

**cpet**

**Central Point of Expertise on Timber**

# **UK Government Timber Procurement Policy**

## **Timber Procurement Advice Note**

### **Fifth Edition**

June 2013



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# 1. Introduction

## 1.1 Purpose

This ‘*Timber Procurement Advice Note*, 5th ed. June 2013’ (referred to hereafter as the Note) informs central government departments in England, the wider public sector and also suppliers about the requirements of the UK government’s Timber Procurement Policy (TPP). Devolved administrations in Scotland, Wales and Northern Ireland have issued their own policies and guidance.

This Note sets out what the TPP means for each stage of the public procurement process when purchasing timber and wood-derived products, explains the types of evidence which demonstrate compliance with the ‘*UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement*’, 5<sup>th</sup> ed. 2013, referred to here after as ‘*Definition of Legal and Sustainable*’) and provides model text which can be used in technical specifications, invitations to tender (‘ITTs’) and contract clauses.

Detailed advice on how to gather and assess evidence is provided in four separate practical guidance documents listed below and is also available through TPP Implementation Workshops:

- ‘*Category A Practical Guide to Checking Certificates*’ (for Contracting Authorities and suppliers),

and for suppliers who are not supplying Category A evidence:

- ‘*Category B Framework for Evaluating Category B Evidence*’
- ‘*Category B Practical Guide to Supply Chain Information*’
- ‘*Category B Practical Guide to Forest Source Information*’

## 1.2 Changes to the Timber Procurement Advice Note – 5<sup>th</sup> edition

This Note has been restructured for ease of use and has been updated to reflect the revised Definition of Legal and Sustainable, which is available on the CPET website [here](#)<sup>1</sup>).

The changes in the Definition of Legal and Sustainable have been necessary to ensure that the UK TPP is in line with the ‘*EU Timber Regulation*<sup>2</sup> (EUTR, available on the EUR-Lex website [here](#)<sup>3</sup>) which came into force on 3rd March 2013 and which prohibits the placement of illegally harvested timber and timber products on the EU market. The definition of ‘legal’ has been amended in the 5th edition to reflect the exact definition of ‘legally

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<sup>1</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability](http://www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability)

<sup>2</sup> Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R0995:EN:NOT>

harvested' set out in the EUTR. Further information can be found under EUTR on the CPET website.

### ***1.3. Practical support for implementation - CPET***

The Central Point of Expertise on Timber (CPET) is Defra's technical advisory body. It was set up with Ministerial support in 2005 in response to an Environment Audit Committee report.

CPET provides free information and advice to public sector buyers and their suppliers on procuring timber and wood-derived products which meet the requirements of the TPP, supporting through the different stages of the procurement process.

A helpline is available Monday to Friday, free of charge. For further details visit [www.cpet.org.uk](http://www.cpet.org.uk); phone (+44) 01305 236 100, or email [cpet@efeca.com](mailto:cpet@efeca.com).

## **2. Timber Procurement Policy (TPP)**

### **2.1. *The UK Government TPP requires that***

Only timber and wood-derived products originating from an independently verifiable Legal and Sustainable source (which can include from a licensed Forest Law Enforcement, Governance and Trade (FLEGT) partner) will be demanded for use on the government estate – appropriate documentation will be required to prove it<sup>4</sup>.

By licensed ‘FLEGT partner’ is meant a timber-producing country that has signed up to a bilateral Voluntary Partnership Agreement with the European Union concerning the EU’s Forest Law Enforcement, Governance and Trade licensing scheme and whose timber and wood-derived products have been licensed under that scheme for export by that country’s government (please see section 4.2 below for further information).

Application of the TPP includes certain social criteria in contract conditions, as detailed in Annex D (Model Contract Condition) of this Note.

Suppliers are required to comply with all applicable legislation, including where appropriate the EUTR.

### **2.2 *Scope of application of the policy***

The TPP is mandatory for all central government departments, executive agencies and non-departmental public bodies (NDPBs) in England (referred to in this Note as ‘Contracting Authorities’).

The policy applies to all virgin timber and wood-derived products<sup>5</sup> used on the government estate including temporary site works and material supplied by suppliers.

As an alternative to demanding timber and wood-derived products from a Legal and Sustainable source, Contracting Authorities can demand ‘recycled timber’<sup>6</sup>. Documentary evidence and independent verification will also apply to recycled timber and recycled wood-derived products but will focus on the use to which the timber was previously put rather than the forest source

Short-rotation coppice is exempt from the requirements of the TPP and falls under agricultural regulation and supervision rather than forestry.

