifications and national</p>	<p>“Section 4. Objectives of the GREEN PUBLIC Procurement Program- The GREEN PUBLIC Procurement Program shall have the following objectives:</p> <p>a) To promote the culture of making GREEN AND sustainable and informed decisions in government, especially in GOVERNMENT PROCUREMENT;</p> <p>b) To include GREEN criteria in GOVERNMENT PROCUREMENT, whenever possible and practicable;</p> <p>c) To establish A SYSTEM FOR THE DEVELOPMENT OF GREEN CRITERIA AND INCLUDING THE SAME IN THE PROJECT REQUIREMENTS DEVELOPED BY PROCURING ENTITIES; and</p> <p>d) FOR THE RELEVANT GOVERNMENT AGENCIES to develop programs for MANUFACTURERS and suppliers of GREEN and sustainable products and services.</p>	<p>The proposed text by Rep. Dimaporo is consistent with the Philippine GPP Roadmap and GPP initiatives currently being undertaken by GPPB.</p> <p>The use of the term “Green Public Procurement” is suggested for consistency and it being a broader approach to sustainability. The phrase “especially in government procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184.</p> <p>The mandate of the GPPB as the inter-agency body created under RA No. 9184 is primarily focused on the formulation of government procurement policies. Hence, it is recommended that the programs for suppliers of sustainable products and services be developed by the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates such as the Department of Trade and Industry (DTI) or the Department of Finance (DOF). Based on such reasons, we proposed amendment to Section 4 of the proposed bill as worded in our</p>

<p>specifications of countries with extensive GPP experiences;</p> <p>iii) Document research on background reports regarding the experience made with the existing technical specification where more than 100 documents in total were considered;</p> <p>iv) Overall, the development of the technical specifications was guided by principles of applicability and simplicity;</p> <p>d) To develop programs for suppliers of Green Public Procurement products and services.</p>		<p>proposed text. The Board can include the programs spearheaded or developed by the agencies in its report.</p>
<p>Sec.5. Submission to Government Procurement Policy Board- All agencies shall submit their Green Public Procurement Program to the Government Procurement Policy Board GPPB within six (6) months from the effectivity of this Act in accordance to the GPP Road Map and relevant GPPB Resolutions in the beginning of every budget cycle upon effectivity of this Act. Such Program shall be fully implementable within eighteen (18) months from effectivity of this Act. The GPPB shall in turn submit a regular an Annual report to the Congress of the Philippines Committee on Sustainable Development</p>	<p>Section 5. Submission to Government Procurement Policy Board. — All agencies shall submit their respective GREEN PUBLIC Procurement Programs to the Government Procurement Policy Board (GPPB), THE SPECIFIC REQUIREMENTS AND MECHANISM SHALL BE DEFINED IN THE IRR TO BE PROMULGATED UNDER THIS ACT. The GPPB shall in turn submit AN ANNUAL report to the COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS, INNOVATION, AND</p>	<p>Further to the reasons stated above, GPP has been added as one of the indicators used to measure and evaluate the effectiveness of the practices of PEs against that of the national public procurement systems and international best practices and standards. Indicator 5c of the Agency Procurement Compliance and Performance Indicators (APCPI) System requires all government PEs to use green technical specifications. Hence the GPPB-Technical Support Office (TSO) has a monitoring system in place through the PE's annual submission of their APCPI results.¹¹ Additionally, RA No. 9184 requires the PEs to prepare a procurement</p>

¹¹ GPPB Resolution No. 39-2017, dated 21 December 2017.

