# The supply of timber or timber-related products

**Introduction**

The Environment Agency uses timber (softwood, temperate and tropical hardwood, as relevant) in a range of projects and applications, including but not limited to:

* fencing, habitat restoration work and agricultural improvements (e.g. livestock bridges)
* marine and freshwater structures (e.g. lock gates, jetties, landing stages, fenders, decking, footbridges, groynes and planking)
* construction / refurbishment, e.g. window frames, doors, roofing timbers, scaffolding, hoardings, shuttering
* furniture
* flooring

Depending on the structure and the type of natural environment, we require timber that exhibits some or all of the following properties:

* high strength to weight ratio
* high density
* good workability
* good durability to attack by decay-causing fungi
* resistance to attack by marine borers
* high tolerance to short duration loads
* resistance to abrasion.

As far as possible, the Environment Agency aims to specify its timber requirements in performance output terms rather than demanding a specific species of timber.

If tropical hardwood timbers are required, as well as using popular commercial timbers such as Ekki, we are actively seeking to use more lesser known species, particularly Angelim Vermelho (*Dinizia excelsa* Ducke), Cupiuba (*Goupia glabra* Aubl), Eveuss (*Klainidoxa gabonensis*), Okan (*Cylicodiscus gabunensis* Harms) and Tali (*Erythrophleum micranthum*).

The Environment Agency places particular importance on the sourcing and use of timber that complies with the UK Government Timber Procurement Policy. All timber supplied under this Framework Contract must comply with the UK Government Timber Procurement Policy, as explained in the clauses below.

For operational reasons, the Environment Agency has a strong preference for timber supplied with Category A evidence of legality, sustainability and chain of custody (i.e. FSC or PEFC certified timber). Acceptance of timber supplied with Category B evidence and FLEGT-licensed timber will be considered on a case by case basis, by exception.

In addition please note that the Environment Agency has a strict approach to the use of tropical hardwood. All potential purchases of tropical hardwood regardless of size and value must receive the relevant, internal approval before it can be purchased.

**Please note:**

- the Environment Agency is currently not purchasing virgin Greenheart timber (as it is not currently available with Sustainable chain of custody, only legal);

**-** the Environment Agency encourages the use of recycled timber ahead of virgin timber where it meets our performance requirements and subject to the evidence required by the UK Timber Procurement Policy.

A Glossary of Terms is attached as Annex A.

**The supply of timber**

Requirements for Timber

1. All timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and either:
* a Legal source; and
* a Sustainable source, which can include a FLEGT-licensed or equivalent source.
1. Recycled or reclaimed timber may be supplied as an alternative to virgin timber. The Glossary of Terms attached as Annex A provides a definition of recycled and reclaimed timber in accordance with the UK Government Timber Procurement Policy.

Requirements for proof of Timber Origin

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. The Contracting Authority will accept evidence from any of the following categories:
3. 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 Certification Schemes (Category A Evidence)" (available from the Contracting Authority on request) which reflects the criteria for legal and sustainable set out in the document entitled UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement The edition current on the day the contract is awarded shall apply. 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.
4. Category B evidence: Documentary evidence, other than Category A evidence and FLEGT (or equivalent) evidence, that provides assurance that the source meets the criteria set out in the document entitled ‘UK Government Timber Procurement Policy: Framework for Evaluating Category B Evidence’ which reflects the criteria for legal and sustainable set out in ‘UK Government Timber Procurement Policy, Definition of Legal and Sustainable for Timber Procurement’. 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. .

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.

1. FLEGT evidence, from either or both of the following categories:

Evidence of timber and wood-derived 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 Union and which have been licensed for export by the producing country’s government. Evidence of equivalence to FLEGT-licensed (for the purposes of the definition of Sustainable) may include Timber and wood-derived products that have been independently verified as meeting all the producing country's requirements for a FLEGT licence (in due course), where a VPA has been entered into but the FLEGT licensing system is not fully operational, or

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.

FLEGT-licensed Timber and wood-derived products which have been processed in a third country may also be acceptable, provided that they demonstrate compliance with the TPP definition of Legal and Sustainable (where equivalent to FLEGT-licensed can be evidence of meeting the definition of Sustainable).

1. In relation to recycled and reclaimed timber, the need for documentary evidence and independent verification also applies but will focus on the use to which the timber was previously put rather than the forest source and chain of custody.

