

CENTRAL PROCUREMENT DIRECTORATE

PROCUREMENT GUIDANCE NOTE (04/06) (REVISED 12/11/09)

SUBJECT: PROCUREMENT OF TIMBER AND WOOD PRODUCTS

1. PURPOSE

- 1.1 This Guidance Note provides Contracting Authorities with advice and guidance on how legal and sustainable timber can be purchased in line with EU procurement rules and public procurement policy. Individual circumstances, however, may impact on the interpretation placed on this guidance, and in all cases where there is doubt or uncertainty about the implications for EU procurement rules, appropriate advice should be sought from your legal adviser or CoPE.

2. BACKGROUND

2.1 Timber Procurement Policy

Government is committed to ensuring that the public sector buys timber that is verifiably legal and from sustainable sources. To this end the Procurement Board has agreed that the Northern Ireland procurement community should make better use of its purchasing power to deliver on Government's timber policy on the basis that taking this approach will directly support the global fight against deforestation and biodiversity loss and indirectly fight corruption, tax evasion, money laundering, organized crime and human rights abuses which are features of the illegal trading of timber.

- 2.2 From 1st April 2009 a revised policy on the procurement of timber was implemented in Northern Ireland. From that date for government construction contracts only timber originating either from independently verifiable legal and sustainable or Forest Law Enforcement Governance & Trade licensed (FLEGT-licensed) or equivalent sources will be demanded for use on the Government estate. Previously the policy required Contracting Authorities to procure legal timber as a mandatory requirement and encouraged them to actively acquire

timber and wood derived products from sustainable sources as an optional requirement above the minimum contract specification. The scope of the revised policy, however, will not extend to wood derived products and supplies and services contracts until 1st April 2010.

2.3 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 no legal and sustainable or 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 potential contractors evidence that the source of the timber was legally managed; and
- give preference to timber from sources that are demonstrably in an active programme to improve and certify forest management.

Further information is set out in the document entitled “*UK Government Timber Procurement Policy: Framework for evaluating category B evidence*” which is available from the Centre of Procurement Expertise on Timber Procurement (CPET)¹ at: <http://www.proforest.net/cpet/uk-government-timber-procurement-policy/timber-guidance/>

2.4 As an alternative to demanding (i) either legal and sustainable timber or FLEGT-licensed or equivalent timber Contracting Authorities can demand (ii) recycled timber. Documentary evidence and independent verification will also apply to recycled timber but will focus on the use to which the timber was previously put rather than the forest source. **It should be noted that ‘recycled timber’ of any description is preferable to both legal timber and/or sustainable timber, if it meets the technical specification and represents value for money.**

¹ CPET is a service of the UK Government. It was set up by the Department for Environment, Food and Rural Affairs (Defra), and is operated by ProForest, a company with wide experience in advising on responsible purchasing.

3. DEFINITIONS

In considering the procurement of timber there are five definitions that procurers should be familiar with:

- Timber, or Timber and Wood Derived Products.
- Legal Timber, or Legal Timber and Wood Derived Products.
- Sustainable Timber,
- Recycled Timber and
- FLEGT–licensed Timber.

The definitions for each are set out below.

3.1 Definition of Timber, or Timber and Wood Derived Products.

While the word 'timber' is often associated with the raw materials used in construction, in the context of the government's policy, the term also applies to a wide range of goods. Timber includes any product that contains wood or wood fibre, with the exception of 'recycled' materials. In the policy, the terms 'timber' and 'timber and wood derived products' are used interchangeably.

For example, timber used in a building project is not limited to wood planks. Window frames, wall panelling, floor joists or site hoardings are all examples of timber products and need to meet the government's timber procurement policy requirements.

Common office products which fall under this policy include paper, presentation folders, notebooks, binders, file dividers, cardboard, office furniture, etc. Some manufacturing processes obscure the wood element, and it may not always be clear whether a product contains wood-derived materials.

3.2 Definition of Legal Timber, or Legal Timber and Wood Derived Products

The term 'legal timber' and 'legal timber and wood derived products', in the context of the timber procurement policy refers to the timber from a forest that meets the requirements set out in the document titled "*UK*

Government Timber Procurement policy- Definition of 'legal' and 'sustainable' for timber procurement" which can be found on the CPET website at: <http://www.proforest.net/cpet/uk-government-timber-procurement-policy/timber-guidance/>. The edition current on the day the Contract is awarded shall apply. In summary, the organisation or body that felled the trees and provided the timber from which the wood, supplied under the Contract, derived shall have had legal use rights to the forest, complied with all relevant local and national laws and codes of practice including environmental, labour and health and safety laws and paid all relevant royalties and taxes.

