

## Article

# Building a Sustainable Society: Construction, Public Procurement Policy and ‘Best Practice’ in the European Union

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**Abstract:** Sustainability and sustainable development are political and essentially contested social phenomena. Despite this ambiguity, they continue to hold a central position as apolitical concepts in much of social science and policy making. In Europe, public procurement is increasingly used as a tool to reach sustainability, a fact that actualizes an inherent tension between politically charged objectives on the one hand, and technological processes and market logics on the other. Therefore, in this article, we investigate this tension by studying policies relating to sustainable public procurement of the built environment in the EU. We argue that governing any policy domain entails the construction and representation of particular policy problems. Hence, we focus on how the ‘problems’ of sustainable public procurement are represented in EU policy guidance and best practice documents. Our analysis shows that these central policy documents are dominated by a problem representation where unsustainability is constructed as technical design flaws and market failure. This has the primary effect that it renders sustainable development as, primarily, a technical issue, and beyond politics. Therefore, we conclude that current policy reproduces ‘weak’ forms of sustainable development, where the practice is depoliticized and premised upon continued growth and innovation.

**Keywords:** sustainability; sustainable development; public procurement; construction; European Union



**Citation:** Olsson, D.; Öjehag-Pettersson, A.; Granberg, M. Building a Sustainable Society: Construction, Public Procurement Policy and ‘Best Practice’ in the European Union. *Sustainability* **2021**, *13*, 7142. <https://doi.org/10.3390/su13137142>

Academic Editors: Johan Larsson, Anna Kadefors and Per Erik Eriksson

Received: 31 May 2021  
Accepted: 21 June 2021  
Published: 25 June 2021

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## 1. Introduction

European public procurement is designed at the European Union (EU) level and implemented in different national, regional and local contexts in Europe. Hence, public procurement has a similar design across the EU [1,2], a region with a population of about 500 million people and one of the largest per capita ecological footprints in the world [3]. Consequently, as public procurement stands for a sizable proportion of the consumption in the EU, its relevance for sustainable development, and the goal of sustainability, is significant [1].

Sustainability and sustainable development—the latter being the process of reaching the former—are normative and political constructions fitting in the sphere of essentially contested social phenomena [4–7]. That they are contested entails a lack of consensus over what would count as sustainability and sustainable development. This highlights their social construction and reinforces their characteristics as political phenomena. Despite this ambiguity, they continue to hold a central position as unequivocal and apolitical concepts in much of social science and policy making. Importantly, studies have shown that ‘weak’ forms of sustainable development dominate mainstream politics, policy and practice. ‘Weak’ sustainable development is grounded in the idea that economic growth takes precedence over the social and ecological dimensions of sustainability and that the unsustainable predicament can be solved with growth-oriented technological innovations [8].

The practice of ‘weak’ sustainable development through technological processes and market mechanisms is often labeled as market environmentalism [9], ecological modernization [10,11] or ecomodernism [12], respectively. Particularly since market inspired reforms and organizing models, such as public procurement, dominate public administration and environmental policy in many democracies, ‘weak’ sustainable development perspectives have gained a prominent position [13,14]. Research also shows that such approaches can be associated with processes of de-politicization [7,15–18].

Moreover, market rationalities often form part of what is sometimes labeled a *production perspective* on sustainability, an approach for which a number of limitations have been identified [19–21]. Some of this critique focuses on the tendency of the production perspective to depict sustainable development as a technical process that neglects political issues, such as issues related to environmental (in)justice [19,22]. This critique is often made from the so-called *consumption perspective* on sustainability that also highlights possible pathways to reach a strong sustainable development, which entails a problematization of the current economic order and its focus on perpetual economic growth and technological innovation-driven pathways to sustainability [19]. We will delve deeper into the relationship between ‘weak’ and ‘strong’ sustainability and sustainable developments in Section 2.

Indeed, one consequence of using public procurement in order to reach ‘soft’ and politicized targets, such as sustainability, is the inherent tension between politically charged objectives on the one hand, and technological processes and market logics on the other. In the present paper we investigate this tension by studying sustainability policies relating to public procurement of the built environment in the EU. We argue that governing any policy domain entails the construction and representation of particular policy problems. Hence, we focus on how the ‘problems’ of sustainable public procurement are represented [23,24] in EU policy guidance and best practice documents. Specifically, we utilize the critical policy analysis approach, ‘What’s the problem represented to be’ (WPR) of Carol Lee Bacchi [25], to study how unsustainability is problematized in such ‘soft’ policies for sustainable public procurement of the built environment and the potential effects of these problem representations.

Therefore, the purpose of this study is to explore how ‘best practice’ exemplars and guidelines, as forms of ‘soft’ policy for green and sustainable public procurement, represent the problem of sustainability. Following Bacchi et al. [24,26,27], we also aim to show a number of constitutive effects associated with the dominant problem representations. Our argument is that public procurement can be considered a mainstream policy approach to sustainability and sustainable development, and that it lies firmly within capitalist market rationalities. This sets the scene for sustainable development through institutional policy arrangements based on market rationalities [18]. Hence, studying how such rationalities shape sustainable development policy, how this can be associated with the process of de-politicization and how it has constitutive effects for the practice of sustainable development is the main focus of the article.

