

**REPUBLIC OF KENYA**

**THE NATIONAL TREASURY AND ECONOMIC PLANNING**

**DRAFT SUSTAINABLE PUBLIC PROCUREMENT AND ASSET DISPOSAL FRAMEWORK**

**APRIL 2025**

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**Acronyms and Abbreviations**

|  |  |
| --- | --- |
| AI  CC | Artificial Intelligence  Climate Change |
| CE | Circular Economy |
| CO2 | Carbon Dioxide |
| eGP  EAC | Electronic Government Procurement  East African Community |
| EV | Electric Vehicle |
| EPDs  EPRA | Environmental Product Declarations  Energy and Petroleum Regulatory Authority |
| EU | European Union |
| EPR | Extended Producer Responsibility |
| GHG | Green House Gas emissions |
| GPD | Gross Domestic Product |
| GPP  GPA | Green Public Procurement  Government Procurement Agreement |
| IAM | Integrated Assessment Models |
| ISO  KISM  KAM  KEBS  KEPSA  KNCCI | International Organization for Standardization  Kenya Institute of Supplies Management  Kenya Association of Manufacturers  Kenya Bureau of Standards  Kenya Private Sector Alliance  Kenya National Chamber of Commerce and Industry |
| KPI | Key performance indicators |
| LCA | Life Cycle Assessment |
| LCC | Life Cycle Costs |
| M&E | Monitoring and Evaluation |
| MER  MOEF | Monitoring, evaluation, and reporting  Ministry of Environment and Forestry |
| MRA | Market Readiness Analysis |
| NCCRS | National Climate Change Response Strategy |
| NCCAP  NEMA | National Climate Change Action Plans  National Environment Management Authority |
| PCRs | Product Category Rules |
| PE  PPADA | Procuring Entity  Public Procurement and Asset Disposal Act |
| PPRA | Public Procurement Regulatory Authority |
| SCC | Social Cost of Carbon |
| SDGs | Sustainable Development Goals |
| SME | Small-and Medium-sized Enterprises |
| SPP  SPPAD  TCO | Sustainable Public Procurement  Sustainable Public Procurement and Asset Disposal  Total Cost of Ownership |
| UN | United Nations |

**Definition and Interpretation of Terms**

|  |  |
| --- | --- |
| Term | **Definition/Meaning** |
| Eco label | An official symbol that shows that a product has been designed to do less harm to the environment than similar products |
| Eco labelling | The practice of marking products with a distinctive label so that consumers know that their manufacturer conforms to recognized environmental standards |
| Environmental Product Declaration | A standardized, third-party verified document that transparently communicates the environmental impact of a product or material throughout its entire lifecycle, from raw material extraction to disposal, based on a Life Cycle Assessment (LCA). |
| Environmental Footprint Method | A meticulous guideline for modelling, calculating, and reporting life cycle environmental impacts of products and organizations. The Environmental Footprint methods build upon established international practices and standards, such as ISO 14000/44. These methods are instrumental in advancing towards a more sustainable economy by providing producers and buyers with the tools they need to make informed and more sustainable choices. |
| Economic Risk | The potential for financial loss due to changes in market conditions or [economic policies](https://www.vaia.com/en-us/explanations/business-studies/actuarial-science-in-business/economic-policies/) that can affect a company's or country's financial standing. This risk can stem from factors such as inflation, exchange rate fluctuations, and political instability, impacting [investments](https://www.vaia.com/en-us/explanations/business-studies/financial-performance/investments/) and [business operations](https://www.vaia.com/en-us/explanations/business-studies/business-operations/). |
| Life Cycle Costing | An economic assessment considering all agreed projected significant and relevant cost flows over a period of analysis expressed in monetary value. The projected costs are those needed to achieve defined levels of performance, including reliability, safety and availability. |
| Sustainability | The state of the global system, including environmental, social and economic aspects, in which the needs of the present are met without compromising the ability of future generations to meet their own needs. |
| Sustainability Criteria | Requirements to the sustainable quality of an item and its sustainable production, which have to be fulfilled in order to acquire a sustainability status or certification. |
| Sustainable Procurement | Sustainable procurement is procurement that has the most positive environmental, social and economic impacts possible across the entire life cycle and that strives to minimize adverse impacts. |
| Sustainable Public Procurement | A process whereby organizations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organization, but also to society and the economy, while minimizing damage to the environment. When sustainable procurement is conducted by public authorities we speak of Sustainable Public Procurement (SPP) |
| Total Cost of Ownership | An estimation of the expenses associated with purchasing, deploying, using and retiring a product or piece of equipment. TCO, or actual cost, quantifies the cost of the purchase across the product's entire lifecycle. |
| **Universal Design** | Design of goods, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design |

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**FOREWORD**

The Government of Kenya is committed to fostering sustainable development by embedding sustainability principles into public procurement. As one of the largest consumers of goods and services, the public sector has a unique opportunity to lead by example in promoting responsible procurement practices that generate long-term social, economic, and environmental benefits.

The Sustainable Public Procurement and Asset Disposal Framework represents a transformative shift in Kenya’s procurement landscape. This framework is designed to ensure that public procurement decisions go beyond traditional cost and quality considerations by integrating sustainability criteria. It aligns with Kenya’s Vision 2030 and the United Nations Sustainable Development Goals (SDGs), reinforcing the country’s commitment to a greener, more inclusive, and resilient economy.

Through this framework, public procurement entities will be guided in adopting best practices that minimize environmental impact, support local industries, promote fair labor practices, and ensure responsible resource utilization. By prioritizing eco-friendly products, energy-efficient solutions, and sustainable resource use, we can significantly contribute to environmental conservation and climate change mitigation. Additionally, inclusive procurement policies will empower marginalized groups, foster social equity, and promote economic opportunities for small and medium-sized enterprises (SMEs).

To ensure the successful implementation of this framework, capacity building for procurement professionals is a key priority. Strengthening their knowledge and skills will enhance the adoption of sustainable procurement practices across public institutions. Moreover, robust monitoring, evaluation, and reporting mechanisms will be established to track progress, ensure accountability, and continuously improve sustainability outcomes.

The institutionalization of sustainable public procurement is a testament to Kenya’s dedication to responsible governance and sustainable economic growth. By embedding sustainability into procurement decisions, we are not only securing a better future for our citizens but also contributing to global efforts in addressing pressing challenges such as climate change, poverty, and inequality.

I urge all stakeholders, including government agencies, private sector partners, and civil society, to embrace and champion the principles outlined in this framework. Together, we can create a procurement system that fosters environmental stewardship, social responsibility, and economic resilience, paving the way for a sustainable and prosperous Kenya.

**HON. FCPA JOHN MBADI NG'ONGO, EGH  
THE CABINET SECRETARY**

**EXECUTIVE SUMMARY**

The Sustainable Public Procurement and Asset Disposal Framework in Kenya is a strategic initiative designed to integrate sustainability principles into public procurement practices. This framework aligns with national development priorities, including Kenya’s Vision 2030, and global sustainability objectives such as the United Nations Sustainable Development Goals (SDGs). By embedding environmental, social, and economic considerations into procurement decisions, the framework aims to ensure that public spending contributes to long-term benefits for society, the economy, and the environment.

Kenya’s public procurement system plays a crucial role in driving sustainable development. The SPP framework seeks to move beyond traditional cost and quality metrics by incorporating sustainability criteria into procurement policies and practices. This approach fosters the transition to a green economy, promotes responsible consumption, and strengthens social and economic equity.

The framework promotes procurement practices that minimize environmental impact. This includes prioritizing eco-friendly products, adopting energy-efficient solutions, ensuring sustainable resource utilization, fostering waste reduction, encouraging water conservation, and supporting biodiversity protection. Additionally, the framework advocates for procurement policies that benefit all segments of society. This involves promoting fair labor practices, supporting local communities, ensuring accessibility for marginalized groups, and enhancing social equity through procurement decisions.

Economic viability is key to supporting long-term economic sustainability by prioritizing procurement practices that generate enduring economic benefits. It encourages the participation of small and medium-sized enterprises (SMEs), promotes local industry growth, and incorporates lifecycle cost assessments to ensure cost-effective and sustainable purchasing decisions.

