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Commission



Buying for social impact

*Good practice from
around the EU*

December 2019

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Introduction

[Buying for Social Impact](#) (BSI) is a project commissioned by the Executive Agency for Small and Medium-sized Enterprises (EASME) and the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) to promote the use of social considerations in public procurement procedures.

The project was carried out by a consortium of European organisations active in the promotion of local development and social economy enterprises. This was led by the European Association for Information on Local Development (AEIDL), working in partnership with the European Network of Cities and Regions for the Social Economy (REVES), DIESIS COOP, Social Economy Europe (SEE), and the European Network of Social Integration Enterprises (ENSIE).

The BSI project ran from July 2018 to January 2020. It had 2 objectives:

- > to encourage contracting authorities to use public procurement to pursue social goals
- > to increase the capacity of social economy enterprises to take part in public procurement procedures and to access new markets.

Actions were targeted at those 2 key audiences in the following 15 countries:

- > Croatia
- > Czechia
- > Denmark
- > France
- > Germany
- > Greece
- > Hungary
- > Italy
- > Ireland
- > Latvia
- > The Netherlands
- > Poland
- > Romania
- > Slovakia
- > Sweden

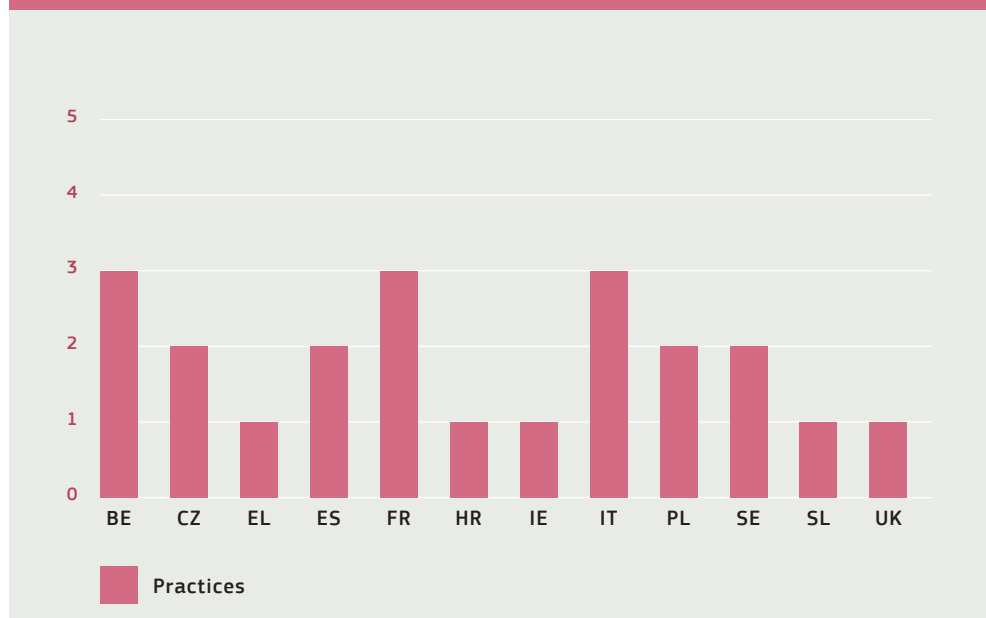
The project team looked at how the social aspects of the new EU Public Procurement Directive (2014/24/EU) were transposed at national level, identified good practices on socially-responsible public procurement (SRPP), and mapped the capacity of social economy enterprises to access markets.

GOOD PRACTICE EXAMPLES

This publication gathers 22 examples of good practice from 12 EU Member States. These include good practice from 8 of the countries tar-

geted by the BSI project, as well as examples from another 4 Member States (Belgium, Spain, Slovenia, and the UK) – see Figure 1.