Following this introduction, the article is structured as follows. We first present a compact overview of competing theories on sustainability and sustainable development, particularly those falling in the two broad categories of production and consumption. This section also pays attention to the limited research that has investigated public procurement as politics. Second, we elaborate our theoretical and methodological WPR perspective, along with a description of our material and selection rationale. Third, we summarize the arguments for sustainable public procurement stated in the analyzed documents to provide an outlook on the self-described importance of public procurement expressed in these EU policies. Fourth, we present the empirical results in terms of how European public procurement policy and ‘best practice’ documents constitute and represent the ‘problems’ of unsustainability and with what potential effects. Finally, we provide a concluding discussion of our findings, in which we elaborate on the possibilities and limitations of using public procurement as a policy instrument for promoting different political and normative visions of sustainability and how to get there (i.e., sustainable development).

## 2. Competing Theoretical Perspectives on Sustainability and Sustainable Development

One way to illustrate how sustainability and sustainable development are contested phenomena is to pinpoint some of the many disputes over their meaning represented in the scholarly literature that displays a multitude of co-existing definitions based in particular values and ideological orientations [6,7]. There are, for instance, disagreements over which theory of justice [28–33] and, more generally, which moral theory, should underpin sustainability and sustainable development [7,34]. Moreover, several ways to define and measure sustainability and sustainable development have been proposed, reflecting different normative and ideological positions, e.g., [6,7,19,35,36]. No matter how straightforward and objective the ‘solutions’ to unsustainability may seem to be, they are inescapably political in the sense that they always rest on particular values and ideologies and promote certain interests.

In this section, we illustrate these political circumstances with a brief overview of two main positions on sustainability in the scholarly literature: the production and consumption perspectives [37]. The former perspective exemplifies ‘weak’ versions of sustainability and sustainable development, whereas the latter provides examples of ‘strong’ versions. This is by no means a comprehensive overview of these positions, even less so of the disagreements concerning sustainability and sustainable development generally. Our overview serves to illustrate a few major controversies between proponents of these two perspectives and, thus, to provide concrete examples of how sustainability and the process to attain it are disputed.

The choice to focus on the production and consumption perspectives stems from the circumstance that they represent two significantly different perspectives that, moreover, are common in policies for sustainable public procurement. One reason for this is that these perspectives are closely associated with different political economy approaches to sustainability [18,19,38]. Since public procurement is largely founded on economic theory, disputes over economic approaches are highly relevant to its practice. Another reason is that both perspectives have been highlighted as important by civil servants in at least one member state, Sweden [19], where both perspectives also surface in public procurement policies [18]. It needs to be clarified, however, that the analytical strategy of this paper is more empirically driven, in that we identified the problem representations implied in the identified guidelines and best practice exemplars (as detailed in the methodology section).

The production perspective entails a focus on promoting sustainability by facilitating innovative production, while the consumption perspective is centered on changing unsustainable consumption patterns, and the power relations and inequalities associated with these. Production perspective approaches to sustainability are underpinned by the assumption that technological innovations are the primary drivers of sustainable development. Conversely, the consumption perspective stresses that political interventions are needed in order to limit consumption in ways that transform economic and social relations, as well as their environmental impacts [37].

The primary solutions to the unsustainable predicament from a production perspective are centered on environmental reforms of current modes of production. These reforms are to create conditions that incite sustainable technological innovations, which enable a perpetual and sustainable economic growth. Consequently, economic, social and ecological sustainability can be achieved without a fundamental transformation of current socio-ecological relations. This perspective is indicative of approaches to sustainability that, in the research literature, are labeled market environmentalism [20–22] and are based in neoclassical economics [39]. It is also often the major perspective in ecological modernization literature [40,41]. A central assumption of these approaches is that sustainability can be facilitated through competitive markets and pricing mechanisms. Accordingly, the focus is on technical solutions and innovative forms of governance [41], reformed production chains through bioeconomic [42,43] and circular economic reforms [43,44], and commodification of social and environmental aspects enabling the internalization of these as costs,

benefits and products on the market [21,39,41]. Consequently, sustainability is rendered a technical issue, void of values, ideology and politics.

From a consumption perspective, unsustainability is not something that can be solved merely with technical solutions and economic growth (green, or otherwise). Instead, unsustainability is primarily caused by unsustainable per capita consumption of a minority of the human population, which, in turn, is reproduced through specific forms of social and economic organization. Specifically, this minority consumes in accordance with the capitalist consumer societies' standards [19,29,45,46].

Political ecology, one field in which the consumption perspective is represented, is an eclectic field of scholarship committed to unraveling sources of inequity, domination and social injustice in socio-ecological relations, especially those produced through supposedly objective techno-scientific practices, and to develop alternative conceptions to incite political change [38,39,46–49]. Research on ecologically unequal exchange is a case in point. Simply put, it emphasizes that the overconsumption of Earth's resources is primarily driven by the wealthy minority of the world population that lives in accordance with Western consumer ideals, which includes most of the population in the EU. The high consumption levels of this minority drain other parts of the world of natural resources and, thus, produce an ecologically unequal exchange that also generates environmental degradation and reduces the development chances for the less fortunate majority of the world's population. Accordingly, attainment of sustainability would require political interventions that dismantle the social organization that produces the ecologically unequal exchange. Importantly, this encompasses the need to reduce the per capita ecological footprints of consumption to sustainable levels among the wealthy, high-emitting segments of the world population [46–51].