Further, torecognizes the importance of knowledge and expertise, the framework provides for continuous training and capacity building of procurement professionals. This includes equipping stakeholders with the necessary skills to implement sustainable procurement practices effectively and fostering a culture of sustainability within public institutions.

Monitoring, Evaluation, and Reporting is a priority to this framework to ensure accountability and continuous improvement, the framework establishes mechanisms for tracking, evaluating, and reporting on the outcomes of sustainable procurement practices. This involves regular audits, transparent reporting systems, and assessments to measure the impact of sustainability initiatives.

The institutionalization of sustainable procurement practices through this framework is expected to transform Kenya’s public procurement system into a model of environmental stewardship, social responsibility, and economic resilience. By embedding sustainability principles into procurement decisions, the framework contributes to achieving Kenya’s Vision 2030 and advancing global sustainability goals.

By prioritizing sustainability, Kenya will foster responsible governance, drive inclusive economic growth, and promote environmental conservation. This framework is a critical tool for ensuring that public procurement delivers lasting value for present and future generations while addressing global challenges such as climate change, poverty, and inequality. As Kenya continues to implement and refine its sustainable procurement practices, the framework will serve as a foundation for building a greener, more inclusive, and prosperous economy.

# CHAPTER ONE: INTRODUCTION

## Background and Context

Public procurement accounts for a significant share of the GDP and total government expenditures globally with over $11 trillion being spent on public procurement, which accounts for 12% of global GDP in 2018. This figure goes up to 15% of the GDP in low-income economies and in East Africa represents nearly 13% of the GDP. In Kenya, public procurement expenditure is estimated to account for between 10-13% of the GDP and at least 40% of the annual public expenditure, making it the single largest item of public spending, ahead of salaries and wages.

Public procurement activities are responsible for 15% of Green’House Gas (GHG), or 7.5 billion tons of global CO2 per year due to its sizable expenditures in the country's economy. Most of these emissions are produced by activities of public procurement in 6 industries: defense and security, transport, waste management services, construction, and industrial products and utilities. Emissions generated by public purchases can be divided into direct activities, which account for 3% and indirect activities which account for 12%.

Kenya has continued to experience the impact of climate change in its economy that affects its socio-economic and development goals. These impacts will continue to deepen if existing vulnerabilities are not effectively mitigated and may roll back economic and social development gains by undermining food systems, environmental and ecosystem integrity, water, and energy security.

In the wake of the adverse effects of climate change, the Government has continued to establish and institutionalize measures aimed at mitigating the negative effects, while creating mechanisms for enhanced adaptation and resilience for inclusive growth. The efforts include environmental conservation and ecosystem preservation through tree growing, promotion of resource use efficiency and entrenching of sustainability and inclusive development across different sectors.

To entrench the climate change mitigation efforts of building resilience and adaptation, the Government aims to leverage on its purchasing power through public procurement by integrating sustainability requirements across the procurement cycle, from needs identification to contract close out through development of the ***Sustainable Public Procurement and Asset Disposal Framework.*** This will promote realization of SDGs, and specifically, SDG 12 on Sustainable Consumption and Production; which aims to “*Promote public procurement practices that are sustainable, in accordance with national policies and priorities*.” In building sustainability in public procurement, the Government aims to reduce environmental impact in the economy, promote social well-being and spur sustainable economic growth across all sectors of the economy.

Favorable political environment is key in the implementation of sustainable public procurement and this has been demonstrated through passage of crucial laws governing public procurement like the PPADA and its attendant Regulations. On the economic front, the SPP will be aligned with the Kenya Sustainable economic development blueprint, the Vision 2030 which promotes advancement of marginalized groups and communities and also leverages on technology by aligning the SPP with the Electronic Government Procurement (eGP).

The framework will provide guidelines on how to integrate sustainability into the existing public procurement cycle, to provide practical guidance for public procurement practitioners within Kenyan procurement agencies with clear procedures for implementing sustainability policies effectively. Whereas the procurement cycle from identification of needs all through to tendering and contract management remains the same, the criteria describing the quality requirements and technical specifications offers an avenue for integrating sustainability requirements that can be verified through the procurement process. The Framework gives effect to the provisions of the National Public Procurement and Asset Disposal Policy, 2020, and Public Procurement and Asset Disposal Act, 2015.

**1.2 Sustainable Public Procurement**

SPP is an approach that allows governments to leverage on public procurement purchasing power to promote the realization of the country’s social, environmental, and economic goals. SPP aims at searching for parity between environmental, social, and economic aspects of production and consumption, together with the harmonization of supply chain relations between market participants including, manufacturers, suppliers, consumers, and the environment when procuring goods, works and services. However, three principal definitions delineate the application of public procurement for environmental and social objectives: SPP, Green Public Procurement (GPP), and Circular Economy (CE). Collectively, these methodologies are integral to what could be termed as "innovation procurement" as depicted in Figure 1.

Figure 1: Public procurement definitions and approaches

A diagram of a circular diagram

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These procurement strategies share a unified aim to foster sustainability in the public acquisition of goods and services. Despite this shared objective, they are distinct in their application. SPP approach allows governments to leverage on public procurement purchasing power to promote the realization of the country’s social, environmental, and economic goals. On the other hand, GPP mandates procuring entities to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured. GPP is therefore limited in scope to environmental considerations as opposed to the broader concept of SPP. CE on the other hand emphasizes on the reuse, reduce and recycle aspects of a product.

* 1. **Guiding Principles for Implementation of Sustainable Public Procurement and Asset Disposal**

Public procurement can serve as a powerful tool for achieving long-term environmental, social, and economic sustainability by adhering to the following principles:

1. **Reduce Environmental Impact:** A core aspect of sustainable procurement is minimizing environmental harm. This involves selecting products, services, and technologies with a lower carbon footprint, reduced waste, and efficient resource use. By prioritizing eco-friendly options, Public Procurement Entities (PEs) can significantly decrease their environmental impact.
2. **Embrace Social Responsibility:** Sustainable procurement integrates social responsibility by ensuring fair labor conditions, upholding human rights, and fostering community well-being. PEs should engage with suppliers who adhere to ethical sourcing and social responsibility standards.
3. **Ensure Economic Viability:** Sustainability must be balanced with economic viability. This means evaluating costs alongside long-term value by considering the entire lifecycle of a product or service—from production to disposal. Sustainable procurement prioritizes overall value rather than purely focusing on price.
4. **Commit to Ethical Procurement:** Ethical procurement involves issues of honesty, transparency, integrity, accountability, responsibility and confidentiality. PEs and suppliers are required to inculcate a culture of observing ethical procurement practices.
5. **Promote Supplier Diversity:** Encouraging supplier diversity fosters economic inclusivity and strengthens supply chain resilience. PEs should support MSMEs, local, and minority-owned businesses to promote economic development and community growth.
6. **Prioritize Resource Efficiency:** Resource efficiency is essential to sustainable procurement. It involves selecting products that optimize the use of energy, water, and raw materials. Sustainable procurement also emphasizes proper disposal methods, favoring reusable, recyclable, or environmentally safe options to minimize waste.
7. **Comply with Standards and Certifications:** PEs should adhere to existing national and international sustainability standards and certifications. These frameworks guide sustainable procurement practices and ensure compliance with best practices.
8. **Encourage Innovation:** Sustainable procurement should drive innovation by preferring suppliers who offer environmentally friendly and technologically advanced solutions. By fostering innovation, suppliers can enhance sustainability and gain a competitive advantage.
9. **Engage Stakeholders and Collaborate:** Effective sustainable procurement requires engaging all stakeholders in the decision-making process. A collaborative approach ensures commitment to sustainability goals and facilitates collective progress.
10. **Commit to Continuous Learning and Development:** PEs should continuously review and enhance procurement practices to improve sustainability performance over time. This principle underscores the importance of adapting to new challenges and opportunities through training and capacity-building initiatives.
11. **Leveraging on eProcurement :** PEs shall leverage on digital tools like e-procurement, block chain for transparency, and AI analytics to improve efficiency and accountability
    1. **Objective of the Framework**