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<sup>4</sup> The TPAN April 2010 (4<sup>th</sup> edition) stated that “from 1 April 2015 only legal and sustainable timber would be demanded”, with the intent that timber and wood-derived products originating from a licensed FLEGT partner would not be accepted after this date. This deadline is under review, in light of the current progress of FLEGT Voluntary Partner Agreements.

<sup>5</sup> ‘Wood-derived products’ applies to both the direct purchases of goods (supply contracts) and relevant works/services contracts such as office management, facilities management and catering that involve, for example, construction materials, furniture, stationery, horticultural products and catering consumables.

<sup>6</sup> See Annex A – Definitions for a detailed explanation of the term recycled.

## **2.3 Definition of legal and sustainable**

### **2.3.1 UK Government TPP**

A definition of what ‘legal’ and ‘sustainable’ are for the purpose of the TPP is set out in Definition of Legal and Sustainable (on the CPET website [here](#)<sup>7</sup>).

As the EUTR came into force on 3rd March 2013, the definition of ‘legal’, has been amended to reflect the exact definition of ‘legally harvested’ set out in the EUTR, to ensure consistency of approach.

### **2.3.2 EUTR and Public Procurement**

Where timber and wood-derived products are covered by the EUTR suppliers and Contracting Authorities must ensure that the obligations of due diligence (where either are ‘operators’ on the market) and traceability (where either are ‘traders’ on the market) are met<sup>8</sup>.

The EUTR covers a broad range of timber products. Not included are recycled products. Whilst the product scope omits several other products, it is likely to be extended in 2015.

CPET does not provide advice on compliance with the EUTR. The UK enforcement authority, the National Measurement Office (NMO) can be contacted for further information (visit the NMO website [here](#)<sup>9</sup>).

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<sup>7</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability](http://www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability)

<sup>8</sup> The terms ‘operators’ and ‘traders’ are defined within the EUTR.

<sup>9</sup> [www.bis.gov.uk/nmo/enforcement/EU-Timber-Regulation%20](http://www.bis.gov.uk/nmo/enforcement/EU-Timber-Regulation%20)

### 3. Stages of the Procurement Process

This flow chart provides an overview of how the TPP can be implemented during the procurement process. A detailed explanation can be found on the following pages.

*CPET tools & support.*

#### 1. Identification of need

Ensure TPP embedded within relevant procurement strategies.

#### 2. Specification of requirements

Demand timber and wood-derived products originating from an independently verifiable Legal and Sustainable source (which can include from a FLEGT partner or equivalent), using the model specification.

#### Model specification

text from *Annex B* can be copied into your specification.

#### 3. Prequalification of suppliers

Where prequalification questionnaires are applied, notify suppliers that their record in supplying timber and wood-derived products that meet the TPP will be assessed & used to help select those suppliers invited to tender.

#### CPET guidance & support

can help you assess supplier's records of supplying legal & sustainable products.

#### 4. Invitation to tender (ITT)

Covering letters and ITT specifications should include wording to draw attention to the TPP.

#### Model ITT letter

text from *Annex C* can be copied into your ITT letter.

#### 5. Evaluation of tenders and Contract award

Choose the most economically advantageous tender, taking into account all pre-set award criteria.

#### CPET guidance & support

can help you evaluate the evidence.

#### 6. Contract management

Include the model contract condition in your contract. Request independent verification of timber and wood-derived products sourced from higher risk areas.

#### Model contract clauses

from *Annex D* can be copied into your contracts

### ***Stage One: Identification of need***

Before a Contracting Authority begins the procurement process, it should consider the need for a particular product or service. This will involve working with internal stakeholders/customers to explore what the business need is and whether it can be met without a procurement taking place. If it can, that's the most sustainable option of all.

### ***Stage Two: Specification of requirements***

The Contracting Authority may wish to explore whether it can use an existing framework, such as those available from the Government Procurement Service (GPS, visit their website for more information [here](#)<sup>10</sup>). In using such frameworks, procurers will still need to ensure the requirements of the TPP are specified in the contract and that the product delivered is compliant.

Where a requirement is for construction, furniture or paper, procurers should also consider using the broader Government Buying Standards in their tenders. These set clear sustainability standards for the public procurement of a range of goods and services, covering a range of issues including the TPP. They are mandatory, as set out in the Greening Government Commitments for all central government departments, executive agencies and non-departmental public bodies (NDPBs) and non-Ministerial Departments in England. More information is available on the Defra website [here](#)<sup>11</sup>.

