



**Brighton & Hove City Council**  
**Sustainable Procurement Toolkit**

December 2011

**DRAFT**

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## 1. Introduction

Sustainability is an important consideration at community, business and team levels, reflecting the impact our decisions have on the city's environmental, social and economic well-being. It is relevant in day-to-day management practice as well as in how we plan, procure and deliver our services, and relates to both what we do and how we do it.

Our approach is driven by government policy on sustainable development and delivered locally as the Sustainable Community Strategy. The council is leading in co-ordinating plans for different sectors across the city to work together towards making Brighton & Hove a more sustainable City.

### National Strategy

The Sustainable Procurement Task Force, commissioned by Department for Environment, Food and Rural Affairs (DEFRA) and the Treasury, devised a national action plan to deliver the UK Sustainable Development Strategy goal of making the UK a leader in the European Union on sustainable procurement.

The Task Force created the flexible framework to drive through the required sustainability improvements. The National Sustainable Action Plan defines sustainable procurement as:

*“A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation but also to society and the economy while minimising damage to the environment.”*

### Brighton & Hove City Council Strategy and Policy

The [Corporate Plan](#) sets out Brighton & Hove City Council's strategic direction and priorities for the next four years. It describes how the council will help to deliver the vision of the city's Sustainable Community Strategy, by improving council services and through closer working with residents, businesses and community and voluntary organisations.

The Plan has five priorities:

- Tackling inequality
- Creating a more sustainable city
- Engaging people who live and work in the city
- A responsible and empowering employer
- A council the city deserves

The council's [Environmental Policy](#) brings together the strategic priorities from the Corporate Plan and the objectives of the Sustainable Community Strategy 2010, committing the council to:

*“...reducing environmental effects by managing its own environmental*

*impacts, encouraging and supporting others to do the same, and continuously improving the environment for the benefit of residents, businesses and visitors to Brighton & Hove.”*

The policy includes specific aims for Procurement and Purchasing, to:

- Increase sustainable procurement when purchasing goods and services for, and on behalf of the council, and improve supply chain management.
- Consider whole life costs of products and services.

### **The purpose of this toolkit**

The procurement and management of contracts has significant value in helping the council meeting its sustainability objectives. The [Corporate Procurement Strategy](#) sets out the council's approach to sustainable procurement and the importance of supporting the local economy, while reducing the environmental impacts of our purchases.

This toolkit provides guidance to ensure officers deliver upon the council priorities when procuring works, supplies or services for, and on behalf of, the Council. The first step is to consider the impacts, risks and opportunities of the service we are commissioning for example: environmental impact, compliance with regulations, costs and reputation.

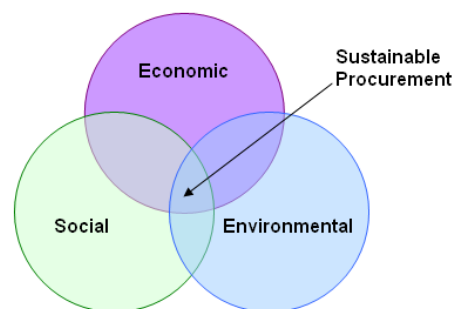
This toolkit supports the principles of One Planet Living, which aims to create a place where people can live and work within their fair share of the earth's resources. The One Planet Living framework focuses on ten areas that comprehensively address the environmental, social and economic aspects of sustainability; as such the toolkit provides practical guidance on those key areas.

The council's spending power, especially in collaboration with other councils, can have significant influence on the markets in which it operates, this influence can be used to stimulate the market and encourage innovation. As such the Council should be lead by example, particularly in its procurement practices, to ensure it delivers on its priority to become a more sustainable City.

[Appendix 1](#) lists some of the common words and their definitions, which will appear through out the document.

## 2. Sustainable Procurement

Sustainable procurement broadens the typical criteria of price and quality to take into account social, economic and environmental factors.



It allows officers to manage risks and opportunities, reducing the negative environmental and social impacts of their purchasing choices by looking at what we buy, how we buy it and who we buy it from.

Sustainable Procurement is good procurement and **helps to deliver value for money and brings benefits to the residents of Brighton & Hove by ensuring that:**

- The focus is on the desired outcome and the needs of the service user
- The needs of the users are met but not unnecessarily exceeded or 'gold plated'
- The scope of the contract is wide enough to ensure future needs can be met
- Value for Money is achieved throughout the life of the contract and beyond
- The social and economic benefits locally are maximised
- The environment is protected for future generations

### **Economic Considerations**

Economic considerations relate not only to obtaining value for money, but ensuring we seek innovation and wherever possible and appropriate we engage with local businesses, particularly Small and Medium sized Enterprises (SMEs) and social enterprises that can benefit from our opportunities.

### **Social Considerations**

The social considerations are potentially the most difficult to address as they can cover a wide range of issues, such as disability, gender and race equality, which are not always easy to measure and, in some cases, difficult to monitor.

Specific measures within the local area could also include ways to address or include requirements to employ and/or train a percentage of long term unemployed, or young people, during the course of the contract. Before commencing with a purchase or re-tendering a contract, officers should refer to the separate [Code of Practice – Equalities and Diversity Monitoring in Procurement](#).

### **Environmental Considerations**

The environmental principles are often the most widely considered and will relate to increasing the use of sustainable products and materials, reducing greenhouse emissions, water consumption and resource use.

## **Ethical Considerations**

Ethical procurement not only means considering the types of products that we buy but also buying and using fewer resources. As a Council we will, as a minimum, support the principles of ethical trade or ethical sourcing by operating in line with the Ethical Trading Initiatives Base Code, which is reproduced in [Appendix 2](#). Ethical sourcing tries to ensure that decent minimum labour standards are met in production of a whole range of products, whereas Fair Trade is primarily concerned with the trading relationship.

These issues must only be taken into account where the social issue is relevant to what is being procured and not to how the company providing the goods works or service manage their business generally beyond the relevant legal obligations on for example, health and safety and employment.

For example the Council can specify organic coffee because the production process relates to the coffee itself, in terms of the way it is grown and the chemical content. However, the Council cannot specify only fair trade coffee because this relates to the standard of life of the coffee growers, not the quality of the coffee being acquired.

## 3. Integrating Sustainability into Purchasing Decisions

### Step 1 - Identifying the need

Identifying the need is the most important point in the procurement process for considering sustainability issues. Officers should consider if the purchase is really essential, or could use be made of an existing product or service?

Do you need...

- a vending machine or the provision of a hot drinks service
- a multifunctional product that can scan, copy and print rather than 3 separate machines

A [Pre Tender Risk Appraisal](#) will help highlight the key areas for consideration in the project and help define your objectives as part of drafting a [Business Case](#).

Market research can be used to identify the current market position and any new developments which can be utilised. Engaging with suppliers allows the Council to explore joint opportunities to improve the environmental performance of products and manufacturing processes, both of which are likely to have a positive effect on whole life costs and therefore value for money. However, you must be cautious to not become over reliant on, or accept the views of, particular suppliers when defining the Council's needs.