3.3 Sustainable Timber

There is no explicit definition for sustainability under the policy.

'Sustainable timber and wood products means production and process methods, also referred to as timber production standards, as defined by the document titled "*UK Government timber policy: Definition of 'legal' and 'sustainable' for timber procurement*" which can be found on the CPET website at: <http://www.proforest.net/cpet/uk-government-timber-procurement-policy/timber-guidance/>. The edition current on the day will apply. The forest must be managed in accordance with a definition that meets the requirements set out in the document.

3.4 Definition of Recycled Timber

'Recycled timber' in the context of the timber procurement policy means recovered wood that prior to being supplied to the Contracting Authority had an end use as a stand alone object or as part of a structure. The terms 'recycled', 'reclaimed' and 're-used' are used interchangeable and 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.

CASE STUDY

During 2000 an independent auditor assessed all NI Department of Agriculture and Rural Development, Forest Service woodland (60,000 ha) against the UK Woodland Assurance Standard (UKWAS) and as a result, Forest Service woodlands now carry the Forest Stewardship Council (FSC) stamp of approval, demonstrating that these woodlands are certified as sustainably managed. One important forest product is timber and about 400,000 tonnes of FSC certified timber is now produced from Forest Service woodland every year.

To guarantee timber customers that the wood products they purchase are sourced from certified woodland, some wood processors, such as Balcas in Enniskillen, have also risen to the sustainability challenge and secured 'chain of custody' certification. This demonstrates to the customer that only trees from certified woodland have been used during the processing and manufacturing process.

3.5 FLEGT-licensed Timber

FLEGT means Forest Law Enforcement, Governance and Trade, and is a reference to the EU scheme to address the problem of illegally logged timber. FLEGT-licensed means production and process methods, also referred to as timber production standards, 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. This may also include any timber that has been independently verified as meeting all the producing country's requirements for a FLEGT licence, where a VPA has been signed but the FLEGT licensing system is not fully operational. Evidence from a country that has not signed up to a VPA which demonstrates that all of the requirements equivalent to FLEGT-licensed timber have been met will also be acceptable.

Please Note: FLEGT-licensed timber will be legal but may not be sustainable and it is currently not available on the market. This guidance will be updated when it is.

4. BUYING LEGAL AND SUSTAINABLE TIMBER

As from 1st April 2009 only timber originating from either legal and sustainable or FLEGT-licensed or equivalent sources will be accepted for Government construction contracts. This will be extended to supplies and services contracts in April 2010. Currently for supplies and services contracts Contracting Authorities are required to procure legal timber and wood derived products as a mandatory requirement and to actively seek to acquire timber and wood derived products from sustainable sources as an optional requirement above the minimum contract specification. In achieving best value for money, final decisions must be made in the light of information available, advice given, affordability, value for money and operational exigencies. Where a decision is taken to purchase timber and wood derived products that cannot be shown beyond reasonable doubt to come from a legal source, or to take no action in the event of a contractor being unable to demonstrate contract compliance, an audit trail leading to such decisions should be maintained.

If requested, suppliers must be able to provide evidence to the Contracting Authority that the wood or wood products they supply are from legal and, if required, sustainable sources. In order to assist procurement personnel and suppliers, the government has identified two types of evidence that will demonstrate the legality and sustainability of timber and timber products:

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 Policy: Criteria for Evaluating Category A Evidence*” available on the CPET website. A list of assessed certification schemes that currently meet the government’s requirements can also be found on the CPET website at <http://www.proforest.net/cpet/evidence-of-compliance/category-a->

[evidence](#). Certification schemes include both forest and management certification and chain custody certification.

