Oxford Climate Policy Monitor 2024 Survey

Jurisdiction United Kingdom

Law firm Shoosmiths

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[We note in particular that, since August 2024, the official 'go-live' date of the Procurement Act 2023 in the UK was postponed to 24 February 2025; the Procurement Act 2023 went live on that date and will apply to procurement processes commenced on or after that date. The Public Contracts Regulations 2015, Utilities Contracts Regulations 2016 and the Concession Contracts Regulations 2016 (as applicable) will continue to apply to procurement processes predating 24 February 2025.]

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Policy Tool Name: Public Contracts Regulations 2015

3. Source material link(s): https://web.archive.org/web/20230414074313*/http://www.legislation.gov.uk/uksi/2015/102/regulation/1/made/data.pdf
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
□ Climate-related disclosure
□ Transition planning
☑ Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
☑ Head of state and/or government
□ Independent regulatory or supervisory body
□ Legislature
☐ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2015</u>

10. Does the policy tool have an end date?
No No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The policy tool requires public authorities to carry out a regulated procurement procedure when
procuring contracts for supplies, services and/or works valued above certain financial thresholds.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>High Court of England and Wales</u>
o 2.
o 3.
o 4.
o 5.
15. To provide contextual information, rate the capacity of High Court of England and Wales to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
● 3- High Capacity (Please explain) A breach of the regulations is actionable by economic operators (i.e. unsuccessful tenderers) that suffer, or risk suffering, loss or damage. In practice, almost all public procurement challenges are commenced in the High Court, Technology and Construction Court, not

<u>least because its judges have specific expertise in the area and the court has developed and</u>

published a particularly relevant and helpful guidance note on procedures for public procurements

ineffectiveness are met. Where a procurement challenge is brought prior to entry into the contract,
the court will consider whether damages or setting aside the award is the most appropriate remedy.
o Prefer not to answer
o Not Applicable

cases (currently set out in Appendix H of the Technology and Construction Court Guide). Once the contract has been entered into, the only available remedy is damages, unless the conditions for

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			V
entities			
2. Private companies			✓
3. Financial institutions			☑
4. Small and medium-			☑
sized enterprises			
5. State-owned	V		
companies			
6. Not-for-profit			☑
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	☑		
agencies and/or			
departments (national)			
9. Government	☑		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government	☑		
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government	✓		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			\square
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned companie s	Government agencies and/or departments (supranation al)	Governmen t agencies and/or departmen ts (national)	Governmen t agencies and/or departmen ts (regional - e.g. state, province, region, metropolita n region)	Governmen t agencies and/or departmen ts (local - e.g. county, district, municipalit y, city)	Governmen t agencies and/or departmen ts (unspecifie d)
Minimum number of employees (Enter min number of full-time employees - FTEs)						
Minimum revenue (Enter minimum revenue)						
Minimum assets (Enter minimum assets)						
Minimum contract value (Enter minimum contract value)	Contracts for Services &/or Supplies - £214,904 Contracts for Works - £5,372,60 9	Contracts for Services &/or Supplies - £139,668 Contracts for Works - £5,372,609	Contracts for Services &/or Supplies - £139,668 Contracts forWorks - £5,372,609	Contracts for Services &/or Supplies - £214,904 Contracts for Works - £5,372,609	Contracts for Services &/or Supplies - £214,904 Contracts for Works - £5,372,609	Contracts for Services &/or Supplies - £139,668 Contracts for Works - £5,372,609
Entity is headquartere d in the jurisdiction						
Entities are subjected to disclosure or reporting requirements						

28. Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?
No No
○ Yes
30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?
Operations within jurisdiction only
o Operations beyond the jurisdiction
∘ Not applicable
32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
☑ Monetary fine <u>A civil financial penalty must be paid by the contracting authority where the court makes an order for a declaration of ineffectiveness</u>
□ Restriction on business activities
☑ Voiding or setting aside of contract <u>A successful public procurement challenge can result in a declaration of ineffectiveness</u>
☐ Exclusion from government contracts
☑ Award of damages or compensation <u>Damages can be awarded to economic operator which has</u> suffered loss or damage as a consequence of the breach
□ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
☑ Other Where the contract has not been entered into the court can order that the decision to award the contract can be set aside and/or the amendment of any document

33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
Above average
o Not applicable
o Unknown or prefer not to answer
34. Provide supplemental explanation of your assessment of the associated costs of compliance. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
It can be costly for both public authorities and bidding entities to procure and bid for public contracts.
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
o Above average
o Not applicable
o Unknown or prefer not to answer

36. Provide supplemental explanation of your priority assessment. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Contracting authorities hold a huge portion of the bargaining power in the procurement process and the ability to evade transparency by relying on e.g. duties of confidentiality and making strategic calls such as not engaging in questions/challenges raised by unsuccessful tenderers so as to push those tenderers to issue court proceedings, which the tenderers have very little time to do given the very

short timeframes involved in public procurement challenges in England and Wales. The very high cost
of pursuing litigation in the English High Court means that unsuccessful tenderers frequently opt not
to pursue a challenge. Unsuccessful tenderers are also concerned to maintain/promote commercial
relationships with contracting authorities.
37. Have the climate-specific provisions in this instrument ever been enforced?
No (If relevant, explain)
∘ Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
∘ No
Yes
40. Describe the monitoring systems in place. Please reference the relevant
section/subsection/paragraph of the policy tool where monitoring systems are set.
The Public Procurement Review Service sits within the Cabinet Office and allows
government suppliers and potential government suppliers to raise concerns anonymously about
potentially poor public sector procurement practice.
41. Does the policy tool recommend or require periodic impact assessments?
No
 Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
No
O 110

o Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No No
∘ Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No No
o Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
No
o Allowed and/or recommended
o Required

202.	Does the	policy	tool set	taraets	in relation	to climate-c	alianed	procurement?	Select al	l that	'lagb	٧

	Allowed/recommended	Required	Not applicable
A minimum percentage of			V
tenders/contracts which must			
include climate-related			
criteria			
A minimum number of			☑
climate-related criteria to be			
included in			
purchases/tenders			
A minimum value of			☑
procurement spend which			
must include climate-related			
criteria			
A maximum amount of			2
greenhouse gas emissions			
associated with			
tenders/contracts (i.e. a			
carbon ceiling/envelope)			
Targets for the reduction of			☑
fossil fuel energy			
consumption associated with			
tenders/contracts			
Targets for the procurement			3
of products which have a			
third-party sustainability			
certification/ ecolabel/			
voluntary sustainability			
standard			
Other (Please describe and			☑
reference the			
section/subsection/paragraph			
of the policy tool relevant to			
other climate-aligned			
procurement targets)			
<u>Other Text:</u>			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			☑
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			☑
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			V
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			V
include emissions from			
procurement in their			
carbon budget			
Procuring entities			✓
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			V
inform and/or consult			<u>v</u>
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or dialogue)			
Other allowances,	П		
recommendations or			V
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
○ No
Allow and/or recommend
○ Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.
Regulation 67 allows the most economically advantageous tender to be identified on the basis of price or cost, using a cost-effectiveness approach, such as life-cycle costing in accordance with regulation 68. Regulation 68 provides that life cycle costing imputed to environmental externalities linked to the product, service or works during its life cycle may include the cost of emissions of greenhouse
gases and of other pollutant emissions and other climate change mitigation costs.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
● No
 Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.

