



Environment and Spatial Planning
*Ministry of Housing, Spatial Planning and
the Environment*

Criteria for the Sustainable Public Procurement of **Rental and Purchase of Office Buildings**

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These criteria for Sustainable Public Procurement were developed by NL Agency at the request of the Ministry of Housing, Spatial Planning and the Environment (VROM). The programme for sustainable operational management for public authorities (DBO) is a joint initiative of the Dutch Government, the Association of Netherlands Municipalities (VNG), the Association of Provincial Authorities (IPO) and the Association of Water Boards (UvW).

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1 Introduction

The Dutch government wants to take concrete steps towards a sustainable society, and to set a good example. Each year, government organisations spend more than EUR 50 billion on the purchase of supplies, services and public works. By purchasing sustainably, the government can significantly boost the market for Sustainable Public Products. Governmental authorities have set clear objectives to achieve this: the central government is aiming for 100% Sustainable Public Procurement in 2010, while the municipalities aspire towards 75% in 2010 and 100% in 2015. Provincial governments and water boards have set themselves the target of at least 50% in 2010. 100% Sustainable Public Procurement is understood to mean that all purchases meet the minimum requirements that have been set for the relevant product groups at the time of purchase. More information on this topic is available from the website Sustainable Public Procurement (www.agentschapnl.nl/sustainableprocurement).

NL Agency supports government authorities in various ways to help reach these objectives. These include developing criteria for supplies, services and public works procured by these authorities. This document focuses on the criteria for the Rental & Purchase of Buildings, the elaboration of the criteria in specification texts and a more detailed assessment of the criteria, as well as a number of points for attention in the pre- and post-procurement stages. Additional background information and considerations regarding the content of the criteria can be found in the criteria document on the website Sustainable Procurement www.agentschapnl.nl/duurzaaminkopen/criteria, available in Dutch only.

1.1 Definition of the product group

The product group Rental and Purchase of Office Buildings includes the purchase of existing office buildings and rental contracts for entire buildings (so not for one floor in an existing multi-tenant commercial building) and for a rental period of at least 5 years. Criteria are also included for replacement of the build-in package. This is mostly the case if a new user and/or a new function is accommodated in the building.

Outside this document come:

- Rental and purchase of new buildings, so buildings of which government is the first user. The new-build requirements apply to this. Reference is made in this case to the criteria document for Office buildings to be newly built;
- Management and maintenance: frequently, in the rental or purchase of an existing building, the building itself has to be modified for the purposes of the new function. These interventions do not usually come within the rental or purchase contract. Requirements are however stipulated for these interventions.
These are laid down in the criteria documents for Management and Maintenance of Office Buildings and Renovation of Office Buildings;
- Rental contracts for periods shorter than 5 years;
- Monuments: for monuments, an exception in the European Energy Performance Building Directive (EPBD) applies. The energy label does not apply to them. No criteria have therefore been developed for the rental and purchase of monuments. The identification and implementation of improvements is custom work and must be investigated for each case separately;
- Fitting out of offices (soft furnishings, floor coverings, internal sun shades, furniture);
- Office equipment;
- Service issues (catering, energy, cleaning).

For these, see the relevant product groups on www.agentschapnl.nl/duurzaaminkopen.

Definition of 'Rental and Purchase of Office Buildings' within 'Buildings'

This document is part of the product group Buildings. Listed below are the criteria documents which come within this product group.

Phase	Office buildings	Other building categories	
New building			
Management and Maintenance			
Renovation			
Demolition			
Rental and Purchase			

CPV codes

For the benefit of the contracting authority, a number of CPV codes that might be of relevance to this product group have been included in this document. The selection is by no means exhaustive or complete. The contracting authority will remain responsible for compiling the correct set of CPV codes to match the relevant tender.

The following CPV codes apply to this product group:

70310000-7	Building rental or sale services
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2 Sustainability in the procurement process

The criteria in this document have been classified in the various steps of the public procurement process. More information about these steps and how to combine them with sustainability can be found in the Sustainable Public Procurement Manual. This manual can be downloaded from the website Sustainable Procurement www.agentschapnl.nl/sustainableprocurement.

2.1 Preparatory stage (points for consideration)

Every purchase or call for tender starts with drawing up the inventory of the needs of the internal or external customer. Sustainability can be incorporated into this stage by considering whether the purchase is truly necessary and whether a more sustainable alternative might be available.

Specific points for consideration regarding procurement for the Rental and Purchase of Office Buildings product group are:

Possibilities to stipulate sustainability

There is currently a large incidence of buildings lying empty in the offices sector; there are even office buildings offered for which the first year is rent-free. A purchaser or renter may therefore impose requirements. This is a chance for government to obtain ownership or rental of more sustainable buildings and to improve or have improved the existing stock as regards sustainability and quality. For rental, the possibilities to stipulate sustainability requirements are dependent on the rental period and on the question of whether a whole building is rented or for example only one floor of a multi-tenant commercial building.