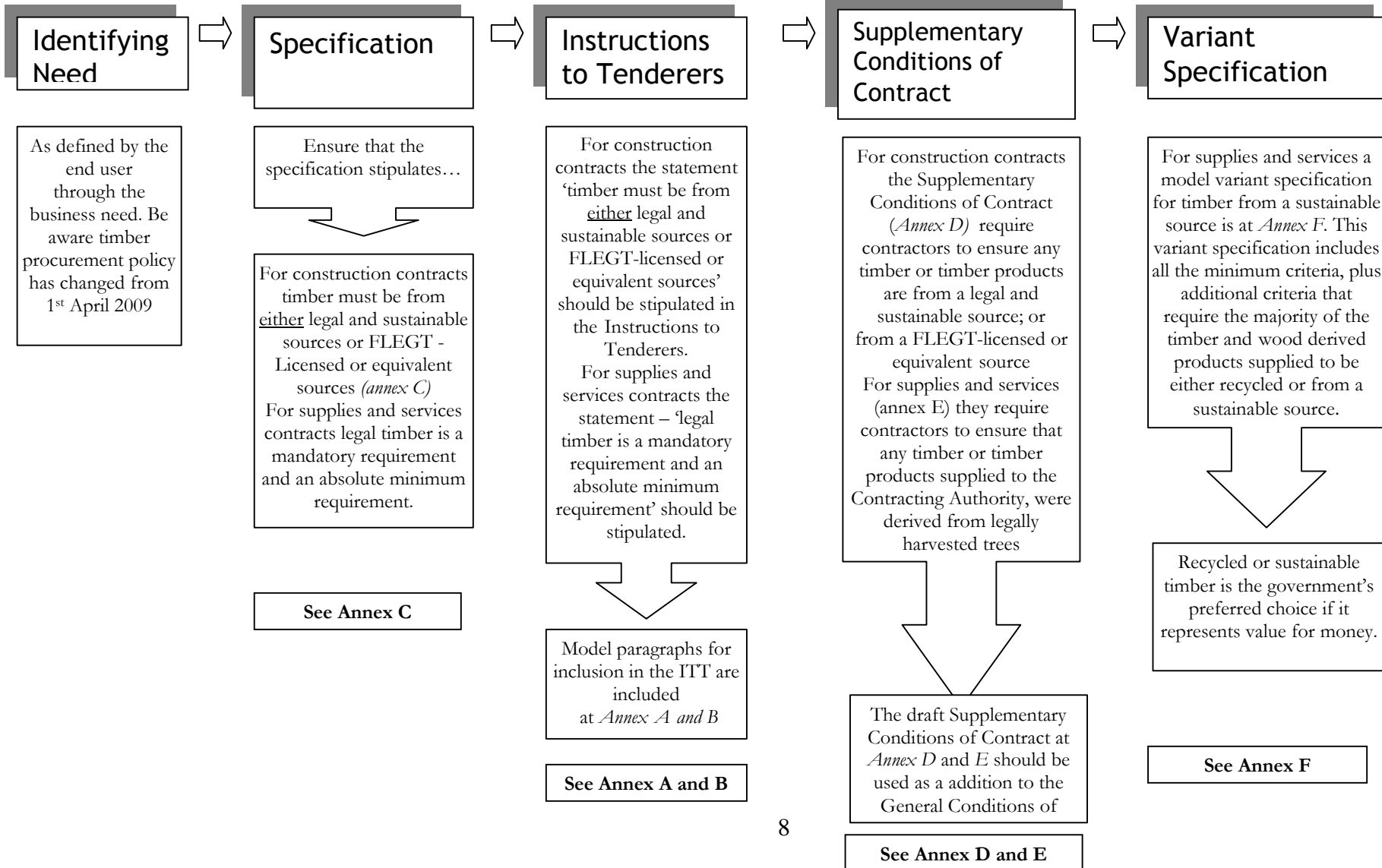
- **Category B evidence** is documentary evidence (other than Category A evidence) that provides assurance that the source is legal and sustainable. Further information on collating and evaluating Category B evidence is set out in the document *“UK Government Timber Policy: Criteria for Evaluating Category B Evidence”* available on the CPET website. 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)

5. PROCUREMENT PROCESS

Within procurement policy, the EU procurement rules and the EC Treaty principles of non-discrimination, transparency and equal treatment there is clear scope to encourage, in non-discriminatory advertisements and specifications, the inclusion of legal and sustainable timber as a mandatory requirement .

- 5.1 The following table is designed to illustrate how legal and sustainable timber should be procured. It should be used in conjunction with the relevant sections of this guide, which provide more detailed advice.