<p>Goals of the House of Representatives on the performance and compliance of the different agencies with this Act.</p>	<p>FUTURES THINKING OF THE SENATE OF THE PHILIPPINES on the performance and compliance of the different agencies with this Act.</p>	<p>monitoring report that shall be submitted to the GPPB on a semestral basis.¹² The development of monitoring tools both at the oversight and agency level are also currently in progress.</p> <p>To gauge the effective incorporation of the GPP to the government practices and framework, the proposed bill may increase the frequency of report submission rather than limiting it to submission within six (6) months. It is recommended to include the phrase “the specific requirements and mechanism shall be defined in the Implementing Rules and Regulations to be promulgated under this Act” in order to properly guide the agencies in the conceptualization of their GPP Program and also for this provision to be implementable.</p> <p>It is further recommended that the report be submitted to the “Committee on Sustainable Development Goals of the House of Representatives” as proposed by Rep. Khalid Dimaporo, and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate on an annual basis, to properly define regular reporting.</p>
<p>Sec. 6. Third Party Verification. The GPPB shall appoint a competent third-party verifier of claims of sustainability of products and services. The third party verifier shall provide a list of all certified sustainable products, which shall be</p>	<p>Section 6. VERIFICATION BY THE AGENCIES. — ALL AGENCIES SHALL CONDUCT VERIFICATION OF GREEN CRITERIA IN ACCORDANCE WITH THE RULES ON THE CONDUCT OF POST-QUALIFICATION UNDER R.A. NO. 9184 AND</p>	<p>As mentioned above, the mandate of the GPPB was established under RA No. 9184 and its IRR is focused mainly on public procurement policy-making. Appointing a third-party verifier of claims is deemed outside of its purview.</p>

¹² Section 12 of RA No. 9184.

<p>updated regularly to reflect additions or deletions based on criteria to be established by the GPPB.</p>	<p>ITS IRR. THE GPPB SHALL PROVIDE A LIST OF TESTING CENTERS, which shall be updated regularly to reflect additions or deletions, based on the GREEN criteria THAT IS ESTABLISHED BY THE GPPB.</p>	<p>Moreover, current procurement rules provide that it is the PE that shall indicate the technical specifications of the goods and services that they will procure, the type of testing that will be required or is to be done in their own bidding documents, among others. Under RA No. 9184, the post-qualification stage is the stage where the bidder undergoes verification and validation whether he has passed all the requirements and conditions. Additionally, the current Green Technical Specifications document provides for verification to be done for the twenty identified products. This Green Technical Specifications will be improved in coordination with stakeholders (i.e. increase of list of items for procurement) as part of the GPP Roadmap.</p> <p>We recommend the revision of Section 6, as stated in our proposed text.</p>
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Recommendations:

We deem that the proposed legislation can be anchored on the Philippine Green Public Procurement Roadmap, which has already been launched and is on its medium-term implementation. The GPP, being built on existing policies, procedures and best practices, has been carefully considered the prevailing issues and concerns on going green, the market's capacities and opportunities, and has already involved major players and stakeholders in its implementation.

In view of the foregoing, the GPPB respectfully recommends the following:

1. Revise Section 3 of the proposed bill, by adopting the amendments proposed by Representative Dimaporo with the adjustments suggested by the Board, to reflect the initiative and ongoing actions of the government by referring to the GPP Roadmap established by the Government Procurement Policy Board (GPPB) for the purpose, and consistent with the governing principles of Republic Act (RA) 9184, The Government Procurement Reform Act;
2. Revise the objectives under Section 4:

- a. to use the term “ Green Public Procurement” for consistency;
 - b. to use the phrases “especially in government procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184; and
 - c. To include the phrase “For the relevant government agencies” before the start of the sentence under Section 4(d) of the objectives to include the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates, particularly, developing support programs for suppliers and manufacturers;
3. Revise Section 5 to allow continuous monitoring of GPP implementation by the agencies and make the annual report of the GPPB to the Committee on Sustainable Development Goals of the House of Representatives and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate of the Philippines;
 4. Revise Section 6 to provide for verification by the government agencies in accordance with the post-qualification process under RA No. 9184 and its IRR, or in the alternative, delete Section 6 altogether as this is provided for in the GPP Roadmap already; and
 5. Improve Section 7 of the proposed bill, to ensure that it is in line with RA No. 9184 and its IRR.

For your consideration.

**Position Paper of the
Government Procurement Policy Board
on
Senate Bill No. 1371**

Title of the Bill: An Act Establishing a Sustainable Public Procurement Program for All Departments, Bureaus, Offices, and Agencies of the Government

Author of the Bill: Senator Pia S. Cayetano

Salient Features of the Bill:

The bill seeks to mandate all departments, bureaus, and agencies of the government to practice sustainable procurement in their input goods and services. The Sustainable Procurement Program shall take into consideration the lowest life-cycle cost of products and services and include a coding system for packaging materials and products to facilitate waste recycling and reuse.