o No

• Allow/recommend Regulation 68(4) provides that where contracting authorities assess costs using
<u>a life-cycle costing approach, they shall</u>
indicate in the procurement documents—
(a) the data to be provided by the tenderers, and
(b) the method which the contracting authority will use to determine the life-cycle costs on the basis
<u>of those data.</u>
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations	☑		
Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of life- cycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements	☑		
Exclusion or Debarment	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds?
o No
● Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool) Regulation 57(6) provides that the contracting authority or utility may disregard any of the prohibitions imposed by paragraphs (1) to (3) (containing the mandatory and discretionary exclusion criteria), on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.
$\hfill\square$ Absence of convictions/prosecutions for climate and/or environmental offences
☐ Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.
☐ Poor performance and/or failure to evidence progress on corporate climate and environmental policies
\square Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds
☑ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool) Regulation 57(6) provides that the contracting authority or utility may disregard any of the prohibitions imposed by paragraphs (1) to (3) (containing the mandatory and discretionary exclusion criteria), on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.
Life-cycle costing or whole-life costing
Technical specifications

Contract Award Criteria

19

Other Allowances, Recommendations, or Requirements
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
∘ No
Allowed and/or recommended
∘ Required
250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.
Regulation 70(1) sets out that contracting authorities may lay down special conditions relating to the performance of a contract, provided that they are (a) linked to the subject-matter of the contract within the meaning of regulation 67(5), and (b) indicated in the call for competition or in the procurement documents. Regulation 70(2) provides that those conditions may include economic, innovation-related, environmental, social or employment-related considerations.
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No No
Allowed and/or recommended

 Required 					
Standards, F	rameworks	, and Guide	elines		

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			✓
2. The jurisdiction's			<u> </u>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			V
4. IFRS S2			V
5. Task Force on Climate-			V
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			☑
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate Value Chain (Scope 3)			V
Accounting and Reporting			
Standard			
8. CDP (formerly known as			I
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			V
initiative (SBTi)			
10. Science Based Targets			V
initiative (SBTi) Net Zero			
Standard			
11. United Nations			✓
Sustainable Development			
Goals (SDGs) 12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			I
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			V
Procurement			
Implementation Guidelines			
15. OECD MAPS -			✓
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			☑
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			
Procurement Guidance Note			
i rocurement duidunce Note	ļ	L	1

18. Inter-American			V	
Development Bank Green				
Procurement Guidelines	Г			
19. EDBR Project			✓	
Requirements/Environmental and Social Action Plan				
20. World Bank				
Environmental and Social				
Framework				
21. Other		✓		
ZI. Other	Ш	V	Ш	
263. List any other standards, f	rameworks or guideline	s integrated into or refe	rred to within the	
policy tool. Please provide a we	b-archived link to each	standard/framework/gu	iideline listed.	
h thu // h h : / h /2.00	240702225455*////-		San anna Anna an India	
https://web.archive.org/web/20	·	-		
<u>bioeconomy-for-europe-streng</u> t	<u>thening-the-connection</u>	<u>-between-economy-soc</u>	<u>ciety-and-the-</u>	
<u>environment/?format=pdf</u>				
The Europe Bioeconomic Strategy 2012 for smart, sustainable and inclusive growth (Strategy) is				
referred to in the definition of "innovation" which is used in Regulation 70(2) of the policy tool. This				
means that the Strategy can be used when contracting authorities choose to lay down special				
conditions relating to the performance of a contract, provided it is(a) linked to the subject-matter of				
the contract within the meaning of regulation 67(5), and (b) indicated in the call for competition or in				
the procurement documents.	j or regulation or (5), an	<u>la (b) maleatea in the ea</u>	ii for competition or in	
·	in Dogulation 76(0)(d).	high allows contracting	authorition to talka inte	
The Strategy is also referred to		_	dutnorities to take into	
account relevant considerations	•			
The Strategy incorporates UN's	Sustainable Developm	<u>ent Goals (SDGs) and th</u>	<u>ne Paris Agreement.</u>	
Additional Important Informat	ion			

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

<u>The policy tool is supplemented by the use of Procurement Policy Notes (PPNs) which can be found here</u>

 $\frac{https://web.archive.org/web/20240718153608*/https://www.gov.uk/government/collections/procure}{ment-policy-notes}$

Some of these policy notes allow central government authorities procuring contracts over £5m per annum in value to ask potential suppliers to confirm their commitment towards achieving Net Zero by

2050 by providing a Carbon Reduction Plan (PPN 03/24), how to assess such a plan (PPN 06/21) and use of a standard Carbon Reduction Schedule in government contracts (PPN 01/24).

There are also PPNs which cover reporting on the use of steel in central government contracts work over £10m (PPN 04/23), taking into account social value in central government contracts (PPN 06/20) and providing practical advice on implementing government's obligations under Article 6 of the Energy Efficiency Directive 012/27/EU on energy-efficient public procurement.

Policy Tool Name: Utilities Contracts Regulations 2016

of (planned) entry into force or year of publication
r (Please describe)
oved, not yet in force
roved, in force
tus of the policy tool
er (Please describe)
stry/Department/Agency
ciary
slature
pendent regulatory or supervisory body
d of state and/or government
ect the category which best describes the author/issuer of the policy tool.
ic procurement
sition planning
ate-related disclosure
ich of the following governance domains does this policy tool relate to? Select all that apply.
irce material link(s): web.archive.org/web/20230813131908*/http://www.legislation.gov.uk/uksi/2016/274/content e/data.pdf

10. Does the policy tool have an end date?
No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The policy tool requires public authorities which pursue certain activities in specific sectors such as gas and heat, electricity, water, transport services, ports and airports and postal services, or entities which pursue certain activities in these sectors on the basis of an exclusive right, to carry out a regulation procurement procedure when procuring contracts for supplies, services and/or works that have a value above a specific financial threshold.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>High Court of England and Wales</u>
o 2.
∘ 3.
o 4 .
o 5.
15. To provide contextual information, rate the capacity of High Court of England and Wales to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
■ 3- High Canacity (Please explain) A breach of the regulations is actionable by economic operators.

