



**CONSOLIDATED COMMENTS RECEIVED DURING STAKEHOLDER ENGAGEMENT FOR  
THE DRAFT SUSTAINABLE PUBLIC PROCUREMENT AND ASSET DISPOSAL FRAMEWORK  
(FOR VALIDATION ON 26-6-15)**

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
1	The National Treasury	Page 5 - Definitions	Definitions and Interpretation of Terms	<p>Consideration can be given to:</p> <p><a href="#">Defining procurement entities</a></p> <p><a href="#">Defining due diligence/ human rights due diligence</a> as a methodology to identify environmental and social risks in public procurement activities (see here for example - <a href="https://unsceb.org/sites/default/files/2023-02/Guidance%20for%20UN%20Staff%20on%20HTFL%20in%20UN%20Supply%20Chains.pdf">https://unsceb.org/sites/default/files/2023-02/Guidance%20for%20UN%20Staff%20on%20HTFL%20in%20UN%20Supply%20Chains.pdf</a>)</p>	Accepted: The definitions were reviewed in line with the recommendation
2	The National Treasury		Ecolabel and Eco- labelling	There are also labels and certificates on social considerations, and labels which cover both environment, social, and governance. Suggest these definitions are amended or others added to cover the full scope	Accepted: Include AGPO and fair-trade
3	The National Treasury		Economic Risk	There are also social and environmental risks, which could also be defined if you are defining economic risk	Accept: appropriate definitions to be added
4	The National Treasury		Sustainable Procurement	<p>Add the following words after environment</p> <p>and harms to rightsholder</p>	The comment is not clear

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5	The National Treasury	Foreword	It aligns with Kenya's Vision 2030 and the United Nations Sustainable Development Goals (SDGs), reinforcing our commitment to a greener, more inclusive, and resilient economy.	<p>It also aligns with</p> <ul style="list-style-type: none"> <li>- Kenya's human rights obligations,</li> <li>- The UN Guiding Principles on Business and Human Rights, the Kenyan National Action Plan on Business and Human Rights</li> <li>- Kenya's commitment to ensure business respect for human rights</li> </ul>	Accepted: The documents reviewed and recommendations included in the framework.
6	The National Treasury		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	and social impacts	Accepted
7	The National Treasury		By prioritizing eco-friendly products, energy-efficient solutions, and sustainable resource use, we can significantly contribute to environmental conservation and climate change mitigation.	<p>You consider adding something along the lines of:</p> <p>By prioritizing social impacts, we can address risks of labour violations and discrimination in supply chains.</p>	Accepted: By prioritizing eco-friendly products, energy-efficient solutions, sustainable resource use and social impacts, we can significantly contribute to

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					environmental conservation and climate change mitigation and address risks of labour violations and discrimination in supply chains
8	The National Treasury		To ensure the successful implementation of this framework, capacity building for procurement professionals is a key priority	what about capacity Building for suppliers?	Accepted: Suppliers and other stakeholders
10	The National Treasury		I urge all stakeholders, including government agencies, private sector partners, and civil society, to embrace and champion the principles outlined in this framework.	would it be better to say suppliers? As opposed to say Private sector Partners ?	Accepted
11	The National Treasury	Executive Summary	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.	You could add some social examples:  addressing labour rights violations and ensuring non-discrimination and equality in the workplace	Not Accepted: The social aspect is handled in the next paragraphs

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12	The National Treasury		Further, to recognizes the importance of knowledge and expertise, the framework provides for continuous training and capacity building of procurement professionals	what about suppliers?	Accepted
13	The National Treasury		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, indicators and assessments to measure the impact of sustainability initiatives.	Perhaps mention indicators in this paragraph.	Accepted: Indicators included in the main document (annex).
14	The National Treasury		By embedding sustainability principles into procurement decisions, the framework contributes to achieving Kenya's Vision 2030 and advancing global sustainability goals.	<p>it also contributes to:</p> <ul style="list-style-type: none"> <li>- realising Kenya's human rights obligations</li> <li>- implementing UN Guiding Principles on Business and Human Rights and the Kenya national action plan on business and human rights.</li> </ul>	Accepted: The documents to be reviewed and included if applicable.

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15	The National Treasury		Executive Summary	<p>Two other points to consider adding in this Exec Summary:</p> <p>Many Kenyan businesses are part of global supply chains which are increasingly asking them to demonstrate their sustainability credentials. Encouraging and supporting Kenyan business implement sustainability in their activities help them become more competitive.</p> <p>By implementing SPP, Kenya is supporting protect people and the planet, both in Kenya and in supply chains abroad.</p>	Accepted.
16	The National Treasury	Chapter 1	<p>Background and Context</p> <p>Public procurement activities are responsible for 15% of GreenHouse Gas (GHG), or 7.5 billion tons of global CO<sub>2</sub> 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.</p>	<p><u>Paragraph 2, 3,4</u></p> <p><u>Comment</u></p> <p>What about AGPO and the impacts on people?</p> <p><a href="https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya%20Feb%202023_accessible.pdf">https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya Feb%202023_accessible.pdf</a></p>	Accepted. A paragraph to be included on social-economic issues.

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			<p>Emissions generated by public purchases can be divided into direct activities, which account for 3% and indirect activities which account for 12%.</p> <p>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.</p> <p>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</p>	<p>There is also some broad language you can use on social/ human rights impacts in here:</p> <p><a href="https://www.humanrights.dk/publications/driving-change-through-public-procurement">https://www.humanrights.dk/publications/driving-change-through-public-procurement</a></p>	

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			sustainability and inclusive development across different sectors.		
17	The National Treasury		This will promote realization of SDGs, and specifically, SDG 12 on Sustainable Consumption and Production; which aims to <i>“Promote public procurement practices that are sustainable, in accordance with national policies and priorities.”</i>	<p><u>Comment</u></p> <p>In turn, this helps Kenya meet a range of other SDGs,</p> <p>For example, procurement exercises can place a focus on procuring from suppliers which have effective measures in place to eliminate forced labour and human trafficking, in line with target 12.7, but also as a means of realising target 8.7 and 16.3 to end child labour, forced labour, modern slavery and human trafficking</p>	Accepted: Comment to be reviewed and included
18	The National Treasury		Favorable political environment is key in the implementation of SPP 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	<p>Perhaps mention the Constitution first?</p> <p>Also the Kenyan National Action Plan on Business and Human Rights</p>	Accepted. Article 227



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			advancement of marginalized groups and communities and also leverages on technology by aligning the SPP with the Electronic Government Procurement (eGP).		
19	The National Treasury		The SPPF 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	what about suppliers?	Accepted:
20	The National Treasury		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.	Consider adding:  and social impact	Accepted
21	The National Treasury		Favorable political environment is key in the implementation of SPP and this has been demonstrated through passage of crucial laws governing public procurement like	Perhaps mention the Constitution first?	Accepted. Article 227

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			the PPADA and its attendant Regulations.		
22	The National Treasury		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).	Also the Kenyan National Action Plan on Business and Human Rights	Accepted: To be reviewed and included
23	The National Treasury		The SPPF 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.	what about suppliers?	Accepted
23	The National Treasury		The Framework gives effect to the provisions of the National Public Procurement and Asset Disposal Policy, 2020, and Public	and constitution?	Accepted. Article 227

