



SPP Guidelines

Integrating Sustainability Criteria for Paper into
Public Procurement Procedures



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I. Introduction to Sustainable Public Procurement (SPP)

1.1. Sustainable development priorities in Vietnam

According to the “**Sustainable Development Strategy of Vietnam**” issued by the Prime Minister in 2012, the socio-economic development objectives of Vietnam for the period 2011 to 2020 focus on **sustainable economic development** and **economic restructuring** with the aim to increase production quality and competitiveness, enhance **natural resource effectiveness**, as well as ensure **social security**. Besides the Sustainable Development Strategy, there are many strategies and policies regulating specific aspects of sustainable development, including environmental protection, sustainable consumption and production (SCP), green purchasing, etc.

According to the Sustainable Public Procurement (SPP) Status Assessment report¹, public spending in Vietnam represents between 20 to 30% of the total financial budget of the State. Given the sizable public procurement budget, the kinds of goods, works and services the Government of Vietnam purchases can have considerable influence in shaping the social, economic and environmental landscape. This is particularly the case for sectors or product categories where government accounts for the largest market share. In this sense, the procurement of sustainable products and services could enable the Government of Vietnam to meet its key sustainable development objectives outlined above, as well as other social, economic and environmental goals defined in other strategies, policies and legislation.

SPP definition

According to UN Environment’s SPP Implementation Guidelines², ‘**sustainable procurement**’ is defined as: “A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating

¹ Binh, T.N, Trung, N.D., 2015, Sustainable Public Procurement Status Assessment Report. This report was carried out under the Stimulating Demand and Supply of Sustainable Products through Sustainable Public Procurement and Ecolabelling Project (SPPEL) financed by the European Commission and is available at: www.spcclearinghouse.org/resource/assessment-report-sustainable-public-procurement-status-vietnam-april-2015

²Available at: www.spcclearinghouse.org/sites/default/files/sustainable_public_procurement_implementation_guidelines.pdf

benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment”. SPP is differs from traditional public procurement as it employs the life cycle approach to evaluate the environmental, social, and economic costs and benefits of the products and services. Through SPP, public agencies can purchase the products and services with a lower total cost of ownership (e.g. less energy consumed) and potential higher environmental and social benefits (e.g. less toxic matter, avoid child labour, etc.).

1.2. Objectives and potential benefits of SPP

SPP implementation in Vietnam will contribute directly to the **SCP objectives** defined by the Government of Vietnam in its **National Action Plan for Sustainable Consumption and Production**³ (January 2016). According to the Action Plan, SCP aims to transform production and consumption towards greater resource and energy efficiency, promote renewable material and energy sources; reuse, reduce, and recycle waste; and maintain ecological sustainability throughout the product life cycle -- from exploitation, input material, supply, production and processing, distribution, consumption, and disposal. In line with these SCP objectives, implementation of SPP will promote sustainable consumption and production practices through the prioritized acquisition of sustainable goods, works and services by public entities.

In particular, SPP provides a wide range of benefits not only for purchasers and suppliers, but also the whole society, economy, and environment. Some of the advantages of SPP implementation in the context of Vietnam’s sustainable development objectives include:

Environmental benefits: through the reduction of water and energy consumption; reduction of waste from production, packaging, distribution and consumption; reduction of toxic substances used and emitted; and the protection of natural resources through sustainable exploitation.

³<https://thuvienphapluat.vn/van-ban/Thuong-mai/Quyiet-dinh-76-QD-TTg-chuong-trinh-hanh-dong-quoc-gia-san-xuat-tieu-dung-ben-vung-2016-300366.aspx>

Social benefits: through the creation of equal opportunities for all labourers (female, ethnic minorities, people with disabilities, veterans, etc.) and the protection of human health (both workers and users).

Economic benefits: through the promotion, development and participation of small and medium-size enterprises (SMEs) in selling their products in large volumes, using more local resources (e.g. natural resources, human resources, financial resources, etc.).