For timber and wood-derived products it is preferable to specify requirements in performance output terms rather than demanding a particular species of timber unless this is unavoidable. This will give suppliers more flexibility in finding well-managed forests for their sources of timber and wood-derived products.

If a Contracting Authority is advised that only a particular species will meet the technical specification then it should obtain confirmation from experts that no other species would be technically acceptable. If the species in question is unlikely to be grown in a well-managed forest this may raise concerns over a Contractor's ability to comply with the contract condition to supply TPP-compliant timber and wood-derived products, and to prove it. Where it is not feasible to specify the requirements in performance output terms, then those responsible for writing the technical specifications should be asked to consider lesser-known species/timbers in addition to more well-known species/timber.

The OJEU contract notice (if required), accompanying technical specification and ITT covering letter should clearly identify the requirement for the

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<sup>10</sup> <http://gps.cabinetoffice.gov.uk>

<sup>11</sup> <http://sd.defra.gov.uk/advice/public/buying/>



Contractor to supply from a ‘TPP-compliant’ source, as set out in further detail below.

### **Exceptions to Requirement for Sustainable<sup>12</sup> Source**

There may occasionally be situations where a particular type of product or timber species is needed (e.g. for use in marine defences or refurbishment of an historic building) and where no Sustainable source (including a FLEGT-licensed or equivalent source) is available. In this case, Contracting Authorities must:

- ensure that they have in place a documented justification setting out why no alternative product or timber species can be used;
- require from suppliers evidence that timber was legally harvested. Where timber and wood-derived products are covered by the EUTR, which will be the vast majority of cases, suppliers and Contracting Authorities must ensure that the obligations of due diligence (where they are ‘operators’ on the market) and traceability (where they are ‘traders’ on the market) are met; and
- give preference to timber and wood-derived products from sources that are demonstrably in an active programme to improve and certify forest management.

Further information is set out in the document entitled Framework for Evaluating Category B evidence which is available from the CPET website [here](#)<sup>13</sup>.

### **Model specification text and reference to model contract conditions (for use at Stage Six)**

The model specification text is set out at Annex B. The model specification text should be included in specifications for all contracts and funding mechanisms involving the supply of timber and wood-derived products. Procurers should note that there are additional criteria for inclusion in contract conditions, at stage 6.

### ***Stage Three: Pre-qualification of suppliers***

Where prequalification questions are applied as part of the technical capability criteria, Contracting Authorities can notify suppliers that their record in supplying timber from TPP-compliant sources will be assessed and used to help select those suppliers that will be invited to tender. Suppliers should not be excluded from being invited to tender simply because they have no record of supplying from a TPP-compliant source, but marks can be awarded to suppliers with a proven track record.

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<sup>12</sup> There cannot, of course, be any exceptions to the requirement that Legal timber and wood-derived products are purchased.

<sup>13</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b-evidence](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b-evidence)

For goods and service contracts, the Contracting Authority can consider track record over the last three years but cannot go beyond that and must restrict consideration to the supply of goods and services of a similar type. The time limit for works contracts is five years. Evidence of failure to supply TPP-compliant timber and wood-derived products where there was a promise to do so can be taken into consideration when assessing how well suppliers meet the selection criteria.

Contracting Authorities can ask at this stage for evidence (including independent verification) of systems employed to implement sourcing policy and to ensure chain of custody control throughout the supply chain.

A supplier *must* be rejected if it has been convicted of certain criminal offences, and *may* be rejected on other grounds such as being convicted of a criminal offence relating to the conduct of their business<sup>14</sup>. Illegal conduct in this context could include non-compliance with the requirements of the EUTR. Under the EUTR, from 3<sup>rd</sup> March 2013, placing illegally harvested timber and wood products on the market is prohibited.

A Contracting Authority's reaction to any such *alleged* misdemeanour must be proportionate and any attempt to subsequently rectify an alleged offence by a supplier must be taken into account.

#### ***Stage Four: Invitation to Tender (ITT).***

The ITT covering letter and ITT specification should clearly identify the requirement for the Contractor to supply timber and wood-derived products originating from a TPP-compliant source, and to arrange and pay for independent verification if requested. A model paragraph for inclusion in the ITT covering letter is at Annex C.