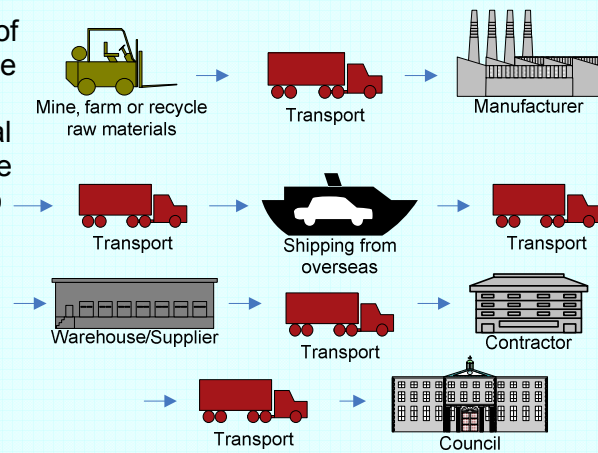
#### Whole Life Costs

When considering value for money it is important to consider not only the initial purchase cost, but to consider all of the costs involved with the product or service, including the day to day running, maintenance and disposal costs.

By using whole life costs, officers can avoid making decisions purely based on the short-term costs or the initial purchase price. Often the longer term maintenance and operation costs can be a significant proportion of the whole-life cost. However, officers should be careful to include only those costs that will be incurred by the council; this is explained in the example below.

The supply chain for the production of a soft drink can includes considerable transportation by road. While this results in considerable environmental impact, the price of the product to the council already includes this cost, so cannot be included in the whole life costing.

Requesting products that carry a recognised European standard will mean that the whole life cost of the product has already been evaluated.



## A Living Wage for Brighton & Hove

The council has committed to paying its own staff a minimum living wage and to convene a commission on a living wage for the city. Services contracted by the council will have a large role to play in the adopting of a living wage wider within the city.

Making it a requirement for a supplier to agree to a Living Wage within contract documents would be unlawful, however consideration can be given at the tender evaluation stage to a supplier's attitude to fair employment clauses including a Living Wage within the parameters of the Council's duty to tax payers and obtaining best value.

## Considering SMEs and the Voluntary Sector

When identifying the need you may consider the contract is appropriate for delivery by an SME or a Voluntary Sector supplier. We should, wherever possible, engage with local suppliers to stimulate and maintain a sustainable local economy. In order to do so we must remove some of the barriers to tendering, this may be through;



## **Contract type and size**

Advertising smaller contracts;

Do you need to group smaller contracts in to one large contract? Value for money should be sought in the first instance, however smaller suppliers can be more innovative, more in tune with the local context, more flexible and more responsive to client needs as the contract progresses.

Division of large value contracts in to 'lots'

Contracts can be advertised in 'lots', where there are distinct areas of the works or service. The size of the lots and any restrictions on the number of lots to be awarded to one bidder should be included in the contract notice. 'Lots' allow varying sizes of suppliers to obtain work.

Potential suppliers would submit separate bids for one or more lots, and the value for money assessment would be made on a 'lot' by 'lot' basis.

Advertising framework contracts with smaller call-off values

Framework contracts allow suppliers on the contract to be awarded a volume of work that is appropriate for their financial and organisational capacity. The volume of work can be increased as their capacity increases.



## **Use simplified or standardised documents**

Corporate Procurement have a sub-OJEU Pre-Qualification Questionnaire (PQQ) which can be completed for smaller value contracts, which reduces the amount of information needed, when compared to the standard PQQ. Further to this we have also adapted our standard PQQ documents to make our financial requirements less restrictive for the Community and Voluntary sector.

[Procurement Documents \(Wave Page\)](#)



## **Advertise the opportunity locally**

All contracts advertised by the council should be posted on the South East Business Portal, in addition to the OJEU notice when required;

[\*\*South East Business Portal\*\*](#)

Opportunities that may be applicable to the Community & Voluntary sector should be advertised on the Community & Voluntary Sector Forum website as well;

[\*\*Community & Voluntary Sector Forum\*\*](#)



### **Host a 'Meet the Buyer' or 'Bidders Briefing' event**

These events help potential suppliers better understand the contract requirement and allows the council to emphasise the objectives or areas that are important within the contract. The benefit of such events is that they should lead to a better tender response, where the bidders understand what the council is looking to achieve, particularly from SMEs and the Voluntary Sector, who traditionally will not have a dedicated bid writer or



### **Accept consortia bids from suppliers working together**

In some cases there may be suppliers that are large enough (measured in terms of financial assets, value of contract typically undertaken, management capacity, and insurance cover) to bid for a major contract. Therefore the council may work with support agencies to encourage the formation of a consortium of small companies that together have the capacity to bid for larger pieces of work.

## Step 2 - Advertising the Opportunity

### Prior Information Notice (PIN)

Prior information notices are used;

- to signal early on the intention to make improvements or changes at renewal to an existing contract with the intention of improving the sustainability of the contract
- as a method of early market engagement, such as requesting information from suppliers of sustainable and innovative products that are related to the project.

### Official Journal of the European Union (OJEU) Notice

If the tender is above the [European Union \(EU\) thresholds](#) a notice will need to be placed in the Official Journal of the European Union (OJEU). This wording is intentionally broad – while it is possible to narrow the scope of the contract after a contract notice is published, it is not generally possible to broaden its scope. This wording will allow the council the opportunity to allow for contract award decisions to include consideration of social and economic factors, and the council can then be more specific about its requirements in the Invitation to Tender.

Officers should contact Corporate Procurement, who will assist in developing and publishing the advert.

#### **Minimum**

*Conditions relating to environmental and social requirements of the contracting authority may be included in this contract.*

#### **Best Practice**

*Brighton & Hove embraces diversity and welcomes applications from all suitably skilled suppliers of all sizes who can meet the requirements, regardless of gender, ethnicity, sexual orientation, faith, disability or age of supplier workforce and/or ownership. Brighton & Hove will actively promote sustainable and ethical procurement throughout its supply chain and welcomes applications from suppliers committed to reducing the effects of its operations and service delivery at a local and global level.*

*Further details as to the application of sustainable and ethical procurement to this project may be set out in the prequalification and tender documents.*

Whether the contract falls above or below the EU thresholds all opportunities are required to be advertised on the South East Business Portal. Procurement has created a [User Guide](#) for officers wishing to view current opportunities and/or advertise a new opportunity on the portal.

## Step 3 - Pre Qualification

The Council uses a standard pre-qualification questionnaire (PQQ) that includes questions on sustainability, where potential suppliers can demonstrate that they have made a serious commitment to sustainability in their management systems and processes

### PQQ templates

- [Pre Qualification Questionnaire](#) – for all contracts over £25,000
- [PQQ for sub-OJEU tenders](#) – for all contracts under the EU thresholds where you want to encourage SMEs or Voluntary Sector organisations to bid

Officers should tailor these standard documents so potential suppliers can demonstrate their technical competence, particularly where this is relevant to the subject of the contract, for example in construction or waste disposal contracts. This could include questions on specific knowledge or experience, descriptions of systems and processes for quality assurance and an indication of any sustainability measures currently in place.