1.3. SPP status in Vietnam

With support from UN Environment through the Stimulating Demand and Supply of Sustainable Products through Sustainable Public Procurement and Ecolabelling (SPPEL) project, SPP has entered the piloting phase in Vietnam. The initial efforts of the Government of Vietnam and related ministries in introducing SPP and raising awareness on this matter, through the provision of training courses, organization of technical workshops, and development of communication material, are remarkable and have achieved results. Among the government agencies, the Ministry of Natural Resources and Environment (MONRE) is the leading institution for promoting the implementation of SPP in Vietnam. MONRE has conducted a series of studies (e.g. SPP status assessment, SPP legal review, market analysis, etc.) under the SPPEL project to help guide the implementation of SPP. In addition, the Ministry has been instrumental in implementing the Best Available Techniques (BAT) and Best Environmental Practices (BEP)⁴ and SICEIM⁵ projects (internationally known as “SAICM”⁶), as well as managing the Green Label Program⁷ at the national level.

II. Legal framework for SPP in Vietnam

⁴ <http://vea.gov.vn/vn/hoptacquocte/cacduan/duanBATBEP/Pages/default.aspx>

⁵ <http://vea.gov.vn/vn/hoptacquocte/cacduan/SICEIM/Pages/default.aspx>

⁶ www.saicm.org

⁷ National certification program for sustainable products. For more information: <http://vea.gov.vn/VN/khoahoccongnghe/nhanxanh/Pages/trangchu.aspx>

Currently in addition to the adoption of the Sustainable Development Goals⁸, many directives, resolutions of the Party, and legal documents of the State have been enacted and implemented to realize the national objective of sustainable development. These documents include **Decision No. 432/QĐ-TTg** of the Prime Minister dated 12/4/2012 on approval of the Sustainable Development Strategy for the 2011-2020 period, **Decision No. 1393/2012/QĐ-TTg** of the Prime Minister dated 15/9/2012 on approval of the **National Green Growth Strategy (NGGS)**, and the **National Environmental Protection Strategy to 2010 and Orientation Toward 2020**. These provided the general legal orientations for the ministries, sectors, localities, organizations and individuals associated with implementing and coordinating actions to ensure the sustainable development of the country.

Decision No. 432/QĐ-TTg (17 April, 2012) initiated the **Sustainable Development Strategy in Vietnam**. The Strategy relates to **cleaner production, environmental friendliness, and clean industrialization**. One of the priorities of the Strategy is **sustainable consumption and production**. Mass application of cleaner production, in order to increase the efficiency of natural resources, materials, energy, water while reducing emissions and pollution rate and quality protection of the environment, are to be prioritized. Gradually, the implementation of eco-labelling and green procurement, and the development of an eco-product market and of community-based initiatives for sustainable consumption and production have also been acknowledged as priorities.

Approved in September 2012, the **National Green Growth Strategy (NGGS)** aims to accelerate the process of economic restructuring by promoting ‘green production’, reduce greenhouse gas emissions through research and application of modern technologies, and drive economic growth in a sustainable manner through stimulating green lifestyles and promoting sustainable consumption. Regarding the sustainable consumption and SPP, the Activity 64 of the National Green Growth Strategy clearly stated that all public entities should promote the purchase of

⁸A set of goals to end poverty, protect the planet and ensure prosperity for all as part of a new sustainable development agenda adopted by the member countries of the UN on September 25th 2015.
<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>

environmentally friendly products whenever the financial resource is disbursed from the state budget.

In order to better protect the environment from negative impacts of human activities, the **Law on Environmental Protection** was developed by the National Assembly and put into effect on 23 June 2014. **Article no. 44** of this law regulates eco-friendly consumption and production which assigns the public entities shall bear theirthe responsibility for of preferring eco-friendly products and services that have been recognized by eco-labels under legal regulations. This Aarticle also identifies MONRE as the lead agency for communication and promotion of eco-friendly products and services.

In terms of procurement practices and procedures, the regulations on creating priorities for enterprises applying social criteria (gender equality, job creation for people with disabilities, ethnic minorities) were stated in the **Law on Procurement 2013 (43/2013/QH13)**⁹. Meanwhile, regarding the environmental criteria, preferences are currently applied for energy saving products (light bulbs, lighting systems, office facilities and equipment and transportation vehicles). Currently, the Ministry of Natural Resources and Environment and the Ministry of Finance are co-developing a circular to provide the legislative foundation for selecting sustainable products in public procurement. It will also instruct the public entities the procedure, criteria, and means of verification for sustainable products.