#### ***Stage Five: Evaluation of Tenders and Contract Award***

Bidders shall be required to indicate their acceptance of the contract conditions to supply TPP-compliant timber and wood-derived products, and to prove it as a requirement of submitting a compliant bid. This can be achieved by bidders signing a statement to this effect as part of their ITT response. If they do not agree to abide by the contract conditions, their bid can be marked as non-compliant.

As outlined in section 4 below, evidence of compliance can be provided by a recognised certification scheme (Category A evidence) or through other acceptable evidence (Category B evidence or FLEGT-licence or equivalent evidence).

Even though a Contracting Authority may have doubts as to a tenderer's ability to obtain independent verification, a Contracting Authority must

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<sup>14</sup> See the Public Contracts Regulations 2006 for further details.

consider a tenderer's offer to supply properly verified timber and wood-derived products as a legitimate promise. However, as part of the contract award stage of a procurement procedure, tenderers can be reminded of the condition obliging them to obtain independent verification if requested post-award and the implications of failure to comply with the conditions of the contract.

When a Contractor indicates that they cannot provide TPP-compliant timber and wood-derived products, then that bid should not be considered further.

In a procurement regulated by the EU public procurement rules, in the event of no tender offering fully compliant bids under the open or restricted procedures, then a Contracting Authority needs to assess whether to reject all bids and re-tender (with all the consequent time and cost implications) or to move to a negotiated procedure.

### ***Stage Six: Contract Management***

As mentioned at Stage Two above, model contract condition text is included at Annex D. This should be used as a supplementary condition to general conditions of contract for all contracts and funding mechanisms including the supply of timber and wood-derived products.

The model contract condition includes the model specification text and also includes social criteria which must be complied with in the performance of the contract. Public Procurement law does not permit contracting authorities to include social criteria at the specification stage of a procurement unless these are, amongst other things, related to the subject matter of the contract. The social criteria are demonstrably linked to the performance of contracts and there is therefore scope to include them in contract conditions, hence they are set out here in Stage Six and in Annex D.

Once the contract has been entered, Contracting Authorities may request documentary evidence of compliance with the contract specification before the timber and wood-derived products are delivered. This may present difficulties for the Contractor but, where reputations are at risk, it is in both parties' interests to clarify the source of the timber and wood-derived products before a Contracting Authority has to resort to rejecting deliveries.

There will be occasions where suppliers use their best endeavours to ensure that their supply chain provides TPP-compliant timber and wood-derived products but are unable to provide credible evidence. Where timber and wood-derived products are covered by the EUTR, suppliers and Contracting Authorities must ensure that the obligations set out in 2.3.2 are met. Contracting Authorities will need to consider whether there has been a clear breach of compliance with the contract specification and, if so to consider notifying other Contracting Authorities who in turn may be able to take non-performance into account when selecting suppliers to invite to bid for future

contracts. Where a decision is made to take no action in the event of a Contractor being unable to demonstrate contract compliance, an audit trail leading to such decision should be stored on the file.

## 4. Types of Evidence

### 4.1 Evidence of legal and sustainable origin

If requested by Contracting Authorities, suppliers are required to provide evidence that their timber and wood-derived products comply with the TPP requirements laid out in the technical specifications (see Stage Two in Section 3 above). Where a Contracting Authority has doubts as to the credibility of the evidence, it may request that the Contractor has the evidence independently verified. In order to demonstrate that timber and wood-derived products are from a Legal and Sustainable source (note that FLEGT-licensed or equivalent sources are dealt with in section 4.2 below) it is necessary to prove:

- **The source of the timber (traceability):** In general, timber and wood-derived products go through a number of stages between the forest and the final product. Since the policy applies to legality and sustainability in the forest, it is necessary to know the area of the forest the timber originated from.
- **That the forest source was legally and sustainably managed:** Once the source of the timber is known, then it is necessary to show that the forest was managed legally and sustainably (see Definition of Legal and Sustainable on the CPET website [here](#)<sup>15</sup> for further details).

Therefore, evidence related to both management of the forest and the chain of custody is required. Two types of evidence are accepted:

#### 4.1.1 Category A evidence

**Category A evidence** is independent certification under a scheme recognised by the UK government as meeting the criteria set out in the document entitled '*UK Government Timber Procurement Policy: Criteria for Evaluating Certification Schemes (Category A Evidence)*' (available from Contracting Authorities on request and the CPET website [here](#)<sup>16</sup>).

A list of assessed certification schemes that currently meet the government's requirements can also be found on the CPET website [here](#)<sup>17</sup>. Certification schemes include both forest management certification and chain of custody certification.