The main objective of this framework is to provide guidance to procuring entities and stakeholders on measures put in place to promote sustainability in public procurement and asset disposal system, through integration of economic, social, and environmental considerations in the public procurement cycle. Specific objectives include to;

1. Provide guidelines on how to prioritize eco-friendly products, services, works and technologies, with the aim of reducing carbon footprint, conserve the ecosystem and biodiversity, and foster the transition to a circular economy.
2. Provide guidelines to enhance social inclusion in public procurement by prioritizing local economic development, support of small and medium enterprises (SMEs), promote gender equality, uphold labour laws and institutionalized social safeguards.
3. Provide guidelines on how to adopt and promote economic efficiency through adoption of total life-cycle costing in public procurement.
4. Provide guidelines on adoption of sustainable asset disposal methods that prioritizes economic, environmental and social considerations
   1. **Rationale of the Framework**

This Framework has been developed to augment the Government’s efforts towards the realization of sustainable development goals by integrating sustainability issues in public procurement. The Public Procurement and Asset Disposal Act provided for promotion of local industry, sustainable development, protection of the environment and promotion of citizen contractors. However, implementation has been hampered by lack of clear guidelines on how to inculcate the above sustainability issues in public procurement. The Sustainable Public Procurement and Asset Disposal Framework has been developed to provide the required guidelines.

Implementation of this Framework will enable the Government to leverage on the magnitude of its purchasing power mainstream sustainability requirements through optimal resource utilization while minimizing wastage.

* 1. **Scope of the Framework**

This Framework will apply to public procurement and asset disposal operations by the Government of Kenya with respect to goods, works, and services.

# CHAPTER TWO: LEGAL FRAMEWORK FOR SUSTAINABLE PUBLIC PROCUREMENT

Over the past decade, the regulatory framework governing public procurement has been significantly strengthened to incorporate provisions related to sustainable development. This shift underscores a growing recognition by governments worldwide that public procurement can serve as a strategic and cost-effective mechanism for achieving political mandates and advancing sustainable and equitable development.

* 1. **International instruments**

Some of the international instruments governing sustainability include:

### [The UN 2030 Agenda for Sustainable Development](https://sdgs.un.org/2030agenda)

[The 2030 Agenda for Sustainable Development](https://sdgs.un.org/2030agenda) adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.

SDG 12 specifically emphasizes the need to “Ensure sustainable consumption and production patterns.” Within this goal, Target 12.7 calls for the promotion of sustainable public procurement (SPP) in alignment with national policies and priorities.

### WTO GPA Provisions for environmental considerations in public tendering processes

1. Article X (6) on Tender Specifications and Tender Documentation provides that, a Party, including its procuring entities, may, in accordance with the Article, prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment.
2. Article X (9) on Tender Specifications and Tender Documentation provides that the evaluation criteria set out in the notice of intended procurement or tender documentation may include, among others, price and other cost factors, quality, technical merit, environmental characteristics and terms of delivery.

### UNCITRAL Model Law Provisions on Public Procurement related to Environmental and Social Considerations

1. Article 2 (o) on Definitions clarifies Socio-economic policies as environmental, social, economic and other policies authorized or required by the procurement regulations or other provisions of law of the state to be taken into account by the procuring entity in the procurement proceedings.
2. Article 9 (2a) on Qualifications of suppliers and contractors requires suppliers to have the necessary professional, technical, and environmental qualifications; professional and technical competence; financial resources, equipment and other physical facilities; and managerial capability, reliability, experience and personnel to perform the procurement contract.
3. Article 11 (2b) on Rules concerning evaluation criteria and procedures suggests that evaluation criteria may include: the cost of operating, maintaining and repairing goods or of construction; the time for delivery of goods, completion of construction or provision of services; the characteristics of the subject matter of the procurement, such as the functional characteristics of goods or construction and the environmental characteristics of the subject matter.

1. Article 25 (1i) on Documentary record or procurement proceedings suggests the inclusion of socio-economic policies in the procurement proceedings which include details of such policies and the manner in which they were applied.
2. Article 30 on Conditions for the use of methods of procurement allows for procurement from a particular supplier or contractor, [when] necessary, in order to implement a socio-economic policy of the State, provided that procurement from no other supplier of contractor is capable of promoting that policy.

### ISO International Organization for Standardization (2017) - ISO 20400:2017

This is an international standard that provides guidance for organizations to integrate sustainability into their procurement processes, focusing on environmental, social, and economic impacts across the entire lifecycle of products and services.

### Agenda 2063 of the African Union (AU)

Though not explicitly mentioning SPP or GPP, the agenda aligns with environmental sustainability goals by promoting eco-friendly procurement practices to reduce Africa’s carbon footprint. Agenda 2063 is under Aspiration 1: A Prosperous Africa under Goal 7, An Africa that is Environmentally Sustainable and has Climate Resilient Economies and Communities.

### EAC Vision 2050

Thisis a blueprint for a prosperous, competitive, secure, stable, and politically united East Africa, aiming to achieve a ten-fold increase in per capita income by 2050, moving the region into an upper-middle-income category.

* 1. **Kenya’s Legal Framework on Sustainability**

**2.2.1 Kenya’s Public Procurement Legal Framework on Sustainable Public Procurement and Asset Disposal**

Public Procurement in Kenya is anchored on the Constitution of Kenya, 2010 particularly Article 227 which requires public entities to contract for goods or services in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

To give effect to the above Constitutional provision, the Public Procurement and Asset Disposal Act, CAP 412C (PPADA) was enacted and the National Public Procurement and Asset Disposal Policy, 2020 developed.

With regard to SPP, Article 227 (2) of the Constitution refers to social-economic sustainability practices in public procurement by requiring that legislation be enacted to provide, inter alia, for: categories of preference in the allocation of contracts; the protection or advancement of persons, categories of persons or groups previously disadvantaged by unfair competition or discrimination; and sanctions against persons who seriously violated fair employment laws and practices.

The Public Procurement and Asset Disposal Act 2015(PPADA 2015) and the Public Procurement and Asset Disposal Regulations, 2020 give effect to Article 227 of the Constitution. The Act emphasizes transparency, accountability, and efficiency in procurement processes. Although it does not explicitly reference sustainability, it includes several provisions that align with sustainable procurement principles by integrating environmental, social, and economic considerations. Key sustainability-related clauses include:

* + 1. **Promotion of local industry, sustainable development and protection of the environment (Section 3)** Provides for promotion of local industry, sustainable development and protection of the environment;
    2. **Eligibility to bid (Section 55)** Provides that persons convicted of corrupt or fraudulent practices or found guilty of serious violation of fair employment law and practices are not eligible to participate in public tendering;
    3. **Technical Requirements (Section 60)** Provides for preparation of technical requirements that factor in the life of the item; factor in socio economic impact of the item; are environmentally friendly; factor in the cost of disposing the item; and factor in the cost of servicing and maintaining the item;
    4. **Reservation Schemes for Marginalized Groups (Section 157(5))-** The PPADA 2015 mandates the reservation of procurement opportunities for women, youth, and persons with disabilities. This provision promotes social sustainability by fostering inclusivity, reducing inequality, and empowering marginalized communities;
    5. **Preference for Local Goods and Services (Section 155)-** Preference schemes prioritize locally manufactured goods, services, and works, supporting economic sustainability by stimulating local industries, creating jobs, and reducing the carbon footprint associated with imports. This aligns with Kenya’s “Buy Kenya, Build Kenya” initiative.

