Executive Summary of UK Government Timber Procurement Advice Note
April 2009

From April 2009 there has been a step-change in timber procurement policy. Central government departments, their executive agencies and non-departmental public bodies are now required to procure timber and wood-derived products originating from either legal and sustainable or FLEGT-licensed or equivalent sources.

The Central Point of Expertise on Timber (CPET) is funded by Defra to provide free advice and guidance to all public sector buyers and their suppliers to aid compliance with the policy.
Please contact CPET on 01865 243 766 for further details.

1. Identification of need

If identifying a requirement for timber or wood-derived products be aware that the policy has changed from 1 April 2009.

2. Specification of requirements

Timber and wood-derived products should be specified in performance output terms rather than demanding a specific species of timber.

Until further notice, a requirement for timber and wood-derived products originating from either legal and sustainable or FLEGT-licensed or equivalent sources should be specified. FLEGT-licensed timber is not currently on the market and further guidance will be issued once it becomes available.

3. Selection of suppliers invited to tender

Potential contractors should be notified that their record in supplying legal and sustainable and in due course, FLEGT-licensed or equivalent, timber will be assessed and used to help select those suppliers invited to tender.

4. Invitation to tender

Wording should be included in Invitation to Tender ("ITT") covering letters to draw attention to the policy requirement that timber and wood-derived products must originate from either legal and sustainable or FLEGT-licensed or equivalent sources.

5. Contract award

Bids should be evaluated against criteria defined by the Contracting Authority. Bids offering either legal and sustainable or FLEGT-licensed or equivalent timber can be deemed to be compliant with the policy. Once bids have been assessed to meet the specified requirement, the most economically advantageous bid should be accepted, based on criteria such as price, delivery date and period of completion.

6. Contract management

Government buyers should request independent verification of timber sourced from higher risk areas (see section 2.4, and contact CPET for further guidance on risk).

Timber Procurement Process Overview

Identification of need

If identifying a requirement for timber or wood-derived products, be aware that the timber procurement policy has changed from 1st April 2009.

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Specification of requirements

Demand timber and wood-derived products originating from either legal and sustainable or FLEGT-licensed or equivalent sources using the model specification clauses attached at Annex B.

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Pre-qualification of suppliers

Notify contractors that their record in supplying legal and sustainable timber and, in due course, FLEGT-licensed or equivalent timber will be used to help select those suppliers invited to tender.

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Invitation to tender

Include the model paragraph attached at Annex D in the ITT covering letter to draw attention to the policy requirements for timber and wood-derived products originating from either legal and sustainable or FLEGT-licensed or equivalent sources.

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Contract award

Choose the most economically advantageous tender at contract award stage, taking all award criteria (e.g. price, delivery date) into account.

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Contract management

Request independent verification of timber sourced from higher risk areas. A model contract condition is attached at Annex C.

Timber Procurement Advice Note April 2009

Purpose

This Note informs central government departments in England of the procedures that are effective from 1 April 2009 for purchasing timber and wood-derived products in line with Government policy. Devolved administrations in Scotland, Wales and Northern Ireland have issued their own policies and guidance. Further information is available from the CPET website www.proforest.net/cpet or by calling the CPET helpline on 01865 243 766.

The Note is in three sections:

- Section 1 provides an overview of timber procurement policy
- Section 2 provides guidance on implementation of the policy
- Section 3 links policy implementation to the main stages in the procurement process

plus Annexes:

- Annex A: Glossary of terms
- Annex B: Model specification text
- Annex C: Model contract condition
- Annex D: Model paragraph for inclusion in ITT covering letter

1. Timber Procurement Policy

The new UK Government timber procurement policy requires that:

From 1st April 2009, only timber and timber products originating either from independently verifiable legal and sustainable sources or from a licensed Forest Law Enforcement, Governance and Trade (FLEGT) partner will be demanded for use on the Government estate – appropriate documentation will be required to prove it.[1] From 1 April 2015 only legal and sustainable timber would be demanded.

By licensed 'FLEGT partner' is meant a timber-producing country that has signed up to a bilateral Voluntary Partnership Agreement with the European Community concerning the EU's Forest Law Enforcement, Governance and Trade scheme and whose timber and wood-derived products have been licensed for export by that country's government (please see section 2.2.3 below for further information).