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			Procurement and Asset Disposal Act, 2015.		
24	The National Treasury		12. Sustainable Procurement	An important element to consider (whether here/ elsewhere in the document) is how you define that to be considered a sustainable public procurement, a procurement should address all three aspects (economic, social, and environment). Otherwise you might see a tender with amazing environmental protections, but nothing on the social elements, or vice versa.	Not accepted: This is covered in chapter 2
25	The National Treasury		Despite this shared objective, they are distinct in their application. Whereas, SPP approach allows governments to leverage on public procurement purchasing power to promote the realization of the country's social, environmental, and economic goals.	<u>Consider adding:</u> address human risks to people and	Accepted: Human rights issues is implied in the document.
26	The National Treasury	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	including suppliers?	Accepted

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27	The National Treasury		a) 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.	Consider adding:  to prevent social harms from occurring and enhance.	Accepted
28	<b>MINISTRY OF LABOUR AND SOCIAL PROTECTION</b>  <b>STATE DEPARTMENT FOR CHILDREN WELFARE SERVICES</b>	Chapter 1	<b>1.3. Guiding Principles for Implementation of Sustainable Public Procurement</b>  Public procurement can serve as a powerful tool for achieving long-term environmental, social, and economic sustainability by adhering to the following principles: 1. <b>Reduce Environmental Impact:</b> A core aspect of sustainable procurement is minimizing environmental harm. This involves selecting products, services, and technologies with a lower carbon	<b>Consider adding the following guiding principles</b> <ul style="list-style-type: none"> <li>● <b>Transparency:</b> ensure that processes for both procurement and asset disposal are open, accessible and easily understood by all stakeholders.</li> <li>● <b>Fairness and Equity:</b> Ensure that all potential suppliers, contractors or buyers of public assets are treated fairly without discrimination. Equity promotes the participation of the marginalized groups.</li> <li>● <b>Integrity:</b> Ensure that all participants in the procurement and asset disposal processes act</li> </ul>	The principles are included under Principle 4 on Ethical Procurement

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			<p>footprint, reduced waste, and efficient resource use. By prioritizing eco-friendly options, Public Procurement Entities (PEs) can significantly decrease their environmental impact.</p> <p>2. <b>Embrace Social Responsibility:</b> 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.</p> <p>3. <b>Ensure Economic Viability:</b> 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</p>	with honesty and upholds ethical standards.	

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			<p>overall value rather than purely focusing on price.</p> <p>4. <b>Commit to Ethical Procurement:</b> 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.</p> <p>5. <b>Promote Supplier Diversity:</b> 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.</p> <p>6. <b>Prioritize Resource Efficiency:</b> Resource efficiency is essential to sustainable procurement. It involves selecting products that optimize the use of energy, water, and</p>		

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			<p>raw materials. Sustainable procurement also emphasizes proper disposal methods, favoring reusable, recyclable, or environmentally safe options to minimize waste.</p> <p>7. <b>Comply with Standards and Certifications:</b> PEs should adhere to existing national and international sustainability standards and certifications. These frameworks guide sustainable procurement practices and ensure compliance with best practices.</p> <p>8. <b>Encourage Innovation:</b> 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.</p> <p>9. <b>Engage Stakeholders and Collaborate:</b> Effective</p>		

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			<p>sustainable procurement requires engaging all stakeholders in the decision-making process. A collaborative approach ensures commitment to sustainability goals and facilitates collective progress.</p> <p>10. <b>Commit to Continuous Learning and Development:</b> 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.</p> <p>11. <b>Leveraging on eProcurement :</b> PEs shall leverage on digital tools like e-procurement, block chain for transparency, and AI analytics to improve efficiency and accountability</p>		



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28	The National Treasury		1.5 Rationale for the Framework	<ul style="list-style-type: none"> <li>Should the constitution be mentioned in here?</li> </ul>	The constitution is already referenced.
30	The National Treasury		1.6 Scope of the Framework	<p>It is unclear exactly who it applies to, especially as chapter 3 refers to procuring entities.</p> <p>Does this apply to all procuring entities?</p> <p>Does it apply at the county level?</p> <p>Does it apply to State-owned Enterprises?</p> <p>Does it apply to public authorities?</p>	Accepted. Include phrase Applies to all PEs in Kenya.
	Maina		Scope	Scope: Public procurement activities are responsible for 15% of scope one, two and three Greenhouse Gas (GHG), or 7.5 billion tons of global CO <sub>2</sub> per year due to its sizable expenditures in the country's economy.	It is enough to talk about public procurement responsible for 15% GHG without being specific.
31	The National Treasury	Chapter 2	<b>2.1 International instruments</b>	<p>I would suggest an additional sub-heading on the UN Guiding Principles on Business and Human Rights.</p> <p>See page 21 here</p>	Human Rights issues implied in the document.

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				<a href="https://www.humanrights.dk/files/media/document/dihr_toolkit_public_procurement_2020_webaccessible.pdf">https://www.humanrights.dk/files/media/document/dihr_toolkit_public_procurement_2020_webaccessible.pdf</a>  Also  <a href="https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf">https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf</a>	accepted:UN Guiding principles to be included.
32	The National Treasury	Chapter 2	<b>2.2.1 Kenya Legal Framework on Sustainable Public PROCUREMENT</b>	This review is probably useful   <a href="https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf">https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf</a>  Consider AGPO protections especially	AGPO Included under 2.2.1
33	The National Treasury	Chapter 2	<b>2.2.2 Other legal frameworks related to sustainable Public Procurement</b>	I suggest you can have two additional subheadings in this section  <b>Human Rights</b>	Accepted: AGPO Included

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				<p>You can talk about SPP as a means to implement Kenya's human rights obligations. You can reference AGPO.</p> <p><b>Responsible Business Conduct</b></p> <p>Reference to the National Action Plan on Business and Human Rights</p> <p>You can also use this section to spell out due diligence as a means to identify social and environmental risks in SPP</p>	
34	The National Treasury	Chapter 2	<p>Kenya's key policies supporting sustainable procurement include:</p> <ol style="list-style-type: none"> <li>1. Kenya Vision 2030</li> <li>2. National Public Procurement and Asset Disposal Policy</li> <li>3. Policy on Assets and Liabilities Management in the Public Sector</li> <li>4. National Trade Policy</li> <li>5. Agricultural Sector Development Strategy</li> <li>6. National Livestock Policy</li> <li>7. National Industrial Policy</li> <li>8. Competition and Investment Policy</li> <li>9. Intellectual Property Policy and Strategy</li> </ol>	And the national action plan on business and human rights	Accepted

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			10. National Green Economy Strategy and Implementation Plan (GESIP);		
	Maina	CHAPTER 2	2.2.2	<p><b>Sustainable procurement provisions under the Public Private Partnership Act (PPPA,2012):</b></p> <p><b>Section 32(2)(c)</b> provides that when undertaking the feasibility study, contracting authority shall consider social, economic and environmental impact of the project.</p>	Accepted: Added under procurement cycle( need identification
	Maina	CHAPTER	2.2.3.2.	<b>Environmental and social-economic Regulatory Framework</b>	Accepted
	Maina	CHAPTER	Chapter 2	<p><b>Climate Change and Green Procurement Initiatives</b></p> <ol style="list-style-type: none"> <li>1. Public Officers Ethics Act,2003.</li> <li>2. Anti-corruption and economics crimes Act,2003.</li> <li>3. Leadership and Integrity Act,2012.</li> <li>4. The Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2017</li> </ol>	Not accepted: Bills may fail to become laws and are not binding.