The standard PQQ offers the chance to ask additional questions in relation to supplier's commitment to sustainability, above the standard questions. You may want to use this to draw out specific matters related to the subject of the contract. For example;

### Local supply

*Do you have a policy on the use of local staff and training initiatives to develop a local workforce?*

*If yes, please supply*

## Step 4 - Specification

The following section provides some background to the key areas officers will need to consider when implementing sustainability into their contracts. Each section contains sample text which can be used directly within contract specifications; however these should be seen as a minimum or a starting point.

Specifications and Contract terms provide an opportunity to help deliver the Council's environmental and sustainability policies. Contract specific policies or conditions can expand upon the principles of Corporate Environmental and Sustainability policies and help to give the Supplier more specific guidance on the role they can play in achieving the objectives in relation to the policies referred to.

Officers need to consider the way goods, services and works are specified in the tender documents. Procurement law requires that the Council is not anti-competitive or restrictive; however sustainable requirements can be included in a contract provided that they:

- are related to the subject of the contract
- are mentioned in contract notice
- do not disadvantage non-local suppliers
- address a policy objective of the council
- provide a measurable benefit to the council (this applies to awards only and can be quantitative or qualitative)

If the specification focuses on the outcome required, rather than being very specific about how the service is to be delivered, then the suppliers have the opportunity to consider and offer different methods to improve the sustainability of their proposal. What you specify must be practical, not affect competition and offer the council value for money.

### **Variant bids**

Suppliers can also be asked to offer 'variant' bids, allowing them to put forward one or more sustainable alternatives, in addition to the 'basic option' specified. Variants are useful when trying to balance the need for sustainability and financial constraints as they allow the council to assess which option best meets its requirements.

### **Requirement to meet a specific standard as a minimum**

There may be existing product or service standard or specification that can be used to identify sustainable products, which have already considered and can address a number of environmental impacts.

Officers can include technical information related to the environmental performance of the product or service in line with, for example, the Eco-Label criteria. The Specification can therefore indicate that products having an Eco-Label certificate are deemed to comply with the requirements of the contract. However, you must be open to receiving other forms of proof of meeting these standards, such as test reports, and the wording '*or equivalent*' is necessary as an attachment to the statement, an example is given below.

#### **Example using computer screens emitting harmful emissions;**

*Every screen must meet the European Eco-Label Standard or equivalent as a minimum requirement and in the tender evaluation process, the actual screen emissions will be one of the award criteria. The criteria are attached to this specification.*



[Appendix 3](#) outlines some of the common sustainability labels.

## **Delivering on the Sustainable Procurement Policy**

The following section highlights the key principles of the One Planet Living framework and this toolkit provides a set of best practice, standard specifications that reflect the aims and objectives of the Corporate Plan.

The coloured text boxes offer examples of the best practice wording that should be inserted in to the tender documents. The red italics offer the officer the chance to insert particular references, standards or other such wording that is most appropriate for their project.

To ensure that these conditions become a contract requirement Officers should ensure that these principles are reflected in both the Specification and the contract Terms and Conditions.

## Zero carbon

Carbon reduction is essential to achieve both a reduction in cost and in greenhouse gas emissions (GHG) over the life of a product or service being procured. The city council has an annual carbon reduction target of 4% and is working towards embedding carbon reduction considerations across everything we do. The council has a duty to report on GHG emissions from its activities and operations and is keen to capture the emissions relating to its procured goods and services.

A reduction in GHG emissions can be achieved in many ways and as such officers should refer to the sections on Sustainable Transport and Materials in addition.

A reduction in greenhouse emissions can be achieved in many ways and as such officers should refer to the sections on Sustainable Transport and Materials as well.

### Carbon reduction

#### Minimum;

*The Contractor shall establish a Carbon Reduction Plan within the first six months of the Service Commencement Date that sets clear targets and plans for meeting these targets against its policy and Method Statement. This Carbon Reduction Plan shall then be updated with new targets on an annual basis.*

#### Best Practice;

*The Contractor shall establish a Carbon Reduction Plan within the first six months of the Service Commencement Date to ensure that it uses working methods, equipment and materials that will improve the sustainability of delivering the contract requirements.*

#### The Contractor shall;

- *Set annual targets and have a clear plan of action for meeting these targets.*
- *Ensure key personnel, particularly managers, are familiar and up to date with the carbon reduction plan and targets.*
- *Comply with Brighton & Hove City Councils carbon reduction target and any future updates.*
- *Demonstrate that policies and procedures are in place to monitor, review and report on carbon emissions across the organisation and provide data to BHCC on an annual basis (based on Defra guidance on how to measure and report GHG emissions)*
- *Ensure a process is in place to actively raise awareness of sustainability and carbon reduction at every level of the organisation.*
- *Demonstrate the consideration of carbon reduction within innovation to improve the quality and sustainability of services*

**Additional resources;**

EU GPP Criteria;

- [Electricity](#)



## Zero waste

The Council aims to reduce the amount of waste produced from its operations and maximise the reuse and recycling of the remaining waste. As such officers should be considering how waste will be created and how they can work with the supplier or other partners to prevent this waste from being created and reduce the associated costs.

### Return, Reuse and Recycling of packaging

#### Minimum;

*Packaging which is made from materials with reduced environmental impact is preferred. This includes bio-based and recyclable fill (e.g., moulded paper or starch-based loose fill) packaging that is reusable or refillable by the supplier, and packaging of non-renewable origin but recyclable in Europe. Suppliers are also required to provide for the removal of all equipment packaging at the time of, or a reasonable time after, delivery.*

#### Best Practice

*The Contractor shall:*

- Retain ownership of and take back all packaging materials unless otherwise agreed in writing by the parties;*
- Collect any packaging left at the Clients premises within [seven] working days of the issue of notification in writing by the Client that packaging is to be collected by the Contractor. Any packaging materials, which are not collected by the contractor within the agreed period will be disposed of by the Client and the Contractor will be charged for all the associated costs of disposal. Where exceptionally it is agreed in writing between the parties that the Client is obliged to return packaging materials to the Contractor then the Client accepts no liability in respect of the non-arrival at the Supplier's premises of empty packages returned by the Client unless the Supplier shall within ten days of receiving notice from the Client that the packages have been dispatched notify the Client of such non-arrival.*
- Use recyclable materials in the manufacture of crates, pallets, boxes, cartons, cushioning and forms of packaging, where these fulfil other packaging specifications.*
- If requested in writing to do so, produce evidence to satisfy the Client that recycled materials have been used.*
- Use packaging that is capable of being reused, refilled or where this is not possible recycled.*
- Review packaging specifications periodically to ensure that no unnecessary limitations on the use of recycled materials exist.*

## Sustainable transport

The council is committed to reducing carbon emissions and improving the sustainability of our transport options.

Officers should consider the impact of the contract will have on the city when procuring vehicles, transport services, or where there will be a significant amount of travelling by contracted staff. The impacts may be through the contribution to poor air quality and traffic congestion and the effect this has on the quality of life for the City's residents. As such officers should ensure their purchases have considered;

- Low emission modes of transport
- reducing transport distances, the frequency of journeys and the need to travel
- the maintenance and replacement costs, this should include the cost of disposal of the vehicle or any parts, such as tyres, waste oils and lubricants.