Negotiations

The location choice and access to public transport are often important reasons for a choice of premises, and the availability of suitable premises in the desired location may be limited. The negotiation time is sometimes short if there are several candidates. The negotiating power of a renter is limited, because the owner is the one who decides on any improvements and investments. Existing financial systems may possibly form an impediment. Practice reveals however that negotiation is often possible, so that agreements may be made on the necessary investments and the extra quality, energy saving and sale or rental price realised. In such negotiation positions, the buyer or renter has a strong position to stipulate sustainability requirements.

2.2 Specification stage (criteria)

During the specification stage, the needs of the internal or external customer are translated into a tender document. This stage entails the formulation of:

- Criteria for supplier qualification. These could include grounds for exclusion, suitability requirements, i.e. requirements with regard to suppliers, and, in the case of restricted procedures, any selection criteria, i.e. wishes with regard to suppliers.
- A description of the minimum requirements pertaining to supply, service or task (the Schedule of Requirements).

- Award criteria, i.e. wishes regarding Supplies, Services and Public works. These are only applicable when the tendering process is based on the principle of the Most Economically Advantageous Offer ('Economisch Meest Voordelige Inschrijving' or EMVI).
- The contract stipulating the contract provisions.

More information on the various types of criteria and the various tender options can be found in the Sustainable Public Procurement Manual. Innovation is also included in the award criteria, where relevant. Innovation is oriented towards the development and introduction of new ideas and products.

The criteria in this document have been formulated to support the purchaser in the Sustainable Public Procurement of Rental and Purchase of Office Buildings. The criteria have been subjected to legal review. However, every procurement and tender process is unique. For that reason, the drafting of a tender document remains the responsibility of the purchaser.

Rental and purchase are not subject to tender, nevertheless criteria

For the rental and purchase of office buildings there is no tendering process as for the other product groups. The rental and purchase of buildings is not subject to tender either. It has nevertheless been opted to develop criteria, because this concerns important transactions where great sustainability gains may be made and which set an important example. Criteria cannot be drafted for the tendering process, but they can for the object to be rented or purchased. The criteria may be used in negotiations with the property manager, owner or landlord if specific premises are under consideration. Or they may be included in an enquiry to an estate agent if premises are sought at a particular location. They may also be used to compare available premises with each other or they may be laid down in a rental agreement. Moreover, for the Government Buildings Department it applies that the criteria must be used in negotiation with the clients, the state government bodies.

Overview of criteria

Minimum requirements
Energy label at least C. If the energy label is D or lower, additional measures are obligatory according to EPA custom advice. This concerns an improvement by two labelling steps or to energy label C. Equally, for rental, the contract provision must be included that the necessary measures must be carried out within 24 months (improvement by two labelling steps, or to label C, or performance of all measures with an earn-back time of 10 years, based on EPA custom advice).
For rental + build-in package: flexible build-in package.
For replacement of lamps: energy-saving lamps with a minimum efficiency of 50 lumens/watt.
For replacement of light fittings: use of daylight switching and presence detection.

2.2.1 Supplier qualifications

No specific criteria have been formulated for this specific product group with regard to supplier qualification. More information on the possibilities of incorporating sustainability at this stage of the process can be found in the Sustainable Public Procurement Manual.

No suitability requirements have been formulated for this product group.

2.2.2 Schedule of requirements

Minimum requirements

<p>Minimum requirement no. 1</p>	<p>Energy label</p> <p>The building offered must have energy label C or higher (B or A/A+/A++).</p> <p>or</p> <p>If the building offered has energy label D or lower: an EPA custom advice no more than two years old must be provided with the offer, plus a list of the measures to be implemented which are necessary to improve the energy label:</p> <ul style="list-style-type: none"> • by two labelling steps if the building has a label E or lower; or • to label C if the building has a label D. <p>For Rental the current owner (offeror) must adopt contract provision 1 in his offer.</p> <p><u>Means of proof:</u></p> <ol style="list-style-type: none"> 1. The energy certificate prepared on the basis of the Energy Performance of Buildings Decree (in Dutch, BEG) in line with the EPBD. 2. For Rental situation and label D or lower: offer which shows that contract provision 1 will be complied with.
<p>Notes for purchaser</p>	<p>The provision of an energy certificate on purchase or rental is mandatory, on the grounds of the Energy Performance of Buildings Decree (in Dutch, BEG).</p> <p>Theoretically, no buildings with a label D or lower are purchased or rented. If there are arguments to do this nonetheless, the purchaser must use the second alternative.</p> <p>If the building has a label D or lower, the current owner (tenderer) has the obligation to have an EPA custom advice prepared in the context of the EPBD. The EPBD is the Energy Performance Building Directive, a European directive on the energy efficiency of buildings. The EPA custom advice describes all necessary energy-saving architectural and installation engineering measures and lists the expected earn-back times.</p> <p>This requirement is not applicable to the rental of parts of buildings</p>