It aims to establish a Sustainable Procurement Program in government offices, with the objective of promoting sustainable policy decisions, crafting sustainability criteria in public purchases, and developing programs to incentivize suppliers of sustainable products. It further directs the Government Procurement Policy Board (GPPB) to appoint a third-party verifier of claims of sustainability products and services while establishing a capacity-building program for all government agencies.

Findings and Remarks on Senate Bill (SB) No. 1371 as filed:

The GPPB supports the intent of the bill as to the establishment of a Sustainable Procurement Program. In particular, the Board recognizes the importance of having a program on Green Public Procurement (GPP) or Sustainable Public Procurement (SPP) included in our public procurement system with the adoption of the GPP Roadmap in 2017, in line with the Philippines’ commitment to adopting Sustainable Consumption and Production, Green Economy and Sustainable Development Strategies.

The GPP Roadmap is based on our well-developed public procurement system under Republic Act (RA) No. 9184 and its Implementing Rules and Regulations (IRR), including existing legislation and rules that deal with the protection of our environment and natural resources, which perfectly allow the integration of green practices without introducing a parallel system of public procurement system just for the green or sustainable purpose. The GPPB’s strategy in the GPP Roadmap is integrating the following approaches: (1) circumspect approach, looking into the prevailing issues and concerns and providing opportunities for stakeholders to raise and discuss these challenges, capacities of Procuring Entities (PEs) and the private sector, and best practices; (2) stepwise approach that is gradually advancing from GPP to SPP; (3) well-developed procurement processes; (4) best deal for the government and the industry; and (5) concept of having the government to lead by example in transforming the market. The ultimate goal of the GPP Roadmap is that the implementation of GPP, and later on, SPP, shall become the norm of public procurement in the medium to long term.

The GPP also finds support in the 2016-2022 Philippine Development Plan, particularly in strengthening the nation’s aspirations of inclusive and sustainable development through

national efforts by exceling the role of the government including public procurement to create businesses, jobs, and income. To date, the GPP initiative of the government is already in its medium-term implementation. Hence, it is the position of the GPPB that any proposed legislation that would institutionalize GPP and SPP must be anchored on the GPP initiatives already in place to take advantage of the progress already made by the Philippine government.

Below are the GPPB's comments and proposals to the specific provisions of SB 1371:

Specific Provisions	Proposed Text	Comments
<p>Section 1. Short Title. - This Act shall be known as <i>Sustainable Public Procurement Act</i>.</p>	<p>Section 1. <i>Short Title.</i> - This Act shall be known as GREEN Public Procurement Act.</p>	<p>We recommend that the Senate Bill (SB) title and short title use the proposed text as worded, as this aligns with current government initiatives.</p>
<p>Sec. 3. <i>Establishment of a Sustainable Procurement Program in all Government Agencies.</i> — All government departments, offices, and agencies shall establish their respective Sustainable Procurement Program, which shall take into consideration the lowest life-cycle cost of products and services.</p>	<p>Sec. 3. Establishment of a GREEN PUBLIC Procurement Program in all Government Agencies. — All government departments, offices, and agencies, INCLUDING GOVERNMENT-OWNED AND/OR -CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS, SHALL IMPLEMENT A GREEN PUBLIC PROCUREMENT PROGRAM TOWARDS THE ACHIEVEMENT OF SUSTAINABLE CONSUMPTION AND PRODUCTION IN GOVERNMENT PROCUREMENT THROUGH SUSTAINABLE PUBLIC PROCUREMENT IN ACCORDANCE WITH THE GPP ROADMAP ESTABLISHED BY THE GOVERNMENT PROCUREMENT POLICY BOARD (GPPB) FOR THE PURPOSE, CONSISTENT WITH THE GOVERNING PRINCIPLES OF REPUBLIC ACT (RA) NO. 9184, THE GOVERNMENT PROCUREMENT REFORM ACT”.</p>	<p>We support the objective of the bill, which is the establishment of a Green Public Procurement (GPP) regime in Government, however, we deem that this proposed bill needs to be aligned with several government initiatives that are already in place and presently being implemented towards the realization of this objective as follows:</p> <ol style="list-style-type: none"> 1. Government Procurement Policy Board (GPPB) Resolution No. 15-2013 that was issued to initiate programs that will sustain the implementation of SPP and/or GPP in the Government acquisition system. This denotes that the GPP concept has already been integrated in the well-established procurement procedures of the country. 2. The Philippine Green Public Procurement Roadmap adopted by the GPPB in 2017, the ultimate goal of GPP which is to establish a program for all departments, bureaus,