### Vehicles making deliveries

*The Contractor shall agree a delivery schedule with the Client and implement procedures for switching off the engines of delivery vehicles when stationary on the Client premises for longer than two minutes.*

### Bulk deliveries

*The [items] shall be delivered in bulk in order to reduce the number of deliveries whilst still ensuring that the service is delivered effectively. The actual number of journeys required per week (aiming for a reduced number) will be one of the award criteria.*

### Travelling in the course of providing the service

#### Minimum

*The Client is committed to reducing the impact of our operations, service providers' vehicle journeys and deliveries. The Contractor is expected to work with the Client to find methods to reduce the volume of transport, or offset the emissions associated with the transport required in the provision of the Service.*

#### Best Practice

*The City of Brighton & Hove is a busy, urban area. Reducing the disruption to traffic using the highway network is a high priority. The Contractor shall take adequate steps to avoid unnecessary delays to buses, cyclists and pedestrians and also to ensure the Council meets the new duties imposed on it by the Traffic Management Act 2004.*

*The Contractor is encouraged to work with the Council to identify work methods and materials that will reduce impact on the community through disruption, noise and vibration.*

**Additional resources;**

Government Buying Standards

- [Transport](#)

EU GPP Criteria;

- [Green Public Procurement criteria for transport](#)

## Sustainable materials

The council must give consideration to how materials are produced, used and disposed of. As a council we should be procuring more sustainable products and materials, such as those with low embodied energy or those made from renewable, sustainable or recycled materials.

As an example, Brighton & Hove City Council has made a commitment to improve its purchasing practices with regards to timber and wood derived products, and will give preference to legal and sustainable or recycled products in order to ensure it does not support illegal or unsustainable logging.



The Minimum Buying Standards for Timber and Wood Derived products is reproduced in [Appendix 4](#).

### Timber

All Timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and either:

- from a Legal and Sustainable source; or
- from a FLEGT-licensed or equivalent source;

Energy efficient products and materials ensure that we deliver on our commitment to reducing the impact of climate change. Officers should consider embodied energy within the products and materials purchased;

*'Embodied' energy is the amount of energy used in the extraction of materials, manufacture, transport and assembly.*

### Appliances

The Contractor must ensure that all equipment supplied is energy efficient and meets one or more of the following energy efficiency standards where such standards exist:

- Energy Saving Trusts' 'energy saving recommended' logo
- US 'energy star' logo;
- EU energy label (for example 'A' rated).

The Contractor should have in place measures to ensure the service reduces energy and water consumption and the emission of pollutants. The Contractor will need to be able to demonstrate the effectiveness of these measures.

### Additional resources;

Government Buying Standards;

- [Cleaning products](#)
- [Construction projects and products](#)

- [Electrical products](#)
- [Furniture](#)
- [Horticulture and park services](#)
- [Office ICT equipment](#)
- [Paper and paper products](#)
- [Textiles](#)

EU GPP Criteria;

- [Cleaning products](#)
- [Construction](#)
- [Office IT Equipment](#)
- [Textiles](#)
- [Gardening products and services](#)

BREEAM;

- [BREEAM](#) (BRE Environmental Assessment Method) is the leading and most widely used environmental assessment method for buildings. It sets the standard for best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance.

## Local and sustainable food

The city's food strategy sets out a vision for how the city can achieve a healthy and sustainable food system. This document highlights the importance of sustainable procurement and sets out targets and issues of concern which can impact on our purchasing decisions. As such officers should be considering;

- Promoting good health through a balanced diet and safe food
- Food that is socially inclusive, affordable and reflects local communities, culture and seasonality
- Supports the local economy by buying food from as close by as possible and therefore reducing food miles
- Involves sustainable farming, involving high environmental standards and reduced energy consumption
- Promotes animal welfare and values nature and biodiversity
- Offers fair prices, fair trade and ethical employment in UK and Overseas

Brighton & Hove achieved Fair Trade City status in 2004, more information and what it means to be a Fair Trade City can be found on the [Fairtrade pages](#) of the Council website. As such, where appropriate particularly for catering type contracts, the specification should continue our support for a Fair Trade City.

### Minimum

*The Council actively supports sustainable procurement and without infringing EU procurement regulations, where practical, the use of fresh seasonal/local foods/local suppliers within contracted services is encouraged; the contractor is further encouraged to utilise Fair Trade products where available, appropriate and affordable.*

### Best Practice examples

#### Fair trade;

*All tea, coffee, cocoa and bananas are to be certified as fairly traded.*

#### Eggs;

*All eggs, including liquid and powdered eggs, are sourced from systems that do not use conventional cages. If from a caged system, enriched cages are used.*

#### Fish;

*All fish are demonstrably sustainable with all wild-caught fish meeting the FAO Code of Conduct for Responsible Fisheries (includes Marine Stewardship Council certification and Marine Conservation Society 'fish to eat').*

## Animal Welfare

Through the [Animal Welfare Charter](#) and most recently the Corporate Plan the Council has made a commitment to the dignified and decent treatment of animals.

Purchasing should include the consideration of animal welfare to ensure that it precludes, and therefore contributes to the end of, animal testing. Just as with sustainability claims, products labelled as 'not tested on animals' or just 'animal friendly' can be misleading and may mean the end product has not been tested on animals but that the ingredients contained within the product have been. Clarification should be sought to explain exactly what the claim means and what evidence the supplier has to back up their claim.

**Additional resources;**

Government Buying Standards;

- [Food and catering services](#)

EU GPP criteria;

- [Food](#)

## Sustainable water

Brighton and Hove has one of the highest domestic water consumption rates in the UK<sup>1</sup>. As such, officers should therefore be considering how contracts can be used to reduce water consumption in council buildings and facilities as well as in the products we buy. As such the key considerations officers should consider are;

- Reduced water consumption,
- Preventing pollutants in the ground water, and
- how to maintain a quality public service despite the risk of reduced water availability.

### Water use and efficiency

*The contractor shall ensure that water is used efficiently in all circumstances and shall use such appliances that minimize water use in the pursuance of this contract.*

### Additional Resources;

Government Buying Standards;

- [Water using products](#)

Other useful websites;

- The [Water Efficient Product Labelling Scheme](#) allows you to compare hundreds of product that meet up to the standards of the Industry for water efficiency.
- In consultation with practitioners, [WRAP](#) has developed guidance and model clauses to help clients and developers ask for water-efficient buildings when procuring design, construction and facilities management services.