Another body of research highlighting the consumption perspective is that of environmental and climate justice. Although it shares a focus on inequities and injustices in socio-ecological relations with political ecology, it has developed separately (with some overlap) and, thus, represents a somewhat different tradition [50]. A central argument is that unsustainability is intertwined with societal inequities, power asymmetries and injustices. Agyeman et al. [51] (p. 2), have proposed that sustainable development should be redefined as “... the need to ensure a better quality of life for all, now, and into the future, in a just and equitable manner, while living within the limits of supporting ecosystems”. Reflecting this emphasis on justice, scholars such as Shue [45,52], Schlosberg [29] and Holland [53,54] argue that ceilings on individual footprints of consumption should be imposed. This would require that the wealthy proportion of the world population reduces their ecological footprint by decreasing their consumption. These scholars argue that unsustainability is primarily due to unjust relations of power reproduced through current forms of societal organization and needs to be addressed and transformed through political intervention. Hence, these scholars stress that policy processes that render climate change and other socio-environmental issues as technical problems, impede justice-oriented politics and policies. To facilitate justice-oriented sustainability politics and policies, the conditions for more democratic and inclusive, as opposed to technocratic, politics have to be strengthened [55–57].

Although there is a long and ongoing discussion of different perspectives on sustainability and sustainable development in the reviewed literature, such discussions are uncommon in the research on sustainable public procurement and only occur in a few studies, notably [18,58–64]. How the meaning of 'sustainability' is constructed through public procurement and the limits this entails are, therefore, an under-researched topic. Indeed, public procurement, in general, has not captured the interest of many scholars interested in power and politics. The broader research on public procurement is mostly focused on technical and judicial aspects [65], or wider discussions of public procurement in relation to marketization reforms of public administration [14]. The research specifically oriented toward sustainable public procurement tends to be oriented towards ways to improve it rather than to explore its drawbacks and limitations.

Existing studies have focused on how sustainable outcomes can be realized through public procurement, e.g., [66], and how public procurement has been utilized to promote sustainability in different settings, e.g., [67]. Examples of themes discussed are how life cycle costs can be used for sustainable public procurements of the built environment, e.g., [68,69], and the connection between sustainability, public procurement and digitalization, e.g., [70]. Finally, the few studies that have more critical stances have not explored public procurement of the built environment, but are limited to the broader public procurement system [18,61]. Since public procurement of the built environment stands for a significant proportion of GDP and the ecological footprint of the public sector in Europe [71], and the EU has one of the largest per capita ecological footprints in the world [72], we contend that research that explores how sustainability for the built environment is constructed in public procurement, and the possibilities and limitations this creates for approaching different ideological ideas of sustainability, is called for.

### 3. Methodology and Data

In this article, the policy analysis has drawn on the Foucauldian-based WPR approach that focuses on problem representations as central analytical categories. These problematizations are implied by policy prescriptions, such as regulations, recommendations and guides to specific practices. Each problematization (re)produces a particular version of a phenomenon by making its underlying and contingent assumptions self-evident [24–26]. Consequently, every problem representation limits the becoming of a phenomenon. The WPR approach is centered on illuminating and problematizing the limitations constituted by problem representations, and their underlying assumptions, implicit in policy prescriptions. The WPR literature provides a set of questions to support the analytical process, see [25]. We used three of these: “What’s the ‘problem’ ... represented to be ... ? What ... assumptions underpin this representation of the ‘problem’? ... What effects are produced by this representation of the ‘problem’?” [73] (p. 21). Guided by these questions, we started the analytical process by coding prescriptions for public procurement practice identified in our data. Based on these, we conceptualized problem representations and their underlying assumptions. Subsequently, we conducted an analysis of so-called constitutive effects produced through these problematizations and assumptions. Drawing on Bacchi [25] and Olsson [74], we labeled these positioning effects and discursive effects. Positioning effects were the particular subject and object positions produced through a problem representation. Discursive effects were the silences implied by the particular focus of a problem representation, such as a problematization of ‘unsustainability’ [25].

The analyzed material consisted of EU ‘soft’ policies focused on sustainable public procurement for the built environment, that is, the construction sector. Sustainable public procurement was here used as an umbrella term that encompassed green public procurement, procurement of nature-based solutions and socially responsible public procurement. The policies were published by EU bodies and included guidelines and ‘best practice’ examples of green public procurement, socially responsible public procurement and procurement of nature-based solutions for the construction sector. We defined the construction sector as encompassing buildings and infrastructure (roads, bridges, railroads, etc.) [75]. Importantly, many of these ‘soft’ policies were not limited to the construction sector, but provided more general guides to practice that concerned both construction and other sectors. Therefore, several quotes in the analysis do not explicitly mention the construction and the built environment, although they concern this sector as well. The policy documents were retrieved from the webpage of the Publications Office of the European Union. Eleven policy documents were deemed relevant for this study and included in the analysis (see Table 1).

**Table 1.** Analyzed policy documents.

Title	Year	Published by	Short Description
Buying for social impact: good practice from around the EU.	2019	The European Commission	Good practice exemplars
Buying green! A handbook on green public procurement.	2016	The European Commission	Guiding document
Buying social: A guide to taking account of social considerations in public procurement.	2011	The European Commission	Guiding document
GPP Green public procurement: A collection of good practices.	2012	The European Commission	Good practice exemplars
Green public procurement and the EU action plan for the circular economy.	2017	The European Parliament	Assessment Guiding document
Green public procurement criteria for office building design, construction and management. (a)	2016	The European Commission	Guiding document
Green public procurement criteria for office building design, construction and management. (b)	2016	The European Commission	Criteria
Making socially responsible public procurement work: 71 good practice cases.	2020	The European Commission	Good practice exemplars
Public procurement of Nature-Based Solutions: Addressing barriers to the procurement of urban NBS: case studies and recommendations.	2020	The European Commission	Case studies Guiding document
Revision of green public procurement criteria for road design, construction and maintenance. (a)	2016	The European Commission	Guiding document
Revision of green public procurement criteria for road design, construction and maintenance. (b)	2016	The European Commission	Criteria

There were two primary reasons for this choice of data. First, public procurement stands for a sizable proportion of the consumption in the EU and its relevance for sustainable development is significant [1]. Second, public procurement was designed at the EU level and has a similar design across the EU [1,2], and these documents also have a status as ‘soft’ policy guides to sustainable public procurement in all EU countries. Hence, their content offered an indication of how the EU envisions the realization of sustainability through public procurement and, by implication, how the unsustainable condition is problematized and to what effects. Consequently, our study provides a picture of the possibilities and limits to sustainable development and sustainability in one of the world’s leading economic powers.