#### 4.1.2 Category B evidence

**Category B evidence** is documentary evidence (other than Category A evidence) that provides assurance that the source is TPP-compliant.

Further information on collecting and evaluating Category B evidence is set out in the UK Government Timber Procurement Policy: Framework for

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<sup>15</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability](http://www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability)

<sup>16</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/cpet-s-assessment-of-evidence/assessment-of-certification-schemes-category-a](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/cpet-s-assessment-of-evidence/assessment-of-certification-schemes-category-a)

<sup>17</sup> [www.cpet.org.uk/evidence-of-compliance/category-a-evidence/approved-schemes](http://www.cpet.org.uk/evidence-of-compliance/category-a-evidence/approved-schemes)

Evaluating Category B Evidence (available from Contracting Authorities on request and the CPET website [here](#)<sup>18</sup>).

Category B evidence can be combined with Category A evidence (for example a certified forest of origin combined with non-certified evidence of chain of custody). UK government-defined standards for ‘legal and sustainable’ may be acceptable as part of Category B evidence; the definition of ‘sustainable’ requires that a local definition is developed through an inclusive, multi-stakeholder process. Standards defined by governments or other groups constituting a single stakeholder group (e.g. an industry standard or an NGO standard) do not meet this requirement. However, if a single-stakeholder standard can be evaluated against a relevant multi-stakeholder standard which does meet the UK government requirements and which has been developed for the same geographical area, and can be shown to be broadly equivalent in terms of outputs, then it may be acceptable. Contact CPET for further details on this.

#### **4.2. Evidence of FLEGT-licensed origin or equivalent**

The Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan is the foundation of the European Union’s efforts to support improvements to forest governance around the world. A key part of the FLEGT Action Plan is the negotiation of bilateral Voluntary Partnership Agreements (VPAs) between the European Union and timber-producing countries. Under the terms of a VPA a country agrees with the EU to implement a timber licensing system. From that country, the EU will only accept licensed products, and unlicensed products will be refused customs clearance with the aim of preventing illegal products from entering the EU market.

**4.2.1. FLEGT-licensed timber:** Once a licensing scheme has been established in a VPA partner country, licensed timber and wood-derived products arriving in the EU from that country should be accompanied by appropriate licence documentation (the FLEGT-licence) which will be checked at import. It will then be necessary to have adequate supply chain controls in place from the point of import to the point of delivery to Contracting Authorities to demonstrate that the material being delivered was FLEGT-licensed. This is exactly the same as for any Category B-based evidence and could take the form of:

- A certified generic chain of custody system; or
- Adequate documented evidence of supply chain control.

Once a FLEGT-licensing system is fully operational the FLEGT-licence will apply to relevant products<sup>19</sup> from the partner country.

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<sup>18</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b-evidence](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b-evidence)

<sup>19</sup> Each VPA will specify which categories of product will be included in the scope of the licensing scheme. This will always include logs, sawn timber and plywood, but may not always apply to processed products such as mouldings, furniture or paper.

Currently there are no FLEGT-licensed timber and wood-derived products available in the market and therefore further detailed guidance from CPET will follow as FLEGT-licensed timber and wood-derived products become available. The CPET website [here](#)<sup>20</sup> will contain up-to-date links to information on which countries have signed VPAs, whether the licensing scheme in each country is operational, and what products are included in the scope of the scheme. Other information such as what licences look like in practice will also be provided.

**4.2.2. Where a VPA between the EU and a timber-producing country has been entered into but the licensing system is not yet in operation, timber and wood-derived products harvested from that country may be accepted, where they demonstrate compliance with the Definition of Legal and Sustainable (where equivalent to FLEGT-licensed can be evidence of meeting the definition of ‘sustainable’).** After a VPA has been entered into, it is expected that there will be an interim period before a licensing system becomes fully functional. However, an individual timber producer in a country that has entered into a VPA may have put in place all the requirements for the licensing system prior to its official implementation (which would then make the licensing applicable to all exporters to the EU). In such cases, timber and wood-derived products exported by that individual timber producer will be considered to meet the requirements of the UK government’s TPP where it meets all of the FLEGT requirements, provided that they **demonstrate compliance with the TPP definition of ‘legal’**.

The timber must also meet requirements for independently-verified compliance and supply chain controls that would apply if the licensing system were in place. **In respect of timber from a particular origin, this option will be applicable only for an agreed period, reflecting the timetable agreed between the EU and the timber-producing country.** Further advice on this is available from CPET.