In line with Section 155, the PPADR, 2020, requires tender documents to include a requirement for the tenderer to: include a plan of technology and knowledge transfer by training and mentoring of Kenyan citizens; reserve at least 50% employment opportunities for Kenyan citizens; and include a plan for building linkages with local industries which ensures at least 40% inputs are sourced from local markets. This, however, is subject to the provisions of the bilateral and multilateral agreements between the Government of Kenya and any other foreign government, agency, entity or multilateral agency;

* + 1. **Waste disposal management as a method of disposal (Section 165)-** Provides for waste disposal management as a method of disposal;
    2. **Ethical Standards and Anti-Corruption Measures (Sections 62, 65, 66, 176)** The PPADA 2015 enforces integrity, fairness, and transparency in procurement processes. It prohibits corrupt practices and strengthens accountability, ensuring that public resources are utilized for maximum benefit;
    3. **Community Participation as one of the methods of Public Procurement** (**Section 92, and Regulations 108-112) -** A procuring entity may involve a beneficiary community to participate in the delivery of services if it is established that it shall contribute to economy; value for money; project sustainability; and socio-economic objectives such as creation of employment.
    4. **Requirement for PEs to Publish public procurement information (Section 138) -** To promote transparency, government ministries, departments, and agencies must publish procurement information in the Public Procurement Portal.

**2.2.2 Other Legal Frameworks related to Sustainable Public Procurement and Asset Disposal**

### Policies that Support Sustainable Public Procurement

Beyond legal provisions, SPP can be implemented through industrial development policies, including policies supporting Small and Medium Enterprises (SMEs). While policy statements lack the force of law, they guide sustainable procurement efforts and ensure better value-for-money for taxpayers. Such policies encourage procurement from domestic producers, SMEs, and minority suppliers while emphasizing low environmental footprints and improved whole-life value.

Kenya’s key policies supporting sustainable procurement include:

1. Kenya Vision 2030
2. National Public Procurement and Asset Disposal Policy
3. Policy on Assets and Liabilities Management in the Public Sector
4. National Trade Policy
5. Agricultural Sector Development Strategy
6. National Livestock Policy
7. National Industrial Policy
8. Competition and Investment Policy
9. Intellectual Property Policy and Strategy
10. National Green Economy Strategy and Implementation Plan (GESIP);

### Environmental and Labor Regulatory Framework

Kenya has enacted several laws and policies that support environmental and labour sustainability, including:

1. Environmental Management and Coordination Act (1999) : Establishes a framework for responsible environmental management;
2. Factories Act (1951): Safeguards labour rights in industrial workplaces;
3. Mining Act (2016): Requires mineral rights holders to engage in community development agreements and prioritize local employment;
4. Sessional Paper No. 3 of 2021 on Business and Human Rights: Guides the implementation of the United Nations Guiding Principles on Business and Human Rights;
5. Capital Markets Authority Corporate Governance Code: Protects shareholder rights and promotes ethical corporate practices;
6. Occupational Health and Safety Act 2007;
7. Employment Act 2007;
8. Sustainable Waste Management Act 2022.

### Climate Change and Green Procurement Initiatives

Kenya’s climate change framework integrates sustainability into national planning and development objectives:

1. National Climate Change Response Strategy (NCCRS, 2010): Incorporates adaptation and mitigation measures across all sectors;
2. Nationally Determined Contribution (2020): Kenya committed to reducing greenhouse gas emissions by 32% by 2030;
3. National Climate Change Action Plans (NCCAP): Five-year strategies to promote low-carbon, climate-resilient development;
4. The Climate change Act 2016(Amendment 2023) and Climate Change (Carbon) market Regulations 2024;
5. E-Mobility and Energy Efficiency Incentives: Tax breaks on electric vehicle (EV) components and clean cookstoves, along with preferential electricity tariffs for EV charging.

### Transparency, Anti-Corruption, and Governance

Kenya has taken significant steps to enhance transparency and combat corruption in procurement by enactment of various laws. They include :

1. Public Finance Management, Cap 412A;
2. State Corporation Act, Cap 446;
3. Access to Information Act, Cap : Requires public and private entities engaged in government business to disclose procurement-related information. While penalties exist for non-compliance, implementation remains inconsistent due to the lack of regulations;
4. Bribery Act (2016): Increases penalties for corruption in public procurement and mandates ethics codes for private sector bidders;
5. Witness Protection Act Cap 79 : Protects whistleblowers involved in corruption investigations;
6. Conflict of Interest Bill (2023): Currently under parliamentary review, the bill aims to strengthen accountability in public procurement.

Kenya’s public procurement legal framework is evolving to align with sustainable procurement principles. While existing laws and policies provide a strong foundation, further efforts are needed to ensure effective implementation, compliance, and enforcement. Strengthening institutional capacity, enhancing stakeholder engagement, and leveraging global best practices will be critical in transforming public procurement into a strategic tool for sustainable development.

The Government will therefore undertake review of the PPADA 2015, and PPADR 2020 and other relevant statutory instruments governing the three components (economic, social and environmental) of SPP to ensure effective integration of sustainability in the public procurement and asset disposal system and processes. Alongside these, the Government will cause to be reviewed the standard tender documents and formats to incorporate sustainability (environmental, economic and social) requirements to facilitate ease of use by all stakeholders participating in the public procurement processes.

To enhance clarity and understanding of the sustainability requirements pronounced through this Framework, the Government will develop and disseminate SPP Guidelines, and other regulatory instruments as may be necessary from time to time. As may be required, SPP Manuals for different sectors may be developed in furtherance of sustainability requirements.

# CHAPTER THREE: INTEGRATING SUSTAINABILITY INTO PUBLIC PROCUREMENT AND ASSET DISPOSAL PROCESSES

* 1. **Introduction**

This Framework proposes essential approaches for advancing sustainable public procurement and asset disposal in Kenya. The Framework outlines each approach and immediate, medium-term and long-term actions for a fully sustainable procurement system. SPP aims to integrate sustainability as a core component of all public procurement, establishing a new norm that aligns with national development objectives.

All Procuring Entities (PEs) will be responsible for implementing the national framework on Sustainable Public Procurement and Asset Disposal and developing sustainable Standards Operating procedures which are aligned with the national policy.

Currently Kenya is implementing the Public Procurement and Asset Disposal Policy 2020 that mandates all procuring entities to adopt sustainable procurement in meeting their needs for goods, works and services to achieve value for money on a whole life-cycle basis in terms of generating benefits, not only to the organization but also to the society and economy, whilst minimizing damage to the environment.

This framework has been developed as a tool to operationalize the policy and provide guidance to procuring entities on implementation of sustainable procurement

* 1. **Public Procurement Cycle**

The following steps are identified to integrate sustainability into the public procurement and asset disposal process.

### 3.1.1. Sustainability Committee

The Accounting Officer shall establish a dedicated internal team tasked with overseeing and facilitating the process. The team shall be responsible for integration, review of sustainability criteria and related internal documentation. They shall also be responsible for implementing a monitoring system and generating reports on SPP while ensuring these are aligned with departmental requirements that are in harmony with the organization's objectives and do not impede future adoption of these criteria.

The team shall comprise members from procurement, user department and relevant technical department. This diversity ensures that each member contributes their unique expertise to the development of sustainability criteria for the entity's contracts.

### 3.1.2 Need Identification

Atthis stage procuring entities (PEs) identify current needs of the organization (goods, services, and works) and take into consideration sustainability requirements. In achieving this, PEs will:

1. Conduct market analysis to establish sustainable products or solutions available in the local market and where they have been supplied/done in the global market;
2. Determine the social, environmental and economic risks/opportunities for that specific product or service;
3. Determine opportunities for demand reduction and consuming less;
4. Consider whether procurement “needs” can be met by a more sustainable alternative;
5. Consider recycling, repairing, re-using or re-purposing of older goods;
6. Sharing resources between divisions or organizations;
7. Using recycled and renewable materials; and
8. Involve cross-functional stakeholders in this process and utilize their expertise to optimize orders.

### 3.1.3 Procurement Planning

In planning for procurement requirements, the procuring entity shall:

1. Through prioritization, identify product or service groups that offer the best opportunities in terms of market response and potential for improvement by focusing on sustainability elements that are important and relevant (or considered a higher risk);
2. Determine whether those goods or services need to be purchased;
3. Consider alternative solutions such as leasing or purchasing fewer units that might be more cost effective, which in turn could lead to reduced waste and emissions;
4. Apply the total cost of ownership methodology to identify the most cost-effective, environmentally friendly and socially impactive solution;
5. Reserve procurement opportunities for preference and reservations schemes;
6. Aggregate needs to be procured in bulk to achieve the benefits of economies of scale; and
7. Consider unbundling large procurements into smaller lots to ensure maximum accessibility and participation of citizen contractors, disadvantaged groups, small, micro and medium enterprises in public procurement.