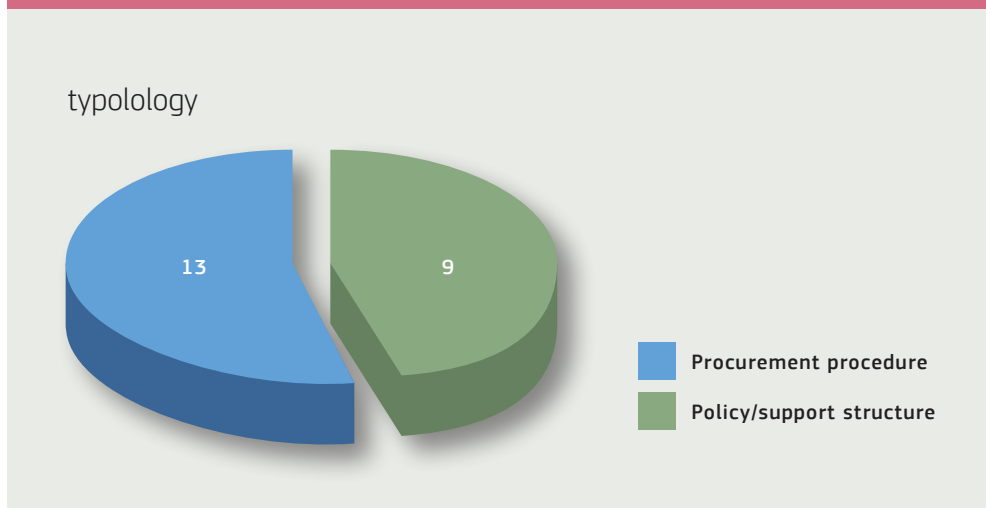
FIGURE 1: GEOGRAPHIC SPREAD OF FEATURED EXAMPLES OF SRPP



Of the good practices analysed, 13 concern public procurement procedures, while 9 are examples of policy initiatives and support structures (i.e. strategies, networks of facilitators, capacity-building projects or programmes, databases etc.) – see Figure 2.

This reflects one of the key findings from the BSI project: namely, that while transposition of the EU Directive into national legislation is necessary to promote and implement SRPP, it is not sufficient. Legal frameworks must be coupled with initiatives to increase knowledge and build capacity among public authorities and economic operators (including social economy enterprises).

Examples of good practice at policy/programme level include the networks of facilitators in France and regions of Belgium to enable effective communication and planning between contracting authorities and stakeholders; Scotland's programme to develop markets for third sector providers; and the Canary Islands' guidelines on the use of reserved contracts.

FIGURE 2: DIVISION OF GOOD PRACTICE EXAMPLES BY TYPE

When identifying good practice in public procurement procedures, the consortium drew on the analysis of legal experts, who provided details of how the following provisions of the EU Directive have been transposed into national law:

- > Art. 18(2) mandatory social clause
- > Art. 20 reserved contracts
- > Art. 40 preliminary market consultations
- > Art. 42(1) technical specifications and accessibility requirements
- > Art. 43 labels
- > Art. 46 division of contracts into lots
- > Art. 56 choice of participants and award of contracts
- > Art. 57 exclusion grounds
- > Art. 67 contract award criteria (only in relation to social aspects)
- > Art. 69 abnormally low tenders
- > Art. 70 conditions for performance of contracts;
- > Art. 71 subcontracting
- > Art. 74-77 special regime for social services

The project's research showed that the use of social provisions such as reserved contracts for work integration of persons with disabilities or disadvantaged workers (Art. 20) was quite wide-

spread. Less common were examples of the use of grounds for exclusion, division of contracts into lots, pre-market consultations, implementation of specific quality criteria for social services, and labels. No examples have been found of the inclusion of accessibility requirements in technical specifications.

It is also possible to identify differences between countries in the use of the social provisions of the Directive. For instance, it is quite common to find examples of reserved contracts for work integration in countries such as France, Italy, Spain and Belgium (earlier national laws on public procurement also provided for similar possibilities based on the 2004 EU Directives on Public Procurement). However, the use of reserved contracts is not as widespread in Sweden and Denmark, since this instrument was only introduced nationally following the 2014 Directives. While use of reserved contracts is becoming more common in Eastern European countries and in Greece, the value of these contracts tends to be below the thresholds set by the EU Directive.

FIGURE 3: LEGAL BASIS OF PRACTICES ANALYSED, PER COUNTRY

SECTORAL ANALYSIS

The BSI project found that SRPP is more widespread in certain sectors of the economy than others, in particular:

- > maintenance of public green spaces
- > cleaning services
- > social services

It is found to a lesser extent in construction, food/catering/restaurants, transport services, and textiles.

The project also carried out a mapping exercise for the social economy ecosystem to assess the

capacity of social economy enterprises to participate in public procurement procedures. This found evidence that social economy enterprises are operating in many more sectors than the ones just mentioned (including healthcare, education, culture, art, sport and recreational services, environmental services and energy, and IT). Contracting authorities should design procedures that can tap the potential for socially responsible public procurement in those sectors by encouraging bids from SMEs and social economy enterprises.