**4.2.3. Timber and wood-derived products deriving from a FLEGT partner country which have been processed in a third country may also be acceptable, provided that they demonstrate compliance with the Definition of Legal and Sustainable (where equivalent to FLEGT-licensed can be evidence of meeting the definition of ‘sustainable’).** Where timber and wood-derived products are exported from a country that has entered into a VPA to a country outside the EU for further processing prior to import into the EU, there must be adequate chain of custody controls in place to ensure that the material used in a product meet FLEGT licensing conditions immediately prior to processing, and that no other timber and wood-derived products other than TPP-compliant timber and wood-derived products were used in the product. Further advice on this is available from CPET.

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<sup>20</sup> [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/flegt](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/flegt)

**4.2.4. Equivalent evidence from countries that have not entered into a VPA and which demonstrates compliance with the Definition of Legal and Sustainable (where equivalent to FLEGT-licensed can be evidence of meeting the definition of ‘sustainable’) will be acceptable (as with all Category B evidence).** The guidance on equivalence to FLEGT requirements will be refined as VPAs are developed and signed. All queries concerning FLEGT equivalence should be referred to CPET.

### ***4.3 Evaluating evidence***

**Requesting copies of evidence:** It is recommended that evidence of compliance should be requested using a risk-based approach. Thus, where timber and wood-derived products are from a high-risk source, that is, where the record of forest governance is poor and forest management not always responsible, then proof should be routinely requested and, if found to be inadequate, independent verification required. Further information on risk assessment of sources is available from CPET.

**Independent verification:** The model contract condition at Annex D reserves the right for a Contracting Authority to require independent verification of the evidence that their timber or wood-derived products comply with the contract specification. Such independent verification must be provided and paid for by the supplier and must result in a report that (a) verifies the forest source of the timber or wood-derived product and (b) assesses whether the source meets the criteria for being TPP-compliant.



## Annex A Glossary of Terms

The terms defined in Annex A are for use in this Note and, where appropriate, they should accompany the model specification in Annex B and contract condition in Annex D.

### 1. Definitions

1.1 Timber and wood-derived products: means any product that contains wood or wood fibre, with the exception of ‘recycled’ materials (see below). Such products range from solid wood to those where the manufacturing processes obscure the wood element (e.g. paper).

Timber and wood-derived products supplied or used in performance of the contract that have been recycled or reclaimed are referred to as ‘recycled’ timber, which is defined below.

Timber and wood-derived products supplied or used in performance of the contract that are not recycled are referred to as ‘virgin’ timber when the distinction needs to be made for clarity.

Short-rotation coppice is exempt from the requirements for timber and wood-derived products and falls under agricultural regulation and supervision rather than forestry.

1.2 Legal and Sustainable: means production and process methods, also referred to as timber production standards, and in the context of social criteria, contract performance conditions (only), as defined by the document titled *‘UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement’*, (available from the Contracting Authority on request and from the CPET website [www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability](http://www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability)). The edition current on the day the contract is awarded shall apply.

1.3 FLEGT: means Forest Law Enforcement, Governance and Trade, and is a reference to the EU FLEGT Action Plan, which aims to help tackle the urgent issue of illegal logging and associated trade.

1.4 FLEGT-licensed: means production and process methods, also referred to as timber production standards, and in the context of social criteria, contract performance conditions (only), as defined by a bilateral Voluntary Partnership Agreement (VPA) between the European Union and a timber-producing country under the FLEGT scheme, where both parties have agreed to establish a system under which timber that has been produced in accordance with the relevant laws of the producing country, and other criteria stipulated by the VPA, are licensed for export by the producing country government.

1.5 Recycled: means recovered wood that prior to being supplied to the Contracting Authority had an end use as a standalone object or as part of a structure and which has completed its lifecycle and would otherwise be disposed of as waste. The term 'recycled' is used to cover the following categories: pre-consumer recycled wood and wood fibre or industrial by products but excluding sawmill co-products (sawmill co-products are deemed to fall within the category of virgin timber), post-consumer recycled wood and wood fibre, and drift wood. It also covers reclaimed timber which was abandoned or confiscated at least ten years previously. Documentary evidence and independent verification also apply to recycled materials, but will focus on the use to which the timber was previously put rather than the forest source.