Procurement Process



6. LEGAL TIMBER – PROCUREMENT PROCESS

6.1 Specification

The procurement process will normally start with the definition of the business need by the end user. From this a specification will be drawn up. For construction contracts in preparing the specification, the end user should include a mandatory requirement that the timber and wood derived products must originate from legal and sustainable sources or FLEGT-licensed or equivalent sources. For supplies and services contracts until April 2010 the end user should include a stipulation that legal timber and wood derived products is a mandatory requirement and an absolute minimum requirement. The specification should include the technical and physical characteristics of the timber or products required and be stated in terms of performance output terms rather than demanding particular species. This will give suppliers more flexibility in finding well-managed forests for their sources of timber.

6.2 Instructions to Tenderers

The mandatory requirement that the timber and wood derived products must originate from legal and sustainable sources or FLEGT-licensed or equivalent sources (or just legal sources in the case of supplies and services contracts) should also be stipulated in the Instructions to Tenderers. Model paragraphs for inclusion in the ITT letter are included at *Annex A and B*.

6.3 Conditions of Contract

The Supplementary Conditions of Contract at *Annex E and F* require contractors to ensure that any timber or timber products supplied to the Contracting Authority, whether as solid wood (e.g. planks, plywood) or as part of a product (paper, furniture, printed materials), were derived from either legal and sustainable sources or FLEGT-licensed or equivalent sources (for construction contracts) or legally harvested trees (for supplies and services contracts).

The draft form of these conditions of contract at *Annex E and F* should be used as Supplementary Conditions to the General Conditions of Contract in use by individual departments, their agencies and sponsored bodies for all contracts, including PFI agreements, that may involve the supply or use of timber and wood derived products.

The conditions apply to all virgin timber and wood derived products used by contractors to fulfil contracts on the Contracting Authority's premises, including temporary site works, and material supplied by subcontractors but do not apply to 'recycled timber'.

7. SUSTAINABLE SOURCE FOR TIMBER - PROCUREMENT PROCESS

7.1 Specification

Legal timber is the absolute minimum requirement when procuring timber for supplies and services contracts, therefore, in addition to the requirements set out in paragraph 6, the following specific points should be observed when procuring sustainable timber for supplies and services contracts. There should be no reference to 'sustainable' timber in the minimum specification as tenderers should be given the option of offering sustainable timber **as an addition** to the minimum specification.

7.2 Variant Specification for Sustainable Timber

A model variant specification for use in supplies and services contracts for timber from a sustainable source is at *Annex D*. This variant specification includes all the minimum criteria, plus additional criteria that require the majority of the timber and wood derived products supplied to be either recycled or from a sustainable source. This higher quality variant is the government's preferred choice. In all competitions for supplies and services contracts the Contracting Authority should

choose this variant bid if financial considerations support such an approach.

The option for tendering a variant bid should be clearly stated in OJEU Contract Notices.

8. EVIDENCE OF COMPLIANCE

As part of the technical capacity criteria at the selection stage the Contracting Authority can notify potential suppliers that their record in supplying timber from legal and/or sustainable sources (which ever is applicable) will be assessed.

Contracting Authorities can ask for evidence (including independent verification) of systems employed to ensure chain of custody throughout the supply chain and reject suppliers if they are unable to show that they have the capacity to do this.

Acceptable evidence of compliance with requirements falls into two categories. Information on which evaluated certification schemes meet the UK Government's criteria for **Category A** evidence can be found in *Appendix 1* or on the CPET website (*see para 9*). Schemes that have not yet been evaluated should be treated as **Category B** evidence for which clarification can be sought through CPET. A Contracting Authority should not dismiss evidence simply because it isn't in the form of a recognised certificate. A supplier may have engaged a third party to produce an independent assessment (**Category B evidence**). When in doubt seek advice from CPET.

9. SUPPORT AND ADVICE

CPET is operated by ProForest, a company with wide experience in advising on responsible purchasing of timber. The CPET website provides information and advice on procuring legal and sustainable timber and dealing with specifications, selecting tenderers, bid evaluation and contract compliance. It is supported by a Helpline,

which is open for use by **ALL** public procurers and their suppliers. The Helpline is available **free of charge (initially)** and is available between **9am and 5pm Monday-Friday**.

CPET website www.proforest.net/cpet

CPET help line telephone number – 01865 243766

10. FURTHER INFORMATION

- 10.1** Any queries on this Guidance Note should be addressed to:
Procurement Policy and Performance Branch,
Central Procurement Directorate,
Policy & Support Division,
2nd Floor East, Clare House
303 Airport Road West
Belfast BT3 9ED.