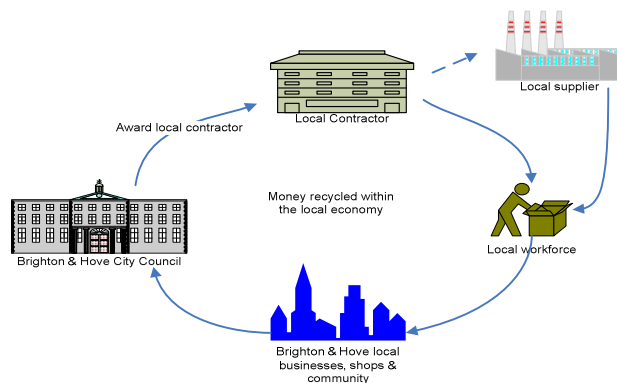
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<sup>1</sup> Brighton & Hove Strategic Partnership, 2010,

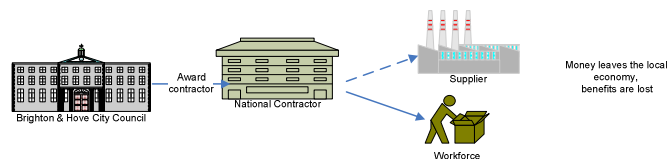


## Equity and local economy

Wherever possible, we should engage with local suppliers to stimulate and maintain a sustainable local economy. Supporting local jobs and services will have a positive impact on Brighton & Hove's economy as a whole. It has been proven that a greater percentage of money spent employing local Suppliers is recycled back into the economy. This supports local businesses, shops and communities which in turn supports the council. The diagram below demonstrates this process, known as the local multiplier effect;



While money spent nationally disappears from the local economy;



Using local suppliers can bring significant benefits to the local economy by:

- Employing & training local people
- Supporting local business
- Paying local taxes which in turn can be recycled back into the community

### Use of apprentices

*The Client is committed to opening opportunities for local people to enter the construction industry and as such requires the Contractor to deliver at least [three] completed apprenticeships over the term of this contract.*

### Use of local suppliers

*The Client shall use all reasonable endeavours to assist the Contractor in identifying potential SMEs as subcontractors and suppliers to the Contractor. The Client, in assisting the Contractor does not warrant the suitability of any SME that the Client may suggest as a potential sub-contractor or supplier to the Contractor in the provision of the Service.*

*The Client would also encourage the Service Provider to use local suppliers or local products where these are reasonable and available.*

## Social Enterprises and the Community and Voluntary Sector

Social enterprises are businesses with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community, rather than being driven by the need to maximise profit for shareholders and owners.

Whereas Community and Voluntary Sector organisations range from small, local community groups to large, established, national and international organizations. Some have no income at all and rely on the efforts of volunteers; others are, in effect, medium-sized businesses run by paid professional staff.

### Specification requiring the provision of information on supply opportunities to SMEs based in a designated area

*In line with its commitment to supporting SMEs and the local economy as set out in the Corporate Procurement Strategy it is a condition relating to the delivery of the contract that the following activities be undertaken to maximise supply-chain opportunities for targeted SMEs.*

- 1. To work with the **Supplier Development Programme [contact...]** or a suitable alternative organisation agreed by the client to develop a programme of activities and support so as to maximise the provision of information on subcontract and supply opportunities to SMEs within the **[BN postcode area]** and to maximize the number and competitiveness of bids in response to these opportunities from these SMEs.*
- 2. Within four weeks of commencement of the contract to report on the actions that have been taken to provide information and contract opportunities to SMEs within the **[BN postcode area]**, including a list setting out telephone and/or e-mail information for SMEs from the target area that have been involved in the activities in **1**.*
- 3. One week prior to each **[monthly contract review meeting]** to provide to the client a report setting out the numbers of SMEs within the **[BN postcode area]** that have been invited to tender / price for sub-contract and supply work, the number of these that have been awarded a contract and the total value of these contracts. This should be reported for the latest period and the contract to date.*
- 4. This requirement does not comprise or imply any promise on the part of the Client to provide suitable employees, subcontractors or suppliers. Any action taken by the Client to broker relationships between the Contractor and local individuals, businesses or agencies does not imply that they consider the individual, business or agency as suitable for engagement by the Contractor.*

### Additional Resources;

#### Apprentices and targeted training opportunities;

- [National Apprentice Service](#)

- [Sussex Council of Training Providers](#)
- [The Local Employment Scheme](#) (specific to construction projects)

## **Step 5 - Evaluating Tenders**

### **Sustainability in the Specification or Award Criteria?**

Officers should consider whether an environmental characteristic should be a minimum requirement (specification) or a preference (award criteria).

Applying environmental award criteria may be preferable where you are unsure of the cost and/or availability of goods, works or services which meet the criteria outlined. By including the requirements in the award criteria, the responses can then be weighed against other criteria such as cost.

Officers can set a minimum level of performance in the technical specifications, and then allocate extra points for even better performance at the award stage, allowing more flexibility when using existing standards, such as the Government Buying Standards and EU Green Public Procurement criteria.

### **Weighting sustainability criteria**

It is recommended that the Sustainability criteria account for no more than 10% out of the total Quality Evaluation Criteria. A sustainability weighting of 10% is considered appropriate to influence the quality of prospective supplier's response, without being disproportionate to the purpose of the contract. A judgement will need to be made in each case as to what weighting for sustainability criteria will be applied.

Price criteria can only assess the costs the Council itself would incur over the life of the contract. However, energy consumption or carbon savings can be included if it is made clear how the Council would incur a cost. As such the methodology of how this cost, and therefore the cost of the contract, is to be calculated will need to be explained within the tender documents.

## **Step 6 - Awarding the contract**

The Council should award contracts to 'the most economically advantageous tender', not just tenders based on price alone. This allows the evaluation of bids using a range of criteria for example: cost, quality, technical merit, aesthetic and functional characteristics, as well as running and whole life costs, all of which can have a direct impact on the environment.

The award criteria must be relevant to the subject of the contract and officers should ensure that any sustainability considerations are built into the tender specification at the earliest possible stage.

## Step 7 - Contract Management

The contract forms the framework within which the Council and the supplier can work together for continuous improvement and mutual benefit. The process of contract management involves monitoring the Supplier's performance against the standards laid down in the contract conditions and specification.

Having sustainable contract clauses and specifications are only effective if these are properly monitored and managed

Including Key Performance Indicators (KPI's) into a contract are a way of ensuring that suppliers fulfil the contract satisfactorily and that the focus remains on continuous improvement - there can be penalties for under performance in the contract although KPI's can also be used to incentivise suppliers by adding bonuses for meeting or exceeding targets.

Any KPI's you develop, either within the initial tender documents or subsequently with your supplier, should be in line with your specification. The table below provides some examples;

KPI	Target	Q1	Q2	Q3	Q4	Total
% of food for contract that is fairly traded						
% of vehicles using [Euro IV] engines						
Progress on implementing 'Carbon Management Plan'						
Number of apprenticeships in place						

## APPENDIX 1 – DEFINITIONS

**Best value for money-** the optimum combination of whole life costs and benefits to meet the customer's requirement

**Community Benefits** – Community Benefits are realised through the economic, social and environmental improvement of the area. Providing that activities fall within the EC Procurement Rules, Council's are free to work with suppliers to realise community benefits through their procurement activities.

**Small and Medium Sized Enterprises (SMEs)** – “The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding 50 million euro, and/or an annual balance sheet total not exceeding 43 million euro.”

Extract of Article 2 of the Annex of Recommendation 2003/361/EC

**Social Enterprises** - are businesses with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community, rather than being driven by the need to maximise profit for shareholders and owners.

**Community and Voluntary Sector** – are organisations ranging from small, local community groups to large, established, national and international organizations. Some have no income at all and rely on the efforts of volunteers; others are, in effect, medium-sized businesses run by paid professional staff.

**Sustainable Procurement** – “A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation but also to society and the economy while minimising damage to the environment.”