#### 4. The Ambitions of Sustainable Public Procurement Expressed in the EU Policies

This section summarizes the arguments for the importance of sustainable public procurement as expressed in the EU policies. We do this to illustrate the policy ambitions for sustainable public procurement in general and, in particular, sustainable public procurement for the built environment.

The general argumentation for why sustainable public procurement is important is similar in the policy documents, here illustrated with examples from GPP and SRPP policies. Sustainable public procurement is represented as a solution to, and replacement for, current unsustainable ways of procuring goods and services. More importantly though, most of the explicit argumentation also identifies sustainable public procurement as an important tool for transforming society more generally. Starting with GPP, it is argued that

a transformation must take place by implementing GPP practices and procedures [76,77]. The basic idea behind the GPP is to employ “... clear and ambitious environmental criteria for products and services” [77] (p. 8). In this process, public authorities are given a central role in the transformation of public procurement and in the drive towards a greener Europe as they are:

... major consumers in Europe, spending approximately 2 trillion Euros annually, equivalent to approximately 19% of the EU's gross domestic product. By using their purchasing power to choose goods and services with lower impacts on the environment, they can make an important contribution to sustainable consumption and production. [76] (p. 1)

Thus, the idea is that GPP can be a powerful tool in facilitating green innovation and aid in transforming the EU economy into a more resource efficient economy [77–79]. That is, an economy with a reduced environmental impact that is enabled by the “... introduction of green criteria into the frameworks [which] was seen as a major opportunity to reduce the environmental impact of public procurement ...” [76] (p. 15).

This is also highlighted as the way forward in the construction sector. GPP is a prioritized political objective in that “... the construction and refurbishment of buildings in an energy and resource efficient way is an important policy objective for Europe” [78] (p. 1). It is, moreover, stressed that “... criteria provide contracting authorities and their procurers with the opportunity to set requirements that address the most significant opportunities for environmental improvements along the life cycle of Office Buildings” [79] (p. 1).

Similar statements can be found in the case of SRPP. Again, the focus is on the transformative potential that is perceived to lie dormant in the market forces:

Public buyers are major investors in Europe, spending 14% of the EU's gross domestic product. By using their purchasing power to opt for goods and services that deliver positive social outcomes, they can make a major contribution to sustainable development. Increasingly, the need to address all three pillars of sustainability (social, environmental and economic) in procurement is recognised by both the public and private sectors. [80] (p. 4)

Indeed, this power of the market is often represented in ways that seem to view the market as a tool for producing equally good outcomes for all groups in society. In other words, SRPP is not only for groups that, in various ways, may be in need of help, it is also a growth sector for businesses interested in expanding into new markets and willing to explore their potential. This goes beyond the building sector, but the argumentation remains the same, regardless of the context where SRPP is supposed to be conducted. By focusing on socially beneficial products and services, public procurement can be used to make products and services more accessible and inclusive. Furthermore, this can also help stimulate competition and innovation that, in turn, can help transform the market and the way consumers act, so that continued growth is possible in combination with socially sustainable outcomes:

SRPP can contribute to developing a market in socially beneficial products by expanding existing markets or creating new markets for goods and services that support achievement of social objectives and serve as a model for other consumers by offering them standards and information. Indeed, social public procurement can help create a level playing field in Europe and economies of scale. Market innovation can be stimulated, as can competition at European level, through for example, purchasing information technologies that are accessible for persons with disabilities, which will bring better and more affordable such products onto the market. [81] (p. 9)

In sum, the point of departure for sustainable public procurement revolves around the claim that it can be used to shift, or phase out, specific unsustainable aspects of contemporary building and construction processes using market mechanisms. At the same time, this is understood to affect more general aspects of society and, if done right,

sustainable public procurement can, it is presumed, set into motion needed changes while also allowing for prosperity through growth. With this in mind, we turn to the analysis of how the ‘problems’ of unsustainability are represented and the effects they produce.

## 5. Problematizations of Unsustainable Public Procurement

Several problematizations of unsustainable public procurement were represented in the prescriptions of the studied policy documents. The most salient of these was based on the notion that markets can solve most issues, so long as they can be made to function better and that there are inadequate conditions for sustainable technological innovations. However, some guides to practice represented problematizations that mirror the assumption that unsustainability is rooted in systemic flaws escalating inequities and injustices, as well as deepening the environmental crisis. As argued in the following analysis, these two groups of problematizations created two markedly different ways to frame sustainability and sustainable development. One of them is clearly more salient and structures, more or less, all of the analyzed policy documents. Thus, to make sense of what the problem of unsustainability was represented to be and why the member states should engage with sustainable public procurement in the first place, it was necessary to interpret it, at least to some degree, as *unsustainability as a technical design flaw*. That being said, we found it important to also show the forms of resistance that we found lodged in various articulations in our material. We labeled these peripheral, but potentially important, counter representations, *unsustainability as unjust politics*.