INSPIRING EXAMPLES

During the implementation of the BSI project it became clear that exchanging information and disseminating good practice examples across countries is extremely helpful for contracting authorities, as they can learn and be inspired by what happens elsewhere. A new project, Collecting good practices and raising awareness on social procurement, is taking a similar approach. Running from September 2019 to March 2021, it is led by ICLEI and AEIDL, in cooperation with Social Economy Europe.

The aim is to contribute to an improved understanding of successful practices in SRPP implemented by public buyers. The idea is to publish and promote a meaningful collection of good practices that can not only inspire procurers, but also operators in the social economy, so as to stimulate replication across Europe. ■





Good practice at programme/ policy level



Good Practice #01

Including social clauses in public contracts in Brussels region

DESCRIPTION

Since 2012, the government of Brussels-Capital region in Belgium has required all regional public entities to include social clauses in public contracts. These social clauses aim to create opportunities for the long-term unemployed and socially excluded. As of 2019, these clauses are mandatory in all public works contracts with an estimated value of more than €750,000 (excluding VAT) or above the EU threshold set for European publication for service contracts, provided that the period of execution of the contract is greater than or equal to 60 calendar days. The Circular¹ also recommends to include social clauses in works and supply service contracts valued below these thresholds.

In some specific cases social clauses are not mandatory, such as: motivated urgency, contracts that can be supplied only by a specific operator, some framework agreements and electronic markets.

This Circular (which was renewed in July 2018), applies, among others, to the state-owned Brussels public transport provider, STIB/MIVB, which is the largest employer in the city.

STIB/MIVB has appointed a person to monitor the use and implementation of social and environmental clauses in its public tenders. The organi-

sation also works closely with the regional public employment service, ACTIRIS, which has a Social Clauses Division, as well as with the social economy support structure, SAW-B (Solidarité des Alternatives Wallonnes et bruxelloises).

Whenever STIB/MIVB plans to launch a new tender, the purchasing department (for services or supplies contracts) or the infrastructure project manager (for public works contracts) contacts the transport provider's social clauses officer, who is tasked with assessing whether or not a social clause is relevant. The social clauses division at ACTIRIS advises on this decision.

The STIB/MIVB internal process for validating procurement documents obliges buyers to justify the non-integration of social clauses. STIB/MIVB also undertakes strict monitoring of the terms and implementation of social clauses. The most common clauses used are employment clauses, but STIB/MIVB is also trialling a social subcontracting clause. This requires the successful tenderer to subcontract a certain percentage of the total amount of the contract to a registered ("agrée") social integration enterprise.

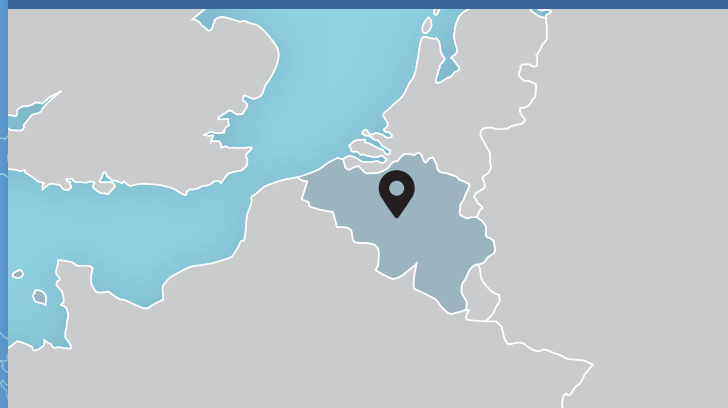
POLICY OBJECTIVES

The social clauses aim to offer training to young people, as well as job opportunities, particularly for long-term jobseekers and unemployed people who are difficult to place. The purpose is to contribute to the training or socio-professional

¹ Circulaire du Gouvernement relative à l'obligation d'insertion de clauses sociales dans les marchés publics régionaux du 19/07/2018 https://www.etaamb.be/fr/circulaire-du-19-juillet-2018_n2018040515.html



BELGIUM



integration of low-skilled jobseekers, trainees or apprentices, people with disabilities or people who are discriminated against.

KEY RESULTS AND LESSONS LEARNT

The appointment of a person within STIB/MIVB to support the insertion of social and environmental clauses is a sign of how seriously the transport provider takes sustainable public procurement. Resources are invested to support the implementation of this proactive policy. Thanks to this approach in recent years, STIB tenders included:

- In 2014: 3 training, 2 employment and 2 sub-contracting clauses;
- in 2015: 2 training clauses;
- in 2016: 1 training and 1 employment clause;
- in 2017: 1 reserved contracts and 1 sub-contracting clause;
- in 2018: 1 reserved contracts and 1 training and employment clause;
- in 2019: 1 employment clause.