III. Definition of SPP requirements

Office paper is defined by the Viet Nam Environment Administration (VEA) as paper used for printing, copying, writing, and other stationery paper in offices, schools, and factories.

Before going further with sustainability requirements for paper, please rethink the amount and type of paper you would like to purchase by asking yourself these questions:

- What can we do with used paper? Can we recycle it or sell it to local trash collectors?

⁹ <https://thuvienphapluat.vn/van-ban/Dau-tu/Luat-dau-thau-2013-215838.aspx>

- Can we reuse the used paper for any purpose, which can help reduce the amount of paper we are going to purchase (i.e. draft printing, note taking)?
- What is the type of paper we need to reduce the cost of ownership? Can we print on both sides? Can we use the paper for different equipment (printer, copier, fax, colour printer)?
- Can we use recycled paper instead of the conventional one?

After determining the type and amount of paper to be purchased, please consider the following SPP requirements.

3.1. Description of environmental, social and economic sustainability of office paper

In addition to the current regulation under the Law on Procurement, more environmental, social, and economic sustainability criteria should be used in the selection of paper products; these criteria are explained below. Please refer to Annex 2 to see an example of **Criteria on technical specifications inclusive of sustainability requirements applicable to the market in Viet Nam.**

Environmental sustainability: Environmentally sustainable paper can be defined as any effort undertaken to reduce deforestation resulting from paper production, as well as consuming lower amounts of energy and water, producing fewer emissions and avoiding certain substances in paper production and bleaching. Currently, paper is produced in many environmentally responsible forms. Paper can be manufactured from partly to fully recycled materials using pre- and post-consumer waste. It can also be derived from sustainable forests, where trees are grown specifically for paper production. Paper can be produced without chlorine bleaching. Finally, paper can be produced from plant fibres other than timber such as cotton, hemp, bamboo or sugar cane. A4paper is sub-categorized in terms of environmental sustainability as follows:

- Paper produced from sustainable fibre sources: Virgin fibre paper is most commonly used and comes directly from native forests. Virgin fibre paper contains the strongest fibre but has the most immediate impact on the forests. However, that impact is

diminished if paper is produced from virgin fibre stemming from legally-harvested woods and from sustainably-managed forests.

- **Recycled Paper:** Generally the term “recycled paper” is applied to any sort of environmentally-friendly paper. It can be made from paper used by the consumer (post-consumer recycling) or from scraps from paper mills, which were not used in making finished paper (called post-production or pre-consumer recycling).
- **Consuming lower amounts of energy and water:** Water and energy consumption levels can vary depending on the different paper production. Many studies show that the production of recycled paper requires less energy and water than those for paper based on virgin fibre.
- **Chlorine free:** Chlorine or chlorine substances and other chemicals (such as ozone or hydrogen peroxide) can be used in the paper bleaching process in order to obtain a final product with a high whiteness level. The usage of chlorine in the paper making process is extremely harmful to the environment. There are three types of sustainable bleaching: process chlorine free (PCF), elemental chlorine free (ECF), and totally chlorine free (TCF).
- **Avoiding other chemical substances:** Some of the synthetic polymers, colorants, dyes and other chemical that can be used in pulp and paper production have adverse impacts on the environment. Thus, avoidance of certain substances in paper production is important for environmental sustainability.
- **Environmentally-friendly packaging:** The packaging for the paper will not contain Polyvinyl Chloride (PVC) or other chlorinated plastics.
- **Environmentally sound disposal:** Instructions to dispose or recycle the paper and its packaging cover after use.

Social sustainability: It is important that public money is used in a way that achieves as much social benefit as possible. This means that money should not simply be focused on paying for a product, but should attempt, where possible, to achieve wider benefits across society. In this respect, paper, in terms of social sustainability, can be defined as any effort that **creates social**

value in national and local communities. A4 paper is sub-categorized in terms of social sustainability as follows:

- Compliance with the Law on Labour: The producers and distributors must comply with all the contents regulated in the Law on Labour. If the producer is from another country and sells the paper directly to the buyer in Viet Nam, it has to **comply with its national law on labour and other international labour standards** and human rights laws.
- Create **equal opportunity** in recruitment: The producers and distributors create opportunities for female employees, people with disabilities, and people from ethnic minorities to get job opportunities in their companies/factories with the same benefits as regular workers.