### 5.1. Unsustainability as a Result of Technical Design Flaws

The problem representations falling under this category were produced through guides to practice that offer technical solutions presumed to create favorable conditions for sustainable innovations. At the center of these were numerous guidelines explicitly focused on facilitating the conditions that promote market competition between tenderers. However, they also included suggestions on how to improve knowledge sharing of innovative technical solutions for sustainability, as well as proposals for how sustainability can be better mainstreamed in the procuring organization. Despite their different focus on procurement of nature-based solutions, GPP and SRPP, these guides to practice all shared the assumption that unsustainability can be managed with technical solutions.

As suggested above, the most central problem representation in this category was that unsustainability is a matter of insufficient creation of markets and market incentives for sustainable innovations. Mirroring the assumptions of homo economicus, this problematization was based on the presumption that innovation and development are best driven by rational actors seeking to maximize their interests on a competitive market. Accordingly, a central role of public procurers is to design procurements that facilitate as much competition as possible. This also entails the perception that procurements that attract few tenders represent a serious problem. This problem representation emerges through recommendations of how public procurers can increase market competition when procuring so-called nature-based solutions (NBS):

Public procurers may face difficulties in finding suppliers willing to develop innovative NBS solutions when contract values are low. Where possible, grouping several small contracts together in a single call for tender, or where possible allowing suppliers to enter a framework agreement for NBS solutions, may provide suppliers with an incentive to better engage with procurers on such projects. Inter-city collaboration may be valuable here: joint procurement of NBS projects may increase contract value and give suppliers an incentive to participate in a call for tenders. [82] (p. 43)

As this quote illustrates, there is an emphasis on creating sufficient economic incentives to attract as many bidders as possible, and one way of doing this is to create a single call for tenders in cooperation with others to increase the economic value of the call.



Other examples of this problem representation were from guides to practice for GPP that, among other things, represented this ‘problem’ through a recommendation to use a performance-based approach to design calls for tenders, which “... usually allows more scope for innovation and in some cases will challenge the market into developing new technical solutions” [83] (p. 33). The benefits of this approach were, moreover, highlighted through a ‘good example’ of a GPP for a new school building in Malta:

Tenderers were able to present different solutions for achieving this goal. Certain minimum requirements, for example on energy and water efficiency, were also included in the specification. Additional points were awarded for even better performance during the award stage. The winning bidder installed solar panels and wind turbines, producing a total of 35,000 kWh over the first ten months of the contract. [83] (p. 34)

Another variation of this problem representation was expressed through a policy document for SRPP, in which it was stressed that public authorities should develop incentives for companies, i.e., correct technical flaws. If so, it was suggested that SRPP could start a market-driven chain reaction towards social sustainability:

Socially responsible public procurement (SRPP) is about setting an example and influencing the marketplace. By promoting SRPP, public authorities can give companies real incentives to develop socially responsible management. By purchasing wisely, public authorities can promote employment opportunities, decent work, social inclusion, accessibility, design for all, ethical trade, and seek to achieve wider compliance with social standards. For some products, works and services, the impact can be particularly significant, as public purchasers command a large share of the market (e.g., in construction, business services, IT and so on). [80] (p. 4)

Through clever designs that create incentives between self-interested actors to compete over the production of sustainable innovations, the market and homo economicus are, thus, largely presumed capable to deliver and define sustainability in a seemingly objective and neutral fashion. Importantly, this produces a silence concerning the different perspectives on sustainability and sustainable development.

Since the examined documents were ‘soft’ policies, it also means they provided recommendations rather than obligations. In other words, the procuring organizations can choose their ambition level when it comes to social and environmental sustainability. In a sense, this provides possibilities for political agency. However, this agency is limited to the market- and innovation-driven notions of sustainability and sustainable development, which reflect the production perspective and the focus on technical fixes. Accordingly, it becomes a matter of choosing at which level the procuring organization should set its ambitions to encourage market-driven sustainable innovations.

This choice of ambition level emerged clearly through other policy texts for GPP that also represented unsustainability as a matter of insufficient creation of markets and market incentives for sustainable innovations. These underscored that standardized sustainability criteria are important tools to both influence the market and enable public procurers to rationally and ‘objectively’ compare and assess the value of each tender, including its value in terms of sustainability [83] (p. 33). Examples of these were criteria that procurers can choose from when they set the minimum requirements for tenders in the form of specifications, desirable qualities, so-called award criteria, or other parts of the call for tenders. Such criteria can, for instance, be used to set the desired ‘green level’ when procuring office buildings:

The criteria are divided into selection criteria, technical specifications, award criteria and contract performance clauses. For each set of criteria there is a choice between two ambition levels:

- The Core criteria are designed to allow easy application of GPP, focusing [sic!] on the key area(s) of environmental performance of a product and aimed at keeping administrative costs for companies to a minimum.
- The Comprehensive criteria take into account more aspects or higher levels of environmental performance, for use by authorities that want to go further in supporting environmental and innovation goals. [78] (p. 1)

Recommendations to use sustainability criteria are made in policies that are more focused on social sustainability, as in those for SRPP. However, even in the best practice examples and the handbooks we have analyzed, such criteria seemed less developed compared to those for environmental sustainability. One way that this could be observed was through the repeated definitions and examples of what SRPP could be. SRPP is much less specific in terms of ‘what it is’ and, for this reason, one of the main technical flaws is to define, inform and state what it is all about. Often, such articulations are broad and inclusive so that SRPP can be any process that:

... take into account one or more of the following social considerations: employment opportunities, decent work, compliance with social and labor rights, social inclusion (including persons with disabilities), equal opportunities, accessibility design for all, taking account of sustainability criteria, including ethical trade issues. [81] (p. 7)

Nevertheless, these guidelines still represented the ‘problem’ of unsustainability as a matter of constructing markets and market incentives for sustainable innovations.