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35	The National Treasury	CHAPTER 3	<b>3.1 introduction – paragraph 2</b> All Procuring Entities (PEs) will be responsible for implementing the national policy on SPP and developing sustainable Standards Operating procedures which are aligned with the national policy.	Align with Scope in earlier section	To be addressed under the scope amend to include:  ... apply to PEs falling within the meaning and interpretation of Section 2 of the PPADA, 2015.
36	The National Treasury	CHAPTER 3	<b>3.2 Procurement Cycle</b>	There is no mention of how the Standard Tender Documents should be used/ align with the elements aligned in this chapter. Also the contracts that are within the STDs. I would suggest that this is an important point to address throughout this chapter to avoid confusion.  Stakeholder participation is highlighted in the opening chapters as important, but is largely missing in the steps below. It could be built in at a number of stages.	Its included under preparation of tender documents and implementation matrix.  Stakeholder engagement is included in the procurement cycle, training, implementation and coordination
37	The National Treasury	CHAPTER 3	3.1.1. Sustainability Committee The Accounting Officer shall establish a dedicated internal team tasked with overseeing and	How will these be aligned with the existing reporting requirements?	Accepted: Included under chapter 4

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			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 <b>generating reports on SPP</b> 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.	See Exec Summary here - <a href="https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf">https://www.humanrights.dk/files/media/document/A%20review%20of%20the%20legal%20framework%20governing%20human%20rights%20and%20public%20procurement%20Kenya_Feb%202023_accessible.pdf</a>	(Institutional framework)
38	The National Treasury	CHAPTER 3	3.1.1. Sustainability Committee 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.	is this feasible for the smallest of PEs?	Accepted: Included under chapter 4 (Institutional framework)
39	The National Treasury	CHAPTER 3	<b>3.1.2 Need Identification</b>	Participation and engagement is missing here with key stakeholders - e.g. for health equipment it would patients, doctors, nurses.	Accepted:

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40	The National Treasury	CHAPTER 3	3.1.2 Need Identification i) Determine the social, environmental and economic risks/opportunities for that specific product or service;	This can be linked to due diligence as laid out in the UN Guiding Principles on business and human rights	Accepted: Included in the procurement cycle
41	Maina	CHAPTER 3	<b>Add:</b> i) Standardize and consolidate the requirements under appropriate categories management. ii) Procurement and supply chain market research on the determined spend categories. iii) Determine the appropriate market approaches and procurement methods.	Additional proposals	This is already in the framework:  (x) has been addressed by (i) on market analysis.  (ix & xi) have been addressed under Procurement Planning in S.S 3.1.3.
42	The National Treasury	CHAPTER 3	3.1.3 Procurement Planning	Prioritisation comes in chapter 4, but it is important to consider at this stage. Should there be a cross-reference?	Accepted: Linkage has been created in the Framework
42	The National Treasury	CHAPTER 3	3.1.3 Procurement Planning	Is there a need for market research also at this stage?	This is already included in the framework.. This stage builds from

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			In planning for procurement requirements, the procuring entity shall:	Or at least using the learnings from previous market researches to inform	Needs Identification stage
44	The National Treasury	CHAPTER 3	<p>3.1.3 Procurement Planning</p> <p>In planning for procurement requirements, the procuring entity shall:</p> <p>i) 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);</p>	risk should be the central concept for the decision	Risk is included in the framework under procurement planning
45	The National Treasury	CHAPTER 3	<p>Procurement Planning</p> <p>i) Consider unbundling large procurements into smaller lots to ensure maximum accessibility and participation of citizen contractors, disadvantaged groups,</p>	There could be another point on collaborating with other PEs to share lessons learned or undertake joint procurements	Accepted: This has been proposed under the implementation matrix, M&E section on having an SPP Portal and



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			small, micro and medium enterprises in public procurement.		community of practice
46	The National Treasury	CHAPTER 3	<p>3.1.4 Preparation of Specifications</p> <p>The Procuring entity shall:</p> <p>iii)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;</p>	<p>This could be very problematic. There is such a link in the EU Procurement Directive, and is has massively limited SPP. Often, labels or certificates are given to a supplier, rather than to the specific factory or supply chain involved in a given procurement. Therefore, PEs are prevented from asking from certificates or labels which apply to the whole businesses because there is no link to the subject matter of the contract.</p> <p>Suggest this is watered down and also refers to the subject matter of the contract and key SPP objectives</p>	Not Accepted: Specification and eligibility criteria will apply.
47	The National Treasury	CHAPTER 3	<p><b>3.1.4</b> Preparation of Specifications</p> <p>iii)Where applicable, make use of any of the following criteria to assess environmental considerations:</p> <p>a) <b>Environmental Management</b></p>	<p>There is a lot of detail on the environmental considerations. However, there is no corresponding point on social considerations. Equality should be given to the social considerations</p>	Accepted: These tools apply to the environmental criteria. Social aspects have been added to address the concern.

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			<p><b>Systems Certification</b>  – ISO 14001 complements sustainable public procurement (SPP) because they provide a trustworthy framework to evaluate suppliers' and products' environmental and quality management practices.</p> <p>b) <b>ETC ETC</b></p>		
48	The National Treasury	CHAPTER 3	3.1.5 Preparation of Tender Documents	Should there be a point of engaging with experts and end-users when defining the requirements to make sure that the procurement will meet their needs? Or perhaps this comes more at the planning stage, but could be good to reinforce it here.	Accepted: This has been included in the tender preparation stage.
49	The National Treasury	CHAPTER 3	3.1.5 Preparation of Tender Documents  The Procuring Entity shall:	Should there be an opening point about outlining a commitment to SPP and its objectives?	It is already implied.

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50	The National Treasury	CHAPTER 3	<p>3.1.5 Preparation of Tender Documents</p> <p>iv)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;</p>	<p>You could consider an additional point about making sure that the requirements themselves do no harm.</p> <p>See page 39-40 here:</p> <p><a href="https://unsceb.org/sites/default/files/2023-02/Guidance%20for%20UN%20Staff%20on%20HTFL%20in%20UN%20Supply%20Chains.pdf">https://unsceb.org/sites/default/files/2023-02/Guidance%20for%20UN%20Staff%20on%20HTFL%20in%20UN%20Supply%20Chains.pdf</a></p> <p>The UN should take steps to ensure its procurement activities ‘do no harm’. In the context of procurement activities, requirements such as detailing large volumes at short notice and ‘just-in-time’ orders can significantly increase the risk of abuses of workers’ human rights, via excessive hours, ‘lock-ins’ and increased workplace injuries, for example.</p>	Accepted The feedback has been considered and added under 3.1.5. Others are covered under bid evaluation and contract management.

