

3
NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 JUL 14 P3:29

SENATE
S. No. 623

RECEIVED BY: _____

Introduced by Senator Loren B. Legarda

**AN ACT
ESTABLISHING A NATIONAL GREEN PUBLIC PROCUREMENT
PROGRAM**

EXPLANATORY NOTE

Procurement is a critical function of the government and is vital in executing and delivering government services. However, the impacts of public procurement are far-reaching and are often not limited to the public sector alone.

According to a World Economic Forum and Boston Consulting Group report, public procurement is responsible for fifteen percent (15%) of Global Greenhouse Gas (GHG) emissions and \$11 trillion worth of global expenditures every year.¹ In the Philippines alone, the government spends almost twenty percent (20%) of its gross domestic product yearly.²

Government spending is also an important market factor, and the government's purchasing power can influence markets and spur innovation. Through policy, the government also has the privilege to regulate the market where necessary, incentivize, and inform and guide other market players. This makes the country's transition to Green Public Procurement (GPP) even more crucial.

¹ <https://www.bcg.com/press/13january2022-green-government-procurement-practices-cut-global-emissions>

² Government Procurement Policy Board – Technical Support Office, The Philippine Green Public Procurement Roadmap, 6 (2017).

By choosing goods, services, and works with a reduced environmental impact, the government can use its purchasing power to reduce GHG emissions and move towards a more circular economy while driving innovation and providing financial savings for public authorities.

This bill therefore seeks to implement a GPP program in order to achieve sustainable consumption and production by mandating compliance with green criteria in government procurement whenever possible.

In view of the foregoing, the immediate approval of this bill is earnestly sought.

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized, elongated shape.

LOREN LEGARDA


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Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

1 Section. 1. *Short Title.* – This Act shall be known as the “*National Green Public*
2 *Procurement Act of 2022*”.

3 Sec. 2. *Declaration of Policy.* – The State recognizes the role of the landmark
4 policy frameworks set by the UN Sustainable Development Goals and the country’s
5 Nationally Determined Contribution targets in the pursuit of sustainable
6 development according to the long-term vision embodied in AmBisyon Natin 2040.
7 Towards this end, the State shall harness the immense purchasing power of the
8 government to convert the market into a greener market, achieve responsible
9 consumption and production and circular economy, and ensure ecological integrity
10 for the current and future generations.

11 Sec. 3. *Establishment of a Green Public Procurement Program in All Branches of the*
12 *Government.* – Green Public Procurement (GPP) is a process whereby public
13 authorities seek to procure goods and services and works with a reduced
14 environmental impact throughout their life cycle when compared to goods, services,
15 and works with the same primary function that would otherwise be procured.

16 The executive, judicial and legislative branches of government shall implement
17 a GPP program to achieve sustainable consumption and production in procurement
18 in accordance with the GPP Roadmap established by the Government Procurement

1 Policy Board (GPPB), consistent with the governing principles of Republic Act No.
2 9184, otherwise known as the “Government Procurement Reform Act”.

3 Sec. 4. *Objectives of the GPP Program.* – The GPP Program aims:

- 4 (a) To integrate and promote the culture of making green, sustainable, and
5 informed decisions in the government, especially in the implementation
6 of existing government procurement policies;
- 7 (b) To require the Philippine Government Electronic Procurement System
8 (PHILGEPS) to identify all government agencies procuring consumable
9 supplies and equipment (CSE) and non-consumable supplies and
10 equipment (non-CSE) identified by the GPPB as part of the Green
11 Procurement Roadmap;
- 12 (c) To observe green criteria in government procurement whenever
13 possible, with the end view of preserving and protecting the
14 environment through efficient use of materials and resources,
15 prevention of pollution and harmful emissions, and reduction of
16 wastage, among others;
- 17 (d) To establish general and subsector targets and relevant performance
18 indicators among government agencies;
- 19 (e) To develop technical specifications for CSE and non-CSE products,
20 taking into account, among others, the following processes and
21 principles:
- 22 (f) Development of a standard template consisting of scope, key
23 environmental impact of a product in terms of its materials composition,
24 use, and eventual disposal, product specifications, evidence,
25 verification, and references;
- 26 (g) Extensive research of GPP technical specifications, taking into account
27 international and national specifications of countries with extensive
28 GPP experience;
- 29 (h) Document comments and feedback on the technical specifications of
30 various products;
- 31 (i) Conduct environmental impact studies of a product in terms of its
32 materials composition, use, and eventual disposal;

