



**Republic of Mali**  
**One People – One Purpose – One Faith**



**PUBLIC PROCUREMENT REGULATORY AND PUBLIC  
SERVICE DELEGATIONS AUTHORITY**

**SUSTAINABLE PROCUREMENT PRACTICES – EXPLORING SUSTAINABILITY INTEGRATION  
STRATEGIES IN PROCUREMENT PROCESSES WITH A FOCUS ON ENVIRONMENTAL AND  
SOCIAL IMPACTS**

**Juin 2024**

# Presentation Outline



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# 1. Introduction

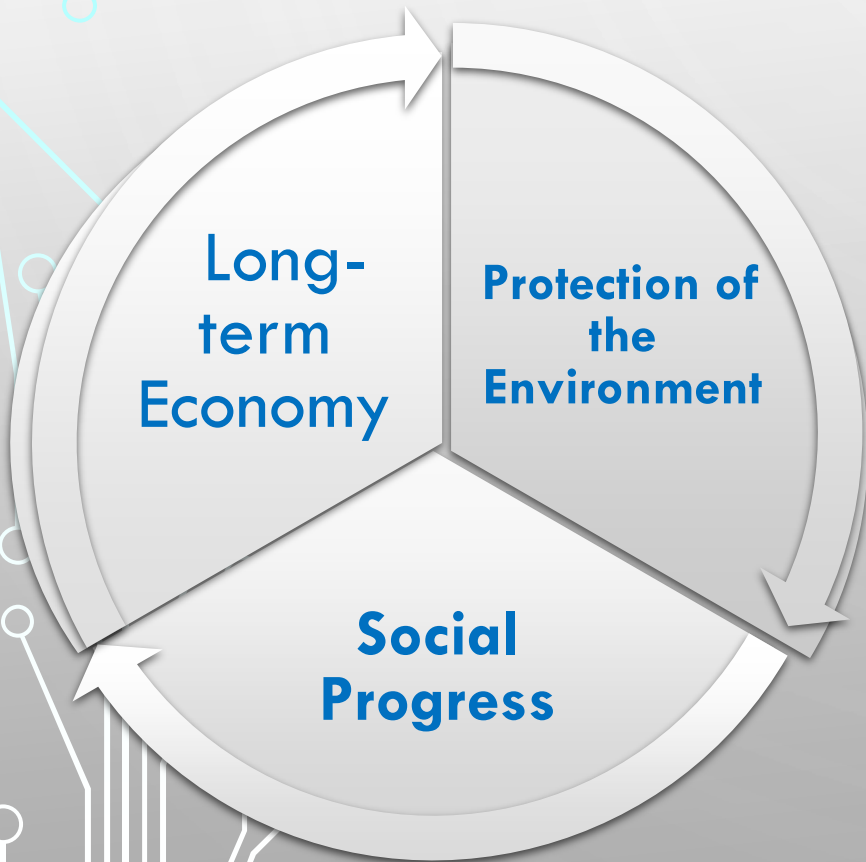
Like other WAEMU countries, Mali has set up an institutional and legal framework for public procurement, based on WAEMU (West African Economic and Monetary Union) directives.

Our national regulations include certain provisions designed to encourage sustainability in public procurement. Indeed, integrating sustainability into procurement processes is a crucial issue for Mali.

This approach, which aims to consider environmental and social impacts in the public procurement chain while maximizing economic benefits, is being implemented in Mali through an evolving legal framework and increasingly sustainability-focused public policies.

# 1. Introduction

## Sustainable Development in Public Procurement



Sustainability in public procurement procedures is achieved through the planning, awarding and execution of public contracts.

In the planning phase, it is a question of taking sustainable development into account in the procurement process, from the definition of needs. At this level, it will be a question of reserving public contracts for the needy (*taking into account young people, living persons with disabilities and women in public procurement*).

In the procurement phase, it should be noted that this issue can be covered in the description of technical specifications, in the evaluation criteria, The Commission has also adopted a number of proposals for the European Parliament's Committee on Employment and Social Affairs.

During the execution phase of public procurement, the contracting authorities will need to verify the effective implementation of the sustainability conditions stipulated in the contract.

## 2. Regulatory and Policy Framework

### Regulatory Framework:

- Decree No. 2015-0604/P-RM of September 25, 2015, on the Public Procurement Code and Public Service Delegations;
- **Decree No. 2018-0473/PM-RM of May 28, 2018**, on the adoption of Measures to Orient Public Procurement towards Small and Medium Enterprises and National Production;
- Order No. 2015-3721/MEF-SG of October 22, 2015, setting the implementation modalities of the procurement code.

*As for Decree No. 2018-0473/PM-RM of May 28, 2018, it aims to promote Small and Medium Enterprises (SMEs). The mechanisms provided by this text include, among others, improving payment conditions, encouraging subcontracting and partnerships with these SMEs, and exempting them from providing bid guarantees and performance bonds.*

## 2. Regulatory and Policy Framework

### Regulatory Framework

**Order No. 2015-3721/MEF-SG of October 22, 2015**, exempts newly created companies from providing proof of similar contract execution and financial statements; this aims to promote newly established companies, especially those created by unemployed young graduates in Mali.