Telephone: 028 9081 6465

Fax: 028 9081 6465

E-mail: procure.policy@dfpni.gov.uk

Further copies of this or other Guidance Notes can be obtained from Procurement Policy and Performance Branch. Alternatively they are available on the CPD Website at www.cpdni.gov.uk.

Further information is available from the CPET website www.proforest.net/cpet or by calling the CPET free helpline on 01865 243766.

**Model ITT letter paragraph
(for use with construction contracts)**

“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 government policy to require that all timber is either from independently verifiable legal and sustainable or Forest Law Enforcement Governance & Trade licensed (FLEGT-licensed) or equivalent sources. Timber and wood derived products in the context of this Contract includes any product that contains wood or wood fibre supplied to the Authority or used by the Contractor, his agents and subcontractors in performance of the Contract.

The Contract Conditions require that all timber and wood derived products supplied to the Authority or used by the Contractor in performing the Contract originate from either legal and sustainable of FLEGT-licensed sources as defined by the Contract. The Authority will reject any bid that cannot offer to provide independent verification that all timber and wood derived products used in the Contract meets this requirement.

Model ITT letter paragraph
(for use with supplies and services contracts until April 2010)

“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 government policy to require that all timber is from legal sources therefore legal timber is a mandatory requirement and an absolute minimum requirement. Further, where possible, timber and wood derived products should be obtained from sustainable sources. Timber and wood derived products in the context of this Contract includes any product that contains wood or wood fibre supplied to the Authority or used by the Contractor, his agents and subcontractors in performance of the Contract.

The Contract Conditions require that all timber and wood derived products supplied to the Authority or used by the Contractor in performing the Contract are legal, as defined by the Contract. The Authority will reject any bid that cannot offer to provide independent verification that all timber and wood derived products used in the Contract meets this requirement.

Further, a Variant Specification covering the sustainable criteria has been included with the contract documents for tenderers to incorporate in their tender should they choose to offer timber from a sustainable source. Tenderers which submit variant bids must also submit a separate standard bid that may be priced differently. The Authority reserves the right to restrict the final evaluation to variant bids only provided they are affordable and provide an effective and efficient use of expenditure. Alternatively, the Authority reserves the right to evaluate standard bids only. In either case the contract will be awarded to the most economically advantageous compliant tender.

In summary, tenderers are offered the option of providing either:

(a) – Timber and wood derived products that are legal (this is a condition of contract and so is an absolute minimum requirement); or

(b) – A standard tender as in (a) above plus a separate tender for timber and wood derived products that are both legal and from a sustainable source.

The Authority would prefer to award the contract to an offer to supply both legal and sustainable timber and will do so if it represents best value for money.”

Model Specification Text
Timber and wood derived products
(for use with construction contracts)

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 either:

1.1.1 from a legal and sustainable source; or

1.1.2 from 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 three 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 Category A Evidence" (available from the Contracting Authority on request and on CPET's website). 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 CPET's website. 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 evidence, that provides assurance that the source is sustainable. In this context "sustainable" is defined in the document entitled "UK Government Timber Procurement Policy: Evaluation of Category B Evidence: Methodology" (available from the Contracting Authority on request and on CPET's website). 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 contractors. 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 or 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 timber 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, from either or both of the following categories:

- Evidence of timber 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 Community and which have been licensed for export by the producing country's government. This may also include timber products that have been independently verified as meeting all the producing country's requirements for a FLEGT licence, where a VPA has been entered into but the FLEGT licensing system is not fully operational.

- Equivalent 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

Model Contract Specification

**Variant Specification for Timber from a Sustainable Source
(for use with supplies and services contracts until April 2010)**

1. Sustainable Timber and wood derived products

1.1 The Contractor shall take all reasonable steps to ensure that at least 70% (by volume or weight) of each category of timber and wood derived products acquired by the Contractor for supply or use in the performance of the contract shall be either - (a) 'recycled timber' as defined in Condition 3 of the Supplementary Conditions of Contract or (b) timber from a 'sustainable source' as defined below; or (c) a combination of (a) and (b). A category in this context means timber and wood derived products supplied for a specific purpose distinct from that for which other timber and wood derived products is required. For example, office furniture, paper, kitchen utensils are each separate categories. Where a certified product provides assurance that a minimum of 70% of the timber was from a well managed forest but does not identify the actual percentage then the Contractor shall ensure that the entire category is so certified.