National Sustainable Action Plan

### **Definitions for Legal and Sustainable, in terms of Timber and Wood Derived products;**

**Legal sources** - For UK Government procurement, legal timber and wood-derived products are those which originate from a forest where the following requirements are met:

- The forest owner/manager holds legal use rights to the forest.
- There is compliance by both the forest management organisation and any contractors with local and national legal requirements including those relevant to:
  - Forest management;
  - Environment;
  - Labour and welfare;
  - Health and safety;
  - Other parties' tenure and use rights

- All relevant royalties and taxes are paid
- There is compliance with the requirements of CITES.
- Sustainable sources

**Sustainable sources** - For the purpose of the UK Government timber procurement policy, sustainable timber and wood products must come from a forest which is managed in accordance with a definition of sustainable that meets the requirements set out below:

#### Content of the definition

- The definition must be consistent with a widely accepted set of international criteria defining sustainable or responsible forest management at the forest management unit level.
- The definition must be performance-based, meaning that measurable outputs must be included.
- Management of the forest must ensure that harm to ecosystems is minimised.
- Management of the forest must ensure that productivity of the forest is maintained.
- Management of the forest must ensure that forest ecosystem health and vitality is maintained.
- Management of the forest must ensure that biodiversity is maintained.
- The process of defining 'sustainable' must seek to ensure:
  - No single interest can dominate the process;
  - No decision can be made in the absence of agreement from the majority of an interest category.

**Recycled timber** - is defined as recovered wood that prior to being supplied to the Authority had an end use as a standalone object or as part of a structure. The term "recycled" is used to cover the following categories:

- Pre consumer recycled wood and wood fibre or industrial by products (from furniture production for example). Sawmill co-products fall within the category of virgin timber and not recycled.
- Post consumer recycled wood and wood fibre (recycled paper for example) and drift wood. CPET shall be contacted if claims of drift wood are made.
- Reclaimed timber which was abandoned or confiscated at least ten years previously. Evidence of the timber being harvested more than 10 years ago is required and CPET shall be contacted

## **APPENDIX 2 – THE ETHICAL TRADING INITIATIVE (ETI) BASE CODE**

### **1. Employment is freely chosen**

- 1.1 There is no forced, bonded or involuntary prison labour.
- 1.2 Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.

### **2. Freedom of association and the right to collective bargaining are respected**

- 2.1 Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.
- 2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities.
- 2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.
- 2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

### **3. Working conditions are safe and hygienic**

- 3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.
- 3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.
- 3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.
- 3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.
- 3.5 The company observing the code shall assign responsibility for health and safety to a senior management representative.

#### **4. Child labour shall not be used**

- 4.1 There shall be no new recruitment of child labour.
- 4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; “child” and “child labour” being defined in the appendices.
- 4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.
- 4.4 These policies and procedures shall conform to the provisions of the relevant ILO standards.

#### **5. Living wages are paid**

- 5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.
- 5.2 All workers shall be provided with written and understandable Information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.
- 5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

#### **6. Working hours are not excessive**

- 6.1 Working hours comply with national laws and benchmark industry standards, whichever affords greater protection.
- 6.2 In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.

#### **7. No discrimination is practised**

- 7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.



## **8. Regular employment is provided**

- 8.1 To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice.
- 8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, subcontracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.

## **9. No harsh or inhumane treatment is allowed**

- 9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited.

The provisions of this code constitute minimum and not maximum standards, and this code should not be used to prevent companies from exceeding these standards.

Companies applying this code are expected to comply with national and other applicable law and, where the provisions of law and this Base Code address the same subject, to apply that provision which affords the greater protection.

*Note: We have made every effort to ensure that the translations of the ETI Base Code and Principles of Implementation are as complete and accurate as possible. However, please note that in both cases it is the English language documents which should be treated as the official versions.*

## APPENDIX 3 – COMMON SUSTAINABILITY CLAIMS & ECO-LABELS

Some products are marketed with claims of sustainability credentials, which are misleading or untrue. Standards, such as the [EU Eco labelling scheme](#), have been set up to help purchasers make sustainable purchasing decisions, by setting standards for a range of products to ensure they are the most sustainable in their class.

Eco labels can be very useful in the assessment of whole life costs for a product as the accreditation of a label is based on the analysis of their life-cycle impacts. Therefore if a product has an eco-label it means an organisation may not need to carry out its own analysis of the life cycle costs of that product.

The table below outlines some of the most common labels applied to a variety of specific products or product groups. For more information, Defra has also produced a booklet called '[Green Claims – Practical Guidance](#)' about environmental claims, to give more advice to purchasers.

### General Product Eco Labels



**The European Ecolabel** is a voluntary scheme, established to encourage products and services that are kinder to the environment.

Product groups include cleaning products, appliances, paper products, textile and home and garden products, lubricants and services such as tourist accommodation.



**The Nordic Ecolabel (Nordic Swan)** is the official Ecolabel of the Nordic countries and it evaluates a product's impact on the environment throughout the whole lifecycle, based on the environmental effects of the manufacturing process rather than the selection of raw material.



**The German Blue Angel** sets a standard for eco-friendly products and services selected by an independent jury in line with defined criteria.

### Service Standards



#### Eco-Management and Audit Scheme

Suppliers use this symbol if they have assessed their significant environmental impacts, set long term objectives, and pursue annual targets to meet those objectives, monitor progress against these targets and have a publicly reported environmental statement of annual progress.



**International Standards Organisation (ISO) Accreditation**  
Environmental Management Schemes should be approved by an accredited certification body, details of which can be found on the United Kingdom Accreditation Service (UKAS) website. Accredited schemes will display the following logo.

**Energy Using Products**



**Energy Star**  
Energy Efficiency scheme for a range of office equipment including ICT, air conditioning and heating, lighting.

NB these are mostly US products, so may be more applicable to purchases in areas such ICT.



**The EU energy label**  
This rates products from A, (the most efficient) to G (the least efficient). By law, the label must be shown on all refrigeration appliances, electric tumble dryers, washing machines, washer dryers, dishwashers, electric ovens, air conditioners, lamps and light bulb packaging.



**Energy Saving Trust Recommended**  
This label compliments the EU energy label and only the most energy efficient products will carry this label. The consumer-focused logo appears on a range of products including fridges, freezers, dishwashers, washing machines, tumble dryers, light bulbs, gas boilers and heating controls.



**TCO Certified**  
Every product model is tested by an accredited through a process of independent laboratory, regular after-market checks and test rounds.

**Natural Products and Food**



**Fairtrade Mark**  
This signifies that the product has met a set of internationally agreed criteria around paying a fair price, enhancing the lives of the producers and their community, and working to set environmental standards.



**Red Tractor**  
The Red Tractor logo is symbol of quality food that's affordable and safe to eat. The Union flag in the Red Tractor logo guarantees that the food comes from British farms and meets high standards of production relating to food safety and hygiene, animal welfare and environmental protection.



### **The Soil Association (Organic Symbol)**

This is a national independent quality mark for organically grown food and other products, such as compost. It is awarded to farmers, growers, food processors, distributors, retailers and industrial manufacturers who follow the standards laid down by the Soil Association (no use of artificial chemicals in the production process and minimum animal welfare standards).