Economic sustainability: Paper, in terms of economic sustainability, can be defined as a contributing to local economic outcomes including cost savings. A4 paper is sub-categorized in terms of economic sustainability as follows:

- Small enterprises as regulated in the Law of Enterprise: In Vietnam, SMEs have significant positive impacts on economic growth, through enhancing entrepreneurship, promoting creativity, and creating linkages with large and state owned enterprises (SOEs). Promoting SMEs also helps to develop financial markets, especially micro credit, and ensures social equality and stability. Procurement from SMEs can prove that the public entities give equal opportunity to both large enterprises and SMEs, both SOEs and private companies.
- Percentage of the input material from local resources (not from imported sources): Using the input material exploited from local resources means that the product will have more added value for the domestic producers. As Vietnam is currently exporting different raw materials, the procurement of processed products from domestic resources will encourage domestic production and help to increase the added value for national products.
- Preference for domestic producers: In some cases, preference should be given to domestic producers as they are employing the local labours and contributing to the

national gross domestic product. Buying from domestic producers will encourage them to produce more sustainable products and services, not only for public entities but also for the conventional market.

3.2. Why has office paper been selected in the framework of SPP guidelines?

Office paper is one of the most frequently purchased products in every office, especially in public entities for which administrative tasks require a huge amount of printing and copying paper.

The average annual budget for stationery is about 2 to 3 million VND for one officer, of which the quota for A4 office paper is about 4 to 5 reams per officer.

Though the expenditure for office paper is relatively small in comparison to other products purchased by public entities, the higher frequency of procurement is the main criterion which lead to the selection of paper as a prioritised product at the piloting phase of SPP. Buying more sustainable paper could help governmental officers raise their awareness on sustainable public procurement and its benefits.

Moreover, the readiness of an eco-labelling scheme for paper is also a plus. The Viet Nam Green Label Office developed the **Green Label criteria for paper** in 2014, which was piloted with Van Diem Paper Company. The selection of paper also creates a good opportunity for introducing the Green Label to other paper producers and importers in Vietnam.

3.3. Environmental labels / voluntary sustainability standards for office paper

With each criterion (environmental, social and economic), we have to find an indicator and means of verification to assess the qualification of the bidders. For example, if we want to purchase paper produced/exploited from sustainable sources (sustainably managed forest, planted forest, etc.), we should specify (1) an indicator for this criterion, such as “at least 50% of paper material/pulp was produced from sustainable sources” and; (2) the means of

verification of the ratio of input material of paper, which could be the input material report, production report, declaration of the producer, or the relevant eco-label.

Eco-labels can be used by procurers in the following three manners: (1) as a mandatory requirement; (2) as a reference to define technical specifications, award criteria, or contract performance clauses; and/or (3) as a mean to verify compliance with technical specifications, award criteria or contract performance.

So, what are the eco-labels for paper? These are Viet Nam's own Green Label for office paper, as well as two international eco-labels currently applied to imported office paper products sold in Vietnamese -- the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC) labels.

Green Label

The Viet Nam Green Label Office developed the **Green Label criteria for office paper** in 2014, coded as NXVN 07:2014¹⁰. The criteria clearly defines the requirements for input material; production processes; marketing, purchasing and consumption; and finally disposal.



Forest Stewardship Council Label

The **Forest Stewardship Council (FSC)** is an international non-profit, multi-stakeholder organization established in 1993 to promote the responsible management of the world's

¹⁰<http://vea.gov.vn/vn/khoahoccongnghe/nhanxanh/nhomsp/vanphongpham/Pages/NXVN07-2014.aspx>

forests. The FSC does this by setting standards on forest products, along with certifying and labelling them as eco-friendly.



- **FSC forest management certification** confirms that the forest is being managed in a way that preserves the natural ecosystem and benefits the lives of local people and workers, all the while ensuring that it sustains economic viability. Forest management certification is awarded to forest owners and managers whose operations and processes meet FSC standards.
- **FSC chain of custody certification** verifies that FSC-certified material has been identified and separated from non-certified and non-controlled material as it makes its way along the supply chain from point A all the way through to point B. To achieve a chain of custody certification, the business must meet the FSC-STD-40-004 Chain of Custody Certification standard. Chain of custody certification applies to businesses that manufacture or sell forest products. It confirms that FSC-certified material is handled and tracked correctly throughout the entire supply chain¹¹.