<p>For purposes of this Act, "lowest life-cycle cost" means the lowest total cost of owning, operating and maintaining a product or service over its useful life, including fuel and water, energy, labor, and replacement components, determined on the basis of a systematic evaluation and comparison of alternative products and services.</p>		<p>offices and agencies of the government, including local government units. The GPP Roadmap covers Common-Use Supplies and Equipment (CSEs), which are centrally purchased through the Department of Budget and Management-Procurement Service (DBM-PS), and non-CSEs directly purchased by Procuring Entities (PEs).</p> <p>3. Updates on the Philippine Green Public Procurement Roadmap - the GPPB, through its TSO, is currently undertaking activities to improve the existing GPP Roadmap, expand the list of CSEs and non-CSEs for GPP, enhance the monitoring system for GPP, and conduct the necessary capacity building activities relative thereto, through a technical assistance from the Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ).</p> <p>As for the "lowest life-cycle cost" concept, this is presently being implemented by the GPPB, not just under the GPP Roadmap but in the procurement activities of the government, in general. The life cycle cost of procurement projects can be considered by PEs during their planning stage where they would be setting their project requirements – determining what they should buy – in relation to the projects, activities and programs that they would be</p>
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<p>The Sustainable Procurement Program shall likewise include a coding system for packaging materials and products to facilitate waste recycling and reuse as mandated in Article 4, Section 27 of Republic Act 9003 otherwise known as Ecological Solid Waste Management Act.</p>		<p>implementing in pursuit of their mandates. Hence, this paragraph is recommended to be aligned by clarifying that there are existing policies or guidelines and could be updated to incorporate sustainable procurement into the government's procurement framework and practices, and this may be coursed through in the IRR or the guidelines to be crafted and implemented by the GPPB which will allow for better understanding and pilot testing by PEs.</p> <p>We anticipate that this route would provide more flexibility for fine tuning the requirements of Life Cycle Cost Analysis in accordance with the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184. This will in turn, give guidance to the PEs during procurement planning, particularly in their crafting of the Approved Budget of Contract and technical specifications with green criteria. This will also guide the Commission on Audit on what parameters to look into when auditing.</p> <p>As for the third paragraph, allow us to emphasize that RA No. 9184, as a reform measure, prescribes a uniform set of rules on public procurement. It was enacted precisely to standardize the procurement process of all governmental bodies and agencies in order to make procurement activities more transparent and understandable by the public. With this, the GPP could be readily adopted</p>
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		<p>using the said existing procurement law. Nonetheless, since this provision seeks for the introduction of a coding system for packaging materials and products that will facilitate the identification of waste materials, we recommend that this will be better implemented by the formulation of technical specifications that could be used in the bidding documents, where applicable and practical, to be introduced in the IRR or guidelines to be crafted by the GPPB.</p>
<p>Sec. 4. <i>Objectives of the Sustainable Procurement Program.</i> The Sustainable Procurement Program shall have the following objectives:</p> <ul style="list-style-type: none"> a) To promote the culture of making sustainable and informed decisions in government, especially in the purchase and use of different products; b) To include sustainability criteria in public tenders, whenever possible and practicable; c) To establish the specifications and requirements for products of services to be considered sustainably advantageous; and d) To develop programs for suppliers of sustainable products and services. 	<p>Sec. 4. Objectives of the GREEN PUBLIC Procurement Program. The GREEN PUBLIC Procurement Program shall have the following objectives:</p> <ul style="list-style-type: none"> a) To promote the culture of making GREEN AND sustainable decisions in government, especially in GOVERNMENT PROCUREMENT; b) To include GREEN criteria in GOVERNMENT PROCUREMENT, whenever possible and practicable; c) To establish A SYSTEM FOR THE DEVELOPMENT OF GREEN CRITERIA AND INCLUDING THE SAME IN THE PROJECT REQUIREMENTS DEVELOPED BY PROCURING ENTITIES; and d) FOR THE RELEVANT GOVERNMENT AGENCIES to develop 	<p>The use of the term “Green Public Procurement” is suggested for consistency and it being a broader approach to sustainability. The phrase “especially in government procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184.</p> <p>The mandate of the GPPB as the inter-agency body created under RA No. 9184 is primarily focused on the formulation of government procurement policies. Hence, it is recommended that the programs for suppliers of sustainable products and services be</p>

