Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-446

83rd Regular Session

ORDINANCE NO. SP-3107, S-2021

AN ORDINANCE MANDATING THE INCLUSION OF ENVIRONMENTAL CRITERIA IN THE TECHNICAL SPECIFICATIONS FOR THE PROCUREMENT OF GOODS, SERVICES, AND INFRASTRUCTURE IN QUEZON CITY, OTHERWISE KNOWN AS THE QUEZON CITY GREEN PUBLIC PROCUREMENT ORDINANCE OF 2021.

Introduced by Councilors DIORELLA MARIA G. SOTTO-ANTONIO, EDEN DELILAH "Candy" A. MEDINA and DOROTHY A. DELARMENTE, M.D.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico,Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban,Ramon P. Medalla, Mikey F.Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Hero M. Bautista, Patrick Michael Vargas, Ram V. Medalla, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan,Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxasand Noe Dela Fuente.

WHEREAS, Section 16, Article II of the 1987 Philippine Constitution declares it a policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, in 2015, the United Nations General Assembly unanimously adopted Resolution 70/1 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", whereby among the global sustainable goals for 2030 is to ensure sustainable consumption and production of patterns. To this end, governments are encouraged to promote public procurement policies that encourage development and diffusion of environmentally sound goods and services;

WHEREAS, Sustainable Development Goal 12 is on Sustainable Consumption and Production wherein one of its goal targets, 12.7, is to promote public procurement practices that are sustainable in accordance with national policies and priorities;

WHEREAS, the Quezon City Government created the Environment Policy Management Council (EPMC) in 2010 by virtue of Executive Order Nos. 19, 19-A and 19-B, Series of 2010 and was reconstituted in 2019 through Executive Order No. 51, Series of 2019 to serve as the policy making arm of the City Government on climate change and environment-related programs and projects including a Green Public Procurement Program;

WHEREAS, the Quezon City Government, with the assistance of the Philippine Center for Environmental Protection and Sustainable Development, Inc. (PCEPSDI), was part of the project "Establishment and Implementation of Green Public Procurement in Quezon City for the Promotion of Sustainable Consumption and Production in the Philippines" under the UNEP 10-Year Framework for Programmes on Sustainable Consumption and Production to present and demonstrate an LGU model to promote SCP in the country. Part of the output of the project is the identification of applicable environmental specifications for four goods and services most commonly procured, namely; (1) events; (2) food packaging; (3) computers and laptops; and (4) motor vehicles;

WHEREAS, the National Government, through the Government Procurement Policy Board – Technical Support Office (GPPB-TSO), and the support of the European Union SWITCH-Asia Programme developed the Philippine Green Public Procurement Roadmap for reference in developing Green Public Procurement policies and programs;

WHEREAS, the Quezon City is the sole City member in the Philippines of the C40 Cities Climate Leadership Group advocating for ambitious climate action and sustainability and is also part of the Global Lead City Network on Sustainable Procurement which is a group of cities committed to drive a transition to sustainable consumption and production by implementing sustainable and innovative procurement;

WHEREAS, there is a need for the City Council, being the legislative body of the City, to enact and approve new environmental measures to harmonize with and integrate modern standards of environmental laws, in consonance with the vision of espousing and achieving sustainable development for the City;

WHEREAS, the local government of Quezon City is in a position to influence the demand for environmentally preferable goods and services and to heighten the ability of industries to respond to the escalating use of environmental standards in global markets through the increased promotion of environmental sustainability and by integrating environmental considerations in its procurement process.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. SHORT TITLE. - This Ordinance shall be known as "The Quezon City Green Public Procurement Ordinance of 2021."

SECTION 2. DECLARATION OF POLICY. - The Quezon City Government recognizes that government spending comprises a substantial portion of the economy and contributes largely to the general consumption pattern within the larger market, thereby demonstrating the effects that it has in the interaction of the environment, the economy and society. It is hereby declared the policy of the Quezon City Government to serve as a frontrunner in institutionalizing the promotion of environmental practices by incorporating it in the management of resources and in the implementation of government projects and programs.

The Quezon City Government shall endeavor to establish a city that can develop sustainably by seeking to reduce the impact of human actions that negatively affect the environment by promoting the culture of making environmentally-informed decisions in the City Government, especially in the purchase and use of different goods, services and infrastructure; to the assurance of healthy and sustainable living of both the present and future generations of its citizens.