(i.e. unsuccessful tenderers) that suffer, or risk suffering, loss or damage. In practice, almost all public

procurement challenges are commenced in the High Court, Technology and Construction Court, not least because its judges have specific expertise in the area and the court has developed and published a particularly relevant and helpful guidance note on procedures for public procurements cases (currently set out in Appendix H of the Technology and Construction Court Guide). Once the contract has been entered into, the only available remedy is damages, unless the conditions for ineffectiveness are met. Where a procurement challenge is brought prior to entry into the contract, the court will consider whether damages or setting aside the award is the most appropriate remedy. We note the flexibility of the negotiated procedure available under the Utilities Contracts Regulations 2016 appears to have led to substantially fewer challenges being brought, compared to challenges brought under the Public Contracts Regulations 2015.

Prefer not to answer
Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			V
entities			
2. Private companies			✓
3. Financial institutions			☑
4. Small and medium-			☑
sized enterprises			
5. State-owned	✓		
companies			
6. Not-for-profit			☑
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	✓		
agencies and/or			
departments (national)			
9. Government			
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region) 10. Government			
agencies and/or	\square		
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government			
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			
	ı –	ı –	l -

26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			I
Agriculture, forestry, and fishing			V
Mining and quarrying			V
Manufacturing			V
Electricity, gas, steam, and air conditioning supply	V		
Water supply; sewerage; waste management and remediation activities	☑		
Construction			V
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			
Accommodation and food service activities			☑
Information and communication			V
Financial and insurance activities			
Real estate activities			\rightarrow
Professional, scientific and technical activities			☑
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			\rightarrow
Human health and social work activities			
Arts, entertainment and recreation			V
Other service activities	V		
Activities of households as employers; undifferentiated goods-and services- producing activities of			✓

households for own		
use		
Activities of extraterritorial organizations and bodies		

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned compani es	Governmen t agencies and/or department s (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthca re, defense, utilities, educatio n)
Minimum number of employees (Enter min number of full-time employees							
- FTEs) Minimum revenue (Enter minimum revenue)							
Minimum assets (Enter minimum assets)							
Minimum contract value (Enter minimum contract value)	Contract s for Supplies & Services - £429,80 9 Contract s for works - £5,372,6 09	Contracts for Supplies & Services - £429,809 Contracts for works - £5,372,609	Contracts for Supplies & Services - £429,809 Contracts for works - £5,372,60 9	Contracts for Supplies & Services - £429,809 Contracts for works - £5,372,60	Contracts for Supplies & Services - £429,809 Contracts for works - £5,372,60 9	Contracts for Supplies & Services - £429,809 Contracts for works - £5,372,60 9	Contract s for Supplies & Services - £429,80 9 Contract s for works - £5,372,6 09
Entity is headquarte							

red in the							
jurisdiction							
Entities are							
subjected to							
disclosure							
or reporting							
requiremen							
ts							
28. Can entitie		compliance w	ith the policy	tool is mand	datory opt ou	it of the oblig	jation (e.g.
No							
∘ Yes							
30. Does the pentities' opera	-			domestic ope	erations, or d	oes it also ap	oply to
Operations	within juriso	diction only					
o Operations k	peyond the j	jurisdiction					
o Not applicat	ole						
32. What are	the sanction	ns for non-com	nliance? Sele	ect all that an	only and desc	cribe in the te	ext field
☑ Monetary finutility pay a civ		declaration of penalty	ineffectivene	<u>ess has been</u>	made, it mu	<u>st also order</u>	that the
☐ Restriction of	on business	activities					
☑ Voiding or s contract has b setting aside of	een entered		the contract	has not bee			
☐ Exclusion fr	om governn	nent contracts					
☑ Award of dowhich has suf		compensation <u></u> r damage as a					<u>erator</u>
☐ Penalty for	senior mana	agers					

☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
☑ Other Where the contract has not been entered into the court can order that the decision to award the contract can be set aside and/or the amendment of any document
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
Above average
o Not applicable
o Unknown or prefer not to answer
34. Provide supplemental explanation of your assessment of the associated costs of compliance. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
It can be costly for contracting authorities, utilities and bidding entities to procure and bid for public contracts
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
Average
Above average
o Not applicable
o Unknown or prefer not to answer

36. Provide supplemental explanation of your priority assessment. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
Contracting authorities hold a huge portion of the bargaining power in the procurement process and the ability to evade transparency by relying on e.g. duties of confidentiality and making strategic calls such as not engaging in questions/challenges raised by unsuccessful tenderers so as to push those tenderers to issue court proceedings, which the tenderers have very little time to do given the very short timeframes involved in public procurement challenges in England and Wales. The very high cost of pursuing litigation in the English High Court means that unsuccessful tenderers frequently opt not to pursue a challenge. Unsuccessful tenderers are also concerned to maintain/promote commercial relationships with contracting authorities.
 37. Have the climate-specific provisions in this instrument ever been enforced? No (If relevant, explain) We are not aware of any case law specifically enforcing any climate-specific provisions in this instrument.
• Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool? • No
● Yes
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set. The Public Procurement Review Service sits within the Cabinet Office and allows government suppliers and potential government suppliers to raise concerns anonymously about potentially poor public sector procurement practice.

41. Does the policy tool recommend or require periodic impact assessments?

34

No No
o Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
No No
○ Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No No
o Yes
o Yes
 Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and
• Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
• Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)? • No
• Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)? • No
• Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)? • No
• Yes 47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)? • No • Yes

197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

<u>None</u>		

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
No No
o Allowed and/or recommended
∘ Required

202. Does the police	y tool set targets in relation t	o climate-alianed	procurement? Selec	t all that apply.

Allowed/recommended	Required	Not applicable
		V
<u> </u>		
		<u> </u>
		_ <u>~</u>
		V
		☑
		✓

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			☑
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			☑
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			V
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			V
include emissions from			
procurement in their			
carbon budget			
Procuring entities			✓
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			V
inform and/or consult			<u>v</u>
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or dialogue)			
Other allowances,	П		
recommendations or			V
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
○ No
Allow and/or recommend
○ Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.
Regulation 82(2) provides that the most economically advantageous tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing in accordance with regulation 83. Regulation 83 provides that life-cycle costing shall, to the extent relevant, cover part or all of the following costs over the life cycle of a product, service or works: (a) costs, borne by the utility or other users, such as— (i) costs relating to acquisition;
(ii) costs of use, such as consumption of energy and other resources;
(iii) maintenance costs:
(iv) end of life costs, such as collection and recycling costs; (b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. (2) The costs mentioned in paragraph (1)(b) may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.
and or other politicality consistency and other consistency and other costs.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
No No

 \circ Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)

220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.
∘ No
• Allow/recommend Regulation 83(4) provides that where utilities assess the costs using a life-cycle costing approach, they shall indicate in the procurement documents—
(a) the data to be provided by the tenderers; and
(b) the method which the utility will use to determine the life-cycle costs on the basis of those data. Regulation 83(5) states that whenever a common method for the calculation of life-cycle costs has been made mandatory by a legislative act of the EU, that common method shall be applied for the assessment of life-cycle costs.
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			☑
Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of lifecycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements	☑		
Life-cycle costing or who	ole-life costing		