### 3.1.4 Preparation of Specifications

The Procuring entity shall:

1. Address specific and relevant sustainability requirements through either precise technical, functional or performance specifications;
2. Specify the life cycle of the product including the materials to be used in production and/or the method of production or service delivery;
3. Ensure technical specifications bear a link to the subject matter of the contract and should only include those requirements that are related to the production of the goods, services or works being procured;
4. Ensure specific requirements set a sustainability threshold to be met by all firms or which allows firms to propose innovative ideas, to address the sustainability risks/opportunities;
5. Ensure production processes that are non-proprietary or otherwise only available to one firm, or to firms in one country or region, unless such a requirement is justified;
6. Consider requirements definition for disability inclusiveness and accessibility for relevant products, services and works including using the Universal Design (UD) approach;
7. From the outset, consider the potential for applying the Total Cost of Ownership (TCO) approach;
8. Ensure that for infrastructure works, relevant considerations on health and safety measures that suppliers and contractors must comply with are included in the technical requirements;
9. Where applicable, make use of any of the following criteria to assess environmental considerations:
10. **Environmental Management Systems Certification** – ISO 14001 complements sustainable public procurement (SPP) because they provide a trustworthy framework to evaluate suppliers' and products' environmental and quality management practices.
11. **Eco-labels** – ISO14020 Series of Environmental Standards play a significant role in sustainable procurement by providing guidelines for environmental labels and declarations. These standards help organizations identify and verify the environmental attributes of products and services, ensuring that they meet specific sustainability criteria. The series includes three types of labels, Type I, ISO 14024, Type II, ISO 14021 and Type III, ISO 14025.
12. **Environmental Footprint Methods** – These methods are used to measure the impact of human activities on the environment.  The methods include, Life Cycle Assessment, Input-output Analysis, Product environmental footprint and Organization Environmental footprint.
13. **Ecological Footprint** The guidelines for companies to calculate, model, and report the life cycle environmental impacts of products and organizations are typically based on the principles of LCA as outlined in the ISO 14040 series, specifically ISO 14040 and ISO 14044. These standards provide a framework for conducting a comprehensive assessment of the environmental impacts associated with all the stages of a product's life cycle, from raw material extraction through to production, use, and disposal.
14. **Environmental Product Declarations** (EPDs) – EPDs are critical tools for businesses to demonstrate their commitment to reducing the environmental impact of their products and services. An EPD is a standardized document that provides quantified environmental data for a product, based on information from a Life Cycle Assessment (LCA). The LCA evaluates the environmental impacts associated with all the stages of a product's life from raw material extraction through to processing, manufacture, distribution, use, repair and maintenance, and disposal or recycling
15. **Life Cycle Costing Analysis** (**LCCA) –** LCCA assesses the total cost of ownership over the life span of an asset. It includes not only the initial costs like purchase price, delivery, and installation but also encompasses operating costs such as energy consumption, maintenance, insurance, and end-of-life disposal or recycling costs. LCCA identifies the most cost-effective option from a long-term perspective.

A public sector entity’s asset life-cycle shall include the following phases:

i. Planning;

ii. Acquisition;

iii.Operation and maintenance; and

iv.Disposal

1. **Social Cost of Carbon** (SCC) - SCC is an economic metric intended to quantify and monetize the climate change damages associated with an incremental increase in carbon dioxide emissions in a given year. It represents the value of the net societal harms of global climate change from emitting one additional ton of carbon dioxide into the atmosphere. The SCC estimates the economic value of changes in greenhouse gas emissions resulting from policies and projects, and it is a critical component in cost-benefit analyses to assess the climate impacts of government regulations and actions.

### 3.1.5 Preparation of Tender Documents

The Procuring Entity shall:

1. Consider creating a tender title that clearly identifies the desire to purchase sustainable goods, works or services;
2. Consider establishing longer term contracts as these will give suppliers a greater incentive to bid, and increase the opportunity to improve the sustainability of vendors over time.
3. Promote participation of small, micro and medium enterprises, vulnerable groups that may not have all the expertise and experience required through creation of joint ventures or consortia, sub-contracting, lotting, prioritizing sourcing from local community;
4. Consider including the possibility of enabling advance payments, as that could facilitate contract implementation by MSMEs or other suppliers that may face cash-flow challenges;
5. In cases where defining clear sustainability requirements is difficult, or the potential price impact of more sustainable options is unknown, consider allowing alternative solutions that include enhanced sustainability considerations;
6. Embed the minimum social sustainability requirements into the qualification, technical and financial evaluation criteria of the bidding document;
7. Ensure sustainability is included in the evaluation criteria in the tender document;
8. Include the supplier sustainability questionnaire in the bidding process; and
9. Ensure that the financial criteria for certain product or service categories, includes a requirement that evaluation will be done using life cycle costing methodology, and if that is the case, it should be clearly indicated in the tender document.

### 3.1.6 Invitation to Tender

The Procuring Entity shall:

1. Ensure that the invitation to tender clearly conveys the sustainability requirements to the tenderer;
2. Consider holding a pre-bid conference to enable potential bidders understand the Procuring Entity’s sustainability expectations; and
3. Leverage the use of technology by providing for electronic submission of bids/tenders.

### 3.1.7 Bids Preparation and Submission by Tenderers

The tenderer shall ensure the following:

1. Set commitments - Bidders shall clearly state their commitment to sustainable practices by outlining specific policies, mission statements, or initiatives that align with sustainability requirements set out in the tender document;
2. Sustainability impact - Bidders shall clarify the sustainability impact of the products or solutions they are providing to meet the requirements/specifications set out in the tender document. This may include carbon footprint, emissions, and contribution to mitigate climate change; and
3. Understand the Client's Sustainability Goals stipulated in the tender documents and demonstrate in their proposals/bids the extent of their conformance with the procuring entity’s sustainability requirements by including tailoring the sustainability approach, incorporating measurable outcomes, highlighting relevant certifications and accreditations, demonstrating past successes and engaging local partners and any other applicable approaches.

### 3.1.8 Tender opening

The Procuring Entity shall leverage on technology to facilitate online participation of interested bidders and observers during tender opening

### 3.1.9 Tender Evaluation

The Procuring entity shall:

1. Evaluate bids/proposals based on sustainability criteria set out in the tender document;
2. Consider the financial proposal using the Total Cost of Ownership (TCO) approach and other sustainable criteria;
3. Conduct background checks on the vendor(s) recommended for award including verification of the responses with respect to sustainability criteria; and
4. Consider the margin of preference for various sustainability specifications in the tender documents

### 3.1.10 Post Qualification

The procuring entities shall verify the criteria by working closely with the entities that issue the certificates or with the suppliers that are required to submit the information for the process.

Post-qualification processes will depend on the specific product being procured. Table 1 presents types of verification for each type of criteria.

|  |  |  |
| --- | --- | --- |
| **Table 1: Post-qualification of Sustainable criteria** | | |
| **Criteria** | **Post-qualification** | **Responsibility** |
| **National and Global SPP Standards and Certificates** | Usually is a third party (public entity or private) who issue the certificates and conduct the verification. | Entity that issues the certificate. |
| **Extended Producer Responsibility** | Suppliers submit its commitments on the environmental impact according to the model defined by the entity that issue the certificate. | Entity that issues the certificate |
| **Environmental Footprint Methods** | Procurement entity develops and economic metric to calculate the footprint. Data to develop the model might be from suppliers or available data from other organizations. | Procurement entity.  Suppliers if the metric includes information from the supplier. |
| **LCA** | The supplier needs to submit information on the expected environmental impact of the criteria. | Procurement entity will establish a mechanism to verify the compliance of the information submitted by the supplier.  The supplier must collaborate with the procurement entity to provide required information during the verification process. |
| **LCCA** | The supplier needs to submit information required by the mechanism developed by the procurement entity to implement the LCCA. | Procurement entity will establish a mechanism to verify the compliance of the information submitted by the supplier. It might require additional data from other government entities to verify the information presented by the supplier.  The supplier must collaborate with the procurement entity to provide required information during the bidding process regarding the green criteria applicable in the LCCA. |

### 3.1.11 Professional Opinion and Contract Award

The professional opinion shall verify and validate that the tenders were evaluated in accordance with the sustainability criteria set out in the tender document. The factors to be considered include but not limited to:

1. Environmental and Social Risks - Ensure that potential environmental and social risks associated with suppliers and procurement activities have been assessed;
2. Life Cycle Impact- Ensure that the entire lifecycle impact of products and services, from production to disposal, have been considered;
3. Innovation and Trends - ensure that the latest sustainability trends and innovations in the market, have been incorporated;
4. Third-Party Certifications: Confirm that Preference has been given to suppliers with recognized Third-party sustainability certifications and standards; and
5. Ethical and Legal Compliance: Ensure that awards adhere to ethical standards and legal requirements. This includes reviewing issues such as fair competition, anti-corruption measures, and sustainability standards.