Programme for the Endorsement of Forest Certification Label

The **Programme for the Endorsement of Forest Certification (PEFC)** is a voluntary mechanism promoting sustainable forest management providing independent, third party certification of good practices.

¹¹<https://ic.fsc.org/en/what-is-fsc-certification/chain-of-custody-certification>



PEFC is currently the world's largest forest certification system and provider of two thirds of the world's certified sustainably managed wood. The PEFC label helps the user to identify whether the product is produced from sustainable wood raw material, which is legal, from well-managed forests, and traceable.

IV. Supplier selection

The selection stage of bidders allows contractors to:

- Exclude companies from tendering for not meeting certain conditions (exclusion criteria); and
- Select the most suitable companies based on technical ability and previous experience in relation to the subject matter of the contract (selection criteria).

Both sets of criteria provide opportunities for pursuing sustainability goals, as outlined below.

4.1. Overview of exclusion criteria

According to the Law of Procurement, there are 9 prohibited practices. However, in order to ensure that public procurement is sustainable, beside the 9 prohibited practices as regulated by the law, we should also consider the legal compliance of the bidder with environmental and social, and economic regulations. Hence, another exclusion criteria is proposed as the 10th exclusion criteria. The bidder will be excluded if there is any evidence for one of those practices being found.

1. Giving, receiving, brokering bribery.
2. Abuse of position or power to illegally intervene in procurement.

3. Collusion, which includes the following practices:

- Agreeing to withdraw from bidding or to withdraw the submitted bid, so that one or more parties involved in the bid rigging can win the contract;
- Agreeing to let one party or more parties prepare bids for other parties, in order for one party to win the bidding;
- Agreeing to refuse to supply goods or sign sub-contracting agreements or do other things causing difficulties to those parties who are not involved in the collusive arrangement.

4. Frauds, which include the following practices:

- Intentionally making misrepresentations or distorting information, forging documents of a party in procurement in order to obtain a financial or other benefit, or to avoid any obligation;
- Any individual directly involved in evaluating Bids, appraising the results of short-listing or bidder selection who intentionally misreport or provide untruthful information to distort the result of bidder selection;
- Bidders who intentionally provide untruthful information in Bids to distort bidder selection results.

5. Obstruction, which includes the following practices:

- Destroying, deceiving, altering or concealing of evidence or misrepresenting; threatening, harassing or suggesting to any party, in order to impede investigations on giving, accepting or brokering a bribe or collusive practices with the agency having authority, function of oversight, examination, inspection, auditing;
- Obstructive practices against bidders and authorized agencies in charge of oversight, examination, inspection, or auditing.

6. Failing to ensure fairness and transparency includes the following practices:

- Being a bidder participating in the packages for which the same party is the Procuring Entity or Employer, or perform tasks of Procuring Entity or Employer;

- Involving in both preparation and appraisal of the BD under the same procurement package;
- Involving in both evaluation of Bids and appraisal of bidder selection results under the same procurement package;
- Being directly involved in the bidder selection process as a member of Procuring Entity or of the Employer or being involved as a member of the evaluation team or bidder selection result appraisal team or being head of Employer, Procuring Entity for procurement packages in which their natural father or mother, or father- or mother-in-law, or spouse, natural child, adopted child, son- or daughter-in-law or natural brother(s) or sister(s) participates as a bidder or the legal representative of a bidder;
- Bidders bidding for the procurement package of civil works for which they have provided the consulting service before;
- Bidding for a procurement package under a project administered by their former employer as the Employer or Procuring Entity within 12 months from his or her resignation from such agency or organization;
- Applying selection methods other than open bidding when the required conditions set forth in the Law on Procurement No.43/2013/QH13 do not suffice;
- Specifying a specific brand name or origin of goods as a requirement in the BD;
- Bid packaging in a project or a purchase budget in a manner that goes against Law on Procurement No. 43/2013/QH13 for the purpose of direct contracting or restricting participation of bidders.