Social clauses mainly result in training and job opportunities for people far from the labour market and increased participation of social enterprises in public procurement tenders.

In cooperation with SAW-B, STIB/MIVB organises information sessions about social clauses for buyers. The sessions are designed to make buyers more aware of their use and to help suppliers be better prepared for tender opportunities. The support provided by ACTIRIS and SAW-B is crucial. Their knowl-

PUBLIC AUTHORITY

All public regional entities of Brussels Region

TYOLOGY

Legal requirement

DURATION

Since 2012 (renewed in 2016 and 2018)

MORE INFORMATION

<http://clausesocialebruxelles.be/>

edge of the labour market allows them to provide the professional profiles required by the enterprises to fulfil the social clauses. This partnership facilitates the correct application of the clauses, as the requirements are adapted to the market context. For example, a tender to renovate the Botanique/Botaniek metro station introduced a subcontracting clause for the first time. The partnership with SAW-B and ACTIRIS enabled a consultation with social integration enterprises to take place, leading to sufficient interest in the tender from social economy providers to ensure its implementation.

Advancing step-by-step on the basis of realistic clauses enabled STIB/MIVB to overcome any objections. Most companies in Brussels are already used to working with social clauses.

Ultimately, STIB/MIVB can use social clauses as a corporate social responsibility tool, while fulfilling a legal obligation. This creates benefits for the municipality as well, since employment clauses reduce unemployment and public spending on social care.

SOCIAL ASPECTS OF THE PRACTICE

The government of Brussels-Capital region in Belgium requires that all regional public entities should include social clauses in public contracts in order to create job or training opportunities for all those far from the labour market.



Good Practice #02

A social clauses team in the Brussels Region public employment services

DESCRIPTION

ACTIRIS is the public employment service of the Brussels-Capital region of Belgium. *Pole Clauses Sociales* is the social clauses division of ACTIRIS. Its tasks, as listed in the Government Circular of July 19th 2018 on the obligation to include social clauses in regional public tenders¹, are to:

1. inform all public bodies connected to and dependent upon the regional government of Brussels-Capital of the existence of the Circular on social clauses in public contracts and promote the use of such clauses in public procurement processes;
2. help contracting authorities select the most appropriate social clause for the tender concerned, including assistance with drafting or revising tender documents, as requested;
3. analyse prospective public procurement contracts;
4. inform companies (both “traditional” and social economy) about the terms and purpose of social clauses, and provide employment aids and various training and internship opportunities;
5. liaise between companies and training providers in the case of a training clause;

6. liaise between companies and ACTIRIS’s recruitment consultants in the case of an insertion clause;
7. match candidates with job vacancies to fulfil social clauses; and
8. monitor tenders containing social clauses and support contracting authorities so that the clauses are applied effectively.

Pole Clauses Sociales works in close partnership with SAW-B (*Solidarité des Alternatives Wallonnes et bruxelloises*), the umbrella federation of social economy enterprises in Brussels and Wallonia. SAW-B has a unique know-how on social clauses at Belgian and international level and puts it at ACTIRIS disposal. Actions 1–4 above are managed in close partnership between the 2 organisations, actions 5–8 are carried out only by ACTIRIS.

The *Pole Clauses Sociales* team consists of 3 staff at ACTIRIS (a coordinator in charge of contacts with public buyers, analysis and editing of clauses; 2 social clause advisors in charge of contacts with enterprises and job-seekers) and 1 at SAW-B.

POLICY OBJECTIVES

- promote and facilitate the use of social clauses by the region’s public buyers;
- promote access to employment and training for low-skilled jobseekers, trainees or appren-

¹ Circulaire du Gouvernement du 19 juillet 2018 relative à l’obligation d’insertion de clauses sociales dans les marchés publics régionaux https://www.etaamb.be/fr/circulaire-du-19-juillet-2018_n2018040515.html

tices, people with disabilities, or disadvantaged people; and

- facilitate the access of social economy enterprises to public procurement.

