

Guidelines on the application of climate and environmental requirements in construction procurements from the City of Oslo

1. Purpose

These guidelines have been developed for the application and supervision of climate and environmental requirements by municipal undertakings in planning, ordering, procurement and contract activities related to construction. The guidelines seek to ensure efficient and uniform application of requirements and conditions, increase the likelihood of successful execution of zero emission construction procurements, and contribute to a faster transition to more circular and climate-friendly solutions for construction projects.

2. Scope of application

These guidelines apply to all construction procurements with a value exceeding NOK 100,000 made by undertakings that are part of the City of Oslo legal entity.

3. Planning and market dialogue

- 3.1 Undertakings shall set aside sufficient time to facilitate for zero emission solutions, from the early fact finding phase through the initiation and execution project phases.
- 3.2 Undertakings shall regularly carry out market surveys on the availability of zero emission machinery and vehicles suitable for the entity's projects and purposes.
- 3.3 In addition, undertakings shall take into consideration joint market knowledge made available by the Agency for Improvement and Development (UKE).
- 3.4 Undertakings shall carry out necessary investigations and clarifications with network operators or other relevant entities on the available solutions for energy and output prior to any procurements.

4. Application of the City of Oslo's standard climate and environmental requirements

- 4.1 Undertakings shall include the City of Oslo's standard climate and environmental requirements in all construction procurements with a value exceeding NOK 100,000, unless exemptions described in section 7 apply.
- 4.2 For each procurement, undertakings must consider whether the conditions of Section 7-9 (4) of the Public Procurement Regulations have been met and whether exemptions from the main principle established by Section 7-9 (2) apply. These considerations must be justified in the procurement documents. If the City of Oslo's standard climate and environmental requirements are included as contract requirements, the requirement specification must include a reference to them.

5. Rewards for zero emission mass hauling

Undertakings shall reward zero emission mass hauling. Undertakings may provide rewards in the form of bonuses, include zero emission mass hauling as a contract requirement, or include it in the award criteria for competitive bids. The reward programme for zero emission mass hauling shall not continue past 01/01/2030.

6. Rewards for zero emission and biogas-fuelled vehicles for other heavy transport exceeding 3.5 tonnes

Undertakings shall, in addition to Contract Requirement III, apply award criteria that reward a higher percentage of zero emission and biogas-fuelled heavy transport vehicles exceeding 3.5 tonnes. Undertakings shall assign zero emission vehicles a higher score than biogas-fuelled vehicles. The reward programme for zero emission or biogas-fuelled vehicles shall not continue past 01/01/2027. However, award criteria shall still be used after 01/01/2027 in procurements where a later implementation date for this contract requirement is set, cf. section 7.2.

7. Exemptions from the City of Oslo's standard climate and environmental requirements

- 7.1 Undertakings may grant exemptions from climate and environmental requirements for machinery and vehicles, cf. section 4.1, where compliance with such climate and environmental requirements is not possible or appropriate in consideration of competition. Exemptions from climate and environmental requirements shall not be granted lightly. Any and all exemptions granted must be specified in the procurement documents.
- 7.2 When considerations of availability in the market makes it impossible to require that all vehicles over 3.5 tonnes be zero emission or biogas-fuelled from 01/01/2027, undertakings may, in the competitive phase, stipulate a later date for this requirement to take effect. Undertakings may not stipulate a date further into the future than dictated by the market situation.
- 7.3 Where undertakings grant exemptions from the climate and environmental requirements, cf. sections 7.1 and 7.2, the undertakings shall consider incentives for transition in the form of award criteria, etc., in the competitive tendering process, cf., inter alia, section 6.
- 7.4 Where standard climate and environmental requirements cannot be applied to construction and/or transport activities, undertaking shall, at minimum, include requirements for the use of sustainable biofuels beyond turnover requirements.
- 7.5 Where undertakings grant exemptions from standard climate and environmental requirements, cf. sections 7.1 and 7.2, they must ensure that the procurement nevertheless complies with Section 7-9 of the Public Procurement Regulations. These considerations must be documented in the procurement documents.
- 7.6 Considerations in accordance with sections 7-1–7.5 must be documented in the contract strategy.
- 7.7 After a contract has been signed, undertakings may, based on a specific assessment, grant the Supplier an exemption from the climate and environmental requirements for machinery or vehicles. Exemptions cannot be granted where the need is due to circumstances the Supplier had or ought to have had knowledge of when they submitted their final tender. Undertakings must grant applications in writing.
- 7.8 Undertakings must maintain an overview of all exemptions from climate and environmental requirements granted.

8. Supervision and sanctions

- 8.1 Undertakings shall implement necessary measures to strengthen their supervision of compliance with climate and environmental requirements.
- 8.2 Undertakings shall identify and sanction any breach of contractual climate and environmental requirements.
- 8.3 Undertakings may, based on an assessment of the specific situation, adopt a different limitation of overall supplier liability for fines than what follows from the standard requirements.

9. Guidelines

- 9.1 UKE develops and maintains the guidelines for the climate and environmental requirements.
- 9.2 Undertakings shall apply these guidelines insofar they are appropriate.

10. Reporting

Undertakings shall use the City's digital system for supervision and reporting of consumption and emissions from the City's construction sites. Data from this system will be included in annual reporting on climate and environmental issues, as well as in the climate budget.