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				<p>UN Organizations purchasing practices should not exacerbate risks of forced labour and human trafficking by</p> <p>exerting excessive pressure on pricing or delivery schedules, even in times of emergency. A site visit to the</p> <p>premises as part of a tender validation process can provide assurances that a potential supplier has the</p> <p>capacity to deliver on large just-in-time orders, for example (for more information on site visits see section</p> <p>3.6 on evaluation and award criteria).</p>	
51	The National Treasury	CHAPTER 3	<p>3.1.5 Preparation of Tender Documents</p> <p>vi)Embed the minimum social sustainability requirements into the qualification, technical and financial evaluation criteria of the bidding document;</p>	<p>Should this refer to minimum human rights, labour rights, and environmental rights as these are strong legal requirements. This could be international human rights standards or Kenyan ones.</p> <p>See page 39 here for more information:</p> <p><a href="https://unsceb.org/sites/default/files/2023-">https://unsceb.org/sites/default/files/2023-</a></p>	

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				02/Guidance%20for%20UN%20Staff%20on%20HTFL%20in%20UN%20Supply%20Chains.pdf	
52	The National Treasury		<b>3.1.7 Bids Preparation and Submission by Tenderers</b>  ii)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	Consider adding some social examples. For example on ensuring labour rights protection through ensuring personal protective equipment, gender equality through, non-discrimination in the workplace, addressing human trafficking and forced labour etc.	Accepted: These examples are given under Annex 1(Social criteria).
53	The National Treasury		<b>3.1.9 Tender Evaluation</b>  The Procuring entity shall:  i) Evaluate bids/proposals based on sustainability criteria set out in the tender document;	Consider adding a point about a minimum standard being to meet human rights and environmental legal standards	Accepted: Included in the annex 1-social criteria.
54	The National Treasury		<b>3.1.10 Post Qualification</b>  <b>Extended Producer Responsibility</b>	Consider adding  and social impact	Accepted: This has been added.

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
			Suppliers submit its commitments on the environmental impact according to the model defined by the entity that issue the certificate.		
55	The National Treasury		3.1.13 Contract Preparation	How does this relate to the contracts included within Standard Tender Documents?	Refer to 3.1.13 (i). The contracts will be aligned to the stipulated clauses in the STD. The STDs will be reviewed to incorporate sustainability requirements, to be used by all PEs
56	The National Treasury		<p><b>3.1.13</b> Contract Preparation</p> <p>v)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</p>	I would suggest this could explicitly reference human rights here	Accepted: This has been incorporated. Adopted accordingly.

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
57	The National Treasury		3.1.14 Contract Management	Should there be a point on suspension and termination covered in this section?	Accepted: Taken into account under 3.1.13 (iii)
58	The National Treasury		<p>3.1.14 Contract Management</p> <p>The procuring Entity shall:</p> <p>i) 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;</p>	Consider an additional example on social issues, such as on equality and non-discrimination	Accepted: incorporated in clause 3.1.14
59	The National Treasury		<p>3.1.15 Disposal of Assets</p> <p>The Procuring Entity shall:</p> <p>i) 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</p>	<p>consider adding</p> <p>and human rights standards</p>	Accepted

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
			producer take-back schemes and compliance with environmental standards, reducing landfill waste and hazardous impacts;		
60	The National Treasury		<b>3.3Prioritization of Products, Services and Works</b>	Should this section come at the beginning under procurement planning?	<b>prioritisation of Products, Services and Works in 3.3 is a separate process for selecting priority products for SPP at national level</b>
61	The National Treasury		3.2.1. Product Selection Process for SPP  The procuring entity shall prioritize products using the following step-by-step approach:  d)Evaluate environmental risks associated with each product group;	Consider changing to: Identify and evaluate  add ; and social	Accepted: Added accordingly
62	The National Treasury		3.2.2 Factors to be considered in Prioritization of Products	I would suggest that there should be a specific point on risks of environmental and social harm.	Accepted: Added accordingly



SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				There is currently a point on environmental impact, however, this could be understood to considering potential benefits.	
63	The National Treasury		3.2.2 Factors to be considered in Prioritization of Products  <i>j)Environmental Impact:</i> 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.	Consider a similar point on social impact	Accepted: Added accordingly as (k)
64	The National Treasury	3.2.2	3.2.2 Factors to be considered in Prioritization of Products  <i>l)Existence of Environmental Criteria:</i> 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.	Consider a similar point on social criteria	Added accordingly under (m)

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
65			<p><b>Product Selection Matrix</b></p> <p>To ensure a successful implementation of the policy the Government will select a few products to pilot the polity with the aim of scale it up to more products after a piloting phase. The products to pilot will be selected according to several criteria (See table 2 for reference as example) and in coordination with other government teams. The selection of products will include a timeline for piloting and the scale-up strategy to other products.</p>	<p>Consider adding social impact also.</p> <p>And also the same point as made earlier, Impact could be seen to be benefits. It would be important to also address risks of environmental and social harm</p> <p>Should this point be made in other key sections?</p>	Accepted: Added accordingly under 3.3.3
66			<p><b>Table 2: Matrix product selection (example</b></p> <p><b>Environmental impact (25%)</b></p>	<p>Consider adding:</p> <p>and social</p>	Accepted: Added accordingly. Quantities will be included.

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
<u>67</u>	STATE DEPARTMENT FOR IRRIGATION	Chapter 3	3.2.4	<p>To include the following strategies:</p> <ul style="list-style-type: none"> <li>· Life Cycle Costing: Considering all cost over the life of a product (purchase, operation, maintenance, disposal)</li> <li>· Eco-labels and standards: requiring suppliers to meet environmental certifications (e.g. Energy Star, FSC)</li> <li>· Supplier engagement: Encouraging or mandating practices among vendors</li> <li>· Green procurement policies: integrating sustainability criteria into procurement guidelines and tender documents</li> </ul>	<p>This is already included in Chapter 3</p> <p>These strategies have been captured in the draft Framework pg 24 under Procurement Cycle</p> <p>Refer to Guiding Principles in Sustainable Procurement, pg 13-14</p>
68	State Department of Irrigation	Chapter 3	Chapter 3	<p>Include the following strategies regarding sustainable disposal</p> <p>Key principals:</p> <ul style="list-style-type: none"> <li>· Waste hierarchy: prioritize reduce, reuse before disposal.</li> <li>· Circular economy: extend the lifecycle of products through repair, refurbishment, and remanufacturing.</li> </ul>	<p>The strategies have been addressed in the draft refer to pg 30.</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>· Safe disposal: manage hazardous material and e-waste responsibly</li> <li>· Compliance: follow environmental regulations and standards.</li> </ul> <p>Best practices:</p> <ul style="list-style-type: none"> <li>· Asset recovery: reselling, donating, or reusing surplus equipment.</li> <li>· Recycling programs: ensuring end-of-life products are recycled appropriately.</li> <li>· E-waste handling: partnering with certified recyclers for electronics.</li> <li>· Tracking and reporting: monitoring disposal practices for accountability</li> </ul> <p>Benefits of sustainable procurement and disposal:</p> <ul style="list-style-type: none"> <li>· Cost saving through efficiency and waste reduction.</li> </ul>	Addressed in the preliminaries pages ( Executive summary)

