**Update of the National Action Plan for Sustainable Public Procurement**

**Summary note**

**Introduction and Background to the study:**

The consideration of environmental, social and economic issues such as the global warming, the fight against poverty, the transition to the green economy, etc..., led countries around the world to conceive new sustainable management policies of their resources and new ways of purchasing, production and consumption.

In this sense, considering environmentally-responsible public purchases as a part of the sustainable development and as a challenge in itself, mean also a cross-cut vision which involves all sectors: construction and public works, embellishment and rehabilitation, goods and services procurement, etc…because every decision made and every public procurement elaborated have necessarily an ecological impact from the date of the purchasing and during the period of usage.

‘’ Sustainable Public Procurement (SPP) is a process by which public authorities seek to achieve the appropriate balance between the three pillars of sustainable development - economic, social and environmental - when procuring goods, services or works at all stages of the project’’[[1]](#footnote-2)

In order for public procurement to become sustainable, public procurement managers must integrate sustainability issues into all stages of the procurement process, from the identification of their needs, to the selection of the suppliers to the management of the contracts, and the entire execution of the transaction.

This implies the implementation of new public procurement practices, by reference to previously agreed criteria, monitored throughout the supply chain to ensure that the public purchaser is in line with the labor legislation and that social or ecological criteria are systemically included in the tender specifications (reduced level of pollutant emissions for vehicles, organic food production requirements, usage of certified goods, people with disability employment, etc...)

In this context, Tunisia has developed, in 2012, a National Action Plan for Sustainable Public Procurement (NAPSPP) which aims to make it one of the most committed countries in the implementation of sustainable development through the public procurement process in order to resolve the various environmental problems that have serious repercussions on the economy and society.

This study, initiated by the Ministry of Local Affairs and Environment (MALE) (in 2018), aims to review and update the NAPSPP elaborated in 2012, which is the subject of this phase, and to propose a legal text regulating sustainable public procurement in Tunisia which is the subject of the second phase of the mission.

This revision / update will allow to trace the guidance to be followed by the public system in order to carry out a national policy of sustainable public procurement and to ensure the integration of sustainable development at the level of economic policies in accordance with a progressive approach which will lead the productive sector to become increasingly involved in improving their production processes to match sustainable development requirements.

**Intervention methodology:**

Our methodology for the evaluative diagnosis of the national plan for sustainable public procurement and the results of its implementation was carried out according to a 6-step process:

1. Documentary research on the literature on the subject as well as benchmarking of other foreign experiences and international bodies’ policies involved in this area.
2. Research on the different actors intervening, directly and indirectly, in the public procurement process and in their execution and their monitoring
3. Conducting targeted surveys about sustainable public procurement addressed to public purchasers as well as to the concerned governance bodies in the field of public procurement
4. Individual and group interviews with managers of key structures (governance structures and public purchasers)
5. Content analysis of the national action plan for sustainable public procurement
6. Analysis of general and specific legal texts and those regulating public contracts

It should be noted that the replies to our questionnaires, despite repeated oral and written reminders, were particularly rare and it is through meetings, with the leaders of the High Authority of Public Procurement[[2]](#footnote-3)and its concerned structures and through informal meetings with some public purchasers, We have made some opinions on the state of implementation of the sustainable public procurement plan developed since 2012.

**Comments about the National Action Plan for Sustainable Public Procurement (2011-2015):**

The National Action Plan for Sustainable Public Procurement (NAPSPP), prepared in 2011/2012, is the first document of this type concerning sustainable public procurement national policy.

Starting with a detailed overview of the current situation in terms of regulations, mechanisms and actors, NAPSPP proposes a series of quantitative and qualitative objectives[[3]](#footnote-4) broken down in several operational actions. There are two types of objectives, some of them are of a general nature and the others target specific groups of products and activities.

The overall period of NAPSPP implementation was programmed to last between 2011 until 2020 divided in two phases of 5 years each; it aims to mobilize all public purchasers and cover all kinds of "public procurement" considered in their broadest sense (public service outsourcing, concession agreement ...).

As results, the NAPSPP seems complete, rich and require a reasonable budget. It concerns 6 components, each presented in illustrative table:

1. The actors,
2. The policy, strategy and communication,
3. The purchase process of the 6 priority products,
4. The commitment of the suppliers,
5. The monitoring and evaluation procedures
6. The summary of the timetable implementation for the 2012-2016 periods.