7. Divulging, receiving the following information, documents on the bidder selection process, except for circumstances stipulated in paragraph b, Item 7, Article 73, Item 12, Article 74, paragraph i, Item 1, Article 75, Item 7, Article 76, Item 7, Article 78, paragraph d, Item 2, Article 92 of Law on Procurement No. 43/2013/QH13:

- Contents of bidding documents prior to the specified date of issuance;

- Contents of Bids, note-taking books, minutes of bid evaluation meetings, and comments or remarks on each bid before the bidder selection result is published;
- Request for clarification of Bids made by the Procuring Entity and responses thereto submitted by bidders during the bid evaluation process before the bidder selection result is published;
- Reports made by the Procuring Entity, the evaluation team, appraisal reports, reports of the consultants or related functional agencies in the bidder selection process prior to publication of bidder selection results;
- Bidder selection results prior to they are published as required;
- Other relevant documents in the bidder selection process that are marked “confidential” in accordance with laws.

8. Contract assignment, including the following practices:

- The contractor transfers to another contractor a portion of the package amounting to 10% or higher (after deducting the portion of works under the responsibility of the subcontractors) of the price of the signed contract;
- The Employer or Supervision Engineer allows the contractor to transfer the work for which the bidder is responsible, except the portion of work under the responsibility of subcontractors specified in the contract.

9. Organizing bidder selection before the funding source for the package has been secured, resulting in delayed payments to the bidder.

10. Non-compliance with fundamental environmental, labour and economic laws (i.e. Law on Environmental Protection, Law on Labour, Law on Corruption Prevention and Mitigation, etc.).

4.2. Overview of selection criteria

According to the Law of Procurement, a bidder will be assessed and selected based on two major groups of criteria,

- the first one is **assessment criteria on bidder qualification and experience**,
- the second one is **assessment criteria on technical specifications of the product**.

The assessment criteria on bidder experience and capacity covers the experience of a bidder in providing the same products in the past, production and commercial capacity, and financial qualification. There are also some social and economic criteria, which are currently applied for **assessing preference criteria given to contractors**. The assessment criteria on technical specifications of the product may vary depending on the type of product and the needs of the buyers.

Assessment criteria on bidder qualification and experience

“Experience” refers to the number of years the bidder has been working in the area relevant to the tender, as well as the number of contracts that have been awarded to the bidder for the provision of similar goods/services.

The “qualification” of the bidder is assessed in terms of production, commercial, and financial aspects. It could be evaluated by the budget of similar contracts, labour force (manual workers and high-tech workers), level of technology, revenue, and the number of years operating profitably. Sustainability criteria that could be integrated in the assessment criteria for bidder experience and qualification might include but is not limited to: percentage of female labour, corporate social responsibilities (CSR), equal opportunity in recruitment, safe working environment, social security and welfare, etc. The means of verification for these criteria should be a human resource report, CSR statement, human resource development strategy, or self-declaration/statement by the company.

Assessment criteria on technical specifications of the product

Although this is intended to be a sustainable procurement, we still need to list all technical specifications of paper products as usually being used in conventional procurement.

- Type of paper product: specification of paper in terms of size (A3, A4, A5), and purpose (printing, copying, writing, multiple-use, etc.). For regular operational activities of the office, multiple-use paper is recommended, except for official letter writing or certificate printing.

- Quantity: could be in number of boxes, reams, and weight.
- Weight of paper sheet (or thickness of paper): The weight of paper is measured by grams per square meter (g/m² or commonly gsm). Depending on the needs for different uses, different weight can be selected. However, the heavier a paper sheet is, the more material is needed for production.
- Paper whiteness (ISO): The *Commission Internationale de l'éclairage* (CIE) defines the measure of whiteness as a measurement of the light reflected by the paper across the visible (daylight) spectrum. For a perfect reflecting non-fluorescent white material the CIE whiteness would be 100, however most types of 'white' paper will have CIE whiteness measure of between 130 and 170 due to the addition of Optical Brightening Agents (OBAs) which are in most case harmful to the workers, users, and the environment. Therefore it means that if the users do not need to use whiter paper, paper with lower ISO should be considered, as it will contain less OBAs.

A full technical specification inclusive of sustainability criteria as well as the means of verification should be developed to help the tender selection committee in the evaluation phase. Please refer to Annex 2 for an example of sustainability criteria for paper.

4.3. Selection process

Bidders shall fill the necessary information into different forms in the bidding documents, to prove their qualifications and experience to perform the contract as specified in the Bid Evaluation Criteria. Original documents shall be ready to serve for verification as required by the Procuring Entity.