	<p>or for rental periods shorter than 5 years.</p> <p><u>Verification of means of proof:</u></p> <ol style="list-style-type: none"> 1. Check whether energy label is genuine. 2. No further verification.
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<p>Minimum requirement no. 2</p>	<p>Flexible build-in package <i>(for modification or replacement of the build-in package)</i></p> <p>The owner/landlord must implement the requested modifications to the build-in package in such a way that this can easily be moved or removed. For this, the following requirements must be met:</p> <ul style="list-style-type: none"> • Internal walls to be newly installed must not be made load-bearing. • Cables and pipework must not be installed in fixed/load-bearing walls. • The floor and ceiling finishes must be able to be reunified simply upon removal of internal walls. For this, the following requirements apply: <ul style="list-style-type: none"> ○ there must be no height difference between the floor finishes on each side of a non-load-bearing wall; ○ the ceiling finish on each side of a non-load-bearing partition wall must have the same ceiling height, grid size and final finish. <p><u>Means of proof</u></p> <ol style="list-style-type: none"> 1. Declaration from the owner/landlord that this minimum requirement is complied with. 2. Description of the way in which modifications to the build-in package are implemented.
<p>Notes for purchaser</p>	<p><u>Verification of means of proof:</u></p> <ol style="list-style-type: none"> 1. Description of the way in which modifications to the build-in package are implemented. 2. No further verification of this means of proof.

<p>Minimum requirement no. 3</p>	<p>Lighting: energy-saving lamps <i>(for replacement of the lamps)</i></p> <p>In replacement of the lamps, the owner/landlord must use low-energy lamps with a minimum light output of 50 lumens/watt. These may be for example HF fluorescent lamps, energy-saving lamps or LED lighting.</p>
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	<p><u>Means of proof</u></p> <ol style="list-style-type: none"> 1. Manufacturer's information.
Notes for purchaser	<p>Better lamps are always coming on to the market. The minimum required efficiency may be made stricter in due course. This may be laid down in a contract clause via a bonus regulation.</p> <p>NB: For incandescent bulbs it applies that environmentally it is better to opt for replacement before the end of their lifetime than to wait until the bulbs fail.</p> <p><u>Verification of means of proof:</u></p> <ol style="list-style-type: none"> 1. No further verification of this means of proof.

Minimum requirement no. 4	<p>Lighting: energy-saving measures <i>(for replacement of the fittings)</i></p> <p>During replacement of fittings, the owner/landlord must implement the following means of regulations directed at energy saving:</p> <ul style="list-style-type: none"> • Daylight switching in the entire daylight sector, determined according to NEN 2916. • Presence detection in all accommodation and sanitary spaces. <p>By daylight switching is to be understood: a switching system which, as soon as the (external) light level exceeds a certain threshold, wholly or partially switches off the artificial light in daylight zones, centrally or for each building section, or dims it in steps or smoothly.</p> <p>By presence detection is to be understood: a switching system which switches on automatically whenever someone enters a room and also switches off automatically if the room is not used for a certain time period.</p> <p><u>Means of proof:</u></p> <ol style="list-style-type: none"> 1. Declaration from the owner/landlord that this minimum requirement is complied with. 2. Description of the way in which the minimum requirement is complied with, including a list of the types of lamps and fittings to be used. 3. Manufacturer's information.
Notes for purchaser	<p>The purchasing service will determine whether the measure is achievable for the specific situation.</p> <p><u>Verification of means of proof:</u></p> <ol style="list-style-type: none"> 1. Description of how the requirement is met.

	<p>2. Manufacturer's information.</p> <p>3. No further verification of this means of proof.</p>
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2.2.3 Award criteria

No award criteria have been formulated for this product group.

2.2.4 Contract

Contract provision

<p>Contract provision No.1</p>	<p>Energy label plus improvement package <i>(for rental)</i></p> <p>If the building has an energy label D, E, F or G, the owner must commit himself, within 24 months of the start of the rental contract, to carry out all measures necessary to improve the energy label by two steps, or to have the building comply with label C, established on the basis of the EPA custom advice.</p> <p>OR</p> <p>To carry out all architectural and installation engineering measures with an earn-back time of 10 years or less, established on the basis of the EPA custom advice.</p>
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