### **Marine Stewardship Council**

A sustainable fishery allows target fish populations to recover to healthy levels where they have been depleted in the past. This labelled product has been produced by an operation which supports the ecosystem upon which fish stocks depend and does not encourage overfishing.



**BUAV  
APPROVED**

### **BUAV Humane Cosmetic Standard and Humane Household Products Standard**

The HCS and HHPS are independent and check to make sure that all approved companies have a strong policy against animal testing in place and that they and their suppliers stick to it. A lot of these companies carry the "leaping bunny" logo on their packaging

## **Construction Materials**



### **Forestry Stewardship Council**

FSC is an international, non-governmental organisation dedicated to promoting responsible management of the world's forests.

The FSC runs a global forest certification system with two key components: Forest Management and Chain of Custody certification, allowing consumers to identify, purchase and use timber and forest products produced from well-managed forests.



### **Programme for the Endorsement of Forest Certification**

An international non-profit, non-governmental organization dedicated to promoting sustainable forest management, the Programme for the Endorsement of Forest Certification is the certification system aimed at small forest owners.

**APPENDIX 4 – MINIMUM BUYING STANDARDS – TIMBER AND WOOD DERIVED PRODUCTS**

<b>Minimum Buying Standards</b>	
<b>Timber and Wood Derived Products</b>	
<b>Product group</b>	
<b>All Paper</b>	All paper purchased must be Elemental Chlorine Free (ECF), totally Chlorine Free (TCF) will also be accepted.
	All paper purchased, including paper used for externally printed publications, to be made from a minimum 75% recovered paper fibres*.  Of the non-recycled content (25% or less), any virgin fibre used must only be timber and timber products originating either from independently verified legal and sustainable sources or from a licensed Forest Law Enforcement Governance and Trade (FLEGT) partner should be purchased.
<b>Copying and graphic paper</b>	All paper must be made from 100% recovered paper fibres.
<b>Paper for printed publications</b>	All paper, including paper used for externally printed publications, to be made from a minimum 75% recovered paper fibres*.  Of the non-recycled content (25% or less), any virgin fibre used must only be timber and timber products originating either from independently verified legal and sustainable sources such as FSC or PEFC, or from a licensed Forest Law Enforcement Governance and Trade (FLEGT) partner should be purchased. In addition, all printed material should include a statement of the recycled content of the paper it is printed on**.
<b>Paper based cleaning products e.g. kitchen and toilet tissue</b>	All paper must be made from 100% post consumer recycled paper fibres*.
<b>Paper-based stationery products e.g. notepads, diaries, post it notes</b>	All paper, including paper used for externally printed publications, to be made from a minimum 75% recovered paper fibres*.  Of the non-recycled content (25% or less), any virgin fibre used must only be timber and timber products originating either from independently verified legal and sustainable sources such as FSC or PEFC, or from a licensed Forest Law Enforcement Governance and Trade (FLEGT) partner should be purchased. In addition, all printed material should include a statement of the recycled content of the paper it is printed on**.
<b>Envelopes</b>	All paper must be made from 100% post consumer recycled paper fibres.

<b>Furniture with timber content</b>	Only timber and timber products made from independently verifiable legal and sustainable sources such as FSC or PEFC, or from a FLEGT (Forest Law Enforcement, Governance and Trade) licensed partner can be purchased. Recycled timber is also accepted***.
<b>Timber</b>	Only timber sourced from independently verifiable legal and sustainable sources or FLEGT (Forest Law Enforcement, Governance and Trade) licensed partner should be purchased. Recycled timber is also accepted***.

## APPENDIX 5 - MODEL SUSTAINABILITY SPECIFICATION

### 1. Sustainability

- 1.1 Brighton & Hove City Council recognises that its operations and service delivery have effects on the environment at a local and global level. The council is committed to reducing those effects by managing its own environmental impacts, encouraging and supporting others to do the same, and continuously improving the environment for the benefit of residents, businesses and visitors to Brighton & Hove.
- 1.2 The Client takes its commitments to promoting sustainability, reducing waste and tackling climate change seriously and one of its priorities is to make Brighton and Hove a more sustainable city. The Client aims to make a 20% reduction in our directly controllable carbon emissions by April 2012. As such the Client expects its Service Providers to be equally committed to reducing their own carbon emissions and to support the Client in improving [*the sustainability of its supply chain*] [*the energy efficiency and the sustainability of our housing stock/corporate buildings*] [*the Display Energy Certificate assessment scores for our buildings, where required*].
- 1.3 The Service Provider will be required to comply with all reasonable requirements regarding energy and waste management, in particular the Client's [*insert any departmental policies applicable i.e. 'Housing Repairs & Maintenance Sustainable Building Guidance'*] (attached as Appendix [ ]).
- 1.4 [*The Service Provider will comply with the Site Waste Management Plans Regulations 2008. Accordingly the Service Provider will be required to produce Site Waste Management Plans (SWMPs) for the approval of the Client where requested. The Service Provider will continually review and improve the SWMPs over time to reduce site waste to an absolute minimum.*]
- 1.5 Annually, on the anniversary of the Commencement Date, the Service Provider shall submit a Sustainability Plan to the Client, which will identify and provide evidence on how they will improve the sustainability of the contract. For the purposes of this Plan year one of the contract shall be considered the baseline for performance.
- 1.6 The Service Provider will be required to demonstrate that they:
- Have policies in place that will improve energy efficiency and encourage awareness of energy issues in terms of their own operations and the Client's [*housing stock*] [*corporate buildings*].
  - Have a commitment to reducing waste, reusing and recycling resources used in the delivery of the service wherever possible, and aim to ultimately send zero waste to landfill.
  - Have a commitment to reduce green house gas emissions to the atmosphere arising from its activities including operational and embedded CO<sub>2</sub> levels. As part of this commitment the Service Provider should encourage low carbon modes of transport and fuel efficient driving, as well as reducing the need to travel.
  - Have a commitment to sustainable procurement and consider the whole life cost of goods and services procured on behalf of the council. All aspects of procurement should be assessed to help reduce significant

environmental impacts, whilst also maintaining a balance between social and economic needs of the wider community. This will include, where possible, procuring energy and other natural resources from renewable sources, those with low embodied energy, the procurement of local materials, or those materials made from renewable or waste resources, wherever possible.

- Actively engage with and improve the performance and sustainability of its own supply chain

In addition you could insert one or more of the following where applicable

- *Have a commitment to sourcing low impact, local, seasonal and organic foods as well as have policies in place to reduce food waste*
- *Have a commitment to using water more efficiently in [buildings] [operations] [the products purchased], tackling local flooding and water course pollution*
- *Not to use packaging with chlorofluorocarbons*

## **2. Community Regeneration and Well Being**

2.1 The Client is committed to reducing poverty and inequality and recognises the important role that work can play in improving people's life chances. The key objectives of Chapter 5 of the Local Plan, 'Supporting the local economy and getting people to work' include:

- Improve the competitiveness of the local economy
- Support and retain existing businesses
- Improve the skills level of the local workforce

2.2 *The Client is committed to opening opportunities for local people to enter the construction industry and as such requires the Service Provider to deliver at least [three] completed apprenticeships over the term of this contract.*

2.3 The Service Provider should use all reasonable endeavours to provide opportunities for additional small businesses (less than 50 employees) based in Brighton & Hove. The Service Provider is encouraged to consider how to engage with these small and medium sized suppliers.