### 3.1.12 Notification of Tender Process Outcome

Procuring entities shall:

1. Leverage on technology in notifying bidders of the tenders outcome and tenderers debriefing; and
2. Inform tenderers on the available channels for seeking redress if aggrieved by the PE’s decision.

### 3.1.13 Contract Preparation

Procuring Entities shall:

1. Include in the contract relevant sustainability clauses stipulated in the tender document. These clauses should be SMART (Specific, Measurable, Achievable, Realistic, Time-bound), for example, requiring packaging, bulk shipment, predetermined reporting on sustainability criteria for the purchase in question.
2. Include relevant supplier performance evaluation metrics or key performance indicators (KPIs) that will be evaluated. The KPIs should link back to key sustainable procurement aspects of the specification or the final contractual commitment made by the successful bidder and should be used to measure essential aspects of a contract.
3. Include penalty clauses for non-compliance with the specifications or for cases where a supplier has provided a false written guarantee. The contract may specify rules for the execution of the contract (e.g. recuperation of packaging materials).
4. Include conditions that enhance the environmental sustainability of procurement decisions. This may include clauses on delivery in bulk, recovery/reuse of packaging materials, delivery of products in reusable containers, collection and recycling of products at the end of life, and environmentally sound methods of transport.
5. Ensure compliance with national and international standards, agreements and protocols related to social and environmental issues, which are protected at the constitutional or other high levels of law. This can also relate to social objectives, such as abiding to working time regulations or health and safety of workers at the workplace, etc.; and
6. Include key performance indicators (KPIs) that measure sustainability metrics during the period of the contract.

### 3.1.14 Contract Management

The procuring Entity shall:

1. Monitor the KPIs that measure sustainability metrics, such as waste reduction, energy efficiency, or conformance with fair and ethical labour practices, sustainable materials, and efficient logistics solutions;
2. Conduct regular sustainability audits or performance reviews to ensure suppliers are fulfilling their commitments;
3. Recognise and reward suppliers with outstanding performance of sustainability goals;
4. Require contractors to report on sustainability metrics at predetermined intervals to allow for proactive adjustments;
5. Establish a collaborative approach between the procuring entity and suppliers to continuously improve sustainable practices. Workshops, training, or partnerships with sustainability consultants can encourage mutual learning;
6. Set clear guidelines for corrective actions if sustainability goals are not met. This could range from requiring remedial measures to financial penalties, creating a strong incentive for compliance; and
7. Engage the relevant government regulatory agencies and other stakeholders to monitor contract adherence to sustainability goals. This transparency can drive better compliance and highlight any gaps and propose corrective action.

### 3.1.15 Disposal of Assets

The Procuring Entity shall:

1. Adopt Extended Producer Responsibility (EPR) approach that ensures producers and suppliers take accountability for the entire lifecycle of their products, including end-of-life management. This can be achieved through ensuring that procurement contracts mandate producer take-back schemes and compliance with environmental standards, reducing landfill waste and hazardous impacts;
2. Utilize sustainable practices such as recycling, waste recovery, and safe disposal. By adopting lifecycle costing and promoting recyclable or reusable materials, organizations align with circular economy principles while fostering environmental stewardship and regulatory compliance, ensuring sustainable value across the supply chain;
3. Apply legal mechanisms for disposal of e-waste and hazardous waste; and
4. Collaborate with producers to ensure proper and legal disposal mechanisms for their products.
   1. **Prioritization of Products, Services and Works**

Identifying the right product and service categories for Sustainable Public Procurement (SPP) is essential to achieving measurable outcomes. This process should be revisited regularly to gradually increase the procurement of sustainable products.

### 3.2.1. Product Selection Process for SPP

The procuring entity shall prioritize products using the following step-by-step approach:

1. Compile a comprehensive list of potential priority products;
2. Perform a spend analysis to identify high-volume categories;
3. Conduct a preliminary market study;
4. Evaluate environmental risks associated with each product group;
5. Assess socio-economic risks;
6. Identify reliable verification methods for sustainability attributes;
7. Rank products systematically using targeted, impactful, and aligned with strategic sustainability goals; and
8. Determine the final list of products to prioritize for SPP.

### 3.2.2 Factors to be considered in Prioritization of Products

The following factors shall be considered for prioritization of products:

1. *Alignment with national priorities:* Ensure consistency with sustainable development goals, such as economic growth, support for local markets, and climate change mitigation.
2. *Procurement volume:* Focus on product groups with significant public spending, identified through spend analysis.
3. *Quick wins:* Prioritize categories that can swiftly and cost-effectively contribute to SPP objectives, especially those with existing knowledge and favorable cost-benefit ratios.
4. *Market availability:* Consider the availability of sustainable alternatives in the market.
5. *Market influence:* Target categories where public procurement entities can exert significant influence.
6. *Verification mechanisms:* Look for product categories with established ecolabels or reliable methods to verify environmental or social attributes.
7. *Scope for improvement:* Choose categories that can become more sustainable at a reasonable cost, factoring in Total Cost of Ownership or Life Cycle Costing.
8. *Strategic importance:* Include goods and services vital to national interests or with significant life-cycle impacts, even if not current procurement priorities.
9. *Budgetary Impact:* The relationship between the expenditure on goods or services and the total budget of the entity may be relevant if achieving a certain volume of purchases is a goal.
10. *Environmental Impact*: The environmental effects of a product or service vary and may be a deciding factor if the government aims to maximize environmental benefits. This impact may not always correlate with the volume a government purchases.
11. *Data Availability for Impact Measurement:* The government's ability to collect and measure the impact is contingent on the availability of data, which can be provided by various institutions, including governmental bodies, universities, NGOs, and the private sector.
12. *Existence of Environmental Criteria*: The availability of operational procedures and certifications provided by government agencies to the private sector. Collaboration with these agencies is key to understanding the private sector's preparedness and the criteria for measuring environmental impact.
13. *Monitoring and E-Procurement System Integration*: The feasibility of monitoring purchases and integrating them into the e-procurement system is important for policy compliance and environmental effect analysis. The system's flexibility to incorporate new measurement fields is also a consideration.

### Product Selection Matrix

The Government may apply a combination of these criteria to select products for piloting. A matrix to weigh each criterion can assist in product prioritization. Before developing this matrix, a methodology for explaining each scale is necessary; for instance, a scale from 1 to 5 for each criterion. The Table below provide an example of such weighting criteria for various products.

To ensure a successful implementation of the framework, the Government will select a few products to pilot with a view to scale it up to more products after the piloting phase. The products to pilot will be selected according to several criteria which include: Volume of purchases per year for the product; Expenditure/budget level for the products; Capacity of the Market to provide the product; Environmental impact for the product; and Feasibility to monitor the impact of product use on the environmental, social and economic impact. This shall be undertaken in coordination with other stakeholders. The selection of products will include a timeline for piloting and the scale-up strategy to other products.