A final example of guides that represented this ‘problem’ are those that provided information and recommendations to use life cycle costs (LCC) to calculate the total cost of a procurement, including environmental externalities [83]. For instance, a guide for procurement of roads underscored that LCC can provide a more comprehensive assessment of costs:

LCC is a technique that ‘enables comparative cost assessments to be made over a specified period of time, taking into account all relevant economic factors both in terms of initial capital costs and future operational and asset replacement cost. [75] (p. 7)

This means that when an LCC is calculated, the purchase price, operating costs and end-of-life costs can be approximated and accounted for. These can, in addition to economic costs, include the costs of environmental externalities, if the latter are assigned a monetary value:

... you may also take into account environmental externalities—the costs for society of specific environmental impacts, such as those linked to climate change or acidification of soil or water. [83] (p. 59)

Importantly, LCC calculations are underpinned by the assumption that assessments of environmental costs are fairly straightforward and apolitical operations. The notion that environmental (and social) costs can be monetized, which underpins LCC, also entails that they are perceived as interchangeable with other costs. This reflects the particular perspective of ‘weak’ sustainability [6], although LCC is depicted as a neutral policy tool. Hence, it is another example of how a particular perspective on sustainability was portrayed as objective. Furthermore, the core assumption underpinning all the above guides to practice was that sustainability can, and should be, pursued through innovations, which in turn are to emerge from market competition. Both assumptions created an apolitical frame for sustainable development and sustainability that made a particular position in the disputes on sustainability and sustainable development, i.e., the production perspective, seem objective and neutral.

There were also guides to practice that reflected organizing principles other than the market, but that, nevertheless, mirrored the overarching problematization of unsustainability as a result of technical design flaws. These included recommendations for how policy mainstreaming of sustainability can be improved; mandates, roles and responsibilities

clarified; and learning and knowledge of sustainable public procurement be increased in the procuring organizations.

Concerning policy mainstreaming, it is recommended that objectives to promote sustainable procurements are aligned with other policies and strategies across the procuring organization, as in the following recommendation for green public procurement (GPP):

GPP policy should be aligned with any existing policies and strategies relating to procurement and the sustainable operation of the organisation. The input of internal users, suppliers and management is normally needed to ensure the policy can be implemented. [83] (p. 10)

It is stressed that GPP needs to be integrated with policies and strategies of both public procurement and those of the organization at large. In this way, it is presumed that sustainability will become a more salient issue. As with the explicitly market-related prescriptions, this recommendation portrayed sustainability as a mere technical issue. The silence of the political and ideological dimensions remained. This silence also followed the prescriptions to promote clearer roles and responsibilities for green public procurement, as in the recommendation to “... include clear targets, priorities and timeframes ... [and] indicate who is responsible for implementing the policy” [83] (p. 10). The technical recommendations to policy change and institutional reform that these quotes exemplify are, in many ways, a logical consequence of the central assumption that competitive markets are the drivers and definers of sustainable solutions, making politics and ideological conflicts redundant or, at least, much less important.

Finally, this representation of unsustainability as a technical design flaw emerged through prescriptions that suggested ways to improve organizational learning and knowledge of sustainable public procurement. It was, for instance, stressed that before SRPP can address sustainability, public authorities needed to promote learning and knowledge sharing that enabled innovative, market-based solutions to social issues such as poverty, exclusion and labor rights:

Capacity-building could involve training programmes for executives, managers and staff. It might also involve sharing good practice, making available the skills to implement SRPP, including SRPP skills in candidates’ selection criteria, and making information on SRPP initiatives available at EU and/or government level. The staff making the purchases should be given the legal, financial and social knowledge they need to decide to what extent and where social factors can or can best be introduced in the procurement procedure, whether they are set at the right level to get best value for money, and whether they match the social priorities of the contracting authority issues’. [81] (p. 4)

The stress to improve learning and knowledge sharing to enable public officials to construct calls for tenders that promote market-driven sustainable innovations was made in policies on GPP, as well as in prescriptions that suggested ways to improve organizations’ pooling of knowledge and information through networking:

Many of the issues faced in implementing GPP were common to all public authorities, and there is a lot to be gained by engaging in networking and cooperation activities with others. Sharing information for example, on the environmental criteria used in tendering or the market **availability** of green products can help save time and effort. [83] (p. 19).

As illustrated with this quote, the call for networking and cooperation is centered on instrumental knowledge for improving the conditions of inciting sustainable innovations through calls for tenders. Again, there was a silence concerning value-oriented knowledge that would frame sustainability as a political issue. Nevertheless, there were a few instances in some of the policy documents in which the idea of using the market to promote sustainability was questioned. Next, we turn to this peripheral, yet potentially important counter representation.

## 5.2. Unsustainability as Unjust Politics

As illustrated in the previous passage, most policies for sustainable public procurement reflected the overarching problematization that unsustainability is the result of technical design flaws—a problematization that mirrors ‘weak’ sustainability and sustainable development, particularly the production perspective, which included approaches such as ecological modernization and free market environmentalism. These policies were primarily centered on the production side and, accordingly, on fostering sustainable innovations. A few of the policy recommendations for sustainable public procurement did, however, break with this technocratic and market-oriented problem representation. They represented the ‘problem’ as unjust politics, which could create an opening for ideas that reflect ‘strong’ versions of sustainability and sustainable development. This problem representation was, for example, produced through prescriptions centered on ways of engaging the wider community in procurement processes, including the most disadvantaged and vulnerable people. Specifically, the recommendation to use pilot projects to promote the trust and willingness of communities to engage in public procurement processes that focus on nature-based solutions was a case in point:

Many urban communities suffer from lack of trust in public authorities’ commitment to deliver infrastructure improvement projects, leading to consultation fatigue and a lack of engagement. In order to gain trust and increase the community’s willingness to engage in NBS project, it can be valuable to focus on delivering quick wins that demonstrate the city’s commitment to act. Procuring pilot projects can be a good tool to liaise with the community and show that their feedback is valued and acted upon before moving on to large scale co-designed processes. [82] (p. 44)

This focus on community engagement reflected the emphasis of the environmental justice literature to facilitate public participation in policy processes that included the concerns and perspectives of the most disadvantaged and vulnerable populations. That is, unsustainable public procurement becomes a matter of inadequate political participation. As such, this passage formed part of the broader problematization that represented unsustainability as a result of unjust politics. As in the literature stressing the importance of procedural justice [84–86], a central assumption of this problem representation was that the notion of sustainability and the public policy processes centered on promoting sustainability are inherently political and always based on specific values and ideologies. Hence, they should be approached as such and not merely as technical issues.

Another example that mirrored the assumption that sustainable public procurement should be approached as a political issue that requires value-informed decisions was a strategic objective in one of the studied documents. That is, the objective of “... creating a fairer, more active and happier place, with a focus on supporting the most disadvantaged and vulnerable” [82] (p. 30). This objective implied that sustainability-oriented procurements, to a significant extent, entail value-oriented decisions that relate to political issues such as ‘fairness’. It, thus, opens up to arguments for a value-oriented, political framing of sustainability, in line with the literature on environmental justice and political ecology [86,87].

Finally, there were a few recommendations that represented the problem of unsustainability as a result of overconsumption. This problem representation was made in passages that stressed the importance of assessing and reflecting on what the actual needs are, before a procurement process is initiated [75] (p. 5) [83] (p. 29).

A crucial step before starting the procurement process is to assess your actual needs in light of the potential environmental impact of the contract. Proper consultation with internal or end users may reveal that lower volumes... can readily be applied. In some cases, the best solution may be to buy nothing at all. [83] (p. 29)

This call to assess actual needs mirrors arguments to reduce luxury consumption, see [88], and the overconsumption of rich populations as the solution to unsustainability, see [38,39]. As such, the recommendation to assess the ‘actual needs’ has potential to incite value-based political discussions, through which, the way ‘we live, work and play’ [37,89,90] are challenged. The possibility of realizing this potential, of course relates to factors such as the institutional setting in which such discussions take place, the ideas and values represented in these, etc. This recommendation can, nevertheless, be viewed as a prescription that breaks with the dominant technocratic problem representation and, thereby, provides a glimpse at an alternative political frame to sustainable development and sustainability.

### 5.3. Effects

We now turn to what we, in Section 3, described as discursive effects and positioning effects. Here, we point out such effects and underline how they are nested in the dominating problem representation as silences, assumptions and logical consequences, before we discuss them further and contextualize them in the concluding discussion below.

The overall dominant and, perhaps, most important effect is the discursive effect produced by the prominent position of the market and technological innovations as ways to reach sustainability and facilitate sustainable development. That is, by largely naturalizing the production perspective on sustainability, making it appear as neutral and apolitical, competing understandings of sustainable development, sustainability and the causes of unsustainability are silenced. Accordingly, the space left for politics is to decide the level of ambition concerning environmental and social sustainability, produced as an optional ‘addon’ to market incentives. While this discursive effect could be expected given that what we are studying is, after all, a market device—public procurement—we argue that beyond just promoting market solutions, it also naturalizes them, thereby severely limiting the scope for democratic politics.

Moreover, as sustainability and sustainable development is premised on the market and the problem with the current situation is represented as technical design flaws in procurement processes, it renders unsustainability as a condition that just seems to appear. To be sure, the documents we analyzed take unsustainability very seriously. However, since there were so few articulations that even begin to represent it as a political phenomenon, sustainability is constructed as a phenomenon where the task for politics is, at best, to deal with its manifestations, not question its origins and causes. For instance, in the policies on SRPP, a number of highly political phenomena, such as unemployment, integration and gender equality, were rendered apolitical. There were virtually no instances where such phenomena were understood as anything but unfortunate circumstances or conditions that just seem to be part of societies. Nowhere in the material we have analyzed were they understood as relations of power.

A final discursive effect is related to assumptions concerning how sustainable public procurement rests upon far reaching attempts to commodify sustainability values. While this may seem like a neutral way of approaching the problem, it also makes social and ecological values exchangeable with other values, thereby reflecting the notion of ‘weak’ sustainability.

Taken together, we argue that these discursive effects are associated with a number of positioning effects. In particular, it reproduces humans as, first and foremost, economic subjects, very close to those of homo economicus. This image of the rational, self-interested and well informed subject that produces the most optimal situation for the collective, leaves little room for other aspects of human existence, such as politics. Indeed, the assumption of homo economicus is so dominant that it codes and informs most other subject positions.

An example of this was how technical experts were assumed to be among the most important agents of change in their capacity to create competitive procurement markets on which self-interested subjects should be incited to generate sustainable innovations. Since unsustainability is mostly a matter of technical design flaws, particularly those related

to the market, someone needs to correct them. Depending on the circumstance, the implicit assumption is that such a person is an engineer, an economist or an expert of law. It is not, for instance, the classical bureaucrat that serves according to certain principles of the public administration and speaks truth to power.