KEY RESULTS AND LESSONS LEARNT

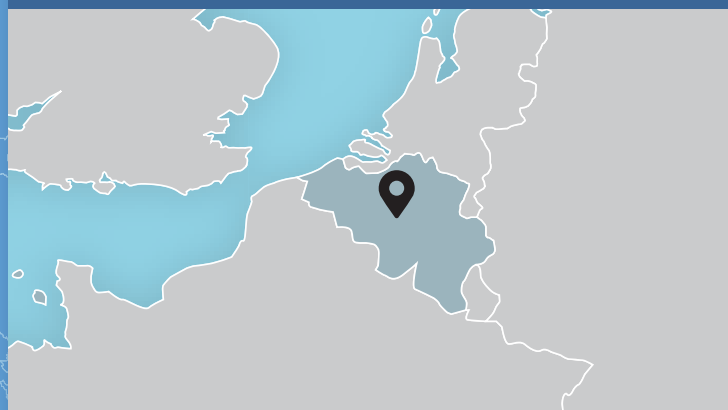
Pole Clauses Sociales supports all actors concerned in meeting all necessary conditions to achieve the best possible implementation of social clauses.

Since 2013, *Pole Clauses Sociales* analyses an average of 40 contracts per year. Social clauses proposed are employment, training, market reservation, sub-contracting to social economy entities or a combination of several clauses.

ACTIRIS has data only for employment clauses, since the organisation is also in charge of selecting candidates and following their employment path. There are 110 employment offers linked to social clauses per year on average, 80% of which result in employment contracts. 99% of the persons employed are from Brussels and in most cases are low-skilled and in long-term unemployment.

The partnership with SAW-B is a key success factor, since the umbrella organisation for the social economy has a deep knowledge of the sector and of social economy enterprises operating in the region.

BELGIUM



PUBLIC AUTHORITY

ACTIRIS

TPOLOGY

Facilitator/support

DURATION

Permanent

MORE INFORMATION

<http://clausesocialebruxelles.be/>

Another important factor is the social clauses division's evaluation of whether or not such clauses have been successfully implemented. This is a contractual obligation: the company delivering the public contract must demonstrate that it has fulfilled the terms proposed in its offer, including implementation of the social clause and delivery of the works or services ordered. ACTIRIS helps the contractor to supply the necessary information through its tools and field visits.

The Brussels-Capital region's approach is holistic, with tailored support provided to all actors involved (regional government, public authorities, companies, social economy enterprises and workers in insertion or training).

SOCIAL ASPECTS OF THE PRACTICE

The mission of the social clauses division of ACTIRIS originates from a 2012 Circular of the Brussels Regional Government on social clauses in public contracts. It was renewed by a Circular issued in July 2018.



Good Practice #03

Obligation to use “flexible clauses” in the building sector

DESCRIPTION

Wallonia has designed specific social criteria and tools to promote social integration of youth, and unemployed or disadvantaged people through its procurement processes for the workplace.

The Government of Wallonia began testing the inclusion of social clauses in 2013 and their use was made mandatory for regional work public procurement by a [Circular of 21 July 2016](#)¹. A [decree of 2 May 2019](#)² also makes the local authorities' use of regional subsidies contingent on the inclusion of a social clause.

The clause has been designed to be flexible, meaning that a company can decide whether to provide placements for trainees directly in their own workforce, or to subcontract specific work to social enterprises, which aim to integrate people with disabilities, or disadvantaged people. The result is a partnership approach to professional integration between public buyer, companies, social economy enterprises and training organisations.

1 Circulaire du Gouvernement Wallon du 21 juillet 2016 – Insertion de clauses sociales dans les marchés publics. Obligation d'insérer des clauses sociales dans les marchés publics de travaux (bâtiments) > 1 million d'euros H.T.V.A. M.B. 22/08/2019 p.52792.

2 Décret de la Région wallonne du 2 mai 2019 modifiant divers décrets en vue d'insérer des clauses environnementales, sociales et éthiques dans les marchés publics subsideés par la Région wallonne, M.B. 27/08/2019, p.81330.

Wallonia has also created a system of facilitators, working as a helpdesk to assist public buyers in integrating clauses into tenders, and to help companies to execute them. The so-called “social clause facilitators” were appointed within the organisations that naturally serve as a contact point for questions for each stakeholder: support administrations for the public authorities, and the construction sector federation for the companies. These facilitators work as a network. They meet every month in order to discuss and solve issues that have arisen in specific procurements.

Several guidance documents³ and tools (such as a clause to copy-paste, a check-list, a follow up table) are also available [online](#).