The Procuring Entity shall apply the criteria for evaluation listed in this Section and the evaluation method as prescribed in the Bidding Data Sheet (BDS) to evaluate the bids. Any other criteria or methods for evaluation shall not be allowed for use.

Examination of the validity of bids:

- The examination and evaluation of the validity of bids shall comply with the provisions in the section on examination and evaluation of validity of bids;
- Only bidders having valid bids shall be further considered for evaluation of qualifications and experience.

Qualifications and experience evaluation:

- Evaluation of qualifications and experience shall comply with the criteria for evaluation set forth in the section on criteria for evaluation of bids;
- Only those bidders whose qualification and experience comply shall be further considered for technical evaluation.

Technical and price evaluation:

- Technical evaluation is executed according to the criteria (including sustainability criteria) set forth in the section on criteria for evaluation of bids;
- Only those bidders who are technically responsive shall be further considered for price evaluation as set forth in section of criteria for evaluation of bids.

After the price evaluation, the Procuring Entity shall prepare and submit **a bidder ranking list** to the Employer for approval. The bidder who ranks in the first place shall be invited for **contract negotiation**. Bidder ranking shall be done as set forth in the BDS.

V. Contract award

A bidder is recommended for contract award when it meets the following conditions:

- *The bidder has a valid bid;*
- *It has the required qualifications and experience in accordance with Evaluation Criteria;*
- *It has a responsive technical proposal as prescribed in the Bid Evaluation Criteria;*
- *The deficiency is not more than 10% of the bid price;*
- *The bidder meets requirements as prescribed in the Bidding Data Sheet;*

- *The recommended award price (including taxes, fees and charges (if any) does not exceed the approved cost estimate. If it exceeds, Clauses 7 and 8, Article 117 of Decree 63/2014/ND-CP shall apply.*

Together with the notification of bidder selection result, the Procurement Entity shall send a Letter of Acceptance, including requirements pertaining to performance security, time frame for contract finalization and conclusion of contract, using the provided contract forms, to the successful bidder, provided that the Bidder has been verified as being capable to perform the Contract satisfactorily. The Letter of Acceptance shall be an integral part of the Contract documents. In the event that the successful bidder fails to finalize and conclude the contract or pay Performance Security before the deadline mentioned in the Letter of Acceptance, the bidder shall be rejected.

VI. Contract management

a. Sustainable contract performance clauses

Beside the sustainability criteria used during the selection phase, sustainability performance clauses needed to be considered during contract negotiation and management. Those clauses should regulate the guarantee of product quality as well as its sustainability requirement during installation, use, and disposal of the product.

Example: The provider holds the responsibility to collect the package material (box, cover paper, etc.) for recycling or other purposes.

b. Monitoring the sustainability of products/supplier

In order to determine whether or not the products purchased are sustainable as described in the bidding document, a product sample should be requested to submit along with the bidding documents. The sample product should be used as the reference against which all the products that will be purchased later on can be compared to.

During the use, operation, and maintenance of the products, the public entities should monitor if the sustainable requirements are satisfied or not (as specified in the contract performance

clause). For example, the officers could monitor the disposal activities of the suppliers or check whether the used papers could be sold to the local waste collectors or not.

Annex 1: Criteria on experience and qualification of bidder

No	Criteria	Scoring	Pass/fail
1	Experience <i>Number of similar contracts in the past 5 years</i>	<i><2: 0 points 2-5: 1 point 5-10: 2 points >10: 3 points</i>	Minimum number of similar contract required (e.g. 5 contracts, less than 5 means fail)
	<i>Number of years working in paper sector</i>	<i><1 year: 0 points 1-2 year: 1 point 2-3 years: 2 points >3 years: 3 points</i>	Minimum years of experience required (e.g. 2 years)
2	Production capacity <i>Volume of production of office paper</i>	<i><10 tons: 0 points 10-15 tons: 1 points 15-20 tons: 2 points >20 tons: 3 points</i>	Minimum volume of office paper production
3	Labour force		
	<i>Percentage of professional labour (college, vocational degree, etc.)</i>	<i><10%: 0 points 10-25%: 1 point 25-40%: 2 points >40%: 3 points</i>	Minimum percentage of professional labour (e.g. 25%)
	<i>Percentage of female labour</i>	<i><10%: 0 points 10-25%: 1 point 25-40%: 2 points >40%: 3 points</i>	Minimum percentage of female labour (e.g. 25%)