1.6 Short-rotation coppice: means a specific management regime whereby the poles of trees are cut every one to two years and which is aimed at producing biomass for energy. It is exempt from the UK government TPP requirements and falls under agricultural regulation and supervision rather than forestry. The exemption only refers to short-rotation coppice, and not 'conventional' coppice which is forest management and therefore subject to the UK government TPP.

1.7 CPET: means the UK government's Central Point of Expertise on Timber, which provides a free telephone helpline and website to support implementation of the UK government Timber Procurement Policy.

***CPET contact details:***

Phone: 01305 236 100, Email: [cpet@efeca.com](mailto:cpet@efeca.com), Website: [www.cpet.org.uk](http://www.cpet.org.uk).

## Annex B Model Specification Text

### **1. Requirements for Timber**

1.1 All Timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and come from:

1.1.1 a Legal source; and

1.1.2 a Sustainable source, which can include a FLEGT-licensed or equivalent source.

### **2. Requirements for proof of Timber Origin**

2.1 Management of the forest or plantation shall be audited at intervals confirming ongoing good forest management and by organisations with appropriate forest management experience that are independent of the organisation that holds timber harvest and/or management rights for that forest.

2.2 The Contracting Authority will accept evidence from any of the following four categories:

2.2.1 Category A evidence: Certification under a scheme recognised by the UK government as meeting the criteria set out in the document entitled '*UK Government Timber Procurement Policy: Criteria for Evaluating Certification Schemes (Category A Evidence)*' (available from the Contracting Authority on request and on the CPET website [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/cpet-s-assessment-of-evidence/assessment-of-certification-schemes-category-a](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/cpet-s-assessment-of-evidence/assessment-of-certification-schemes-category-a)), which reflects the criteria for legal and sustainable set out in the document entitled '*UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement*' (available on the CPET website [www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability](http://www.cpet.org.uk/uk-government-timber-procurement-policy/definitions/defining-legality-and-sustainability)). The edition current on the day the contract is awarded shall apply. A list of assessed certification schemes that currently meet the government's requirements can be found on the CPET website [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/category-a-evidence/approved-schemes](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/category-a-evidence/approved-schemes). Acceptable schemes must ensure that at least 70% (by volume or weight) is from a Legal and Sustainable source with the balance from a legal source.

2.2.2 Category B evidence: Documentary evidence, other than Category A evidence and FLEGT (or equivalent) evidence, that provides assurance that the source meets the criteria set out in the document entitled '*UK Government Timber Procurement Policy: Framework for Evaluating Category B Evidence*' (available from the Contracting Authority on request and on the CPET website [www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b](http://www.cpet.org.uk/uk-government-timber-procurement-policy/evidence-of-compliance/other-evidence-as-assurance/category-b)).

[evidence](#)), which reflects the criteria for legal and sustainable set out in *‘UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement’*. The edition current on the day the contract is awarded shall apply. Such Category B evidence may include, for example, independent audits and declarations by the Contractor or his suppliers.

Where Category B evidence is to be relied on, the Contractor is required to notify the Contracting Authority of the source or sources of all virgin Timber and wood-derived products supplied. Source in this context means the forest or plantation where the trees were grown and all subsequent places of delivery through the supply chain prior to receipt of the Timber and wood-derived product by the Contracting Authority. The Contractor shall separately identify virgin Timber and wood-derived products supplied from forests and plantations that are claimed to be subject to sustainable timber production and shall submit to the Contracting Authority documentation in respect of such wood to confirm that the criteria for sustainable production set out in this specification have been met. If mixing is unavoidable within the supply chain then sources can still be accepted provided that there are adequate controls in place and at least 70% (by volume or weight) is from a Legal and Sustainable source with the balance from a legal source.

#### 2.2.3 FLEGT evidence:

- Evidence of Timber and wood-derived products being exported from a timber-producing country that has signed a bilateral Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) with the European Union and which have been licensed for export by the producing country’s government. Evidence of equivalence to FLEGT-licensed (for the purposes of the definition of Sustainable) may include Timber and wood-derived products that have been independently verified as meeting all the producing country’s requirements for a FLEGT licence (in due course), where a VPA has been entered into but the FLEGT licensing system is not fully operational, or
- Evidence from a country that has not entered into a VPA which demonstrates that all of the requirements equivalent to FLEGT-licensed timber have been met.

FLEGT-licensed Timber and wood-derived products which have been processed in a third country may also be acceptable, provided that they demonstrate compliance with the TPP definition of Legal and Sustainable (where equivalent to FLEGT-licensed can be evidence of meeting the definition of Sustainable).