1.1 Scope of application of the policy

The policy applies to all central government departments, executive agencies and non-departmental public bodies (NDPBs) in England (referred to in this Note as "Contracting Authorities"). **Any such body receiving government funds is mandated to follow the timber procurement policy.**

[1] Until 1st April 2009, the UK Government timber procurement policy required its central departments to actively seek to purchase legal and sustainable timber and wood-derived products.

The policy applies to all timber and wood-derived products[2] used on the government estate including temporary site works and material supplied by contractors.

The policy applies to virgin timber. 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.

Short-rotation coppice is exempt from the requirements of the timber procurement policy and falls under agricultural regulation and supervision rather than forestry. It should be noted that the European Commission is considering the development of sustainability criteria applicable to renewable sources of energy, including woody biomass.

1.2 Model specification text and model contract condition

Model specification text is set out at Annex B and a model contract condition at Annex C. The model specification text should be included in specifications for all contracts and funding mechanisms involving the supply of timber or wood-derived products. Similarly, the model contract condition should be used as a supplementary condition to general conditions of contract for all contracts and funding mechanisms including the supply of timber or wood–derived products.

The model specification text in Annex B requires contractors to ensure that any timber or wood-derived products supplied to the Government are from either legal and sustainable or FLEGT-licensed or equivalent sources and the model contract condition in Annex C requires contractors to provide timber and wood-derived products as outlined in the specification. Bidders shall be required to indicate their acceptance of the contract conditions as a requirement of submitting a compliant bid. This can be achieved by bidders signing a statement to this effect as part of their ITT response. If they do not agree to abide by the contract conditions, their bid can be marked as non-compliant.

2. Implementing the policy

2.1 Practical support for implementation

The Central Point of Expertise on Timber (CPET) is Defra's technical advisory body. It was set up with Ministerial support in 2005 in response to an Environment Audit Committee report. CPET provides free advice and guidance to all public sector buyers and their suppliers.

CPET also publishes the UK government procurement criteria for legality and sustainability, assesses timber certification schemes and makes recommendations to government. The CPET website provides information and advice on procuring legal and sustainable timber and dealing with specification, selecting tenderers, bid evaluation and contract compliance. It is supported by a Helpline available between 9am and 5pm Monday to Friday free of charge.

CPET Website: www.proforest.net/cpet

[2] References to either legal and sustainable or FLEGT-licensed *timber* in this Note include all *wood-derived products* originating from either legal and sustainable or FLEGT-licensed sources.

2.2 Evidence of legal and sustainable origin

If requested by Contracting Authorities, contractors are required to provide evidence that their timber or wood-derived products comply with the technical specifications. Where a Contracting Authority has doubts as to the credibility of the evidence, it may request that the contractor has the evidence independently verified.

In order to demonstrate that timber is from a legal and sustainable source it is necessary to prove:

- **The source of the timber (chain of custody):** In general, timber and wood-derived products go through a number of stages between the forest and the final product. Since the policy applies to legality and sustainability in the forest, it is necessary to know the area of the forest the timber originated from.
- **That the forest source was legally and sustainably managed**: Once the source of the timber is known, then it is necessary to show that the forest was managed legally and sustainably.

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

2.2.1 Category A evidence

Category A evidence is independent certification under a scheme recognised by the UK government as meeting the criteria set out in the document entitled "*UK Government Timber Procurement Policy: Criteria for Evaluating Category A Evidence*" (available from Contracting Authorities on request and 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/approved-schemes. Certification schemes include both forest management certification and chain custody certification.

2.2.2 Category B evidence

Category B evidence is documentary evidence (other than Category A evidence) that provides assurance that the source is legal and sustainable. Further information on collecting and evaluating Category B evidence is set out in the document titled "*UK Government Timber Procurement Policy: Framework for evaluating Category B evidence*" (available from Contracting Authorities on request and 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).

Government-defined standards for 'legal and sustainable' may be acceptable as part of category B evidence; the definition of sustainable requires that a local definition of 'sustainable' is developed through an inclusive, multi-stakeholder process (see "*UK Government timber procurement policy: Definition of 'legal' and 'sustainable' for timber procurement*" which is available on the CPET website for further details). Standards defined by governments or other groups constituting a single stakeholder group (e.g. an industry standard or an NGO standard) do not meet this requirement. However, if a single-stakeholder standard can be evaluated against a relevant multi-stakeholder standard which does meet the UK government requirements and which as developed for the same geographical area, and can be shown to be broadly equivalent in terms of outputs, then it may be acceptable. Contact CPET for further details on this.