Table 2 presents an example of matrix product selection. A matrix to weigh each criterion can assist in product prioritization. Before developing this matrix, a methodology for explaining each scale is necessary; for instance, a scale from 1 to 5 for each criterion. The Table below provide an example of such weighting criteria for various products.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Table 2: Matrix product selection (example)** | | | | | | |
|  | **Criteria** | | | | | |
| Good | Volume purchase over year (20%) | Expenditure/budget (20%) | Capacity of the market (25%) | Environmental impact (25%) | Feasibility to monitor (10%) | Total |
| Furniture | 1 | 3 | 5 | 2 | 1 | 2.7 |
| Paper | 3 | 2 | 4 | 5 | 2 | 1.75 |
| Vehicles | 4 | 3 | 4 | 1 | 1 | 1.1 |
| ICT | 1 | 2 | 1 | 2 | 1 | 2.8 |
| Cleaning Materials | 4 | 2 | 1 | 4 | 2 | 1.5 |

# CHAPTER FOUR: IMPLEMENTATION AND COORDINATION OF SUSTAINABLE PUBLIC PROCUREMENT

Sustainable Public Procurement (SPP) requires effective implementation of the outlined strategies, coordination of multi-stakeholders and creation of a conducive environment to thrive. The Government will ensure coordinated implementation by establishing sustainable public procurement criteria, procedures and tools; assigning of roles and responsibilities; establishment of effective communication and capacity building frameworks; and designing of an Action Plan for realization of SPP targets and associated requirements.

**4.1. Sustainability criteria**

Procuring Entities shall develop a sustainability criteria that takes into consideration environmental, social and economic aspects of sustainability for all goods, services and works, procured guided by the **sustainability criteria provided in Annex 1**.

The sustainability criteria for public procurement in Kenya involves integrating environmental, social, and economic considerations into procurement processes. This approach ensures that government acquisitions promote resource efficiency, social responsibility, and economic viability, aligning with domestic and global standards. Adopting sustainable procurement practices is essential for fostering innovation and achieving sustainable development goals in Kenya.

**4.2 Sustainability Standards**

To facilitate effective implementation of sustainability requirements in public procurement, the Government will facilitate or cause to establish necessary standards, and certifications to enhance identification of sustainable goods, works, services, and or practices.

Procuring Entities shall embed the standards and certifications  in evaluation criteria in public procurement.

**4.3 Market Engagement**

The Government will undertake a Market Readiness Analysis to determine the extent of preparation of the domestic market to respond to SPP requirements and draw a roadmap for improvement. This may also include proposals for subsidies, tax holidays and related financial incentives.

The roadmap developed during Market readiness Analysis shall also provide for annual  stakeholder engagements with the market to seek views and areas of improvement on Sustainable Products with a view to ensure that manufacturers (large and MSMEs) establish systems to comply with SPP requirements, as well tap the benefits.

**4.4 Communication and Awareness Creation**

The Government shall establish necessary systems to sustain communication and awareness raising on the implementation of sustainability requirements in public procurement and asset disposal processes and systems.

The Government shall promote awareness by conducting campaigns, workshops, and public outreach to educate stakeholders on the role of SPP in promoting environmental protection, resource conservation, and social equity. This transparency will foster public support and encourage compliance among stakeholders. To ensure effectiveness of this requirement, the Government will; develop and roll out a communication strategy, develop SPP informational Portal, promote Access of information of Sustainability, and Develop and implement a change management plan.

**4.5 Training and Capacity Building**

The Government shall conduct practical training on SPP to ensure that the stakeholders understand the tools and concepts such as life cycle cost analysis, social sustainability, and environmental impact assessments.

To ensure effective coordination of the training, the Government will develop and roll out a capacity building program, collaboration with key stakeholders, develop a knowledge management retention plan and integrate SPP in all national curriculum.

**4.6 Institutional and Governance systems**

Implementation of this Framework will be coordinated and enforced by the National Treasury and Economic Planning. The National Treasury will establish a Multi-Agency Governance Committee to oversee implementation of the Framework and support related requirements towards full mainstreaming sustainability in public procurement.

**4.7 Implementation Matrix**

The Government through the National Treasury and Economic Planning shall ensure that there is continuous monitoring and evaluation of the SPP. This includes development of  an **Implementation Matrix** outlining the required commitments, the roles and responsibilities of all relevant stakeholders as pertains to the implementation of the framework, timelines and avail adequate resources to facilitate implementation of the commitment. The implementation matrix is enclosed as **Annex 2.**

# CHAPTER FIVE: MONITORING, EVALUATION AND REPORTING

# 5.1. Monitoring

Monitoring of the Implementation Framework is a continuous exercise by key stakeholders.  The National Treasury will establish an integrated M & E framework to support real time tracking of the implementation of the framework across the public sector. The Framework should include framework objectives, strategic interventions, key performance indicators, expected outcomes and necessary resources.

Continuous monitoring will ensure the effectiveness of SPP implementation, allowing for adjustments and improvements over time. This strategy enables Kenya to track progress and maintain accountability in achieving SPP goals. Effective monitoring, evaluation, and reporting (MER) of sustainable public procurement implementation in Kenya requires a comprehensive, systematic approach. Robust monitoring involves establishing key performance indicators (KPIs) that reflect environmental, social, and economic criteria integrated into procurement processes.

Regular audits and performance assessments by bodies such as the Public Procurement Regulatory Authority (PPRA) ensure that sustainability practices are adhered to, and any deviations are promptly addressed.

# 5.2 Evaluation

Evaluation should be conducted periodically to assess the impact of sustainable procurement initiatives on resource efficiency, social equity, and long-term cost savings. This can include qualitative assessments, surveys, and quantitative analysis of procurement outcomes against established benchmarks.

The aim of evaluation will not only be to assess the status of implementation but also inform policy and administrative actions for improvement.  The evaluation will be done after every **three years**, however should the outcome of the evaluation reveal the need for amendments, then the Policy shall be amended.

All entities shall prepare a monitoring and evaluation report which will include findings from monitoring and evaluation activities. These reports will highlight progress and challenges as well as provide recommendations for continuous improvement. By integrating these MER processes into the procurement cycle, Kenya will ensure that its public procurement practices contribute effectively to sustainable development goals.

# 5.3 Reporting by Procuring Entities

All procuring entities shall report on the progress of implementation of their procurement processes. Transparent reporting is critical for accountability and procuring entities should share with relevant stakeholders, including government agencies, the public, and oversight bodies.

The Public Procurement Regulatory Authority shall develop templates for reporting by Procuring Entities. Statutory reports by Procuring Entities shall include reports on Sustainable Public Procurement.

# Annex 1: Sustainability Criteria

|  |  |  |
| --- | --- | --- |
| ***Criteria Type*** | **Key Considerations** | **Examples** |
|  | **ENVIRONMENTAL** | |
|  | **Key Consideration** | **Example** |
| *Waste Management- Extended producer responsibility (EPR)* | Focus on recyclable, biodegradable, or reusable materials and reduce packaging waste. | Compostable packaging, modular products for easy repair/replacement, and bulk purchasing.  Lifecycle-costed procurement policies for electronics and construction materials. Assess the product’s impact from production to disposal (cradle-to-grave analysis). |
| *Energy Resource Efficiency* | Encourage the use of energy- and water-efficient products and processes. | Energy Star-certified appliances, water-saving devices, and low-power consumption equipment. |
| *Emission Reduction* | Reduce greenhouse gas emissions and other pollutants during production, use, and disposal. | Electric vehicles, renewable energy systems, and products with low VOCs (volatile organic compounds). |
| *Biodiversity* | Favour suppliers who adopt practices that conserve natural habitats and biodiversity. | Procurement of sustainably harvested wood certified by Kenya Forest Services). |
| *Certifications* | Require eco-labels or equivalent verification for environmental compliance. | ISO 20400 certifications, Africa Region  Standardization Organization |
|  | **SOCIAL** | |
| *Fair Labour Practices* | Promote ethical labour practices, including fair wages and safe working conditions. | Suppliers adhering to International Labour Organization (ILO) standards, Kenya’s labour laws |
| *Gender Equality* | Ensure procurement supports equal opportunities and representation in supplier workforces. | Procurement from women-led businesses or suppliers with gender equity policies. |
| *Community Benefits* | Focus on local employment, skills development, and community welfare. | Contracts requiring local hiring or training initiatives. |
| *Ethical Sourcing* | Avoid products or materials sourced from conflict zones or with exploitative labour practices. | Conflict-free timber and fair-trade certified goods. |
| *Supplier Diversity* | Support underrepresented groups such as SMEs, persons living with disabilities (PWDs), women, youth and elderly | Set aside contracts or provide incentives for SMEs, persons living with disabilities (PWDs), women, youth and elderly businesses. |
| *Health and Safety* | Require suppliers to maintain high safety standards in their operations and products. | Low-toxicity chemicals in cleaning products, ergonomic furniture, or non-hazardous materials. |
|  | **ECONOMIC** | |
| *Total Cost of Ownership (TCO)* | Assess long-term costs, including maintenance, energy use, and disposal, not just upfront costs. | Low-maintenance building materials or energy-efficient machinery with long lifespans. |
| *Local Economic Development* | Prioritize suppliers that contribute to the local economy, such as SMEs or community initiatives. | Buy-local policies for food or construction materials. |
| *Value for Money* | Ensure procurement achieves maximum benefits for the investment while supporting sustainability. | Balancing lifecycle costs with quality and sustainability benefits. |
| *Innovation Support* | Foster innovation by encouraging suppliers to offer new sustainable solutions. | Contracts incentivizing R&D into renewable energy or sustainable packaging. |
| *Financial Inclusion* | Support small and disadvantaged suppliers through fair payment terms and capacity-building initiatives. | Fast payment schedules for SMEs or collaborative contracts. |