- 1 (j) Include employment generation, safe working environment, and
2 supply-chain management in the formulation of long-term
3 sustainability criteria;
- 4 (k) To establish a system for the development of core green criteria, which
5 shall be gradually enhanced and adjusted, and including the same in the
6 project requirements developed by procuring entities; and
- 7 (l) To develop programs for manufacturers and suppliers of green and
8 sustainable products and services for relevant government agencies.

9 Sec. 5. *Functions of the Government Procurement Policy Board.* – The GPPB shall
10 perform the following functions in accordance with this Act:

- 11 (a) Protect the national interest in all matters affecting public procurement,
12 giving due regard to the country's regional and international
13 obligations;
- 14 (b) Ensure the incorporation of the concept of sustainability in the
15 procurement activities of the government. The GPP Program shall be
16 implemented in phases, taking into account the readiness of both the
17 government agencies as well as green product suppliers to Implement
18 the program;
- 19 (c) Centralize the information on GPP guidelines and procedure, green
20 criteria, green product listing of information, and verification methods;
- 21 (d) Design and conduct capacity building and training programs for
22 government procuring entities and green products suppliers and service
23 providers, particularly the Micro, Small and Medium Enterprises
24 (MSMEs), to encourage consistency in delivering green products and
25 services and efficiency in implementing the GPP requirements;
- 26 (e) The GPPB shall develop incentive schemes, such as recognition or
27 awards for GPP performing units to increase motivation and catalyze
28 action for better performance and environmental stewardship; and
- 29 (f) Establish monitoring and evaluation mechanisms.

30 Sec. 6. *Submission of Plans and Reports.* – All agencies shall submit their
31 respective GPP Programs to the GPPB, the specific requirements and mechanisms of
32 which shall be defined in the rules and regulations (IRR) to be promulgated to

1 implement this Act. The GPPB shall, in turn, submit an annual report to the
2 Committee on Sustainable Development Goals of the House of Representatives and
3 the Committee on Sustainable Development Goals, Innovation and Futures Thinking
4 of the Senate of the Philippines on the compliance of the different agencies with the
5 provisions of this Act.

6 *Sec. 7. Verification by Agencies.* – All agencies of the government are mandated
7 to conduct the verification of the compliance of the goods or items being procured
8 with the green criteria established by the GPPB, along with the other technical
9 specifications required by the agency for the particular procurement, in accordance
10 with the relevant provisions of R.A. No. 9184 and its IRR. The GPPB shall provide a
11 list of testing centers for reference of the agencies in the conduct of the verification,
12 which shall be updated regularly based on the green criteria established by the GPPB
13 for specific goods and items included in the GPP Program.

14 *Sec. 8. Capacity Building of Government Agencies.* – The GPPB shall implement
15 regular capacity building programs to develop the skills of government agencies in
16 understanding and implementing the government’s GPP Program through the
17 following:

- 18 (a) Conduct of relevant training needs assessment of the public sector;
- 19 (b) Provision of technical assistance to suppliers, particularly the MSMEs;
- 20 and
- 21 (c) Conduct of public awareness campaigns on green procurement, among
22 others.

23 *Sec. 9. Separability Clause.* – If any part, section, or provision of this Act shall be
24 held invalid or unconstitutional, no other part, section, or provision thereof shall be
25 affected thereby.

26 *Sec. 10. Repealing Clause.* – All laws, decrees, executive orders, rules and
27 regulations, issuances, or parts thereof inconsistent with the provisions of this Act are
28 hereby repealed, amended or modified accordingly.

1 Sec. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 complete publication either in the Official Gazette or in at least two (2) newspapers of
3 general circulation.

Approved,