Technical specifications
Contract Award Criteria
Other Allowances, Recommendations, or Requirements
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
∘ No
Allowed and/or recommended
• Required
250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.
Regulation 86 sets out that utilities may lay down special conditions relating to the performance of a
contract provided that they are— (a) linked to the subject-matter of the contract within the meaning of regulation 82(5); and (b) indicated in the call for competition or in the procurement documents. (2) Those conditions may include economic, innovation-related, environmental, social or employment-related considerations.
Monitoring and Reporting

report upon climate-aligned procurement?
No No
o Allowed and/or recommended
○ Required
Standards, Frameworks, and Guidelines

252. Does the policy tool include allowances, recommendations or requirements to monitor and/or

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			✓ ✓
2. The jurisdiction's			<u> </u>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			V
4. IFRS S2			V
5. Task Force on Climate-			V
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			☑
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate Value Chain (Scope 3)			V
Accounting and Reporting			
Standard Standard			
8. CDP (formerly known as			I
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			V
initiative (SBTi)			
10. Science Based Targets			V
initiative (SBTi) Net Zero			
Standard			
11. United Nations			☑
Sustainable Development			
Goals (SDGs) 12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			I
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			V
Procurement			
Implementation Guidelines			
15. OECD MAPS -			✓
Supplementary Module on			
Sustainable Public			
Procurement	_	_	_
16. Asian Development			☑
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			
Procurement Guidance Note			
1 Tocarcinent Galadice Note			<u> </u>

18. Inter-American			✓	
Development Bank Green				
Procurement Guidelines	_	_	_	
19. EDBR Project			abla	
Requirements/Environmental and Social Action Plan				
20. World Bank			✓	
Environmental and Social			<u>V</u>	
Framework				
21. Other		V		
	·			
263. List any other standards, fi	rameworks or auideline	s integrated into or refe	rred to within the	
policy tool. Please provide a we	_	•		
princy toom. Todoe provide a vve	2 S. C. II CO III R CO COCII	213.13313,113111677011796		
https://web.archive.org/web/202	240721220421*/https:/	<u>/eur-lex.europa.eu/EN/le</u>	<u>egal-</u>	
content/summary/europe-2020	<u>-the-european-union-s</u>	<u>trategy-for-growth-and</u>	-employment.html	
The Europe 2020 Strategy for s	mart, sustainable and i	nclusive growth (Strated	gy) is referred to in the	
definition of "innovation" which is used in Regulation 86(2) of the policy tool. This means that the			his means that the	
Strategy can be used when utili	ties choose to lay dowr	n special conditions relat	ting to the performance	
of a contract, provided it is(a) lir	nked to the subject-mat	ter of the contract withi	n the meaning of	
regulation 82(5), and (b) indicat	= = = = = = = = = = = = = = = = = = =		-	
The Strategy is also referred to in Regulation 92(8)(d)which allows contracting authorities to take int				
account relevant considerations	•	-		
The Strategy incorporates UN's Sustainable Development Goal 8.				
Additional Important Informat	ion			

18. Inter-American

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Policy Tool Name: Concession Contracts Regulations 2016

3. Source material link(s): https://web.archive.org/web/20230531040127*/http://www.legislation.gov.uk:80/uksi/2016/273/mace/data.pdf
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
☐ Climate-related disclosure
☐ Transition planning
☑ Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
☑ Head of state and/or government
☐ Independent regulatory or supervisory body
□ Legislature
□ Judiciary
☐ Ministry/Department/Agency
☐ Other (Please describe)
7. Status of the policy tool
Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2016</u>

10. Does the policy tool have an end date?
No No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
12. Energy describe the policy toors god and/or purpose.
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The policy tool requires contracting authorities and utilities to carry out a regulated procurement procedure when procuring works or services concession contracts that have a value above a certain financial threshold.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>High Court of England and Wales</u>
o 2.
∘ 3.
o 4.
o 5.
15. To provide contextual information, rate the capacity of High Court of England and Wales to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
• 3- High Capacity (Please explain) A breach of the regulations is actionable by economic operators (i.e. unsuccessful tenderers) that suffer, or risk suffering, loss or damage. In practice, almost all public procurement challenges are commenced in the High Court, Technology and Construction Court, not

<u>least because its judges have specific expertise in the area and the court has developed and</u>

<u>published a particularly relevant and helpful guidance note on procedures for public procurements</u>
cases (currently set out in Appendix H of the Technology and Construction Court Guide). Once the
contract has been entered into, the only available remedy is damages, unless the conditions for
ineffectiveness are met. Where a procurement challenge is brought prior to entry into the contract,
the court will consider whether damages or setting aside the award is the most appropriate remedy.

Prefer not to answer	
Not Applicable	

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			☑
entities			
2. Private companies			V
3. Financial institutions			☑
4. Small and medium-			 ✓
sized enterprises			
5. State-owned	V		
companies			
6. Not-for-profit			☑
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	V		
agencies and/or			
departments (national)			
9. Government	☑		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city) 11. Government	✓		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			
(e.g., healthcare,	<u> </u>		
defense, utilities,			
education)			
13. Other			☑
	ı 		'

50

26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			V
Agriculture, forestry, and fishing			V
Mining and quarrying			V
Manufacturing			✓
Electricity, gas, steam, and air conditioning supply	V		
Water supply; sewerage; waste management and remediation activities	☑		
Construction			abla
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			☑
Accommodation and food service activities			V
Information and communication			V
Financial and insurance activities			V
Real estate activities			V
Professional, scientific and technical activities			V
Administrative and support service activities			
Public administration and defense; compulsory social security			☑
Education			√
Human health and social work activities			☑
Arts, entertainment and recreation			V
Other service activities	V		
Activities of households as employers; undifferentiated goods-and services- producing activities of			☑

households for own		
use		
Activities of extraterritorial organizations and bodies		