POLICY OBJECTIVES

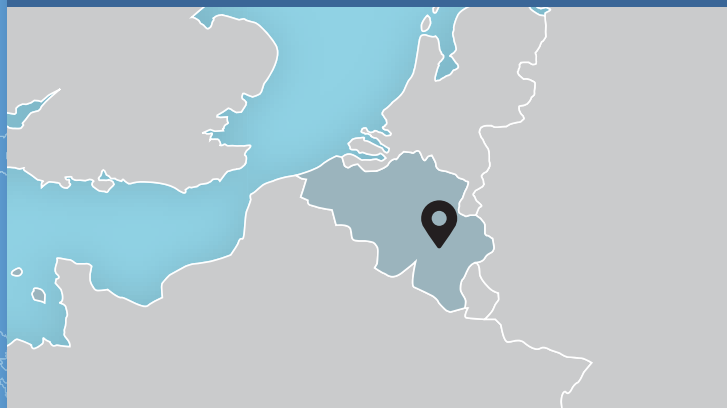
The Region of Wallonia aims to achieve 100% responsible public procurement by 2020. To do so, it has implemented a range of procurement actions designed to foster professional integration, avoid social-dumping, support SMEs, improve resource efficiency and reduce environmental impact.

KEY RESULTS AND LESSONS LEARNT

3 Les clauses sociales dans les marchés publics de travaux – La clause flexible, SPW edition, Mars 2019.



BELGIUM



Between 2014 and 2018, social clauses were included in 442 contracts (with a total value of almost €400 million). The result is the creation of 410 trainee placements, as well as 70 contracts with social enterprise subcontractors. Out of 129 already executed contracts containing social clauses, 78% were fully executed, 9% partially executed and 13% not executed. Of the trainee placements created, 83% were made in professions experiencing skill shortages (including electrical engineering, carpentry, and construction). Finally, 30 social enterprise subcontractors have received over €3.5 million for subcontracted services.

Five years after the first contracts with social clauses were published, the results are overall positive: public procurements have proved to be a good tool to foster professional training and to build partnerships between companies and social economy enterprises.

The keys to success have been a strong political commitment and the involvement of all relevant stakeholders in the project. Representatives of construction companies, public procurers, social economy enterprises and training organisations have participated from the outset. They meet every 6 months in a steering committee, to take stock of the implementation report and decide

PUBLIC AUTHORITY

Region of Wallonia

TYOLOGY

Legal requirement

DURATION

Ongoing since 2013

MORE INFORMATION

<https://marchespublics.wallonie.be/home/pouvoirs-adjudicateurs/passer-un-marche-public-responsable/cloauses-sociales-dans-les-marches-publics-de-travaux/la-clause-sociale-flexible.html>

on strategic orientations and further development of the project.

SOCIAL ASPECTS OF THE PRACTICE

The Government of Wallonia made it mandatory to use social clauses in public procurement procedures for works. The aim is to provide placements for trainees, or to subcontract specific tasks to social enterprises.



Good Practice #04

Facilitating the use of social clauses in Mayotte

DESCRIPTION

Mayotte is located in the Indian Ocean between Madagascar and the coast of Mozambique. It is part of France and an Outermost Region of Europe. It suffers from high levels of poverty (60%), illiteracy (50%) and unemployment (35%, the highest level in France). Seventy percent of the population is under 20 years of age. The local economy is largely dependent on the public sector.

CRESS Mayotte is the regional chamber for social economy and solidarity. With financial support from the French state and the European Social Fund (ESF), it created a programme for socially-responsible procurement. The programme is led by a 'social clauses facilitator' whose role is to:

- support public buyers in the identification of contracts suitable for social clauses and in the drafting of specifications;
- inform bidding companies and assist contracted companies in the implementation of social clauses;
- act as a relay between the companies and local integration structures (training and social centres, work integration social enterprises (WISEs), associations, etc.);
- monitor the implementation of social clauses;
- monitor the integration path of beneficiaries; and
- promote local development by involving the local community in Mayotte.

POLICY OBJECTIVES

- promote the use of social clauses among public buyers;
- contribute to social and professional integration of those who are far from the labour market (disadvantaged people and those with a lack of qualifications);
- allow WISEs (*SIAE - structures d'insertion par l'activité économique*) to obtain training or work opportunities for their beneficiaries in public contracts;
- increase social cohesion and reduce unemployment; and
- strengthen social enterprises, giving them better access to public contracts.

