

Tipperary ETB – Green Public Procurement Policy

1. LEGAL REQUIREMENTS TO PUBLIC SECTOR BODIES

The following section identifies the various EU, Irish laws and national policies that as a Public Body, TETB are required to incorporate in our procurement processes. Tenderers should ensure compliance with the requirements outlined below, where applicable, and these will be taken into consideration during the evaluation of tender submissions.

1.1 EU DIRECTIVE 2014/24/EU – PUBLIC AUTHORITIES CONTRACTS

Legal Status: EU Primary Directive; Irish implementation via S.I. 284/2016

[Link: Click Here](#)

Main Implications:

- Public bodies must apply award criteria linked to the subject matter of the contract
- Environmental criteria are explicitly permitted (Article 67(2)): "award criteria may include social or environmental characteristics"
- Criteria must be verifiable with objective evidence and non-discriminatory
- Fundamental principles apply including transparency, equal treatment, non-discrimination, proportionality
- Weighting of criteria must be stated in advance
- Contractors must comply with applicable environmental legislation or face rejection (Article 18(4))

Relevance to TETB: Any tender for consultancy services must consider environmental factors if they relate to the contract scope. Cannot arbitrarily exclude environmental considerations.

1.2 CLIMATE ACTION AND LOW CARBON DEVELOPMENT (AMENDMENT) ACT 2021

Legal Status: Irish National Law

[Link: Click Here](#)

Main Implications:

- Sets binding 51% GHG emission reduction target by 2030 (vs. 2018 baseline)
- Requires climate action roadmaps from all public sector bodies
- Defines "national climate objective" as transition to climate-neutral economy by 2050
- Public bodies must report progress annually
- Underpins mandatory environmental criteria in public procurement as key delivery mechanism

Relevance to TETB: TETB is a public body with reporting obligations. Green procurement is a core delivery mechanism for achieving climate targets. Environmental criteria in tenders are not optional— they are legally required as part of climate action mandate.

1.3 PUBLIC SECTOR CLIMATE ACTION MANDATE 2025

Legal Status: Government Policy; Mandatory for Public Bodies

[Link: Click Here](#)

Main Implications:

- All public bodies must implement Green Public Procurement (GPP) effective immediately
- Specific mandates include:
- Construction Projects: From 1 September 2024, all projects must specify low-carbon construction methods and materials "as far as practicable"
- Cement/Concrete: Minimum 30% clinker replacement unless technical justification provided
- No CEM I high-carbon cement unless technically justified

- Environmental Product Declarations (EPDs): Required per EN 15804 standard or equivalent
- Whole-Life-Cycle Carbon Assessment: Mandatory for buildings $\geq$ €10m (non-residential) from September 2025; $\geq$ €5m from June 2026
- Public bodies must cease disposable cups/cutlery in canteens
- Zero-emission vehicles must be procured from end of 2022 (ongoing)
- Heating systems using fossil fuels prohibited in new buildings and major retrofits (post-2023)

TETB Impact: When TETB procures building design, energy audit, or construction-related consultancy, these mandatory cement/concrete/low-carbon requirements must be embedded in tender criteria. Consultants must demonstrate capability to ensure compliance.

1.4 CLIMATE ACTION PLAN 2025 (CAP25)

Legal Status: Annual Statutory Plan (Climate Action and Low Carbon Development Act 2021) Link: [Click Here](#)

Main Implications:

- Reaffirms 51% reduction target and intermediate milestones
- Construction/Cement Actions (A20–A23)
- A20: Low-carbon construction methods and materials procurement
- A21: Cement & Construction Sector Decarbonisation Guidance (issued September 2024)
- A22: Whole-life carbon assessment implementation
- A23: Embodied carbon disclosure requirements
- Built Environment Emissions: 21% reduction since 2018 (on track for some targets)
- Public Sector Leadership: Public sector emissions down 2.7% (2022–2023); target 51% reduction by 2030
- Procurement: GPP is identified as key delivery lever for climate targets

Relevance to TETB: CAP25 explicitly lists construction decarbonisation as a priority. TETB is obligated to incorporate cement /concrete/embodied carbon criteria in any building-related consultancy procurement to align with national climate policy.

1.5 BUYING GREENER: GREEN PUBLIC PROCUREMENT STRATEGY & ACTION PLAN 2024– 2027

Legal Status: National Strategy (EPA/OGP); Mandatory Implementation from 2025

Link: [Click Here](#)

Main Implications:

- “Comply or Explain” Principle: Public bodies must include GPP criteria in tenders where national criteria exist, or explain why not
- Mandatory from 2025: All procurement above €50,000 must include GPP criteria
- Three Guiding Principles:
 1. Reduced environmental impact across lifecycle
 2. Proportionality to contract value/scope
 3. Verifiable evidence standards
- 10 Priority Sectors (Building Design & Energy Services included)
- Action A2: All future central purchasing arrangements must include GPP criteria
- Reporting (A36–A41): Public bodies must report on GPP implementation; from 2025, must report explanation if GPP criteria not used where available
- Verification Methods: Third-party certifications preferred (ISO 14001, SEAI accreditation, EMAS, etc.)

Relevance to TETB: Critical for compliance. TETB's consultancy procurement (building design, energy audit, project management) sits within Energy Services and Building Design priority sectors. GPP criteria are mandatory for TETB compliance with national strategy. Non-compliance requires formal justification to OGP/EPA.