2.2.3 Evidence of FLEGT-licensed origin or equivalent

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

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

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

Once a FLEGT-licensing system is fully operational the FLEGT licence will apply to relevant products[3] from the partner country.

Currently there is no FLEGT-licensed timber available in the market and therefore further detailed guidance from CPET will follow as FLEGT-licensed timber become available. The CPET website will contain up-to-date information on which countries have signed VPAs, whether the licensing scheme in each country is operational, and what products are included in the scope of the scheme. Other information such as what licences look like in practice will also be provided by CPET.

Where a VPA between the EC and a timber-producing country has been entered into but the licensing system is not yet in operation, timber from that country may be accepted. After a VPA has been entered into, it is expected that there will be an interim period before a licensing system becomes fully functional. However, an individual timber producer in a country that has entered into a VPA may have put in place **all** the requirements for the licensing system prior to its official implementation (which would then make the licensing applicable to all exporters to the EU). In such cases, timber exported by that individual timber producer will be considered to meet the requirements of the UK Government's timber procurement policy where it meets all of the FLEGT requirements. The timber must also meet requirements for independently-verified compliance and supply chain controls that would apply if the licensing system were in place**. In respect of timber from a particular origin, this option will be applicable only for an agreed period, reflecting the timetable agreed between the EC and the timber-producing country.** Further advice on this is available from CPET.

FLEGT-licensed timber which has been processed in a third country may also be acceptable. Where FLEGT-licensed timber is exported from a country that has entered into a VPA to a country outside the EU for further processing prior to import into the EU, there must be adequate chain of custody controls in place to ensure that the material used in a product was covered by a FLEGT

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

licence immediately prior to processing, and that no other timber other than acceptable legal and sustainable timber was used in the product. Further advice on this is available from CPET.

Equivalent evidence from countries that have not entered into a VPA and that demonstrates that all of the stringent FLEGT requirements have been met will be acceptable (as with all Category B evidence). These stringent requirements for equivalent evidence currently include criteria such as: a broad definition of legality developed through a multi-stakeholder process, application of the definition at the national level and to all exports within a product range, independent monitoring of the system and strengthening the capacity of forest law enforcement agencies to eliminate illegal timber production in the country or region. The guidance on equivalence to FLEGT requirements will be refined as VPAs are developed and signed. All queries concerning FLEGT equivalence should be referred to CPET.

2.4 Evaluating evidence

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

Independent verification: The model contract condition at Annex C reserves the right for a Contracting Authority to require independent verification of the evidence. Such independent verification must be provided and paid for by the contractor and must result in a report that (a) verifies the forest source of the timber or wood and (b) assesses whether the source meets the criteria for legal and sustainable or compliance with FLEGT-licensed requirements.

3. Stages of the Procurement Process

3.1 Specification of requirements

It is preferable to specify requirements in performance output terms rather than demanding particular species unless unavoidable. This will give suppliers more flexibility in finding well-managed forests for their sources of timber.

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

The OJEU contract notice, accompanying technical specification and ITT covering letter should clearly identify the requirement for the contractor to supply timber and wood-derived products originating from <u>either</u> legal and sustainable <u>or</u> FLEGT-licensed or equivalent sources and to arrange and pay for independent verification if requested. Model specification text is included at Annex B and a model paragraph for inclusion in the ITT covering letter is at Annex D.

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 CPET.

3.2 Pre-qualification of Suppliers

As part of the technical capability criteria, Contracting Authorities can notify potential contractors that their record in supplying timber from legal and sustainable (and in due course, FLEGT-licensed or equivalent) sources will be assessed and used to help select those suppliers that will be invited to tender.

For goods and service contracts, the Contracting Authority can consider track record over the last three years but cannot go beyond that and must restrict consideration to the supply of goods and services of a similar type. The time limit for works contracts is five years. Evidence of failure to supply legal or sustainable (and in due course, FLEGT-licensed or equivalent) timber where there was a promise to do so can be taken into consideration when assessing how well potential contractors meet the selection criteria.

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

Suppliers should not be excluded from being invited to tender simply because they have no record of supplying legal and sustainable (or, in due course, FLEGT-licensed or equivalent) timber, but additional scores can be awarded to suppliers with a proven track record.