The first five components deal with the objectives pursued, the targeted populations, the expected results, the actions to be taken and the responsible bodies. While the sixth, include a summary of actions planned for the 2012-2016 period. As presented, the structure of this plan appears complex and makes it difficult to be fully understood and adequately implemented by public purchasers.

In addition, the lack of expertise in the implementation of Sustainable Purchasing (SD), insufficient political support, the perception that sustainable products and services are more expensive, the lack of mandatory legislation in this field , ... represents the major factors which are likely hindering the enthusiasm of public organizations to adhere to this new policy.

As a result, there are few actions resulting from this plan that have been implemented, it is mainly:

* The publication of Decree 2014-1039 of 13 March 2014 concerning the regulation of public markets,
* The realization by the authorities of governance and regulation of the public procurements : (High Authority of Public Procurement[[4]](#footnote-5), public procurement observatory, Ministry of local affairs and the environment. ..) actions of formation, accompaniment and sensitization to the attention of public purchasers,
* The preparatory activities for the implementation of the Sustainable Public Procurement mechanism[[5]](#footnote-6)
* The implementation by CITET[[6]](#footnote-7) of works allowing the elaboration of a Tunisian ecolabel

The new rules concerning public procurement introduced by the recent regulations, the consideration of sustainable development objectives and the standards of good governance in public procurement, the establishment of new public procurement governance bodies, the consideration of environmental, social and economic issues, particularly related to the global warming, the fight against poverty, the transition to the green economy , the international commitment of Tunisia to achieve development objectives according to the post-2015 UN development agenda, coupled with the weak implementation of NAPSPP established 7 years ago, led to the need to revise this plan.

The objectives proposed by the plan should be redefined and updated according to the social, legal and environmental evolution happened in Tunisia since the date of their elaboration and restructured around global axes covering different themes throughout a methodological approach distinguishing the operational objectives, the action program, the means of implementation, the implementation schedule, the involved actors and, the monitoring and evaluation indicators, in order to facilitate the implementation of the new plan.

**CHAPTER 1: Update of National Action Plan for Sustainable Public Procurement 2012-2015**

The proposed updated plan is structured around three axes covering different themes, considered as priorities for the development of sustainable public procurement in Tunisia:

* **Axis 1:** **mobilize decision-makers[[7]](#footnote-8),** **demonstrate sustainable purchasing opportunities and challenges** and **spread new purchasing culture**, in particular through the promotion of sustainable practices public procurement and the systematic adoption of innovative methodologies based on life-cycle cost analysis and its environmental impacts.
* **Axis 2:** **Support and accompany purchasers**: It is necessary to accompany public purchasers in their procurement practices by making the necessary modifications to the public procurement governing regulations, by investing in ‘’the future *purchasing professionals’’* through appropriate training and the necessary concertation and communication tools that guarantee sustained and progressive improvement of sustainable purchasing practices. The deployment of peer-to-peer exchanges through purchasing networks should also stimulate mutual learning, knowledge sharing and public purchasers skills improving.
* **Axis 3**: **Measuring and Evaluating Progress**: in order to assist organizations to ensure their sustainable public procurement commitments, specific monitoring and evaluation procedures and appropriate instruments (dashboards, tracking sheets objectives, performance analysis etc ...) should become more widespread. The results of the sustainable public procurement implementation would enable policy makers in monitoring progress achieved, in taking wiser decisions and improving their effectiveness. This also demonstrates the political commitment in implementing and promoting sustainable public procurement and increases the transparency at all organizational levels.

The updated plan sets out the main objectives and actions to be taken to achieve these three axes and mentioned in 4 specific tables

* **A first table contains the list of redefined and updated NAPSPP 2012 objectives for the period 2019 -2023:**

This table summarizes the operational objectives foreseen by NAPSPP 2012 and redefines them for the next five-year period (2019-2023) in the light of the analysis and suggestions made during the diagnostic phase.  
Some actions have been taken over and adjusted to the next period and some others have been evolved according to the new legal and institutional context and linked to more adapted objectives.

* **A second table divides the actions and objectives proposed by the updated NAPSPP, on the 3 priority axes referred above and describes their purpose:**

It presents the 3 aforementioned axes and their components, with regard to each component, the redefined objectives declined in actions.