1.2 The term 'sustainable source' in the context of this Contract Specification refers to production and process methods, also referred to as sustainable timber production standards, as defined by the document titled "*UK Government timber procurement policy: Definition of 'legal' and 'sustainable' for timber procurement*"(available from the Authority on request and visible on the UK Government authorised Central Point of Expertise on Timber Procurement (CPET) web site: www.proforest.net/cpet/uk-government-timber-procurement-policy). The edition current on the day the Contract is awarded shall apply.

2. Sustainable Timber Production Standards.

- 2.1 The standards and criteria set for demonstrating attainment of such standards will be acceptable to the Authority only if they can be independently verified as appropriate for meeting the sustainable timber production standard objectives specified in paragraph 1.2.
- 2.2 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.

3. Proof of Virgin Timber Origin

- 3.1 Where 'Category B' evidence (as defined in 3.2) is to be made available, the Contractor is required to notify the 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 by the 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 Authority documentation in respect of such wood to confirm that the criteria for sustainable timber production set out in this specification have been met.

- 3.2. The Authority will accept evidence from either or both of the following two categories:

3.2.1 **Category A evidence:** Certification under a scheme recognized by the UK Government as meeting the criteria set out in the document titled *"UK Government Timber Procurement Policy: Criteria for*

Evaluating Category A Evidence” (available from the Authority on request and visible on the UK Government authorised Central Point of Expertise on Timber Procurement (CPET) web site:

www.proforest.net/cpet/cpet-s-assessment-of-evidence). 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 at Appendix 1.

3.2.2. Category B evidence: Documentary evidence other than Category A evidence that provides assurance that the source is sustainable. In this context “sustainable” is defined in the document titled “ *UK Government Timber Procurement Policy: Evaluation of Category B Evidence: Methodology (available from the Authority on request and visible on the UK Government authorised Central Point of Expertise on Timber Procurement (CPET) web site:*

www.proforest.net/cpet/cpet-s-assessment-of-evidence). 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.

- 3.3 The Contractor’s attention is drawn to the Supplementary Conditions of Contract which requires him to provide credible evidence on the source of products supplied that has been or can be independently verified as such 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 timber production standards by a national or international body whose organisation, systems and procedures conform to *ISO 17011: 2004 General Requirements for Providing Assessment and Accreditation of Conformity Assessment Bodies* or equivalent. This condition is met automatically where Category A evidence is supplied.

3.4 The Contractor's attention is also drawn to the Supplementary Conditions of Contract relating to timber and wood derived products in respect of the Contractor's obligation to ensure that all timber and wood derived products acquired for supply or use in performance of the Contract is legal, as defined in Condition 4.1 of the Supplementary Conditions of Contract.

**Supplementary Conditions of Contract
Timber and wood derived products
(for use with construction contracts)**

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.

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 supplied or used in the performance of the Contract complies with the requirements of the Contract Specification.
- 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 legality and sustainability, or FLEGT-licence or equivalent, and is adequate to satisfy the Contracting Authority that the timber or wood-derived product complies with the Contract Specification. 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 or wood 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 or wood-derived products that do not comply with the Contract Specification]. Where the Contracting Authority exercises its right to reject any timber, the Contractor shall supply alternative timber, which does so comply, at no additional cost to the Contracting Authority and without causing delay to the Contract completion period.

**Supplementary Conditions of Contract
Timber and wood derived products
(for use with supplies and services contracts until April 2010)**

1. Definition of Timber

1.1 For the purposes of the Contract Specification, 'timber and wood derived products' is deemed to include 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 reclaimed or re-used are referred to as 'recycled' timber which is further 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.

2. Convention on International Trade in Endangered Species (CITES)

2.1 The Contractor shall ensure that no virgin timber or wood derived products he/she procures for supply or use in performance of the contract shall have derived from any species of tree that is protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) unless the Contractor's supplier can prove, by producing official documentation, that he/she has complied with the CITES requirements that permit trading in the particular species of tree so listed under that Convention.