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned compani es	Governmen t agencies and/or department s (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthca re, defense, utilities, educatio n)
Minimum number of employees (Enter min number of full-time employees - FTEs)							
revenue (Enter minimum revenue)							
Minimum assets (Enter minimum assets)							
Minimum contract value (Enter minimum contract value)	£5,372,6 09	£5,372,609	£5,372,60 9	£5,372,60 9	£5,372,60 9	£5,372,60 9	£5,372,6 09
Entity is headquarte red in the jurisdiction							
Entities are subjected to disclosure or reporting							

requiremen ts							
28. Can entities comply or exp		compliance w	ith the policy	tool is mand	datory opt ou	t of the oblig	ation (e.g.
No							
∘ Yes							
30. Does the p	-	cclusively apply d the jurisdiction		domestic ope	erations, or d	oes it also ap	ply to
Operations	within juriso	diction only					
o Operations l	peyond the j	jurisdiction					
o Not applicat	ole						
32. What are	the sanctior	s for non-com	pliance? Sele	ect all that ap	ply and desc	cribe in the te	ext field.
☑ Monetary fin		ne court makes tility pay a civil			veness it mu	st also order	that the
☐ Restriction (on business	activities					
☑ Voiding or s	<u>.</u>	e of contract <u>Th</u> Ilready been er					
entered into it	can order th	nat the decisio	n to enter int	o the conces	sion contract	t must be set	aside.
☐ Exclusion fr	om governn	nent contracts					
		compensation <u></u> r damage as a					<u>rator</u>
☐ Penalty for	senior mana	agers					
□ Criminal pe	nalties						
□ Not specifie	d						
□ Not applica	ble (e.g. in c	ases of volunto	ary tools)				

☑ Other Where the contract has not been entered into the court can order that the decision to award the contract can be set aside and/or the amendment of any document
and contract can be set aside analor the amenament of any document
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
∘ Average
Above average
o Not applicable
o Unknown or prefer not to answer
34. Provide supplemental explanation of your assessment of the associated costs of compliance. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
It can be costly for both public authorities and bidding entities to procure and bid for public contracts.
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
Average
Above average
○ Not applicable
o Unknown or prefer not to answer

36. Provide supplemental explanation of your priority assessment. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Contracting authorities hold a huge portion of the bargaining power in the procurement process and the ability to evade transparency by relying on e.g. duties of confidentiality and making strategic calls

o Required
○ Recommended
● No
41. Does the policy tool recommend or require periodic impact assessments?
potentially poor public sector procurement practice.
government suppliers and potential government suppliers to raise concerns anonymously about
The Public Procurement Review Service sits within the Cabinet Office and allows
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
● Yes
○ No
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
o Yes
■ No (If relevant, explain) We are not aware of any case law in this area.
37. Have the climate-specific provisions in this instrument ever been enforced?
relationships with contracting authorities.
of pursuing litigation in the English High Court means that unsuccessful tenderers frequently opt not to pursue a challenge. Unsuccessful tenderers are also concerned to maintain/promote commercial
short timeframes involved in public procurement challenges in England and Wales. The very high cost
tenderers to issue court proceedings, which the tenderers have very little time to do given the very
<u>such as not engaging in questions/challenges raisea by unsuccessful tenderers so as to push those</u>

43. Does the policy tool recommend or require periodic reviews?
No No
o Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No No
∘ Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)? No
o Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material. None

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
No
o Allowed and/or recommended
o Required

202.	Does the	policy	tool set	taraets	in relation	to climate-c	alianed	procurement?	Select al	I that	'lagb	٧

	Allowed/recommended	Required	Not applicable
A minimum percentage of			✓
tenders/contracts which must			
include climate-related			
criteria			
A minimum number of			☑
climate-related criteria to be			
included in			
purchases/tenders			
A minimum value of			✓
procurement spend which			
must include climate-related			
criteria			
A maximum amount of			☑
greenhouse gas emissions			
associated with			
tenders/contracts (i.e. a			
carbon ceiling/envelope)			
Targets for the reduction of			☑
fossil fuel energy			
consumption associated with			
tenders/contracts			
Targets for the procurement			☑
of products which have a			
third-party sustainability			
certification/ ecolabel/			
voluntary sustainability			
standard Other (Please describe and	П		
reference the			\square
section/subsection/paragraph			
of the policy tool relevant to			
other climate-aligned			
procurement targets)			
Other Text:			
<u> Carer read</u>			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			☑
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			☑
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			V
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			V
include emissions from			
procurement in their			
carbon budget			
Procuring entities			✓
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			V
inform and/or consult			<u>v</u>
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or dialogue)			
Other allowances,	П		
recommendations or			V
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
No No
o Allow and/or recommend
∘ Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			
Qualification or selection criteria related to climate change			V
Including climate or environmental considerations when calculating value for money, including through the use of life- cycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			
Exclusion or Debarment	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds? \circ No • Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool) Regulation 38(13) provides that the contracting authority or utility may disregard any of the prohibitions imposed by paragraphs (8) to (10) (containing the mandatory and discretionary exclusion criteria), on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment. Regulation 38(15) provides that a contracting authority or utility may exclude from participation in a concession contract award procedure any economic operator in any of the following situations— (a) where it can demonstrate by any appropriate means a violation of applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Concessions Directive as amended from time to time. 225. To which of the following do the exclusion/debarment grounds relate? Select all that apply. ☐ Absence of convictions/prosecutions for climate and/or environmental offences ☐ Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc. ☐ Poor performance and/or failure to evidence progress on corporate climate and environmental policies ☐ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds ☑ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool) Regulation 38(13) provides that the contracting authority or utility may disregard any of the prohibitions imposed by paragraphs (8) to (10) (containing the mandatory and discretionary exclusion criteria), on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.

Technical specifications

Contract Award Criteria Contract Performance 249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required Standards, Frameworks, and Guidelines	
Contract Performance 249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	
Contract Performance 249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	Contract Award Criteria
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	Contract Performance
performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	
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• Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	No
Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	o Allowed and/or recommended
Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	o Required
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No Allowed and/or recommended Required	Monitoring and Reporting
report upon climate-aligned procurement? No Allowed and/or recommended Required	
Allowed and/or recommended Required	
o Required	No No
	o Allowed and/or recommended
Standards, Frameworks, and Guidelines	∘ Required
Standards, Frameworks, and Guidelines	
	Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			✓
2. The jurisdiction's			<u> </u>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			V
4. IFRS S2			4
5. Task Force on Climate-			✓
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			☑
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate Value Chain (Scope 3)			2
Accounting and Reporting			
Standard			
8. CDP (formerly known as			\square
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			4
initiative (SBTi)			
10. Science Based Targets			☑
initiative (SBTi) Net Zero			
Standard			
11. United Nations			☑
Sustainable Development			
Goals (SDGs) 12. ISO 20400 Sustainable			
Procurement			\square
13. EU Green Public			
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			☑
Procurement			
Implementation Guidelines			
15. OECD MAPS -			✓
Supplementary Module on			
Sustainable Public			
Procurement		_	
16. Asian Development			☑
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			
Procurement Guidance Note			
i rocurement duludrice Note		1	