1.6 SCHOOL SECTOR CLIMATE ACTION MANDATE & TECHNICAL ROADMAP 2025–2030

Legal Status: Government Mandate (Department of Education)

[Link: Click Here](#)

Main Implications:

- Schools sector must achieve 51% GHG reduction by 2030
- Energy retrofit target: 50% of School buildings retrofitted by 2030
- Green Public Procurement: Mandatory implementation
- Embodied carbon: School building projects must specify low-carbon materials and methods
- Staff Training: Staff to receive climate action training
- Building performance monitoring: School buildings to benchmark energy performance annually (BER/DEC)

Relevance to TETB: TETB is responsible for ETB buildings. Building design and retrofit projects must follow GPP criteria. Energy audits must comply with SEAI standards.

1.7 EPA GREEN PUBLIC PROCUREMENT GUIDANCE (2024)

Legal Status: Official EPA Guidance (Referenced in Buying Greener Strategy)

[Link: Click Here](#)

Main Implications:

- Three Pillars of GPP;
 1. Mandatory minimum compliance (linked to applicable legislation)
 2. Proportionate verification method (avoid disproportionate burden on SMEs)
 3. Lifecycle thinking (assess environmental impact across product/service lifecycle)
- Proportionality Principle: Environmental requirements must be proportionate to:
 1. Contract value and scope
 2. Market capacity (majority of suppliers can meet requirement)
 3. Lifecycle environmental significance
- Verification Hierarchy:
 1. Third-party certifications (ISO 14001, EMAS, SEAI accreditation, CIBSE) = preferred
 2. Professional standards (SEAI, BRE, CIBSE methodologies) = acceptable
 3. Self-declared compliance = acceptable if documented with evidence
 4. On-site audit/verification = for high value/high-risk contracts
- Compliance or Explain: Public bodies not using GPP criteria (where available) must formally explain why in procurement plan
- Minimum Criteria Appendix: EPA provides minimum criteria for sectors with no specific national guidance

Relevance to TETB: TETB's evaluation should follow EPA proportionality guidance. Environmental criteria must be achievable by competent SME consultancies. Cannot require ISO 14001 (€20k+/year cost) for €25k contracts. Self-declared EMS or staff certifications acceptable as alternative.

1.8 CIRCULAR ECONOMY AND MISCELLANEOUS PROVISIONS ACT 2022

Legal Status: Irish National Law

[Link: Click Here](#)

Main Implications:

- Legally defines "Circular Economy" for first time in Irish law
- Procurement Requirement: Public bodies must promote circular economy principles in procurement
- Recycled Materials: Public bodies should specify recycled/secondary materials over virgin materials where feasible
- End-of-Waste: Supports procurement of recovered/recycled aggregates for construction
- Waste Management Plans: Construction projects must address demolition/construction waste hierarchy (prevention, reuse, recycling, recovery)

Relevance to TETB: Building design and construction consultancy must incorporate circular economy principles—reuse of materials, minimised waste, recovered aggregates, design for disassembly, material recovery at end-of-life.

1.9 CONSTRUCTION PRODUCTS REGULATION (EU 305/2011, as amended)

Legal Status: EU Regulation; Direct Application

[Link: Click Here](#)

[Link: SEAI Triple E Register](#)

Main Implications:

- CE Marking Requirement: All construction products sold in EU must have CE mark and Declaration of Performance
- Environmental Information: Products must disclose:
 1. Recycled content
 2. Embodied carbon (where assessed per EN 15804)
 3. Durability and lifespan
 4. Hazardous substances content
- Hazardous Substances: Lead, asbestos, pentachlorophenol, and other restricted substances prohibited or limited
- Procurement Reference: Public bodies should require Declaration of Performance compliance and recycled content disclosure

Relevance to TETB: Consultancy contracts must require that all materials procured/specified carry CE marking and Declaration of Performance. Environmental Product Declaration (EPD) will be requested. Reference to the SEAI Triple E Register provides a useful benchmark for this.

Green Public Procurement Elements of Scope

Tenderers should demonstrate how energy and sustainability obligations applicable to public bodies will be addressed through their service delivery. Responses should reflect professional judgement and an understanding of the regulatory context.

Tenderers should:

- Describe their energy and sustainability methodology and how it is tailored to the specific project scope
- Demonstrate awareness of public sector climate and green procurement obligations and how this influence service delivery including but not limited to the Climate Action Plan, Green Public Procurement Strategy 2024-27, Energy Performance of Building's Directive, Construction Products Regulations
- Explain their approach to energy performance assessment, including how options are evaluated and recommendations developed
- Outline how low-carbon solutions are considered at design and specification stage, where relevant
- Describe how lifecycle thinking informs decision-making, including consideration of operational and long-term impacts
- Explain their approach to heating system selection and energy-related equipment, including end-of-life considerations where relevant
- Demonstrate how product and system performance claims are verified using appropriate documentation or data sources such as but not limited to CE Marks, Energy Labels
- Outline how energy and environmental data will be collected, checked and validated
- Describe their approach to supporting client reporting obligations under the SEAI's Monitoring and Reporting system, including "comply or explain" requirements where applicable
- Explain how sustainability performance is monitored during project delivery
- Outline any internal governance or management systems used to manage energy and sustainability risks including but not limited to ISO 14001
- Energy Performance of Buildings Directive (Directive 2018/844; Irish Building Regulations Part L), Energy Efficiency Directive (S.I. 426/2014), Building Control Amendment Regulations 2014, Waste Management Regulations