	<p>programs for MANUFACTURERS and suppliers of GREEN and sustainable products and services.</p>	<p>developed by the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates such as the Department of Trade and Industry (DTI) or the Department of Finance (DOF). Based on such reasons, we proposed amendment to Section 4 of the proposed bill as worded in our proposed text. The Board can include the programs spearheaded or developed by the agencies in its report.</p>
<p>Sec. 5. <i>Submission to Government Procurement Policy Board.</i> — All agencies shall submit their respective Sustainable Procurement Programs to the Government Procurement Policy Board (GPPB) within six (6) months from the effectivity of this Act. Such Program shall be fully implementable within eighteen (18) months from effectivity of this Act. The GPPB shall in turn submit a regular report to the Congress of the Philippines on the performance and compliance of the different agencies with this Act.</p>	<p>Section 5. Submission to Government Procurement Policy Board. — All agencies shall submit their respective GREEN PUBLIC Procurement Programs to the Government Procurement Policy Board (GPPB), THE SPECIFIC REQUIREMENTS AND MECHANISM SHALL BE DEFINED IN THE IRR TO BE PROMULGATED UNDER THIS ACT. The GPPB shall in turn submit AN ANNUAL report to the COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON SUSTAINABLE DEVELOPMENT GOALS, INNOVATION, AND FUTURES THINKING OF THE SENATE OF THE PHILIPPINES on the performance and compliance of the different agencies with this Act.</p>	<p>Further to the reasons stated above, GPP has been added as one of the indicators used to measure and evaluate the effectiveness of the practices of PEs against that of the national public procurement systems and international best practices and standards. Indicator 5c of the Agency Procurement Compliance and Performance Indicators (APCPI) System requires all government PEs to use green technical specifications. Hence the GPPB-Technical Support Office (TSO) has a monitoring system in place through the PE’s annual submission of their APCPI results.¹³ Additionally, RA No. 9184 requires the PEs to prepare a procurement monitoring report that shall be submitted to the GPPB on a semestral basis.¹⁴ The development of monitoring tools both at the oversight and agency level are also currently in progress.</p>

¹³ GPPB Resolution No. 39-2017, dated 21 December 2017.

¹⁴ Section 12 of RA No. 9184.

		<p>To gauge the effective incorporation of the GPP to the government practices and framework, the proposed bill may increase the frequency of report submission rather than limiting it to submission within six (6) months. It is recommended to include the phrase “the specific requirements and mechanism shall be defined in the Implementing Rules and Regulations to be promulgated under this Act” in order to properly guide the agencies in the conceptualization of their GPP Program and also for this provision to be implementable.</p> <p>It is further recommended that the report be submitted to the “Committee on Sustainable Development Goals of the House of Representatives” as proposed by Rep. Khalid Dimaporo, and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate on an annual basis to properly define regular reporting.</p>
<p>Sec. 6. <i>Third-Party Verification.</i> — The GPPB shall appoint a competent third-party verifier of claims of sustainability of products and services. The third-party verifier shall provide a list of all certified sustainable products, which shall be updated regularly to reflect additions or deletions based on criteria to be established by the GPPB.</p>	<p>Section 6. VERIFICATION BY THE AGENCIES. — ALL AGENCIES SHALL CONDUCT VERIFICATION OF GREEN CRITERIA IN ACCORDANCE WITH THE RULES ON THE CONDUCT OF POST-QUALIFICATION UNDER R.A. NO. 9184 AND ITS IRR. THE GPPB SHALL PROVIDE A LIST OF TESTING CENTERS, which shall be updated regularly to reflect additions or deletions, based on the GREEN criteria</p>	<p>As mentioned above, the mandate of the GPPB was established under RA No. 9184 and its IRR is mainly on public procurement policy-making. Appointing a third-party verifier of claims is deemed outside its purview.</p> <p>Moreover, current procurement rules provide that it is the PE that shall indicate the technical specifications of the goods</p>