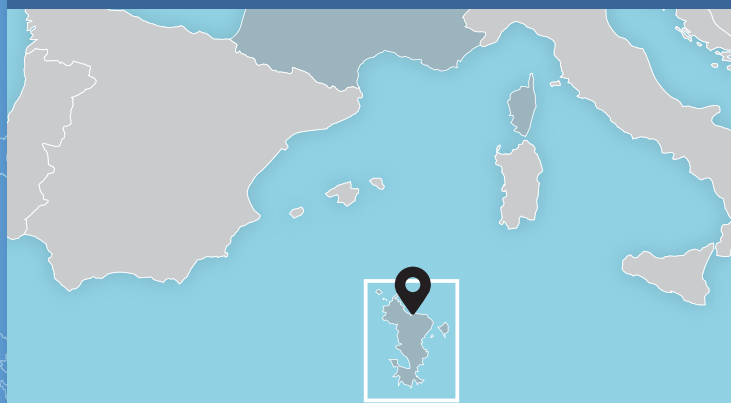
KEY RESULTS AND LESSONS LEARNT

Since January 2017, this socially-responsible procurement programme has achieved the following results:

- 63 public procurement procedures have integrated a social clause with the aid of the facilitator;
- 217 884 working hours have been dedicated to people with professional difficulties;
- 23 people have found a job thanks to the social clauses;
- 5 public contracts have been reserved for socially-responsible procurement; and
- 8 public buyers have integrated social clauses in their contracts.



FRANCE



In 2019, CRESS is forging links with all 17 public communities and 4 inter-communities in Mayotte in order to integrate social clauses in all public procurement procedures. Mayotte's public buyers are very sensitive to social integration. Both policymakers and procurement services are very keen to integrate social clauses in every possible public contracts. This is a key to the success of the initiative.

PUBLIC AUTHORITY

CRESS Mayotte

TYOLOGY

Facilitator/support

DURATION

January 2017-June 2021

MORE INFORMATION

<http://www.cress-mayotte.org/>

The following types of public contracts in Mayotte include mostly social clauses:

- public works;
- cleaning services;
- maintenance of green areas; and
- school and public transport.

For example, the tender for renovating the archipelago's roads included a social clause. Bidders had to dedicate 5% of the total working hours to people who had difficulty finding a job. The social clauses facilitator provided the following support:

- helped the public buyer to integrate the social clause in its procurement specifications;
- helped businesses to find people with employment difficulties in line with the eligibility conditions; and
- ensured that the social clause was implemented correctly.

Employment social clauses are most commonly used in Mayotte, but public buyers can also reserve a public contracts or some of its lots for

WISE. There are 15 examples of this type of reserved contract (e.g. the contract for cleaning the offices of the Departmental government was won by the WISE Tifaki Hazi). Other reserved contracts for WISE cover areas such as maintaining green space and processing local products. Most of Mayotte's WISEs operate in construction, cleaning and maintenance of green spaces, therefore they risk competing for the same markets. This socially-responsible procurement programme aims to gather information on the planning of public procurement tenders, and to support social enterprises to diversify. In the long term this will help to develop the local economy and create more jobs.

While the practices outlined above are familiar in metropolitan France, they are a real innovation in Mayotte. Reserved contracts meet the double challenge of promoting social and sustainable procurement and strengthening the social economy. However, there is still much to be done to include social clauses in every public contracts of Mayotte, especially in new sectors.

SOCIAL ASPECTS OF THE PRACTICE

Programme foreseeing different social clauses and tools to promote socially responsible public procurement.



Good Practice #05

Building a network of social clause facilitators

DESCRIPTION

Social clauses facilitators are professionals in charge of promoting and supporting the implementation of social clauses at local level. A recent cartography has identified 448 facilitators employed by 323 organisations (mainly Employment Services - *Maisons de l'Emploi* and Local Plans for Employment and Integration - *Plans Locaux pour l'Insertion et l'Emploi PLIE*).

Their main tasks are to:

- support public buyers in the identification of markets suitable for containing social clauses and in the drafting of specifications;
- inform bidding companies and assist contracted companies to implement of social clauses;
- act as a relay between the companies and local integration structures (training and social centres, work integration social enterprises (WISE), associations, etc.); and
- monitor the implementation of social clauses.

In 2009, Alliance Ville Emploi started a network of social clause facilitators. Born as an informal meeting place for facilitators, it has become more structured, even if it does not have an autonomous legal form. It is the only national network, but other informal networks exist at local level.

The network is coordinated by Alliance Ville Emploi. It is financed mainly by national funds and the European Social Fund; facilitators associated also pay a small annual fee.