A supplier cannot be rejected simply because an allegation of illegal conduct has been made. Examples of illegal conduct in this context are trading in illegally logged timber and corruption. A supplier can only be rejected if it has been convicted of a criminal offence, or is found guilty of grave professional misconduct in the course of their business. Note that in the EU, at present it is not illegal to trade in timber that is alleged to have illegally logged. A Contracting Authority's reaction to any such alleged misdemeanour must be proportionate and any attempt to subsequently rectify an alleged offence by a supplier must be taken into account.

3.3 Contract Award

Evidence of compliance can be provided by a recognised certification scheme (Category A evidence) or through other acceptable evidence (Category B evidence or FLEGT-licence or equivalent evidence).

Even though a Contracting Authority may have doubts as to a tenderer's ability to obtain independent verification a Contracting Authority must consider a tenderer's offer to supply properly verified timber

as a legitimate promise. However, as part of the contract award stage of a procurement procedure, tenderers can be reminded of the condition obliging them to obtain independent verification if requested post-award and the implications of failure to comply with the conditions of the contract.

When a supplier indicates that they cannot comply with the requirement for either legal and sustainable timber or FLEGT-licensed or equivalent timber, then that bid should not be considered further.

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

3.4 Contract Management

Contracting Authorities may request documentary evidence of legal and sustainable (or, in due course, FLEGT-licensed or equivalent) origin before the timber or wood-derived product is delivered. This may present difficulties for the contractor but, where reputations are at risk, it is in both parties' interests to clarify the source of the timber before a Contracting Authority has to resort to rejecting deliveries.

Information on which evaluated certification schemes meet the UK Government's criteria for Category A evidence can be found on the CPET website. Schemes that have not yet been evaluated should be treated as Category B evidence for which clarification can be sought through CPET.

There will be occasions where contractors use their best endeavours to ensure that their supply chain provides legal and sustainable wood but are unable to provide credible evidence. Contracting Authorities will need to consider whether there has been a clear breach and, if so to consider notifying other Contracting Authorities who in turn may be able to take non-performance into account when selecting suppliers to invite to bid for future contracts.

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

Annex A: Glossary of Terms

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

1. Definitions

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

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

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

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

1.2 Legal and Sustainable: means production and process methods, also referred to as timber production standards, as defined by the document titled "*UK Government timber procurement policy: Definition of legal and sustainable for timber procurement*" (available from the Contracting Authority on request and from the CPET website). The edition current on the day the contract is awarded shall apply.

1.3 FLEGT: means Forest Law Enforcement, Governance and Trade, and is a reference to the EU scheme to address the problem of illegally logged timber.

1.4 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. CPET will produce further guidance on FLEGT-licensed or equivalent timber in due course.

1.5 Recycled: means recovered wood that prior to being supplied to the Contracting Authority had an end use as a standalone object or as part of a structure. The term "recycled" is used to cover the following categories: pre-consumer recycled wood and wood fibre or industrial by products but excluding sawmill co-products (sawmill co-products are deemed to fall within the category of virgin timber), post-consumer recycled wood and wood fibre, and drift wood. It also covers reclaimed timber which was abandoned or confiscated at least ten years previously.

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

1.7 CPET: means the UK Government's Central Point of Expertise on Timber, which provides a free telephone helpline and website to support implementation of the UK Government timber procurement policy. Phone: 01865 243766. Website: www.proforest.net/cpet.

Annex B: Model Specification Text

1. Requirements for Timber

1.1 All timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and 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.

Annex C: <u>Model Contract Condition - Timber and wood-derived products</u>

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

1. Requirements for Timber

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

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.

Signed…… Name in Capitals (as in tender)……

For and on behalf of ……Date……

Annex D: Model paragraph for inclusion in ITT covering letter

The tenderer's attention is drawn to the contract requirements governing the supply and use of timber and wood-derived products in performing the contract. It is UK government policy to require that all timber and wood-derived products originate from either legal and sustainable or FLEGT-licensed or equivalent sources. Timber and wood-derived products in the context of this contract include any product that contains wood or wood fibre supplied to the Contracting Authority or used by the contractor or his agents and subcontractors in performance of the contract.

The contract conditions require that all timber and wood-derived products supplied to the Contracting Authority or used by the contractor in performing the contract originate from either legal and sustainable or FLEGT-licensed sources, as set out in the specification. The Contracting Authority may reject any bid that cannot offer to provide independent verification that all timber and wood-derived products used in the contract meets this requirement.