2.4 The Client would also encourage the Service Provider to use local suppliers or local products where these are reasonable and available.

### **2.5 Local Labour Scheme**

*The Client operates a Local Labour Scheme which aims to open career pathways into the construction industry and leave behind a legacy of a local skilled construction workforce, benefiting local neighbourhoods, local people and the local economy.*

2.6 *The Local Labour Scheme has the following main functions:*

- *Provide a job brokerage service for developers and sub-contractors wishing to recruit skilled workers*
- *Facilitate the allocation of trainees seeking work experience places and apprenticeships*
- *Manage a database of local firms able to tender for sub-contracted works*
- *Monitor compliance with S106 agreements relating to the provision of*



*employment, traineeship / apprenticeships, work experience placements and use of local suppliers*

- Provide regular performance reports to partners and stakeholders*

*2.7 The Local Labour Scheme will be supported by a range of agencies able to provide skills training; qualifications and SCSC cards to enable residents to work on site. It will also work with the occupants of the new developments to service the new jobs that emerge. The services supporting the scheme will include Jobcentre Plus, the Learning & Skills Council, Business Link and a range of local skills training providers.*

*2.8 The Service Provider will be required to work with the Brighton & Hove Local Labour Scheme to support the training and employment of residents and:*

- Meet with representatives from the Client's Economic Development Team to provide information on the planned schedule of works*
- Ensure that the expectations relating to employment and training are extended to all sub-contracts*
- Provide early and regular information on job vacancies to the local labour scheme so that local people can be considered for posts*
- Provide the contact details of all relevant staff and sub-contractors so that the placement of trainees can be planned effectively if applicable*
- Provide regular information to the local labour scheme on the number and profile of apprentices, trainees and employees on site if applicable*
- Provide timely information on sub-contracting opportunities to ensure that local suppliers are able to tender*

*2.7 The Service Provider will provide information which allows the Client to evaluate the success of the scheme. This information could include the number of apprenticeships completed, the number of trainees on sites, the number of Residents employed, the duration of employment and the number of local businesses that have secured sub-contracts.*

*2.8 The Client recognises that a degree of flexibility is required. Whilst contributions towards employment and training will be sought on all Client maintenance contracts and sub-contracts The Client will work with the Service Provider to find an appropriate solution which supports the specific needs of the Term Programme.*

*2.9 Education, Training and Employment Plan*

*The Service Provider will be expected to combine the above initiatives into a joint comprehensive 'Education, Training and Employment Plan'. The Education, Training and Employment Plan will be reviewed on an annual basis to reflect the programme of schemes for the coming year linked to resources available.*

*2.10 The Service Provider is required to put forward ideas on how all the above initiatives could be combined by all of the Client's partners into a joint comprehensive Investment Programme wide 'Education, Training and Employment Plan'.*

**3. Diversity**

- 3.1 Local Authorities have duties to promote equality of opportunity regardless of race, disability age and gender (including transgender). We are required to carry out Equality Impact Assessments, prepare and publish Equality Schemes that show how we plan to do this, through setting out an action plan for improvement and change. We must also identify clear targets so we can measure our progress.
- 3.2 In order to meet this new 'general duty' we must ensure that, in carrying out our functions as a Council, we take account, in everything that we do, of the need to:
- Eliminate unlawful discrimination;
  - Promote equality of opportunity; and
  - Promote good relations between people of different communities and identities
- 3.3 The Client also has to meet a new 'special duty' to ensure our recruitment, selection, training and promotion arrangements, grievance and disciplinary policies and procedures for our employees operate fairly.
- 3.4 The Client has published an Equality and Inclusion Policy, a document which outlines our priorities for promoting equality, to ensure we are meeting our legal obligations and that we are aiming to improve the way we provide our services to all sections of the community.
- 3.5 The Client positively embraces the diversity of its city. We would expect the Service Provider's workforce to reflect this diversity. The Service Provider must understand and meet the needs and expectations of our diverse client group. We want to work collaboratively to address any imbalances that exist in our operations to improve and enhance the services provided to our customers.
- 3.6 The Client is committed to promoting equality and inclusion in all aspects of our work and will strive to improve access to employment, services and buildings for persons with disabilities. We will communicate with our customers, employees and other business partners through the language or medium of their choice and expect the Service Provider to do likewise.
- 3.7 The following are the Minimum contractual requirements in our diverse city:
- i) The Service Provider must operate an Equal Opportunities Policy for as long as this contract is in force and provide the Client with a copy of any such policy at their request.
  - ii) The Service Provider must use all reasonable endeavours to make sure that their Equal Opportunities Policy with all statutory obligations and the Client's policies as regards discrimination on the grounds of colour, race, nationality, cultural or ethnic origin, marital status, gender, gender identity, age, disability, religion or sexual orientation in relation to decisions made by them in the recruitment, training or promotion of staff employed or to be employed in the provision of services, and in the provision of services, and in carrying out their obligations under this Agreement.
  - iii) In providing services, the Service Provider must observe as far as possible the Commission for Racial Equality's Code of Practice for

- Employment, (the 'Code'), any updates to the Code, or any code which may replace it.
- iv) The Service Provider must provide the Client with such information as it may reasonably require in order for the Client to assess the Service Provider's compliance with the Code.
  - v) If any Court or Tribunal, or the Equality and Human Rights Commission (or any body which may replace the Commission) makes a finding that the Service Provider has unlawfully discriminated against any person in their employment or service provision then they must take all necessary steps to make sure that the unlawful discrimination does not happen again, and notify the Client in writing of the finding and the steps taken to prevent its re-occurrence.
  - vi) In providing services, the Service Provider must give appropriate consideration to each customer's race, nationality, cultural or ethnic background, marital status, age, gender, gender identity, religion or belief, sexual orientation and disabilities.
  - vii) In providing services the Service Provider must observe the Client's Equality Scheme.

#### **4. Ethical Labour Standards**

- 4.1 The Client expects its suppliers to make sure that working conditions in their and their suppliers' operations meet (or exceed) international labour standards, ensuring that;
- There is no forced labour and employment is freely chosen
  - The right of freedom of association is respected and encouraged by the employer
  - No child labour is used
  - Living wages are paid (wages should always be enough to meet basic needs and to provide some discretionary income)
  - No harsh treatment is used or discrimination practised
  - Workers are not pressurised to undertake overtime they do not wish to do
  - A safe and hygienic working environment shall be provided

## APPENDIX 6 - COUNCIL CONTACTS

Sustainability	Sustainability Team Contact Thurstan Crockett Ext. 2503
Works Contracts	Property & Design team Contact Angela Dymott Ext. 1450
Health & Safety issues	Health & Safety Team Contact Hilary Ellis Ext. 1305
Equalities issues	Equalities Implementation Officer Contact Judy Redford Ext. 1343
Stakeholder Involvement issues	Research Team Contact David Golding Ext. 1088
Animal Welfare Charter	Public Safety Division Contact Tim Nichols Ext. 2163