We also wish to highlight how positioning effects are important with respect to the groups that are constructed as in need of help, specifically through SRPP. While there were differences there, in the sense that women, disabled persons, immigrants and unemployed workers were not understood as identical in our material, they seemed to share a common trait, which related to the discursive prominence of the market and homo economicus, as victims. As their position as 'in need of help' is never questioned or problematized in terms of power relations or politics, one must assume that people who suffer from disadvantage, do so because of either their own actions or unfortunate and uncontrollable circumstances. Regardless of which, they are understood to be personally responsible for their circumstances and public actors can only provide help in ways that resembles how corporations are working with so called Corporate Social Responsibility (CSR).

A final point concerns the construction of environmentally 'just' agency, the privilege of high-emitting wealthy subjects and its implications for those with less economic means. When unsustainability is problematized as a result of technical design flaws, particularly those related to the market, it produces environmentally just agency as that which is centered on promoting sustainable production. This is underpinned by the assumption that innovations will create conditions for social and environmental sustainability for the entire world population. By implication, there is no need to challenge the power relations that currently produce the ecologically unequal exchange and the 'right' to make ecological footprints of consumption based on economic means and 'willingness to pay' {Hornborg, 2015a #47}. Put differently, the circumstance that the unsustainable use of Earth's resources is primarily a result of the high-emitting consumption of a wealthy minority of the world's population, as stressed from the consumption perspective, is not problematized, neither are the implications in terms of the limited conditions for a materially 'good life' that these high consumption levels have for those with less means, both in the current and future generations.

## 6. Concluding Discussion

In this article we conducted a WPR analysis of central EU policy documents pertaining to sustainable development through public procurement in the built environment. The results show that the guidelines and examples of 'best practice' of sustainable public procurement of construction are dominated by problem representations presenting unsustainability as a result of technical design flaws. As stressed in the analysis, these problematizations produce several constitutive effects, which limit the possibility for different ideological notions of sustainable development and sustainability to be pursued, as it demarcates them within the production perspective on sustainability and associated 'weak' forms of sustainable development. In doing so, this problematization constructs a specific perspective on sustainability and sustainable development as 'neutral' and 'common sense'. This conceals that this specific construction rests on a particular and contested ideological position that sidelines other competing ideological visions of sustainability and sustainable development.

Our analysis of the effects of this problematization illustrates the particular operations of power and the de-politization of sustainability and sustainable development. One of these effects is that technocrats are constituted as the central agents of change. By implication, sustainability and sustainable development become reduced to a problem that can be handled by employing instrumental knowledge and design technical solutions. At the core of this problematization is also the notion that market competition between self-interested individuals is the way to incite and facilitate sustainable development. An interrelated assumption is that sustainability can be reached with technological innovations and defined by the marketplace and homo economicus. As a result, homo politicus, or the political

subject and political agency, is largely absent, as the assumption is that sustainability should be defined and attained through the market. There is no room for political struggles over competing meanings of sustainability and sustainable development.

This also means that the ‘best practice’ examples and guidelines for sustainable public procurement that represent unsustainability as a result of technical design flaws, also reproduce power relations inherent in the production perspective and ‘weak’ sustainability and sustainable development. Taken together, we argue that this problematization, and its premise on market-oriented apolitical technological fixes, silences alternative perspectives on sustainability and sustainable development. It sustains the notion that ecological and social sustainability, along with continued economic growth, can and should be realized through the innovations of free markets, its actors and capitalism. The problematization is silent about the relations of power that supports ecologically unequal exchange, as well as unequal ecological footprints, and their consequences in terms of justice and development chances. As a result, we argue that this problem representation also legitimizes, and perhaps even reinforces, a continuation of the high-emitting consumption that characterizes much of the public and individual consumption in the EU.

The dominant problematization produced through the examples of ‘best practice’ and guidelines to sustainable public procurement for the built environment indicates that the potential to realize different ideological visions of sustainability and sustainable development is, indeed, very limited. We argue that this finding provides reasons to seriously question the potential for using public procurement in ways that facilitates the realization of different ideological visions of sustainable development and sustainability, an argument also supported by findings in a study of sustainable public procurement in one of the member states, Sweden [18].

Nevertheless, there are also problem representations that point to the possibility of increased political agency in public procurement processes for the built environment. That is, a glimpse of this possibility comes from the few prescriptions that, in different ways, represent unsustainability as unjust politics, which provide perspectives on ways in which political agency could be promoted through public procurement. For instance, the suggestion to use pilot projects to promote community trust and engagement in infrastructure projects represents a ‘problem’ that constitutes political subjects. Accordingly, it produces a condition that could facilitate political agency at the early stages of public procurement processes. Another example is the problematization of overconsumption which, at least partially, emerges through the prescription “... to assess your actual needs” [83] (p. 29). This form of assessment could possibly create an opening for political struggles over competing ideological visions of sustainability and sustainable development, specifically struggles between potential proponents of the consumption perspective and advocates of the production perspective. These problem representations, nevertheless, only provide a glimpse of how sustainability and sustainable development could be approached beyond the ‘weak’ versions of sustainability and sustainable development expressed through the production perspective. However, as such, they do provide examples of alternative perspectives that could be mobilized through democratic means to create new conditions for more pluralistic politics and policies of sustainable development. That is, our study provides insights that can be used to formulate calls for political agency in public procurement processes, as well as to start advocating different ideological positions and perspectives on sustainability and sustainable development in such processes and beyond.

**Author Contributions:** Conceptualization, D.O. and A.Ö.-P.; methodology, D.O. and A.Ö.-P.; writing—original draft preparation, D.O., A.Ö.-P. and M.G.; writing—review and editing, D.O., A.Ö.-P. and M.G. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research was funded by the Swedish research council Formas: 254-2013-1837 and by Myndigheten för samhällsskydd och beredskap through the project Societal Resilience in Sweden, award number 217-34.

**Conflicts of Interest:** The authors declare no conflict of interest.

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