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>Enhanced public sector reputation and accountability</li> <li>Support for innovation and sustainable market development</li> <li>Environmental protection and reduced carbon footprint</li> </ul>	
69	State Department of Irrigation	General & Chapter 3	Chapter 3 Guidelines for SPP- Policy and Planning	<ul style="list-style-type: none"> <li><b>Integrate Sustainability into Procurement Policy:</b> <ul style="list-style-type: none"> <li>Set clear goals for carbon reduction, biodiversity conservation, and resource efficiency.</li> <li>Mandate sustainability criteria in all relevant tenders and contracts.</li> </ul> </li> <li><b>Conduct Environmental Impact Assessments:</b> <ul style="list-style-type: none"> <li>Assess potential environmental effects of procurement decisions.</li> <li>Consider ecosystem sensitivity and biodiversity impact.</li> </ul> </li> <li><b>Life Cycle Thinking:</b></li> </ul>	<p>Accepted: The general objectives are captured on pg 14. However, specific objectives should be captured in the guidelines.</p> <p>These are captured across the Procurement Cycle</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>○ Evaluate products/services over their full life cycle— from extraction to end-of-life.</li> <li>○ Prefer products with lower emissions, waste, and energy consumption across the life cycle.</li> </ul>	
70	State Department of Irrigation	Chapter 3 Prioritization of Products, Services and Works	Guidelines for SPP – Product and service selection criteria	<p><b>Eco-Friendly Products</b></p> <ul style="list-style-type: none"> <li>● Require eco-labels (e.g., EU Ecolabel, Blue Angel, Energy Star).</li> <li>● Prioritize: <ul style="list-style-type: none"> <li>○ Low-emission and energy-efficient goods</li> <li>○ Products made from recycled or renewable materials</li> <li>○ Products designed for durability, reparability, and recyclability</li> </ul> </li> </ul> <p><b>Green Services</b></p> <ul style="list-style-type: none"> <li>● Select providers who use sustainable practices (e.g., zero-</li> </ul>	Captured in the Guiding Principles in Sustainable Procurement, Procurement Cycle, pg24-25 and Annex 1- Sustainability Criteria.

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<p>emission vehicles, digital services over paper-based).</p> <ul style="list-style-type: none"> <li>● Include criteria for workforce health, fair labor, and community impact.</li> </ul> <p><b>Sustainable Works (Construction, Infrastructure)</b></p> <ul style="list-style-type: none"> <li>● Favor green building certifications (e.g., LEED, BREEAM).</li> <li>● Specify use of: <ul style="list-style-type: none"> <li>○ Low-carbon materials (e.g., recycled concrete, low-impact steel)</li> <li>○ Water and energy-efficient systems</li> <li>○ Green landscaping to enhance biodiversity</li> </ul> </li> </ul> <p><b>NB:</b> LEED (Leadership in Energy and Environmental Design) while; BREEAM (Building Research Establishment and Environmental Assessment Method)</p> <p><b>Sustainable Technologies</b></p>	

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>Choose low-carbon technologies (e.g., renewable energy, smart systems).</li> <li>Require minimal environmental footprint and support for circular practices (e.g., modular upgrades, remote diagnostics).</li> </ul>	
71	State Department of Irrigation	Chapter 3	Guidelines for SPP Procurement process Requirement	<ul style="list-style-type: none"> <li><b>Sustainability Weighting in Tenders:</b> <ul style="list-style-type: none"> <li>Assign significant score weight to environmental and social performance, not just lowest price.</li> </ul> </li> <li><b>Supplier Requirements:</b> <ul style="list-style-type: none"> <li>Ask for environmental management certifications (e.g., ISO 14001).</li> <li>Require carbon footprint disclosure and sustainability action plans.</li> <li>Prefer local or regional suppliers to reduce transportation emissions.</li> </ul> </li> <li><b>Green Innovation Encouragement:</b> <ul style="list-style-type: none"> <li>Use functional specifications to allow for innovative, eco-friendly solutions.</li> </ul> </li> </ul>	<p>Accepted: These are good observations . Will be included in the manual/guidelines</p> <p><b>Green innovation Encouragement:</b> captured under the Procurement</p>



SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>Enable flexibility in how environmental outcomes are achieved.</li> </ul>	Cycle(Preparation of Specification
72	State Department of Irrigation	Chapter 3	Guidelines for SPP- Monitoring and compliance	<ul style="list-style-type: none"> <li> <b>Establish Performance Metrics:</b> <ul style="list-style-type: none"> <li>Track emissions, waste reduction, material reuse, and biodiversity impacts.</li> <li>Use digital tools for life cycle and carbon tracking.</li> </ul> </li> <li> <b>Contractual Obligations:</b> <ul style="list-style-type: none"> <li>Include environmental clauses and penalties/incentives tied to sustainability targets.</li> </ul> </li> <li> <b>Post-Procurement Audits:</b> <ul style="list-style-type: none"> <li>Ensure compliance with sustainability commitments and continuous improvement.</li> </ul> </li> </ul>	<p>Taken care of in the Contract Management and M&amp; E</p> <p>This is addressed in Contract Management, M&amp;E</p>
73	State Department of Irrigation	Chapter 3	Guidelines for SPP – Disposal and Circular Economy Integration	<ul style="list-style-type: none"> <li> <b>End-of-Life Management:</b> <ul style="list-style-type: none"> <li>Require suppliers to take back products for recycling or reuse.</li> <li>Encourage refurbishment and resale before disposal.</li> </ul> </li> <li> <b>Circular Design Principles:</b> <ul style="list-style-type: none"> <li>Favor modular, upgradable, or demountable designs.</li> </ul> </li> </ul>	This observation is in the framework under Procurement Cycle specifically under specifications

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>○ Reduce single-use and disposable products.</li> <li>● <b>Promote Shared Use and Leasing Models:</b></li> <li>○ Adopt service-based procurement (e.g., leasing instead of owning) to reduce resource use.</li> </ul>	
74	State Department of Irrigation	Chapter 3	Guidelines for SPP – Policy framework and institutional commitment	<ul style="list-style-type: none"> <li>● <b>Embed Social Objectives in Procurement Policies:</b></li> <li>○ Include clear mandates to promote social inclusion, fair labor, and gender equality.</li> <li>○ Align with national labor laws, international labor standards (e.g., ILO), and social safeguard frameworks.</li> <li>● <b>Appoint Social Procurement Champions:</b></li> <li>○ Designate focal points within procurement units to monitor and promote social objectives.</li> <li>● <b>Engage Stakeholders:</b></li> <li>○ Consult marginalized groups, women’s organizations, local communities, and SMEs during planning stages.</li> </ul>	These have been addressed in the draft Framework (Procurement Cycle)