	<p>THAT IS ESTABLISHED BY THE GPPB.</p>	<p>and services that they will procure, the type of testing that will be required or is to be done in their own bidding documents, among others. Under RA No. 9184, the post-qualification stage is the stage where the bidder undergoes verification and validation whether he has passed all the requirements and conditions. Additionally, the current Green Technical Specifications document, provides for verification to be done for the twenty identified products. This Green Technical Specifications will be improved in coordination with stakeholders (i.e. increase of list of items for procurement) as part of the GPP Roadmap.</p> <p>We recommend the revision of Section 6, as stated in our proposed text.</p>
<p><i>Sec. 7. Capacity-Building of Government Agencies.</i> — The GPPB shall provide the necessary technical assistance to assist government agencies in understanding and implementing Sustainable Public Procurement.</p>	<p>Section 7. Capacity-Building of Government Agencies. — The GPPB-TSO shall IMPLEMENT REGULAR CAPACITY BUILDING PROGRAMS TO DEVELOP SKILLS OF government agencies in understanding and implementing the government's GREEN Public Procurement PROGRAM.</p>	<p>Section 63.3 of the 2016 revised IRR of RA 9184 has provided that the GPPB-TSO is mandated to undertake the management and conduct of training on procurement systems and procedures. In this regard, we can clarify this provision that the GPPB-TSO could have the function to carry out the regular capacity building programs.</p> <p>Back in 2017, a Green Public Procurement (GPP) Education Module was published and training in the GPP education module of 14 master trainers from GPPB-TSO, DBM-PS and the Department of Environment and Natural Resources (DENR) commenced. GPPB-TSO has likewise included in its target training</p>

		<p>activities the inclusion of GPP Education Modules and has been included in the Public Procurement Professionalization Course being offered by Partner State Universities and Colleges.</p> <p>Consider the proposed text to Section 7 of the proposed bill, to ensure that it is in line with RA No. 9184 and its IRR. The term “technical assistance” might lead to confusion in the implementation, if the PEs interpret this as doing part of the task or work.</p>
<p><i>Sec. 8. Implementing Rules and Regulations.</i> - Within thirty (30) days from the effectivity of this Act, the GPPB shall promulgate and issue the necessary guidelines for the effective implementation of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.</p>		<p>Under Section 63. 1 b of the 2016 revised IRR, the GPPB is authorized to review, align, and issue policies or rules to improve the efficiency and expediency of procurement processes for programs and projects related to procurement which necessarily include Sustainable or Green Public Procurement Programs.</p>

Recommendations:

We deem that the proposed legislation can be anchored on the Philippine Green Public Procurement Roadmap, which has already been launched and is on its medium-term implementation. The GPP, being built on existing policies, procedures and best practices, has carefully considered the prevailing issues and concerns on going green, the market’s capacities and opportunities, and has already involved major players and stakeholders in its implementation.

In view of the foregoing, the GPPB respectfully recommends the following:

1. Revise Section 3 of the proposed bill, to reflect the initiative and ongoing actions of the government by referring to the GPP Roadmap established by the GPPB for the purpose, and consistent with the governing principles of RA 9184 or The Government Procurement Reform Act;
2. Revise the objectives under Section 4:

- a. to use the term “Green Public Procurement” for consistency;
 - b. to use the phrases “especially in government procurement” and “a system for the development of green criteria and including the same in the project requirements developed by procuring entities” is recommended in recognition of the fact that government procurement has an inevitable effect on the market supply of goods and services and to align it with terminology that agencies are familiar with and consistent with RA No. 9184; and
 - c. To include the phrase “For the relevant government agencies” before the start of the sentence under Section 4(d) of the objectives to include the relevant agencies that have been currently espousing SPP/GPP programs in the exercise of their mandates, particularly, developing support programs for suppliers and manufacturers.
3. Revise Section 5 to allow continuous monitoring of GPP implementation by the agencies and make the annual report of the GPPB to the Committee on Sustainable Development Goals of the House of Representatives and the Committee on Sustainable Development Goals, Innovation, and Futures Thinking of the Senate of the Philippines;
 4. Revise Section 6 to provide for verification by the government agencies in accordance with the post-qualification process under RA No. 9184 and its IRR, or in the alternative, delete Section 6 altogether as this is provided for in the GPP Roadmap already; and
 5. Improve Section 7 of the proposed bill, to ensure that it is in line with RA No. 9184 and its IRR.