18. Inter-American			V
Development Bank Green			
Procurement Guidelines			
19. EDBR Project			7
Requirements/Environmental			
and Social Action Plan			
20. World Bank			✓
Environmental and Social			
Framework			
21. Other		✓	
263. List any other standards, fi	-	•	
policy tool. I lease provide a we	b dremved link to eden	staria ara, marine work ge	nacime iistea.
https://web.archive.org/web/202	240721220421*/https:/	<u>//eur-lex.europa.eu/EN/le</u>	<u>egal-</u>
content/summary/europe-2020	<u>-the-european-union-s</u>	<u>trategy-for-growth-and</u>	<u>-employment.html</u>
The Europe 2020 Strategy for s definition of "innovation" which Strategy can be used when con awarding contracts. The Strategy incorporates UN's	is used in Regulation 4 tracting authorities cho	1(2)(c) of the policy tool	This means that the
Additional Important Informat	ion		
265 Note any additional import	ant information about	the contribution of the n	olicy tool to not zoro

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Policy Tool Name: Defence and Security Public Contracts Regulations 2011

3. Source material link(s): https://web.archive.org/web/20221109121230*/https://www.legislation.gov.uk/uksi/2011/1848/datc odf
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
□ Climate-related disclosure
□ Transition planning
☑ Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
☑ Head of state and/or government
□ Independent regulatory or supervisory body
□ Legislature
□ Judiciary
□ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
Approved, in force
Approved, not yet in force
Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2011</u>

10. Does the policy tool have an end date?
No No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The policy tool requires contracting authorities to carry out a regulated procurement procedure when procuring contracts for goods, services and/or works in relation to certain military equipment and sensitive military purposes that have a value above a specific financial threshold
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
○ 2.
○ 3.
o 4.
o 5.
15. To provide contextual information, rate the capacity of High Court of England and Wales to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
• 3- High Capacity (Please explain) A breach of the regulations is actionable by economic operators (i.e. unsuccessful tenderers) that suffer, or risk suffering, loss or damage. In practice, almost all public procurement challenges are commenced in the High Court, Technology and Construction Court, not

<u>least because its judges have specific expertise in the area and the court has developed and</u>

<u>published a particularly relevant and helpful guidance note on procedures for public procurements</u>
cases (currently set out in Appendix H of the Technology and Construction Court Guide). Once the
contract has been entered into, the only available remedy is damages, unless the conditions for
ineffectiveness are met. Where a procurement challenge is brought prior to entry into the contract,
the court will consider whether damages or setting aside the award is the most appropriate remedy.

Prefer not to answer
Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			☑
entities			
2. Private companies			V
3. Financial institutions			☑
4. Small and medium-			V
sized enterprises			
5. State-owned	V		
companies			
6. Not-for-profit			V
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	☑		
agencies and/or			
departments (national)			
9. Government	✓		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government	✓		
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government	✓		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors	✓		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			☑

26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			☑
Agriculture, forestry, and fishing			V
Mining and quarrying			7
Manufacturing			7
Electricity, gas, steam, and air conditioning supply			V
Water supply; sewerage; waste management and remediation activities			
Construction			I
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			☑
Accommodation and food service activities			
Information and communication			V
Financial and insurance activities			☑
Real estate activities			V
Professional, scientific and technical activities			V
Administrative and support service activities			☑
Public administration and defense; compulsory social security			
Education			V
Human health and social work activities			✓
Arts, entertainment and recreation			V
Other service activities			7
Activities of households as employers; undifferentiated goods-and services- producing activities of			V

households for own		
use		
Activities of extraterritorial organizations and bodies		

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned compani es	Governmen t agencies and/or department s (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthca re, defense, utilities, educatio n)
Minimum number of							
employees (Enter min							
number of full-time							
employees - FTEs)							
Minimum							
revenue (Enter							
minimum							
revenue)							
Minimum assets							
(Enter							
minimum							
assets) Minimum	Contract	Contracts	Contracts	Contracts	Contracts	Contracts	Contract
contract	s for	for supplies	for	for	for	for	s for
value	supplies	& services -	supplies	supplies	supplies	supplies	supplies
(Enter	&	£429,809	& services	& services	& services	& services	&
minimum contract	services -	Contracts for works -	£429,809	- £429,809	- £429,809	£429,809	services -
value)	£429,80	£5,372,609	Contracts	Contracts	Contracts	Contracts	£429,80
	9 Contract		for works	for works	for works	for works	9 Contract
	Contract s for		- £5,372,60	- £5,372,60	- £5,372,60	- £5,372,60	Contract s for
	works -		9	9	9	9	works -
	£5,372,6 09						£5,372,6 09
Entity is	09						03
headquarte							

red in the							
jurisdiction							
Entities are							
subjected to							
disclosure							
or reporting							
requiremen							
ts							
28. Can entitie		compliance w	ith the policy	tool is mand	datory opt ou	it of the oblig	ation (e.g.
No							
∘ Yes							
30. Does the pentities' opera	-			domestic ope	erations, or d	oes it also ap	pply to
Operations	within juriso	diction only					
o Operations k	peyond the j	jurisdiction					
o Not applicable							
32. What are	the sanctior	ns for non-com	pliance? Sele	ect all that ap	oply and desc	cribe in the te	ext field.
☑ Monetary fin		ne court makes			n of ineffecti	veness, it mu	<u>st also</u>
☐ Restriction (_			, ,			
☑ Voiding or s	_						
the decision to				. Has Hot bee	n chiereu iill	o the court II	idy order
☐ Exclusion fr	om governn	nent contracts					
☑ Award of downich has suf		compensation <u></u> r damage as a					<u>erator</u>
☐ Penalty for	senior mana	agers					

☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
☑ Other Where the contract has not been entered into the court can order that the decision to award the contract can be set aside and/or the amendment of any document
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
Above average
o Not applicable
o Unknown or prefer not to answer
34. Provide supplemental explanation of your assessment of the associated costs of compliance. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material. It can be costly for both contracting authorities and bidding entities to procure and bid for public
<u>contracts.</u>
35. To provide contextual information, give a general assessment of the extent to which regulated
entities have made compliance a priority.
o Below average
• Average
Above average
o Not applicable
o Unknown or prefer not to answer

36. Provide supplemental explanation of your priority assessment. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
Contracting authorities hold a huge portion of the bargaining power in the procurement process and the ability to evade transparency by relying on e.g. duties of confidentiality and making strategic calls such as not engaging in questions/challenges raised by unsuccessful tenderers so as to push those tenderers to issue court proceedings, which the tenderers have very little time to do given the very short timeframes involved in public procurement challenges in England and Wales. The very high cost of pursuing litigation in the English High Court means that unsuccessful tenderers frequently opt not to pursue a challenge. Unsuccessful tenderers are also concerned to maintain/promote commercial relationships with contracting authorities.
 37. Have the climate-specific provisions in this instrument ever been enforced? No (If relevant, explain) We are not aware of any case law involving climate specific provisions
o Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
∘ No
Yes
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
The Public Procurement Review Service sits within the Cabinet Office and allows government suppliers and potential government suppliers to raise concerns anonymously about potentially poor public sector procurement practice.
41. Does the policy tool recommend or require periodic impact assessments?
No No

○ Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
No No
 Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No No
∘ Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No No
∘ Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
No
o Allowed and/or recommended
o Required

202.	Does the	policy t	tool set tar	aets in	relation '	to climate-ali	aned	procurement?	Select a	II that	lagp	V

	Allowed/recommended	Required	Not applicable
A minimum percentage of			V
tenders/contracts which must			
include climate-related			
criteria			
A minimum number of			☑
climate-related criteria to be			
included in			
purchases/tenders			
A minimum value of			☑
procurement spend which			
must include climate-related			
criteria			
A maximum amount of			2
greenhouse gas emissions			
associated with			
tenders/contracts (i.e. a			
carbon ceiling/envelope)			
Targets for the reduction of			☑
fossil fuel energy			
consumption associated with			
tenders/contracts			
Targets for the procurement			3
of products which have a			
third-party sustainability			
certification/ ecolabel/			
voluntary sustainability			
standard			
Other (Please describe and			☑
reference the			
section/subsection/paragraph			
of the policy tool relevant to			
other climate-aligned			
procurement targets)			
<u>Other Text:</u>			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			☑
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			☑
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			V
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			V
include emissions from			
procurement in their			
carbon budget			
Procuring entities			V
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			V
inform and/or consult			<u>v</u>
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or dialogue)			
Other allowances,	П		
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
No No
o Allow and/or recommend
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			☑
Qualification or selection criteria related to climate change			☑
Including climate or environmental considerations when calculating value for money, including through the use of life- cycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			☑
Technical specifications			

Contract Award Criteria
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
∘ No
Allowed and/or recommended
○ Required
250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.
Regulation 36 provides that a contracting authority may impose special conditions relating to the performance of a contract (provided that such conditions are compatible with law and indicated in the contract documents). The special conditions may take environmental or social considerations into account.
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No No
o Allowed and/or recommended
∘ Required

Standards, Frameworks, and Guidelines	

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			
2. The jurisdiction's			<u> </u>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			V
4. IFRS S2			4
5. Task Force on Climate-			✓
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			☑
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			☑
Value Chain (Scope 3) Accounting and Reporting			
Standard			
8. CDP (formerly known as			\square
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			☑
initiative (SBTi)			
10. Science Based Targets			☑
initiative (SBTi) Net Zero			
Standard			
11. United Nations			☑
Sustainable Development			
Goals (SDGs) 12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			Z
Procurement			
Implementation Guidelines			
15. OECD MAPS -			✓
Supplementary Module on			
Sustainable Public			
Procurement		_	
16. Asian Development			☑
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			\square
Procurement Guidance Note			
i rocurement duludrice Note		1	

18. Inter-American		abla
Development Bank Green		
Procurement Guidelines		
19. EDBR Project		✓
Requirements/Environmental		
and Social Action Plan		
20. World Bank		✓
Environmental and Social		
Framework		
21. Other		7
Additional Important Informat	ion	

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Policy Tool Name: Procurement Act 2023

3. Source material link(s): https://web.archive.org/web/20240401121436*/https://www.legislation.gov.uk/ukpga/2023/54/da odf	ta.
4. Which of the following governance domains does this policy tool relate to? Select all that apply	•
□ Climate-related disclosure	
☐ Transition planning	
☑ Public procurement	
5. Select the category which best describes the author/issuer of the policy tool.	
It is the category which best describes the author/issuer of the policy tool. ✓ Head of state and/or government	
□ Independent regulatory or supervisory body	
□ Legislature	
□ Judiciary	
☐ Ministry/Department/Agency	
□ Other (Please describe)	
7. Status of the policy tool	
Approved, in force	
Approved, not yet in force	
Other (Please describe)	
outer (Ficuse describe)	
3. Please provide further explanation or clarification regarding its status as approved, but not yet force	in
Royal assent received, due to enter into force on 28 October 2024	

9. Year of (planned) entry into force or year of publication
<u>2024</u>
10. Does the policy tool have an end date?
No No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The policy tool requires public authorities to carry out a regulated procurement procedure when procuring contracts for goods, services and/or works that have a value above a certain financial threshold. The Procurement Act 2023 unifies public, utilities, concessions and defence procurement.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>High Court of England and Wales</u>
o 2.
o 3.
o 4.
o 5.
15. To provide contextual information, rate the capacity of High Court of England and Wales to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
 1- Low Capacity (Please explain)

- 2- Medium Capacity (Please explain)
- 3- High Capacity (Please explain) The Procurement Act 2023 revokes the current procurement regime (however, procurements started before 28 October 2024, including resulting contracts and modifications to those contracts, will continue to be regulated by the existing procurement regime). The scope of remedies available to unsuccessful tenderers remains broadly the same although material changes to terminology have been introduced by the new Act, including the replacement of 'ineffectiveness' with 'contract set aside'. As has previously been the case under the Public Contracts Regulations 2015, a breach of the Procurement Act 2023 is actionable by economic operators (i.e. unsuccessful tenderers) that suffer, or risk suffering, loss or damage. It is anticipated almost all public procurement challenges shall continue to be commenced in the High Court, Technology and Construction Court, not least because its judges have specific expertise in the area and the court has developed and published a particularly relevant and helpful quidance note on procedures for public procurements cases (currently set out in Appendix H of the Technology and Construction Court Guide). Pre-contractual remedies under the new Act are (i) setting aside the decision; (ii) requiring the contracting authority to take an action, such as repeating the evaluation; (iii) awarding damages or (iv) making any other order the court considers appropriate. Post contractual remedies are: (i) an order setting aside the contract (the courts will not be required to impost a civil financial penalty when ordering set aside); and (ii) the award of damages.

 Prefer not to answer 	er			
o Not Applicable				

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			☑
entities			
2. Private companies			V
3. Financial institutions			☑
4. Small and medium-			
sized enterprises			
5. State-owned	V		
companies			
6. Not-for-profit			V
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	V		
agencies and/or			
departments (national)			
9. Government	☑		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government	\square		
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city) 11. Government	✓		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors	<u> </u>		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			☑
	ı 	l —	'

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			$ \overline{\checkmark} $
Agriculture, forestry, and fishing			abla
Mining and quarrying			V
Manufacturing			✓
Electricity, gas, steam, and air conditioning supply			V
Water supply; sewerage; waste management and remediation activities			
Construction			✓
Wholesale and retail trade: repair of motor vehicles and motorcycles			☑
Transportation and storage			
Accommodation and food service activities			
Information and communication			☑
Financial and insurance activities			
Real estate activities			√
Professional, scientific and technical activities			abla
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			∠
Human health and social work activities			
Arts, entertainment and recreation			V
Other service activities			V
Activities of households as employers; undifferentiated goods-and services- producing activities of			
producing activities of	<u> </u>		

households for own		
use		
Activities of extraterritorial organizations and bodies		