4	Financial		
	4.1 Profit		
	<i>Average profit in the last 5 years</i>	<i><10%: 0 points 10-25%: 1 point 25-40%: 2 points >40%: 3 points</i>	Minimum profit (e.g. 25%)
	4.2 Financial stability		
	<i>Number of years operating profitably</i>	<i><1 year: 0 points 1-2 year: 1 point 2-3 years: 2 points >3 years: 3 points</i>	<i>Minimum number of years (e.g. 2 years)</i>

Annex 2. Criteria on technical specifications inclusive of sustainability requirements

No	Criteria	Requirement	
		Score	Pass/fail
(1)	(2)	(3)	(4)
<u>Technical specifications</u>			
1	Multi-purpose A4 paper (printing, copying, fax, writing)	Based on number of purpose, e.g: Printing only: 1 point Printing and copying: 2 points Printing, copying, and more: 3 points	Minimum required purposed (e.g. printing and copying)
2	2 side printable	Printable: 2 points	Printable
3	Weight	60gr: 1 point 70gr: 2 points >70gr: 3 points	Minimum required weight (e.g. 70gr)
4	ISO	70: 1 point 80: 2 points >80: 3 points	Minimum ISO (e.g 80)
5	Contains no toxic matter	Contains toxic matter: 0 points Does not contain toxic matter: 3 points	No
6	Contains no halogen or chlorine chemical compounds	Contains: 0 point Does not contain: 3 points	No
7	Contains no APEO (alkylphenol ethoxylate)	Contains: 0 point Does not contain: 3 points	No
8	Contains no chemical coloring chemical	Contains 4-aminodiphenyl, benzidine, 4-chloro-o-toluidine, 2-naphtylamine, o-aminoazotoluene, 2-amino-4-nitrotoluene, 4-chloroaniline, 2,4 –	No

		<p><i>diaminioanisole, 4,4 – diaminodiphenylmethane, 3,3 – dichlorobenzidine, 3,3 – dimethoxybenzidine, 3,3 – dimethylbenzidine, 3,3 dimethyl-, 4,4 diaminodiphenylmethane, p-cresidine, 4,4 methylene-bis-(2-chloroaniline), 4,4-oxidianiline, 4,4 – thiodianiline, o-toluidine, 2,4-toluylenediamine, 2,4-diaminotoluene, 2,4,5 – trimethylaniline, o-anisidine, 4-aminoazobenzene:</i></p> <p><i>0 points</i></p> <p><i>Does not contain: 3 points</i></p>	
9	<p><i>Contains no heavy metal such as copper (Cu), lead (Pb), chromium (Cr), cadimi (Cd), niken (Ni) and aluminum (Al).</i></p>	<p><i>Contains: 0 points</i></p> <p><i>Does not contain: 3 points</i></p>	No
10	<p><i>Use of input material from sustainable forest</i></p>	<p><i>Percentage of input material from sustainable forest:</i></p> <p><i><40%: 0 points</i></p> <p><i>40-50%: 1 point</i></p> <p><i>51-75%: 2 points</i></p> <p><i>>75%: 3 points</i></p>	<p><i>Minimum percentage of input material from sustainable forest (e.g. 50%)</i></p>
11	<p><i>Instruction for waste disposal/recycle</i></p>	<p><i>No instruction: 0 points</i></p> <p><i>Instruction by sign/symbol: 1 point</i></p> <p><i>Written instruction: 2 points</i></p>	<p><i>Have instruction for waste disposal/recycle</i></p>
<u><i>Timeframe</i></u>			
12	<p><i>Time of delivery</i></p>	<p><i>>4 weeks after signing contract: 0 points</i></p> <p><i>>3-4 weeks: 1 point</i></p>	<p><i>Minimum time after signing contract (e.g. 2 weeks)</i></p>

		>2-3 weeks: 2 points ≤ 2 weeks: 3 points	
Evaluation	<u>Qualified</u>	≥70% of total points	Minimum number of pass criteria (e.g. 9/12)
	<u>Unqualified</u>	<70% of total points	Pass less than 9 criteria out of 12