

Date: Tuesday, 2 February 2021
Time: 2.00pm
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

**Kōmiti Mahi Āta Torotoro Rawa /
Strategic Procurement Committee**
OPEN MINUTE ITEM ATTACHMENTS

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**Presentation to the
Auckland Council Strategic Procurement Committee
on its Forward Work Programme and Procurement Plan for Legal Services**

1. Introduction

My name is Suzanne Kendrick. I have been a resident of Grey Lynn for 22 years. In that time, I have been involved with school-based committees and other groups, like Bike Grey Lynn, Grey Lynn 2030, Grey Lynn Car Boot Market, Wellpark Streamers and recently the Bullock Track Restoration Group. I founded the Grey Lynn Business Association.

I am also a member of the Waitemata Low Carbon Network, which is a diverse community of residents, groups and businesses passionate about making low carbon living, working and playing part of the distinct identity of central Auckland.

The Waitemata Low Carbon Network ("WLCN") welcomes the opportunity to make this presentation to the Strategic Procurement Committee at its meeting on 2 February 2021 on the following Agenda items:

- Summary of Strategic Procurement Committee information memoranda and briefings (including the forward work programme) - 2 February 2021; and
- Procurement plan for legal services.

2. Forward Work Programme

The Strategic Procurement Committee will be aware that in December 2020, the government declared a climate emergency¹ and that Auckland Council has also declared a climate emergency.²

The Committee will note the adoption by the Environment and Climate Change Committee of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan at its meeting on 21 July 2020.³ Te

¹ https://www.parliament.nz/resource/en-NZ/OrderPaper_20201202/12af3d67e35a1a7b17a7ff8370e2044608adfd07

This includes that: the Government will show leadership and demonstrate what is possible to other sectors of the New Zealand economy by reducing the Government's own emissions and becoming a carbon-neutral Government by 2025.

² <https://ourauckland.aucklandcouncil.govt.nz/articles/news/2019/06/auckland-council-declares-climate-emergency/>

By declaring a climate emergency, the Council made commitments to: continue to robustly and visibly incorporate climate change considerations into work programmes and decisions; continue to provide strong local government leadership in the face of climate change, including working with local and central government partners to ensure a collaborative response; continue to advocate strongly for greater central government leadership and action on climate change; continue to increase the visibility of our climate change work; continue to lead by example in monitoring and reducing the council's greenhouse gas emissions; include climate change impact statements on all council committee reports.

³ Environment and Climate Change Committee, Minutes, 21 July 2020 (Resolution ECC/2020/29).

https://infocouncil.aucklandcouncil.govt.nz/Open/2020/07/ECC_20200721_MIN_9847.PDF

Tāruke-ā-Tāwhiri includes two core goals: to reduce our greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050. *Te Tāruke-ā-Tāwhiri* includes a number of actions concerning procurement:⁴

- Action T1: Changing the way we all travel
 - Choose lower emissions vehicles when purchasing, sharing or leasing.
- Action E5: Leverage public sector and large business procurement to deliver climate outcomes for Auckland
 - Work with large businesses and suppliers to reduce emissions and climate risk throughout supply chains.
 - Encourage the adoption of innovation, green technology and circular solutions, and support suppliers as they transition to a lower carbon economy
- Action F4: Increase supply and demand for local, seasonal and low carbon food
 - Support people to grow their own food, improving access to low carbon food growers or retailers, delivering behaviour change programmes and shifting procurement policy to prioritise sustainably produced, low carbon food.
- Action EN5: Develop, deliver and support local and regional decentralised renewable energy solutions
 - Use Auckland Council's and CCO's property to test, trial and showcase innovative energy generation and support market growth through public procurement.
 - Optimise building management systems and use other initiatives on Auckland Council's and CCO's facilities to reduce energy consumption.

We also note that the Strategic Procurement Committee Forward Work Programme does not include work to support implementation of these actions from *Te Tāruke-ā-Tāwhiri*. In our view, it must do so, urgently.

The WLCN recommend that the Strategic Procurement Committee:

- c) request officers include, as an emergency priority, an area of work on implementing actions under *Te Tāruke-ā-Tāwhiri* in the Strategic Procurement Committee's Forward Work Programme.

3. Procurement Plan for Legal Services

We note the procurement plan for legal services to issue a Request for Proposal (RFP) for external legal services. In particular, we note at paragraph [16] that the RFP will clearly states that successful providers need to: • Share and support Council group's values, objectives and behaviours; • Contribute to Council group's obligations and commitments to Māori and demonstrate support for Māori outcomes; • Be committed to Council group's social and sustainable outcomes, including having and promoting a sustainable, diverse and inclusive workforce.

⁴

<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/aucklands-climate-plan/Documents/acp-implementation-table.pdf>

In light of the climate emergency and Te Tāruke-ā-Tāwhiri, we suggest that the RFP also clearly state that successful providers need to: • demonstrate their commitment to supporting implementation of the actions in Te Tāruke-ā-Tāwhiri.

We note at paragraph [17] that the RFP asks that proposals identify outreach and pro-bono activities for Māori. We support the RFP asking for firms to identify outreach and pro-bono activities for Māori, but would also like to see the RFP going further and looking for the identification of outreach and pro-bono activities generally.

In particular, we suggest a commitment by successful tenderers to a percentage of firm partner and employee time (say 10 percent) being dedicated to outreach and pro-bono activities and this being a condition of winning a tender.

Why is the provision of pro bono legal services so important? In my experience, NGOs, social enterprises and community groups who work to create social and environmental change often need legal assistance, especially when the new ideas they are advocating for come up against legal questions. It can be as simple as getting the right advice about how to incorporate a society or establish a trust.

We would like to see Auckland Council and its CCOs use their leverage as large procurers of legal services to require those who win that lucrative work to commit 10 per cent of their firm's partner and employee time to providing pro bono legal services to Māori, but also in furtherance of the actions of Auckland's Climate Plan and in support of community groups furthering social and sustainable outcomes.

The WLCN recommend that the Strategic Procurement Committee:

- c) request officers include in the RFP that the successful legal providers: must demonstrate their commitment to supporting implementation of the actions in Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan; and must commit 10% of their firm's partner and employee time to outreach and pro-bono activities for Māori and other community groups furthering social and sustainable outcomes.

4. Further matter – Full Facilities Contractors not achieving emissions reductions

Finally, we note the concern raised in the Community Facilities Full facilities Contracts Performance Report (para 20) from the Strategic Procurement Committee meeting of 1 December 2020 that there were full facilities contractors who had not achieved the targeted emissions reductions in those contracts.

The Report noted that with respect to contractors not achieving emission reductions, the Council was currently working with them to help them meet their targets.

The WLCN recommend that the Strategic Procurement Committee:

- c) request officers report back to the Strategic Procurement Committee on the measures being taken by Council to ensure all full facilities contractors are achieving the targeted carbon emissions reductions.

5. Conclusions

In December 2020, the government declared a climate emergency. Auckland Council has also declared a climate emergency. Auckland Council has adopted Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which includes goals to reduce our greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050.

Te Tāruke-ā-Tāwhiri has identified a number of actions where strategic procurement can contribute to achieving reduction in emissions.

The Waitematā Low Carbon Network recommends that the reduction of carbon emissions becomes an overriding priority of strategic procurement for Auckland Council.

Thank you for your time.

Suzanne Kendrick

Member, Waitematā Low Carbon Network