

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

20 FEB 20 P 3 :25

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SENATE

S. No. 1371

Introduced by **SENATOR PIA S. CAYETANO**

AN ACT

ESTABLISHING A SUSTAINABLE PROCUREMENT PROGRAM FOR ALL DEPARTMENTS, BUREAUS, OFFICES, AND AGENCIES OF THE GOVERNMENT

EXPLANATORY NOTE

The government, as one of the largest consumers of the national economy, has a significant influence in shaping the market supply towards more sustainable and green products. It has the capacity to be a responsible consumer in the market, leading by example for private establishments on responsible consumption and production.

As one of the countries adopting the UN 2030 Agenda for Sustainable Development, the Philippines is committed to integrate the Sustainable Development Goals (SDG) in the national development plans and policies. Sustainable public procurement responds to the ideals of SDG 12 on responsible consumption and production.

Sustainable procurement aims to support sustainable development by meeting human development goals while ensuring the capacity of the environment to provide for socio-economic vitality. Such procurement targets the consumption of

green products with less environmental impacts and at the lowest life cycle costs possible.

This bill seeks to compel all departments, bureaus and agencies of the government to practice sustainable procurement of their input goods and services, as part of the country's commitment to the UN 2030 Agenda for Sustainable Development. It aims to establish a Sustainable Procurement Program in these agencies, with the objective of promoting sustainable policy decisions, crafting sustainability criteria in public purchases, and developing programs to incentivize suppliers of sustainable products. A capacity-building program for government agencies will also be initiated to provide the necessary technical support to technical staff for the effective implementation of this bill on the ground.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



PIA S. CAYETANO

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ESTABLISHING A SUSTAINABLE PROCUREMENT PROGRAM FOR ALL DEPARTMENTS, BUREAUS, OFFICES, AND AGENCIES OF THE GOVERNMENT

Be it enacted by the Senate and House of Representatives of the Philippines in the Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as *Sustainable Public*
2 *Procurement Act.*

3 Sec. 2. *Declaration of Policy.* – The State recognizes that sustainable
4 development is a necessary policy for nation-building, and its lead role in promoting
5 sustainable practices by incorporating environmental, economic and social factors in
6 government decisions and processes. Further, the State, as a large consumer bloc in
7 itself, recognizes that every product or service it purchases or avails of should be
8 evaluated for its sustainability.

9 As party to the United Nations 2030 Agenda for Sustainable Development, the
10 State remains committed to achieving the seventeen (17) Sustainable Development
11 Goals (SDGs) by 2030.

12 Guided by the SDGs and their targets, particularly SDG 12 which is on
13 Sustainable Consumption and Production, and the long-term vision embodied in
14 *AmBisyon Natin 2040*, the State shall implement programs geared towards responsible

1 and sustainable consumption and production with the end view of having a fully
2 circular economy.

3 *Sec. 3. Establishment of a Sustainable Procurement Program in all Government*
4 *Agencies.* – All government departments, offices, and agencies shall establish their
5 respective Sustainable Procurement Program, which shall take into consideration the
6 lowest life-cycle cost of products and services.

7 For purposes of this Act, “*lowest life-cycle cost*” means the lowest total cost of
8 owning, operating and maintaining a product or service over its useful life, including
9 fuel and water, energy, labor, and replacement components, determined on the basis
10 of a systematic evaluation and comparison of alternative products and services.

11 The Sustainable Procurement Program shall likewise include a coding system
12 for packaging materials and products to facilitate waste recycling and reuse as
13 mandated in Article 4, Section 27 of Republic Act 9003 otherwise known as Ecological
14 Solid Waste Management Act.

15 *Sec. 4. Objectives of the Sustainable Procurement Program.* – The Sustainable
16 Procurement Program shall have the following objectives:

17 (a) To promote the culture of making sustainable and informed decisions in
18 government, especially in the purchase and use of different products;

19 (b) To include sustainability criteria in public tenders, whenever possible and
20 practicable;

21 (c) To establish the specifications and requirements for products of services to be
22 considered sustainably advantageous; and

23 (d) To develop programs for suppliers of sustainable products and services.

24 *Sec. 5. Submission to Government Procurement Policy Board.* – All agencies
25 shall submit their respective Sustainable Procurement Programs to the Government
26 Procurement Policy Board (GPPB) within six (6) months from the effectivity of this Act.
27 Such Program shall be fully implementable within eighteen (18) months from
28 effectivity of this Act. The GPPB shall in turn submit a regular report to the Congress
29 of the Philippines on the performance and compliance of the different agencies with
30 this Act.

31 *Sec. 6. Third-Party Verification.* – The GPPB shall appoint a competent third-
32 party verifier of claims of sustainability of products and services. The third-party

1 verifier shall provide a list of all certified sustainable products, which shall be updated
2 regularly to reflect additions or deletions based on criteria to be established by the
3 GPPB.

4 *Sec. 7. Capacity-Building of Government Agencies.* – The GPPB shall provide
5 the necessary technical assistance to assist government agencies in understanding
6 and implementing Sustainable Public Procurement.

7 *Sec. 8. Implementing Rules and Regulations.* - Within thirty (30) days from the
8 effectivity of this Act, the GPPB shall promulgate and issue the necessary guidelines
9 for the effective implementation of this Act. The implementing rules and regulations
10 issued pursuant to this section shall take effect thirty (30) days after its publication in
11 two (2) national newspapers of general circulation.

12 *Sec. 9. Separability Clause.* – If any provision or part hereof is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall
14 remain valid and subsisting.

15 *Sec. 10. Repealing Clause.* – All laws, presidential decrees, executive orders,
16 rules and regulations contrary to or inconsistent with the provisions of this Act are
17 hereby repealed, modified, or amended accordingly.

18 *Sec. 11. Effectivity Clause.* – This Act shall take effect fifteen (15) days after
19 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,