SECTION 3. DEFINITION OF TERMS. -

a. *BAC – refers to the Bids and Awards Committee of the Quezon City Government;*

b. *CCESD – refers to the Climate and Environmental Sustainability Department of the Quezon City Government (formerly the Environmental Protection and Waste Management Department of EPWMD)*

c. *Environmental Criteria – a set of standards that seek to address particular environmental issues and concern with regard to the acquisition, construction, use or disposal of a product, service or infrastructure in order to reduce the negative impact of human actions in the environment;*

d. *Environmentally Preferable Goods and Services – refers to goods and services that have a lesser or reduced impact on the environment over the life cycle of the good or service, when compared with competing goods or services serving the same purpose;*

e. *EPMC – refers to the Environment Policy Management Council;*

f. *GPP Team – refers to the Green Public Procurement Team created under Section 9 of this Ordinance;*

g. *PD – refers to the Procurement Department of the Quezon City Government;*

h. *PPMP – refers to the Project Procurement Management Plan.*

SECTION 4. GREEN PUBLIC PROCUREMENT. - All offices and projects under the Quezon City Government must include at least one (1) environmental criteria as part of the terms of reference, requirements, or specifications in the procurement of all goods, services, and infrastructure before it will be posted for bidding or purchase.

SECTION 5. COVERAGE. - This Ordinance shall cover all procurement of goods, services, and infrastructure projects of all offices under the Quezon City Government.

SECTION 6. ENVIRONMENTAL CRITERIA FOR PROCUREMENT OF GOODS AND SERVICES. - Environmental criteria for procurement of the most commonly procured goods and services may include, but not limited to, the following:

A. *Events*
   1. *Provision for bicycle parking facilities*
   2. *Location is near public transport stop*
   3. *Use of Energy Efficient Lighting Fixtures and components*
   4. *Use of Water Efficient Fixtures and components*
   5. *Use of reusable dining ware*
   6. *Use of inverter-type air conditioning systems*
   7. *Use of recycled or repurposed furniture*

8. *Compliance with the provisions of Executive Order No. 16 or the Healthy Public Food Procurement Policy*
9. *Adoption of sustainable dining practices*
10. *Provision for effective post event-recovery and recycling mechanisms of solid waste*

B. *Food Packaging*
   1. *Use of reusable or recyclable dining ware and containers*
   2. *Provision for effective post event-recovery and recycling mechanisms of solid waste*

C. *Computers and Laptops*
   1. *Must have energy labeling and efficiency standards*
   2. *Provision of mechanisms for proper e-waste disposal*

D. *Motor Vehicles*
   1. *Must be compliant with emission standards*
   2. *Electric or Hybrid Electric Vehicles*

SECTION 7. ENVIRONMENTAL CRITERIA FOR PROCUREMENT OF INFRASTRUCTURE. - The design, construction, operation, maintenance, renovation, and deconstruction of all major facilities or structures that enter into the pre-design phase, and the site of all such facilities or structures shall conform to, or exceed, the standards set forth in the Quezon City Green Building Code for new buildings and major renovations. All existing building and facilities of the City Government shall also conform to the said code within five (5) years.

The criteria for evaluation and rating shall cover, but not limited to the following:

1. *Use of sustainable materials.*
2. *Installation and use of insulation and energy reduction and efficiency mechanisms.*
3. *Solid waste and waste water treatment schemes.*
4. *Incorporation of green architecture.*
5. *Reduction systems for greenhouse gases and other volatile organic compounds.*

SECTION 8. INCLUSION OF AN ENVIRONMENTAL CRITERIA NOT FOUND IN THIS ORDINANCE. - All offices under the Quezon City Government may provide for their chosen environmental criteria in their respective PPMPs and Technical Specifications even if it is not included in the previous sections of this Ordinance, upon certification of the Climate Change and Environmental Sustainability Department and Procurement Department that it is an acceptable environmental criteria.

SECTION 9. CREATION OF A GREEN PUBLIC PROCUREMENT TEAM. - The Green Public Procurement (GPP) Team is hereby created to oversee the implementation of this Ordinance which will be under the supervision of the Environmental Policy Management Council. The GPP Team shall be composed of the City Administrator's Office as the lead agency with the Climate Change and Environmental Sustainability Department, and the Procurement Department as co-lead, and the General Services Department, the City Architect Department, and the Engineering Department, as its members.