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned compani es	Governmen t agencies and/or department s (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthca re, defense, utilities, educatio n)
Minimum number of employees (Enter min number of full-time employees - FTEs) Minimum revenue (Enter minimum							
revenue) Minimum assets (Enter minimum assets)							
Minimum contract value (Enter minimum contract value)	Contract s for Supplies &/or Services £214,90 4 Contract s for Works £5,372,6 09	Contracts for Supplies &/or Services £214,904 Contracts for Works £5,372,609	Contracts for Supplies &/or Services £139,699 Contracts for Works £5,372,60	Contracts for Supplies &/or Services £214,904 Contracts for Works £5,372,60 9	Contracts for Supplies &/or Services £214,904 Contracts for Works £5,372,60 9	Contracts for Supplies &/or Services £214,904 Contracts for Works £5,372,60 9	Utility or defence contract s for services &/or supplies £429,80 9 Works £5,372,6 09
Entity is headquarte red in the jurisdiction							

Entities are subjected to disclosure or reporting requiremen ts							
28. Can entitie	es for whom	compliance w	ith the policy	v tool is mand	datory opt ou	t of the oblig	gation (e.g.
comply or exp	lain)?						
No							
o Yes							
30. Does the pentities' opera	-			domestic ope	erations, or d	oes it also ap	ply to
Operations	within jurisc	liction only					
o Operations k	peyond the j	urisdiction					
o Not applicab	ole						
32. What are	the sanction	s for non-com	pliance? Sele	ect all that ap	pply and desc	cribe in the te	ext field.
☑ Monetary finction					court can mo	ıke any order	<u>· it</u>
☐ Restriction of	on business	activities					
☑ Voiding or s	etting aside	of contract W	here the cor	ntract has bee	en entered in	to it can be s	set aside
☐ Exclusion fr	om governm	nent contracts					
☑ Award of do	_	compensation <u>l</u>	<u>Damages ca</u>	<u>n be awarde</u>	d whether th	e contract ho	<u>as been</u>
☐ Penalty for	senior mand	igers					
□ Criminal per	nalties						
□ Not specifie	d						

□ Not applicable (e.g. in cases of voluntary tools)
☑ Other Where the contract has not been entered into the decision to enter into the contract can be set aside
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
∘ Average
o Above average
Not applicable
o Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
∘ Average
Above average
Not applicable
o Unknown or prefer not to answer
37. Have the climate-specific provisions in this instrument ever been enforced?
No (If relevant, explain) The Act is not yet in force
∘ Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the

policy tool?

● No
∘ Yes
41. Does the policy tool recommend or require periodic impact assessments?
No No
o Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
No No
o Recommended
○ Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
• No
∘ Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
o No

48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with the policy tool. Reference the relevant section/subsection/paragraph of the policy tool where capacity-building initiatives are established. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

The Cabinet Office is providing guidance documents to provide technical guidance and help with interpretation and understanding
https://web.archive.org/web/20240621181924*/https://www.gov.uk/government/collections/procure
ment-act-2023-guidance-documents
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
No
o Allowed and/or recommended
o Required

202. Does the police	y tool set targets in relation t	o climate-alianed	procurement? Selec	t all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of			✓
tenders/contracts which must			
include climate-related			
criteria			
A minimum number of			☑
climate-related criteria to be			
included in			
purchases/tenders			
A minimum value of			☑
procurement spend which			
must include climate-related			
criteria			
A maximum amount of			☑
greenhouse gas emissions			
associated with			
tenders/contracts (i.e. a			
carbon ceiling/envelope)			
Targets for the reduction of			☑
fossil fuel energy			
consumption associated with			
tenders/contracts			
Targets for the procurement			☑
of products which have a			
third-party sustainability			
certification/ ecolabel/			
voluntary sustainability			
standard Other (Please describe and	П		
reference the			\square
section/subsection/paragraph			
of the policy tool relevant to			
other climate-aligned			
procurement targets)			
Other Text:			
<u> Carer read</u>			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			☑
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			☑
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			V
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			V
include emissions from			
procurement in their			
carbon budget			
Procuring entities			V
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			I
inform and/or consult		🖰	<u>~</u>
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement consultation,			
engagement, or			
dialogue) Other allowances,			
-			abla
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
No No
o Allow and/or recommend
∘ Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations	☑		
Qualification or selection criteria related to climate change			☑
Including climate or environmental considerations when calculating value for money, including through the use of lifecycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			☑
Exclusion or Debarment	Grounds		

∘ No
• Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool) Schedule 7, paragraph 4 contains a discretionary exclusion ground that applies if a supplier or connected person has been convicted of an offence (whether inside or outside the UK) and the conduct constituting the offence caused, or had the potential to cause, significant harm to the environment, including the life and health of plants and animals.
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.
☑ Absence of convictions/prosecutions for climate and/or environmental offences
☐ Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.
☐ Poor performance and/or failure to evidence progress on corporate climate and environmental policies
$\hfill\square$ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds
□ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool)
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
o No
Allowed and/or recommended
o Required

224. Are there any conditions for the application of exclusion or debarment grounds?

250. Describe the recommendations, allowances, and/or requirements set at the contract
performance stage, referencing the relevant section/subsection/paragraph of the policy tool.
Section 55(1) sets out that before entering into a public contract with an estimated value of more than £5 million, a contracting authority must set at least three key performance indicators in respect
of the contract.
Climate or the environment is not specifically referenced but would be permitted if relevant to the
<u>contract.</u>
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
● No
o Allowed and/or recommended
o Required
Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			✓
2. The jurisdiction's			<u> </u>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			V
4. IFRS S2			V
5. Task Force on Climate-			V
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			☑
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate Value Chain (Scope 3)			V
Accounting and Reporting			
Standard			
8. CDP (formerly known as			I
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			V
initiative (SBTi)			
10. Science Based Targets			V
initiative (SBTi) Net Zero			
Standard			
11. United Nations			✓
Sustainable Development			
Goals (SDGs) 12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			I
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			V
Procurement			
Implementation Guidelines			
15. OECD MAPS -			✓
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			☑
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			
Procurement Guidance Note			
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18. Inter-American			abla
Development Bank Green			
Procurement Guidelines			
19. EDBR Project			abla
Requirements/Environmental			
and Social Action Plan			
20. World Bank			✓
Environmental and Social			
Framework			
21. Other			7
Additional Important Information			

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

We note in particular that, since August 2024, the official 'go-live' date of the Procurement Act 2023 in the UK was postponed to 24 February 2025; the Procurement Act 2023 went live on that date and will apply to procurement processes commenced on or after that date. The Public Contracts

Regulations 2015, Utilities Contracts Regulations 2016 and the Concession Contracts Regulations 2016 (as applicable) will continue to apply to procurement processes predating 24 February 2025.