**Annex A: Glossary of Terms**

The terms defined in Annex (A) are for use in this Note:

**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.

**Legal and Sustainable**: means production and process methods, also referred to as timber production standards, and in the context of social criteria, contract performance conditions (only), 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).The edition current on the day the contract is awarded shall apply.

**FLEGT**: means Forest Law Enforcement, Governance and Trade, and is a reference to the EU FLEGT Action Plan, which aims to help tackle the urgent issue of illegal logging and associated trade.

**FLEGT licensed**: means production and process methods, also referred to as timber production standards, and in the context of social criteria, contract performance conditions (only), 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.

**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 and which has completed its lifecycle and would otherwise be disposed of as waste.. 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. Documentary evidence and independent verification also apply to recycled materials, but will focus on the use to which the timber was previously put rather than the forest source and chain of custody details. Previous legal ownership details will be required for an audit trail.

**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.

# Supplementary condition of contract relating to the purchase of timber and timber related products for all landscape contracts.

This document contains the requirements of the UK Government Timber Procurement Policy Timber Procurement Advice Note (TPAN) 5th Edition June 2013.

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 an independently verifiable Legal and Sustainable (which can include from a licensed Forest Law Enforcement, Governance and Trade (FLEGT) partner or equivalent) source. 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:

1.1 All Timber and wood-derived products for supply or use in performance of the contract must be independently verifiable and come from:

1.1.1 A Legal source; and

1.1.2 A Sustainable source, which can include a FLEGT- licensed or equivalent source; 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.

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**Contract Condition - Timber and wood-derived products**

1. **Requirements for Timber**
	1. All Timber and wood-derived products supplied or used by the landscape contractor in performance of the JCLI Landscape Works Contract 2017 and JCLI Landscape Maintenance Works Contract 2017 (including all timber and wood-derived products supplied or used by sub-contractors) shall comply with this Contract Specification.
	2. In addition to the requirements of clause 1.1 above, all timber and wood-derived products supplied or used by the landscape contractor in performance of the JCLI Contract (including all timber and wood-derived products supplied or used by sub-contractors) shall originate from a forest source where management of the forest has full regard for:
* Identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;
* Mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions; and
* Safeguarding the basic labour rights and health and safety of forest workers.

**2 Requirements for Proof of Timber Origin**

2.1 If requested by the Environment Agency, and not already provided at the tender evaluation stage, the landscape contractor shall provide to Environment Agency evidence that the timber and wood-derived products supplied or used in the performance of the JCLI Contract complies with the requirements of this Contract Specification. If requested by the Environment Agency, the landscape contractor shall provide evidence that the timber and wood-derived products supplied or used in the performance of the JCLI Contract complies with the requirements of the social criteria defined in section 1.2 above.

2.2 The Environment Agency reserves the right at any time during the execution of the JCLI Contract and for a period of 6 years from final delivery under the JCLI Contract to require the landscape contractor to produce the evidence required for the Environment Agency’s inspection within 14 days of the Environment Agency’s written request.

2.3 The landscape contractor shall maintain records of all timber and wood-derived products delivered to and accepted by the Environment Agency. Such information shall be made available to the Environment Agency if requested, for a period of 6 years from final delivery under the JCLI Contract.

**3 Independent Verification**

3.1 The Environment Agency reserves the right to decide whether the evidence submitted to it demonstrates that the timber and wood-derived products comply with this Contract Specification. The Environment Agency reserves the right to decide whether the evidence submitted to it is adequate to satisfy the Environment Agency that the timber and wood-derived products comply with the requirements of the social criteria defined in section 1.2 above.

In the event that the Environment Agency is not satisfied, the landscape contractor shall commission and meet the costs of an "independent verification" and resulting report that will (a) verify the forest source of the timber and wood-derived products and (b) assess whether the source meets the relevant criteria.

3.2 In the JCLI 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 Environment Agency’s Right to Reject Timber**

4.1 The Environment Agency reserves the right to reject any timber and wood-derived products that do not comply with the JCLI and this Contract Specification. It also reserves the right to reject any timber and wood-derived products that do not comply with the requirements of the social criteria defined in section 1.2 above.

Where the Environment Agency exercises its right to reject any timber and wood-derived products, the landscape contractor shall supply alternative timber and wood-derived products, which do so comply, at no additional cost to the Environment Agency and without causing delay to the JCLI Contract completion period.