* **The third table, subdivided into 3 sub-tables, each dealing with an updated NAPSPP axis and shows its components as :**

The implementation tools for each proposed action, the implementation schedule, the manager of the project, the evaluation indicators, the funding mechanisms, etc...

* **Finally, the 4th table presents the synthesis of the calendar over the 10 semesters of the updated plan (2019-2023).**

**Choice of priority sectors for the implementation of the sustainable public procurement process**

Six key sectors targeted and prioritized in NAPSPP 2012, are selected:

* Buildings: construction and layout
* Administrative equipment
* Computer equipment
* Furniture
* Cleaning
* Food

The selection of those sectors was established according to the methodology of the Marrakech Working Group on the stimulation of sustainable public purchases and, with reference to the study of the national market situation achieved by the Ministry of Environment.

This methodology consists in putting in place a process divided in three phases:

1. The first is to apply the principle of prioritization,

2. The second relates to the choice of priority products and services

3. The third is the study of the priority products market.

However, to be fully effective, the implementation of sustainable purchasing in public procurement should be done in a progressive manner and be limited to 2 sectors, among the priority sectors (during the first 2 years) before generalization to all sectors from the 3rd year.

The selection criteria for those sectors are based on the:

* Importance of public spending
* Environmental improvement opportunities
* Existence of appropriate standards and ecolabels
* Existence of government incentive programs to integrate the requirements of sustainable development.

The analysis of the different sectors in relation with those criteria led us to consider the building sector and the computer sector as the most important sectors.

**Quantitative objectives:**The **NAPSPP** 2012 has set the following rates for the six priority sectors:

* 20% of public purchases must be sustainable by the end of 2013
* 30% of public purchases must be sustainable by the end of 2014
* 40% of public purchases must be sustainable by the end of 2015
* 50% of public purchases must be sustainable by the end of 2016 and 80% by 2021

However, it turned out that the achievement of those objectives was not possible because of:

* + The complexity of the plan and the lack of public buyers’ expertise in this matter.
  + The lack of strong political support,
  + The perception by organizations that sustainable products and services are more expensive,
  + The absence of mandatory legislation in this field and the excessive number of considerations related to sustainable purchasing.

Ensuring an easy and very feasible implementation of sustainable public procurement, leads us to propose, for the two selected sectors, 2 different speed of implementation for the period 2019-2023 as presented in the following table:

|  |  |  |
| --- | --- | --- |
| **Quantitative targets set by NAPSPP** **2012 New targets for the** | **New targets for the period 2019-2023** | |
| **Accelerated speed** | **Moderate speed** |
| 20% of public purchases must be sustainable by the end of 2013 | 50% of public purchases for the 2 priority sectors are sustainable at the end of 2020 | 20% of public purchases for the 2 priority sectors must be sustainable by the end of 2020 |
| 30% of public purchases must be sustainable by the end of 2014 | 60% of public purchases are sustainable by the end of 2022 | 40% of public purchases for the 2 priority sectors must be sustainable by the end of 2022 |
| 40% of public purchases must be sustainable by the end of 2015 | 80% of public purchases in the 2 priority sectors are sustainable by the end of 2023 | 60% of public purchases for the 2 priority sectors must be sustainable by the end of 2023 |
| **50% of all public purchases are sustainable in 2016** |  |  |
| The rate of raw materials is expected to reach 80% in 2020 | **Sustainable raw materials rates in all priority sectors should reach 80% in 2025** | **Sustainable raw materials rates in all priority sectors should reach 50% in 2025** |

**CHAPTER II: Potential Partners ... (or what stakeholders necessary to ensure successful implementation of the updated NAPSPP)**

Five categories of partners with whom it is necessary to collaborate to carry out the updated NAPSPP :

**1. Those who possess ‘’basic skills’’ :**

They consist of public buyers trained in sustainable purchasing which will be needed to fill the different functions that are necessary for the implementation of sustainable public procurement.

**2. Those who possess ‘’key skills and know-how’’;**

These are organizations which hold the key competencies related to the key activities that are absolutely essential for the success of the sustainable procurement system, including: The National Council of Public Procurement; National Observatory of Public Procurement; High Authority of Public Procurement; Presidency of Government control committees; Ministry of Local Affairs and Environment, International Center for Environmental Technologies of Tunis and the training institutions;

**3. Those that have financial resources;**

This refers to all organizations (or national or international) likely to participate in the financing of the sustainable public procurement implementing either as donors or as beneficiaries (ex : public purchasers participating in the financing of training actions in their organizations).