# Annex 2: Implementation Matrix

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Actions/Activities** | **Expected Output** | **Lead Implementer** | **Supporting Institutions** | **Implementation**  **n Timeline** |
| 1 | Establish SPP Multi Agency Working Group to implement Sustainable Public Procurement Framework | A Multi Agency Working Group with clear TORs | TNT | KEBS, NEMA, EPRA, MOEF, PPRA, KNCCI, KAM, KISM, KEPSA, | 1 month after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 2 | Sensitization all stakeholders on the Framework | Sensitization on Report | TNT | KEBS, NEMA, EPRA, MOEF, PPRA, KNCCI, KAM, KISM, KEPSA, Min of Trade | 6 Months after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 3 | Development of a product priority list | SPP Priority list | TNT | KEBS, NEMA, EPRA, MOEF, PPRA, KNCCI, KAM, KISM, KEPSA, Min of Trade | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 4 | Conduct annual market analysis on Sustainable Public Procurement and Asset Disposal | Annual Market readiness Analysis reports | TNT | PPRA, KISM, KNCCI, KEPSA, KAM | Annual |
| 5 | Hold annual SPP forums for Review, Communication and Awareness | SPP forum reports | TNT | KEBS, NEMA, EPRA, MOEF, PPRA, KNCCI, KAM,KISM, KEPSA, Min of Trade | Annual |
| 6 | Development of National Sustainable Procurement and Asset Disposal Standards in line with global Standards | Approved National Sustainable Procurement and Asset Disposal Standards | KEBS | TNT, PPRA, Ministry of Environment | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 7 | On-boarding Sustainable Public Procurement and Asset Disposal in the eGP system | Full on-boarding of SPP in eGP | TNT | PPRA, KNCCI, KAM, KEPSA | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 8 | Develop the standard tender documents and formats to incorporate SPPAD requirements and  Self-Declaration Form to be included in the SBDs | Standards and formats reviewed, SPPAD principles incorporated and issued/ and Self Declaration Form | PPRA | TNT, KISM, MOE&C | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 9 | Develop SPPAD reporting procedures by PEs | Approved Reporting Templates | PPRA | TNT, KNCCI, KAM , KEPSA | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 10 | Development of SPPAD manuals/guidelines | Approved SPPAD Manual | NT | TNT, PEs, PPRA | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 11 | Integrate SPPAD on SCM Curriculum | Integrated SPPAD in  the  SCM Curriculum | KISEB, KISM | TNT, PPRA | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 12 | Develop  SPPAD Monitoring and Evaluation, (M/E) Framework to entail:  i)M/E for the SPPAD Framework  ii)M/E with respect to implementation of the SPPAD by Procuring Entities | Approved SPP Monitoring and Evaluation Framework | PPRA | TNT, KNCCI, KBES | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 13 | Capacity building of all SCMO officers, Users and Person involved in procurement on SPPAD | Training and Capacity Building reports | TNT, KISM, PPRA | KNCCI, KAM, KEPSA, KEBS, NEMA | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |
| 14 | Review of the PPADA 2015 to have SPPAD incorporated to among others provide for penalties, Sanctions and implementation process | Reviewed Act | TNT | KEBS, NEMA, EPRA, MOEF, PPRA, KNCCI, KAM, KISM, KEPSA, Min of Trade | 1 year after the approval of the Sustainable Public Procurement and Asset Disposal Framework by Cabinet |

# Annex 3: Market analysis summary template

This market analysis summary template may be used to sum up the findings from the market analysis for GPP.

|  |  |  |
| --- | --- | --- |
| **Factors** | **Findings from research** | |
| **Market Definition** | What does the (green) market constitute?  How is it described in the industry? | Overview of the green commodities/products/services covered by segments |
| **Market Overview** | Size  Total turnover in the market per year  Total volume (quantity) of sales  Financial Ratios e.g. Profitability/ROI | Overview of market by segments e.g., geographic area; customer base; sector  Number of potential bidders to be expected – depending on different green criteria |
| **Key Suppliers** | Please state if the commodity/service market is global, Asian, or from the Philippines, and identify the appropriate top 5 green suppliers |  |
| **Market Growth** | Green trends in the past 2-4 years  Expected forecast 2-4 years  Growth values in terms of%, value or volume | Overview of market by segments e.g., geographic area; customer base; sector Influences affecting growth |
| **Trends and developments** | Green trends in the marketplace (demand, technology, innovations, other developments, etc)  Which trends provide possible sustainable innovation? Which new products and/or services (also service innovations) promise particular advantages? | Rate of change  Impact on the business |
| **Supply market trends** | Major (green) players in the market supplier trends | Overview of Green Key Suppliers  Developments in pricing  Discounting policies – volume/loyalty/risk: reward |
| **Product information** | Detailed information on the properties of green products | Which relevant environmental properties are covered by green products?  Types of environmental standards, ecolabels  General quality aspects of green products Price differentials |

*Source: Based on the toolkit developed by the Procurement Journey Scotland.*

**Annex 4: Common SPP Products, Services and Works (The Long List)**

This Framework recommends adoption of the UNEP 2017 Long List of SPP Priority Products and Services. The United Nations Environment Programme (UNEP) has identified 14 priority product categories for Sustainable Public Procurement (SPP), aiming to maximize environmental, social, and economic benefits. These categories are:

1. Construction and Building Materials: Emphasizing sustainable materials and energy-efficient designs.
2. Office IT Equipment: Prioritizing energy-efficient computers and peripherals.
3. Furniture: Focusing on products made from certified sustainable materials.
4. Cleaning Products and Services: Utilizing eco-friendly cleaning agents and methods.
5. Paper and Printing Services: Encouraging the use of recycled paper and responsible printing practices.
6. Food and Catering Services: Sourcing locally produced, organic, and fair-trade food items.
7. Textiles and Clothing: Supporting garments produced under fair labour conditions with sustainable materials.
8. Energy: Promoting renewable energy sources and energy-efficient appliances.
9. Water Management Products and Services: Implementing water-saving devices and efficient management systems.
10. Health Sector Products: Procuring eco-friendly medical supplies and equipment.
11. Packaging: Reducing waste through recyclable or biodegradable packaging solutions.
12. Waste Management Services: Fostering recycling and waste reduction initiatives.
13. Agriculture and Landscaping: Utilizing organic fertilizers and native plants to promote biodiversity.
14. Transport and Vehicles: Opting for low-emission and energy-efficient transportation options.

These categories are detailed in UNEP's *Sustainable Public Procurement Implementation Guidelines,* which provide a comprehensive framework for integrating sustainability into procurement practices.