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
75	State Department of Irrigation	Chapter 3	Guidelines for SPP – promoting local economic development for SMEs	<ul style="list-style-type: none"> <li>● <b>Prefer Local and Regional Suppliers:</b> <ul style="list-style-type: none"> <li>○ Allocate specific procurement lots or quotas for local businesses.</li> <li>○ Use geographic preferences where permitted by law.</li> </ul> </li> <li>● <b>Unbundle Large Contracts:</b> <ul style="list-style-type: none"> <li>○ Break down tenders into smaller lots to allow participation by SMEs and micro-enterprises.</li> </ul> </li> <li>● <b>Simplify Bid Processes for SMEs:</b> <ul style="list-style-type: none"> <li>○ Reduce administrative burdens (e.g., easier documentation, reduced financial thresholds).</li> <li>○ Offer guidance and training sessions for SMEs on procurement procedures.</li> </ul> </li> <li>● <b>Payment Terms Favoring SMEs:</b> <ul style="list-style-type: none"> <li>○ Ensure fast and fair payment schedules (e.g., within 30 days).</li> </ul> </li> </ul>	<p>included in Procurement Cycle under Procurement Planning and in the Annex under criteria</p> <p><b>Prefer Local and Regional Suppliers:</b>To be included in sustainability criteria and indicators</p> <p>This is already being implemented</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
					<p><b>simplify Bid Processes for SMEs:</b> Law provides</p> <p><b>Payment Terms Favoring SMEs:</b> This is already provided in the law.</p>
76		Chapter 3	Guidelines for SPP – Advancing gender equality	<ul style="list-style-type: none"> <li>● <b>Targeted Procurement for Youth, People Living with Disabilities (PLWDs) Women-Owned Enterprises; those were covered in the PPAD Act (2015)</b> <ul style="list-style-type: none"> <li>○ Set quotas or incentives for Disadvantaged group businesses.</li> <li>○ Require gender-disaggregated data from suppliers.</li> </ul> </li> <li>● <b>Gender-Responsive Criteria:</b> <ul style="list-style-type: none"> <li>○ Include gender equity measures in technical specifications and evaluation (e.g., gender-inclusive</li> </ul> </li> </ul>	<p>The comments are in the draft Framework (Procurement Cycle and Sustainability Criteria)</p> <p>To be included in sustainability criteria and indicators</p> <p>Accepted: included in the criteria as preference and reservation schemes</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<p>hiring, family-friendly policies).</p> <ul style="list-style-type: none"> <li>● <b>Capacity Building:</b> <ul style="list-style-type: none"> <li>○ Support training programs for the Disadvantaged group to access and succeed in public procurement markets</li> </ul> </li> </ul>	
77			Guidelines for SPP – Upholding labor standards and fair work conditions	<ul style="list-style-type: none"> <li>● <b>Labor Clauses in Contracts:</b> <ul style="list-style-type: none"> <li>○ Mandate compliance with national labor laws and core ILO conventions (e.g., no child labor, freedom of association, fair wages).</li> <li>○ Require ethical sourcing for goods (e.g., clothing, electronics).</li> </ul> </li> <li>● <b>Supplier Code of Conduct:</b> <ul style="list-style-type: none"> <li>○ Develop and enforce a social responsibility code for all suppliers and subcontractors.</li> </ul> </li> <li>● <b>Site Inspections and Monitoring:</b> <ul style="list-style-type: none"> <li>○ Conduct regular labor compliance audits and social impact assessments</li> </ul> </li> </ul>	<p>Accepted: included in sustainability criteria and indicators. To be incorporated by PPRA</p> <p>PPRA to review. amend and incorporate the code of conduct on persons involved in procurement matters. Indicators in implementation matrix</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
78	State Department of Irrigation	Chapter 3	Guidelines for SPP – Institutional Social Safeguards	<ul style="list-style-type: none"> <li>● <b>Social Risk Assessment:</b> <ul style="list-style-type: none"> <li>○ Identify and mitigate risks such as displacement, inequality, and community disruption before procurement begins.</li> </ul> </li> <li>● <b>Grievance Redress Mechanism (GRM):</b> <ul style="list-style-type: none"> <li>○ Ensure accessible channels for workers, community members, and stakeholders to report violations or concerns.</li> </ul> </li> <li>● <b>Inclusive Employment Clauses:</b> <ul style="list-style-type: none"> <li>○ Promote hiring from marginalized groups (e.g., persons with disabilities, Indigenous peoples, youth).</li> </ul> </li> <li>● <b>Training and Awareness:</b> <ul style="list-style-type: none"> <li>○ Train procurement officials and suppliers on human rights, diversity, anti-discrimination, and inclusive practices.</li> </ul> </li> </ul>	<p>Addressed in the Procurement Cycle (Need Identification)</p> <p><b>Grievance Redress Mechanism (GRM)</b> has been considered and added in the Contract Management.</p> <p><b>Training and Awareness:</b> This is already included in chapter 4.</p> <p>specialized training to be developed as guidelines</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
79	STATE DEPARTMENT FOR IRRIGATION	Chapter 3	Guidelines SPP – promote economic efficiency	<p><b>1. Understand Life-Cycle Costing (LCC)</b> Life-Cycle Costing is a method to assess the <b>total cost of ownership</b> of goods, services, or works over their entire life span — from acquisition to disposal - rather than focusing only on the initial purchase price.</p> <p><b>It Includes:</b></p> <ul style="list-style-type: none"> <li>• Acquisition cost (purchase, installation, delivery)</li> <li>• Operating cost (energy, water, labor)</li> <li>• Maintenance cost (repairs, servicing, spare parts)</li> <li>• End-of-life cost (disposal, recycling, decommissioning)</li> <li>• External costs (where applicable — e.g., environmental or social costs)</li> </ul> <p><b>2. Integrate Life-Cycle Costing (LCC) into the Public Procurement Planning</b></p> <ul style="list-style-type: none"> <li>• <b>Policy Integration:</b> <ul style="list-style-type: none"> <li>○ Require LCC evaluation for all major procurements in public procurement rules and manuals.</li> <li>○ Include LCC methodology in procurement planning templates and guidelines.</li> </ul> </li> </ul>	<p>1. This is provided for in the Procurement Cycle (Procurement Planning)</p> <p>2. This is provided for in the Procurement Cycle.</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>● <b>Procurement Thresholds:</b> <ul style="list-style-type: none"> <li>○ Define thresholds (e.g., high-value or high-impact projects) where LCC analysis is mandatory.</li> </ul> </li> <li>● <b>Cross-Department Coordination:</b> <ul style="list-style-type: none"> <li>○ Involve technical, finance, and environmental units early to ensure complete cost modeling.</li> </ul> </li> </ul> <p><b>3. Design Tender Documents to Support LCC</b></p> <ul style="list-style-type: none"> <li>● <b>Specify Life-Cycle Criteria in RFPs:</b> <ul style="list-style-type: none"> <li>○ Indicate which costs will be considered (e.g., energy use, maintenance, end-of-life).</li> <li>○ Provide bidders with a standard LCC evaluation template or model.</li> </ul> </li> <li>● <b>Encourage Value-Based Offers:</b> <ul style="list-style-type: none"> <li>○ Allow bidders to submit innovative solutions with lower life-cycle costs, even if initial costs are higher.</li> </ul> </li> <li>● <b>Use Performance-Based Specifications:</b> <ul style="list-style-type: none"> <li>○ Focus on required outcomes (e.g., energy savings, durability)</li> </ul> </li> </ul>	3. This is provided for in the Procurement Cycle.



SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<p>rather than brand or specific features.</p> <p><b>4. Perform Cost Evaluation Using LCC</b></p> <ul style="list-style-type: none"> <li>● <b>Use Tools and Methodologies:</b> <ul style="list-style-type: none"> <li>○ Apply standard tools (e.g., ISO 15686-5, EN 60300-3-3) or government-approved calculators.</li> <li>○ Include discount rates to calculate Net Present Value (NPV) of future costs.</li> </ul> </li> <li>● <b>Quantify Externalities Where Feasible:</b> <ul style="list-style-type: none"> <li>○ Estimate carbon costs, water use, pollution, and health impacts — especially in infrastructure, energy, or waste contracts.</li> </ul> </li> <li>● <b>Compare LCC of Alternatives:</b> <ul style="list-style-type: none"> <li>○ Always evaluate multiple options to find the most cost-effective and sustainable choice over time.</li> </ul> </li> </ul> <p><b>5. Capacity Building and Institutional Support</b></p> <ul style="list-style-type: none"> <li>● <b>Training for Procurement Officials:</b></li> </ul>	<p>4. Should be addressed in the Guidelines</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<ul style="list-style-type: none"> <li>○ Provide LCC training workshops and certification programs for procurement and finance staff.</li> <li>● <b>Guidance Manuals and Templates:</b> <ul style="list-style-type: none"> <li>○ Develop sector-specific LCC guides (e.g., for vehicles, buildings, ICT, lighting).</li> </ul> </li> <li>● <b>Collaboration with Suppliers:</b> <ul style="list-style-type: none"> <li>○ Educate vendors on LCC benefits and how to structure bids accordingly.</li> </ul> </li> </ul> <p><b>6. Monitor and Improve</b></p> <ul style="list-style-type: none"> <li>● <b>Track Life-Cycle Performance:</b> <ul style="list-style-type: none"> <li>○ Monitor actual operation and maintenance costs during the contract to refine LCC assumptions for future procurements.</li> </ul> </li> <li>● <b>Feedback Mechanisms:</b> <ul style="list-style-type: none"> <li>○ Use lessons learned to update LCC tools, benchmarks, and technical specifications.</li> </ul> </li> <li>● <b>Benchmarking:</b> <ul style="list-style-type: none"> <li>○ Compare procurement outcomes with market and</li> </ul> </li> </ul>	<p>This is addressed in Chapter 5</p> <p>This is addressed in Chapter 5</p>

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				<p>peer institutions to validate economic efficiency gains.</p> <p><b>Benefits of LCC-Based Procurement</b></p> <ul style="list-style-type: none"> <li>• Better long-term value for public money</li> <li>• Incentivizes innovation and sustainability</li> <li>• Reduces unforeseen maintenance and disposal costs</li> <li>• Enhances transparency in cost justification</li> </ul>	
80	CENTRAL BANK OF KENYA	Chapter 1 and Chapter 3	Covered in Chapter 1 - 1.3 and Chapter 3- 3.1.4, 3.1.11	<p><b>Secure and sustainable asset disposal protocols</b></p> <p>Given CBK's responsibility for sensitive assets -including electronic equipment, currency handling devices, and IT infrastructure-we recommend the framework prescribe secure data destruction, e-waste management protocols and partnerships with certified disposal firms.</p>	<p>asset disposal is included as part of the procurement cycle</p> <p>Responsible organizations to develop standards and guidelines and protocols for disposal. Including e-waste, data etc in the guidelines</p>
81			Chapter 3	<p><b>Standard templates and documents</b></p> <p>The National Treasury should provide standard templates and documents with minimum sustainability requirements for tender documents, self-declaration forms for suppliers on their</p>	This is included in the procurement cycle and will be reviewed in the implementation matrix.

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
				commitment to sustainability, professional opinion, contract.	
82			Chapter 3	<b>3.1.4</b>  <b>Total life cycle costing</b> The sustainable public and asset disposal framework should clearly outline guidelines that public entities will adopt during the budgeting process to ensure the adoption of total life costing.	Included in the procurement cycle
83	The National Treasury		Product Selection Matrix  To ensure a successful implementation of the policy the Government will select a few products to pilot the polity with the aim of scale it up to more products after a piloting phase. The products to pilot will be selected according to several criteria (See table 2 for reference as example) and in coordination with other government teams. The selection of products will include a timeline for piloting and the scale-up strategy to other products.	Consider adding social impact also.  And also the same point as made earlier, Impact could be seen to be beneficial. It would be important to also address risks of environmental and social harm  Should this point be made in other key sections?	

SL	Source	Page Number /Chapter	Clause in the Draft Framework	Comment	Remarks
84	The National Treasury		<b>Table 2: Matrix product selection (example</b>  Environmental impact (25%)	Consider adding:  and social	Accepted: Included. Quantities for social impacts will be added
85	The National Treasury	CHAPTER 4	CHAPTER FOUR: IMPLEMENTATION AND COORDINATION OF SUSTAINABLE PUBLIC PROCUREMENT	You could consider a complaint mechanism which could receive complaints about suppliers not living up to sustainability standards	Accepted: The same mechanism will be adopted as for the PPARB with sustainability incorporated
86	The National Treasury		<b>4.1. Sustainability criteria</b>  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.	consider adding:  and ensuring responsible business conduct	Accepted

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87	The National Treasury		<b>4.3 Market Engagement</b>	Should there be a separate point on participation/ engagement with end-users, experts, communities etc. so that they are included in the design of procurements and that the procurement meet their needs?	This is already included in the needs identification.
88	The National Treasury		<b>4.4 Communication and Awareness Creation</b>  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.	consider adding:  and business respect for human rights in state supply chains	Accepted
89	The National Treasury		<b>4.5 Training and Capacity Building</b>  To ensure effective coordination of the training, the Government will develop and roll out a capacity	Consider naming suppliers as a key stakeholder	Accepted

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			building program, collaboration with key stakeholders, develop a knowledge management retention plan and integrate SPP in all national curriculum.		
90	CENTRAL BANK OF KENYA	CHAPTER 4	Chapter 4.4 and 4.5 on communication awareness and Training	<b>Institutional capacity building</b> The framework should include structured training programs for supply chain staff, finance, auditors and compliance personnel on life-cycle costing, sustainability risk assessment, and inclusive procurement practices. It should also include training programs for suppliers on sustainability and compliance with minimum sustainability requirements.	Accepted: Specialized training will be included in the guidelines on communication awareness and Training
91	CENTRAL BANK OF KENYA	Chapter 4	Chapter 4 - 4.6	<b>Sustainability committee</b> The sustainable public procurement and asset disposal framework should clearly define the terms of reference, roles and responsibilities of the sustainable committee and give guiding principles on the implementation of SPP to prevent conflict with other statutory procurement committees	Refer to chapter 4 on institutional framework
92	CENTRAL BANK OF KENYA	CHAPTER	Chapter 4 - 4.6	<b>Leadership role and knowledge sharing</b> As a regulator and key public institution, CBK is ready to champion sustainable procurement within the financial sector.	This is accepted:The multi-agency committee is