## **Annex C Model paragraph for inclusion in ITT covering letter**

The tenderer's attention is drawn to the contract requirements governing the supply and use of Timber and wood-derived products in performing the contract. It is UK government policy to require that all Timber and wood-derived products originate from an independently verifiable Legal and Sustainable (which can include from a licensed Forest Law Enforcement, Governance and Trade (FLEGT) partner or equivalent) source. Timber and wood-derived products in the context of this contract include any product that contains wood or wood fibre supplied to the Contracting Authority or used by the Contractor or his agents and sub-contractors in performance of the contract.

The contract conditions require that:

1.1 all Timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and come from:

1.1.1 a Legal source; and

1.1.2 a Sustainable source, which can include a FLEGT-licensed or equivalent source;

as set out in the specification. The Contracting Authority may reject any bid that cannot offer to provide independent verification that all Timber and wood-derived products used in the contract meets this requirement.

## **Annex D Model Contract Condition - Timber and wood-derived products**

Please note that terms in square brackets will need to be defined according to the relevant contract in which the model contract condition is used.

### ***1. Requirements for Timber***

1.1 All Timber and wood-derived products supplied or used by [the Contractor] in performance of [the Contract] (including all Timber and wood-derived products supplied or used by sub-contractors) shall comply with [the Contract Specification].

1.2 In addition to the requirements of clause 1.1 above, all Timber and wood-derived products supplied or used by [the Contractor] in performance of [the Contract] (including all Timber and wood-derived products supplied or used by sub-contractors) shall originate from a forest source where management of the forest has full regard for:

- Identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;
- Mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions; and
- Safeguarding the basic labour rights and health and safety of forest workers.

### ***2. Requirements for Proof of Timber Origin***

2.1 If requested by [the Contracting Authority], and not already provided at the tender evaluation stage, [the Contractor] shall provide to [the Contracting Authority] evidence that the Timber and wood-derived products supplied or used in the performance of [the Contract] complies with the requirements of [the Contract Specification]. If requested by [the Contracting Authority] [the Contractor] shall provide to [the Contracting Authority] evidence that the Timber and wood-derived products supplied or used in the performance of [the Contract] complies with the requirements of the social criteria defined in section 1.2 above.

2.2 [The Contracting Authority] reserves the right at any time during the execution of [the Contract] and for a period of 6 years from final delivery under [the Contract] to require [the Contractor] to produce the evidence required for [the Contracting Authority's] inspection within 14 days of [the Contracting Authority's] written request.

2.3 [The Contractor] shall maintain records of all Timber and wood-derived products delivered to and accepted by [the Contracting Authority]. Such information shall be made available to [the Contracting Authority] if requested, for a period of 6 years from final delivery under [the Contract].

### **3. Independent Verification**

3.1 [The Contracting Authority] reserves the right to decide whether the evidence submitted to it demonstrates that the Timber and wood-derived products comply with [the Contract Specification]. [The Contracting Authority] reserves the right to decide whether the evidence submitted to it is adequate to satisfy [the Contracting Authority] that the Timber and wood-derived products comply with the requirements of the social criteria defined in section 1.2 above.

In the event that [the Contracting Authority] is not satisfied, [the Contractor] shall commission and meet the costs of an 'independent verification' and resulting report that will (a) verify the forest source of the Timber and wood-derived products and (b) assess whether the source meets the relevant criteria.

3.2 In [this Contract], 'Independent Verification' means that an evaluation is undertaken and reported by an individual or body whose organisation, systems and procedures conform to ISO Guide 65:1996 (EN 45011:1998) General requirements for bodies operating product certification systems or equivalent, and who is accredited to audit against forest management standards by a body whose organisation, systems and procedures conform to ISO 17011: 2004 General Requirements for Providing Assessment and Accreditation of Conformity Assessment Bodies or equivalent.

### **4. [Contracting Authority's] Right to Reject Timber**

4.1 [The Contracting Authority] reserves the right to reject any Timber and wood-derived products that do not comply with [the Contract Specification]. [The Contracting Authority] reserves the right to reject any Timber and wood-derived products that do not comply with the requirements of the social criteria defined in section 1.2 above.

Where the [Contracting Authority] exercises its right to reject any Timber and wood-derived products, [the Contractor] shall supply alternative Timber and wood-derived products, which do so comply, at no additional cost to [the Contracting Authority] and without causing delay to [the Contract] completion period.

Signed

Name in Capitals (as in tender)

For and on behalf of

Date