The Office of the City Mayor and the City Administrator's Office may provide for additional members through an executive order or EMPC Resolution, as deemed fit, for the purpose of achieving the objectives of this Ordinance.

SECTION 10. POWERS AND FUNCTIONS. - The Green Public Procurement Team shall have the following functions:

a) *Monitor and supervise the implementation of the Quezon City Green Public Procurement Ordinance.*

b) *Developstandard environmental criteria for goods and services and infrastructures.*

c) *Develop the Quezon City Green Public Procurement Plan, aligned with the Philippine Green Public Procurement Program and other relevant laws, rules and regulations, which shall contain the environmental criteria developed, the verification and certification processes, establishment targets, key performance indicators, roadmap and milestones, among others.*

d) *Conduct the necessary data gathering and processing toestablish and to achieve target baselines.*

e) *Conduct annual research to come up with an inventory of environmentally preferred products and suppliers available in the market.*

f) Conduct cost-benefit analysis and validation to ascertain whether the use of particular environmentally preferred products is more practicable and efficient.

g) Review each purchase request to ensure implementation of the green procurement plan.

h) Conduct annual evaluation of green public procurement plan of each unit/office to establish percentage utilization.

i) Develop an Information and Education Campaign (IEC) Plan to systematically disseminate information and educate the local government heads of offices and staffs as well as stakeholders to ensure effective implementation.

j. Regularly coordinate with the Department of Budget and Management – Procurement Service (DBM – PS) for the list of certified environment-friendly products.

k. Perform other functions as deemed necessary for the implementation of green public procurement in Quezon City.

SECTION 11. PRIORITY ON ENVIRONMENTALLY PREFERRED GOODS AND SERVICE. - In its procurement transactions, the Quezon City Government shall prioritize Environmentally Preferrable Goods and Services, while giving consideration to value for money and the proper use of the budget, and in connection with the procurement process provided under Republic Act No. 9184, its Implementing Rules and Regulations, and other applicable laws.

SECTION 12. APPLICATION AND INTERPRETATION. - This Ordinance shall be read in conjunction with the whole procurement process provided under Republic Act No. 9184 and its Implementing Rules and Regulations, and other applicable laws.

SECTION 13. RESPONSIBILITY OF HEADS OF OFFICES AND BAC MEMBERS. - Heads of offices, together with the members of the BAC, are the designated persons required to ensure that this Ordinance are complied with while maintaining compliance with all legislative, regulatory and policy obligations.

SECTION 14. GROUND FOR FILING OF A COMPLAINT. - Failure for the inclusion of an environmental practice in the PPMPs and Technical Specifications maybe a ground for the filing of an administrative complaint against the head of Office, their administrative officer, and other employees that participated in its preparation. The liability will attach after they persistently fail to do so after demand has been made from BAC or otherconcerned agency.

Likewise, the failure of the BAC to implement this requirement in the procurement process may be a ground for the filing of an administrative complaint against its members.

The Quezon City Government shall ensure the acts and practices detrimental and/or inimical to procurement, in general, and green procurement, in particular, such as, but not limited to faking of green labels and certifications, shall be punishable under existing laws, rules, and regulations.

SECTION 15. SEPARABILITY CLAUSE. - If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affectedshall remain in full force and effect.

SECTION 16. IMPLEMENTING RULES AND REGULATIONS. - The GPP Team, in coordination with the BAC, shall within ninety (90) days after the approval of this Ordinance, formulate the necessary rules and regulations for its effective implementation.

The IRR shall include necessary provisions to ensure that officials in key management, procurement, materials and asset management, and oversight positions, have the necessary training to support the objectives of the policy.

SECTION 17. TRANSITION PERIOD AND EFFECTIVITY. - To give ample preparation for the transition to green procurement policy, the criteria stated in this Ordinance shall be made part of the preparation of the PPMP and Annual Budget of all offices for the following Fiscal Year upon approval of its Implementing Rules and Regulations.

This Ordinance shall be fully implemented January of the year after it was enacted and after it was incorporated on the PPMPs and Annual Budget of that year, including the provisions on liability.

SECTION 18. REPEALING CLAUSE. - All other ordinances, orders, issuances and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

ENACTED: December 1, 2021.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: DEC 23 2021

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 1, 2021 and was PASSED on Third/Final Reading on December 06, 2021.

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III