3. Recycled Timber

3.1 'Recycled timber' in the context of this Contract means recovered wood that prior to being supplied to the Authority had an end use as a stand alone object or as part of a structure. . The terms 'recycled', 'reclaimed' and 're-used' are used interchangeably and 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.

4. Legal Timber

4.1. All timber and wood derived products procured by the Contractor for supply or use in performance of the contract shall be Legal Timber. The term 'Legal Timber' in the context of this Contract Condition refers to the timber from a forest that meets the requirements set out in the document titled "*UK Government Timber Procurement policy- Definition of 'legal' and 'sustainable' for timber procurement*" (available from the Authority on request and visible on the UK Government authorised Central Point of Expertise on Timber Procurement (CPET) web site: www.proforest.net/cpet/uk-government-timber-procurement-policy). The edition current on the day the Contract is awarded shall apply. In summary, the organisation or body that felled the trees and provided the timber from which the wood, supplied under the Contract, derived shall have had legal use rights to the forest, complied with all relevant local and national laws and codes of practice including environmental, labour and health and safety laws and paid all relevant royalties and taxes.

5. Proof of Legal Timber

- 5.1 Before delivering any timber or wood product under this Contract, the Contractor shall obtain documentary evidence that the timber and wood derived products are 'legal timber'. If requested in writing by the Authority, the Contractor shall submit such documentary evidence to the Authority either prior to delivery or at such other times as the Authority may require. The Contractor shall identify, as part of the evidence submitted, a chain of custody from the forest source of the timber or wood product through to delivery of the final product.
- 5.2 The 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 Authority's inspection within 14 days of the Authority's written request.
- 5.3 The Contractor shall maintain records of all timber and wood derived products delivered to and accepted by the Authority *[as detailed on the Form described in the Contract Specification – delete if not applicable]*. Such information shall be made available to the Authority if requested at any time.

6. Independent Verification

- 6.1. The Authority reserves the right to decide whether the evidence submitted to demonstrate legality is adequate to satisfy the Authority that the timber or wood product is 'legal timber'. In the event that the Authority is not so satisfied, the Contractor shall, on written request by the Authority, commission and meet the costs of an 'independent verification' and report that will (a) verify the forest source of the timber or wood and (b) assess whether the source meets the criteria for legality as defined in Condition 4 of these Supplementary Conditions.

- 6.2 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.
- 6.3 Where the Contractor promises to deliver 'sustainable' timber, as defined in the Variant Specification for Timber from a Sustainable Source, and to submit evidence to demonstrate compliance, the Authority reserves the right to decide whether the evidence of timber production is sufficient to satisfy the Authority that the specification has been fully complied with. In the event that the Authority is not so satisfied, the Contractor shall, on written request by the Authority, commission and meet the costs of an 'independent verification' and report to (a) verify the forest source of the timber or wood products and (b) assess whether the source meets the criteria for sustainability.
- 6.4 In this context 'independent verification' has the same meaning as defined in Condition 6.2.

7. Proof of Source of Recycled Timber



- 7.1. The requirements of Conditions 5 and 6 for documentary evidence and independent verification shall also apply to recycled timber except that tracking shall be back to the previous use, not the forest source.

8. Authority's Right to Reject Timber

- 8.1 The Authority reserves the right to reject any timber or wood derived products that do not comply with the provisions of these Conditions or the Contract Specification. Where the Authority exercises its right to reject any timber, the Contractor shall supply alternative timber, which does so comply, at no additional cost to the Authority and without causing delay to the Contract completion period.

Approved Forest Certification Schemes

As published December 2008

Logo	Certification Scheme	Legal Sustainable
	Programme for the Endorsement of Forest Certification (PEFC)	Yes Only products or product lines containing >70% certified or recycled raw material.
	Forest Stewardship Council (FSC)	Yes Only products or product lines containing >70% certified or recycled raw material.

PEFC is an "umbrella scheme" which endorses national schemes. The Canadian scheme, CSA, and the North American, SFI, were initially assessed by CPET but they have now been endorsed by PEFC and therefore a separate assessment is no longer required.

Further information on Sustainable Forestry Initiative [SFI](#) and Canadian Standards Association scheme [CSA](#) is available on the CPET website at: <http://www.proforest.net/cpet/evidence-of-compliance/category-a-evidence/approved-schemes>

Further information on the types of evidence (Category A and B) and checking evidence can be found CPET website at: <http://www.proforest.net/cpet/evidence-of-compliance>