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				We propose the creation of an inter-agency platform to share best practices and develop harmonized sustainability benchmarks. The framework should clearly outline all the bodies in the national committee/Taskforce in charge of the implementation of the sustainable procurement framework and their roles and responsibilities.	already recommended in 4.6
93	The National Treasury		<b>4.6 Institutional and Governance systems</b>	Should the PPRA be mentioned in here?	Not Accepted: They are part of the multi-agency governance committee under The treasury
94	The National Treasury		<b>4.7 Implementation Matrix</b>	<p>Consider explicitly mentioning indicators here.</p> <p>This resource might be of use when considering indicators:</p> <p><a href="https://www.ungm.org/Shared/KnowledgeCenter/Pages/SustProcIndicators">https://www.ungm.org/Shared/KnowledgeCenter/Pages/SustProcIndicators</a></p>	Accepted: Include indicators as an Annex



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96	The National Treasury	Chapter 5	<p>5.3 Reporting by Procuring Entities</p> <p>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.</p> <p>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.</p>	<p><b>Align with scope in 3.1</b></p> <p><b>How will these relate to the reporting they have to do on AGPO?</b></p>	<p>Not Accepted:</p> <p>Already included: “Statutory reports by Procuring Entities shall include reports on Sustainable Public Procurement.” Including AGPO</p>
97	STATE DEPARTMENT FOR IRRIGATION	Chapter 5	Guidelines for SPP- Monitoring and compliance	<ul style="list-style-type: none"> <li>● <b>Establish Performance Metrics:</b> <ul style="list-style-type: none"> <li>○ Track emissions, waste reduction, material reuse, and biodiversity impacts.</li> <li>○ Use digital tools for life cycle and carbon tracking.</li> </ul> </li> <li>● <b>Contractual Obligations:</b></li> </ul>	<p>Accepted: This is addressed in Contract Management, M&amp;E</p> <p>This is also provided for in the Procurement Cycle.</p>

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				<ul style="list-style-type: none"> <li>o Include environmental clauses and penalties/incentives tied to sustainability targets.</li> <li>● <b>Post-Procurement Audits:</b> <ul style="list-style-type: none"> <li>o Ensure compliance with sustainability commitments and continuous improvement.</li> </ul> </li> </ul>	This will also be included in the guidelines
98	STATE DEPARTMENT FOR IRRIGATION	Chapter 5	Guidelines for SPP – Institutional Social Safeguards	<ul style="list-style-type: none"> <li>● <b>Labor Clauses in Contracts:</b> <ul style="list-style-type: none"> <li>o Mandate compliance with national labor laws and core ILO conventions (e.g., no child labor, freedom of association, fair wages).</li> <li>o Require ethical sourcing for goods (e.g., clothing, electronics).</li> </ul> </li> <li>● <b>Supplier Code of Conduct:</b> <ul style="list-style-type: none"> <li>o Develop and enforce a social responsibility code for all suppliers and subcontractors.</li> </ul> </li> <li>● <b>Site Inspections and Monitoring:</b> <ul style="list-style-type: none"> <li>o Conduct regular labor compliance audits and social impact assessments.</li> </ul> </li> </ul>	<p>Accepted: included in sustainability criteria and indicators. (Annex)</p> <p>PPRA to review. amend and incorporate the code of conduct on persons involved in procurement matters. Indicators in implementation matrix</p>
99	STATE DEPARTMENT	Chapter 5	Guidelines for SPP – Monitoring, reporting and accountability	<ul style="list-style-type: none"> <li>● <b>Social Impact KPIs:</b> <ul style="list-style-type: none"> <li>▪ Track metrics such as:</li> <li>▪ % Contracts awarded to SMEs or Disadvantaged group businesses</li> </ul> </li> </ul>	This is provided for in the Procurement Cycle and in the annex (criteria)

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	FOR IRRIGATION			<ul style="list-style-type: none"> <li>▪ jobs created for vulnerable and Disadvantaged groups</li> <li>▪ compliance with labor standards</li> <li>● <b>Transparency and Disclosure:</b> <ul style="list-style-type: none"> <li>○ Publicly disclose social outcomes of procurement processes and contractor compliance records.</li> </ul> </li> <li>● <b>Third-Party Audits and Certification:</b> <ul style="list-style-type: none"> <li>○ Use independent auditors to verify social commitments and certifications like SA8000 or Fair Trade.</li> </ul> </li> </ul>	
100	STATE DEPARTMENT FOR IRRIGATION	Chapter 5	Guidelines SPP – promote economic efficiency	<p><b>1. Understand Life-Cycle Costing (LCC)</b></p> <p>Life-Cycle Costing is a method to assess the <b>total cost of ownership</b> of goods, services, or works over their entire life span — from acquisition to disposal - rather than focusing only on the initial purchase price.</p> <p><b>It Includes:</b></p> <ul style="list-style-type: none"> <li>● Acquisition cost (purchase, installation, delivery)</li> </ul>	This is provided for in the Procurement Cycle (Procurement Planning)

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				<ul style="list-style-type: none"> <li>• Operating cost (energy, water, labor)</li> <li>• Maintenance cost (repairs, servicing, spare parts)</li> <li>• End-of-life cost (disposal, recycling, decommissioning)</li> <li>• External costs (where applicable — e.g., environmental or social costs)</li> </ul>	
101	THE CENTRAL BANK OF KENYA	CHAPTER 5	Chapter 5: Monitoring and Evaluation	<b>Performance monitoring and evaluation</b> CBK recommends the establishment of a standardized sustainability performance monitoring tool, with clear key performance indicators (KPLs) and reporting obligations for public procuring entities	Accepted: A tool will be developed to monitor the SPP KPIs in line with chapter 5 of the framework
102	The National Treasury		Annex 1: Sustainability Criteria	<b>Should these each have indicators?</b>	Accepted. Included in the matrix
103	Josphine	General	General	1. The Cabmemo will be signed by the CS/ NT&EP and Attorney General	Noted

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				<p>before it is forwarded to the Cabinet for approval</p> <p>2. The requirement for submission is to demonstrate that public participation was done by a show of public notice indicating clear</p> <p>dates for the exercise signed by the CS to carry out the exercise in ALL counties or representation of all counties, and a schedule for the exercise.</p> <p>3. The list of attendance during the exercise indicating participation or representation from all counties.</p> <p>4. The consolidated matrix indicating every county participation and how the task force responded to each comment.</p> <p>5. Comments from ministries and departments is not public participation. That is stakeholder engagement, which ought to be done before public participation</p> <p>6. It is unconstitutional to fail to carry out public participation when developing policies and legal framework that affects the public and entire nation.</p>	

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				<p>7. My opinion is. We follow the right process guided by law and develop Cabinet Memorandum only once public participation is complete.</p> <p>Kindly note that comments from ministries is NOT public participation.</p> <p>7)Other additional COMMENTS That may be received from Nairobi as they are received.( EMAIL and Hard Copy)</p>	