Additionally, to justify the employability of personnel by companies bidding for public contracts in Mali, they are required to provide a certificate issued by the National Social Security Institute. This certificate certifies that these companies account for their personnel regarding the payment of employer contributions and compliance with labor laws.

## 2. Regulatory and Policy Framework

### **Environmental and social policies:**

The Malian government has adopted several Environmental and Social Policies (PES), such as the National Environmental Protection Policy (PNPE) and the National Sustainable Development Strategy (SNDD). These policies aim to integrate environmental and social considerations into all sectors, including public procurement.

### 3. Current Strategies for Integrating Sustainability

**Inclusion of Sustainability Criteria:** Contracting authorities are encouraged to include specific sustainability criteria in tenders, such as the use of environmentally-friendly materials, waste management and energy efficiency. **For example, construction projects may require environmental certification.**

**Training and awareness-raising:** during training sessions organized by ARMDS, contracting authorities and suppliers are regularly informed about the benefits and techniques of sustainable procurement.

**Public-Private Partnerships (PPPs):** PPPs are another way of promoting sustainability. They can be used to finance and manage sustainability projects, by combining the resources and expertise of the public and private sectors.



## 4. Environmental and Social Considerations

### **Environmental Considerations:**

Reduction of CO<sub>2</sub> Emissions: Sustainable public procurement contributes to the reduction of greenhouse gas emissions by promoting eco-friendly products and services. **For example, tenders include specific criteria for energy efficiency and the use of clean technologies.**

Protection of Natural Resources: By requiring sustainable practices, such as the use of recycled or renewable materials, public procurement in Mali contributes to the conservation of natural resources. **Construction projects, for example, may require the use of environmentally friendly and certified materials.**

## 4. Environmental and Social Considerations



### Social Considerations:

Job creation and local development: Sustainable procurement practices stimulate the local economy by promoting local SMEs and creating green jobs. Mali encourages the inclusion of small local businesses in tenders, which strengthens the local economic fabric and promotes sustainable development.

Improving working conditions: By including social criteria in public procurement contracts, Mali improves working conditions and promotes fair and ethical practices. Public contracts include clauses to guarantee respect for workers' rights, workplace safety and fair wages.

## 5. Challenges

**Lack of knowledge:** Lack of awareness of the benefits and methods of sustainable procurement.

**Initial costs:** High initial costs can discourage the adoption of sustainable practices, despite the long-term economy.

## 6. Perspectives (ongoing already)

**Review of texts (Procurement Code, General Administrative Specifications, Procurement tools, etc.) to highlight the inclusion of environmental and social considerations clearly covered in other texts.**

Continuation of the work begun with UN Women within the framework of the convention signed in 2022 for the inclusion of women-owned businesses in Public Procurement with the aim of:

- Gather information on the difficulties and constraints faced by women-owned businesses in gaining access to the market;
- Analyze the proposals made by the relevant stakeholders for addressing these constraints;
- Review texts and adapt procurement tools to take account of relevant recommendations.

## 6. Perspectives (ongoing already)

### Revision of Standard Bidding Documents (SBD)

Standard tender documents for supplies, works and routine services contracts are currently being revised to include evaluation criteria and conditions for taking sustainable development into account in public procurement.

Criteria relating to overall cost will be used, i.e. life-cycle cost, environmental performance and environmental quality, or a number of criteria relating to the environmental characteristics of bidders' offers.

## 6. Perspectives (ongoing already)

### Review of General Administrative Specifications (GAS)

The General Administrative Specifications (CCAG) are also affected by the revision.

Indeed, the conditions of performance will take into account considerations relating to the Economy, Innovation, the Environment, the Social Domain or Employment.

Public contract holders must ensure to:

- ✓ limit the environmental impact of deliveries;
- ✓ to use reusable, recycled, recyclable or reused containers (except when it is not possible due to hygiene and sanitary regulations).

## 6. Perspectives (ongoing already)

### **Review of General Administrative Specifications (GAS)**

The GAS for works contracts will include, among other things, an obligation for the contractor to produce a Waste Organization and Management Plan.

Companies awarded contracts will be required to carry out an action to promote the integration of the unemployed into the workforce.

In addition, there will be a clause incorporating the conditions for monitoring and controlling the application of environmental protection measures by contractors.

## 7. Other Perspectives

**Capacity Building:** Invest in training and capacity-building for public officials in sustainable development.

**Collaboration and Partnerships:** Encourage collaboration between the Government, the Private Sector and Non-Governmental Organizations to share best practices and resources.

**Monitoring and Assessment:** Implement monitoring and evaluation mechanisms to measure the impacts of sustainable markets and adjust strategies accordingly.

**Economic Incentives:** Provide financial incentives to encourage sustainable practices.



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