**4. Those who own other key resources;**

It is about all the organizations that have key resources, other than human and financial resources, which are absolutely essential for the success of the implementation of the sustainable public procurement system: Professional federations, technical centers, central purchasing…

**5. Suppliers;**

This refers to all individuals, companies or organizations that manufacture, process, or install products, or engage in the importing or selling of various goods. Otherwise, those who participate in sustainable public bids.

**CHAPTER 3: Sustainable public procurement training (or how to integrate sustainable development into public procurement)**

* **Training of Trainers:**

The objective of this training is to acquire the knowledge and the skills needed to train trainers in sustainable public procurement and to work towards the creation of a national network of trainers advisers on sustainable public procurement to facilitate of purchasing policy improving in Tunisia.

The trainers will receive at the end of their training a certificate of enablement which allows them to practice in sessions organized by the services of High Authority of Public Procurement or any other mandated organization.

* **Training programs and materials**:

The training program, developed by the departments of the High Authority of Public Procurement, will comprises 3 levels of expertise: a basic level, a preparatory level and a certifying level. Also, it will develop training materials and tools as well as standard prescriptive standards for sustainable public procurement.

* **Populations concerned with the training:**

These are mainly:

* All the controllers and administrators of the High Authority of Public Procurement structures;
* The decision makers concerned with the public purchase (secretaries general);
* Managers from various administrations involved in the procurement process, especially public buyers,
* Etc….
* **Training planning:**

The proposed modules will concern all sectors of activity involved in public procurement, they will be provided in sessions of 2 to 3 days per module according to a schedule agreed by all parties.

* **Establishment of a permanent committee for monitoring and evaluating sustainable public procurement training:**

This commission created at the level of the High Authority of Public Procurement, will be in charge of organizing and supervising the evaluation procedure of the trainings and to propose some useful measures to improve the trainings.

* **Financing of trainings:**

 The financing of the trainings can be provided via various modalities among them:

* The tax credit granted to institutions wishing to benefit from training actions within the limits of 60% of the Training taxes due.
* Financial assistance from donor agencies such as World Bank, Organization for Economic Co-operation and Development (OECD), United Nations Environment Program (UNEP).

**CHAPTER 4: Prerequisites for successful implementation of the sustainable public procurement process**

To ensure a successful implementation of the sustainable public procurement process, four prerequisites are needed:

* **State ‘’exemplarity’’**:

It is important for political decision-makers at the top of the administrative hierarchy to show its commitment to the process. The impetus must be given from the highest level of the country's administrative hierarchy, in order to encourage all public bodies to adjust their purchasing practices.

* **Pilot structure** i**nvolvement for in the launch of the plan** (such as the General Directorate for Sustainable Development in the Ministry of Local Affairs and Environment).

This structure must be supported in its role of guiding the implementation of NAPSPP by:

* Its recognition as the pilot of the process by all involved bodies. ..,
* The strengthening of its human resources and supporting them through an appropriate operational mode
* **Re-engineering the existing organizational public procurement system:**

The sustainable public procurement function must be positioned as a driving force for the strategy and a strategic function within the organization and not as an operational support function. It must be endowed with all the human, material and logistical resources necessary to be fully operational

* **Organization and implementation of a standard sustainable public procurement system unit in public organizations**:

This will lead to the implementation of a standard sustainable public procurement function within public organizations, the allocation of the human and material resources necessary for its proper functioning and its activation.

1. European commission [↑](#footnote-ref-2)
2. Haute Instance de la Commande Publique (HAICOP) [↑](#footnote-ref-3)
3. Example: reaching 50% of sustainable public purchases in 2016 and 80% in 2021 [↑](#footnote-ref-4)
4. Haute Instance de la Commande Publique (HAICOP) [↑](#footnote-ref-5)
5. Dispositifs des Achats Publics Durables (APD) [↑](#footnote-ref-6)
6. Centre International des Technologies de l'Environnement de Tunis (International Center of Environnement Technology in Tunis) [↑](#footnote-ref-7)
7. Political authorities responsible for setting policies and general guidelines, technical and administrative bodies responsible for defining objectives and ensuring their implementation, etc… [↑](#footnote-ref-8)