The network's main actions and resources are:

- an online resource centre which contains: a contact list of facilitators, examples of good practice, legal advice, a toolbox, an activities and events calendar, publications, FAQ. It also provides specific information on social clauses, including via a phone helpline;
- a social clauses skills group, consisting of regional representatives of facilitators and experts. This meets 3 times per year to reflect on issues around the use of social clauses and to propose recommendations and solutions;
- software from Group UP to enable facilitators to manage and report social clauses. This software is regularly updated thanks to the support of a users' club;
- 'regional days' to promote exchanges with experts and harmonise practices;
- on-demand technical assistance provided by a national expert to local facilitators facing specific difficulties (e.g. lack of political will, very specific markets, etc.);
- expert training to give facilitators a common understanding and necessary skills; and
- a framework of competences (*Référentiel métier*) of the profession of facilitator¹.

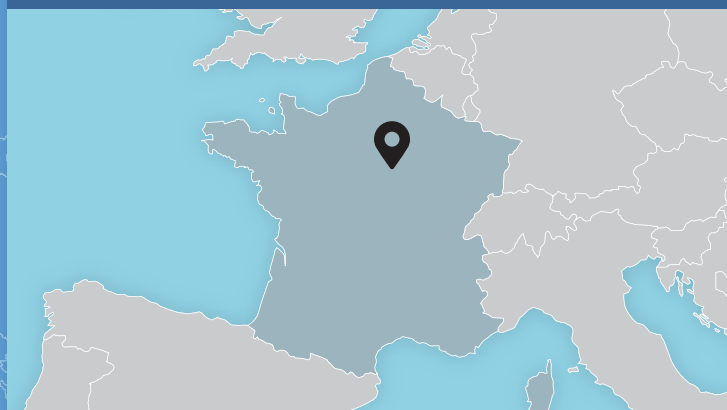
POLICY OBJECTIVES

- promote social clause use at national level;

¹ <https://www.ville-emploi.asso.fr/wp-content/uploads/docs/Référentiel-demploi-et-de-compétences-des-facilitateurs-des-clauses-sociales-dans-la-commande-publique1.pdf>



FRANCE



PUBLIC AUTHORITY

Alliance Ville Emploi

TPOLOGY

Facilitator/support

DURATION

2009-present

MORE INFORMATION

<https://www.ville-emploi.asso.fr/clauses-sociales/presentation/>

- establish partnerships with French buyers willing to develop social clauses while paying attention to relationships between stakeholders;
- represent facilitators at national level vis-à-vis the government and national institutions;
- promote the homogeneous interpretation and use of social clauses;
- promote the role of facilitators;
- improve the skills of facilitators and promote the recognition of their profession; and
- foster mutual learning and exchange.

KEY RESULTS AND LESSONS LEARNT

Some concrete results of the activities of the network in 2019 include:

- 8 interregional meetings in the large French cities;
- 2 training courses to give facilitators the necessary skills to promote social integration and employment in public procurement; and
- 2 specialised training modules on “social clauses in service tenders” and “promoting social clauses in private markets”.

The network produces consolidated figures on the use of social clauses on an annual basis:

- in 2018, *Maisons de l'Emploi*, PLIE and local organisations using social clauses together achieved the following: over 15.4 million hours of integration, corresponding to 52 780 employment contracts for 37 953 participants;

- the increase on 2017 numbers can be quantified as follows: number of employment contracts (+8.6%), hours of integration (+16.25%), and number of participants (+10.7%);
- since 2013, the social clauses software tool has been used for over 285 000 participants in more than 425 000 employment contracts; and
- 2 years after the first contract obtained thanks to a social clause, 79% of participants are still in employment, 4% are in apprenticeships, 2% are in training, and 9% are seeking employment.

A key task of the network is to homogenise interventions across France. This helps create a secure base of interpretation on which to work and, consequently, encourages greater use of such clauses. The network is a strong interlocutor of national authorities when funding of facilitators is concerned. It also increases visibility and recognition of their role. Professionalisation and recognition of the profession nationally helps to make it more appealing and contributes to the growth of the network.

SOCIAL ASPECTS OF THE PRACTICE

A network organising a range of activities and tools to promote socially responsible public procurement.



Good Practice #06

Schemes to promote SRPP for big public buyers

DESCRIPTION

The adoption of schemes to promote socially responsible public procurement (SPASER) has become mandatory with the entry into force of the law on the social and solidarity economy of July 31, 2014 (Law 2014-856 on the Social and Solidarity Economy SSE)¹. Since 2015, the SPASER also have to cover environmental protection considerations.

The obligation to develop a real public procurement strategy applies to buyers in markets whose financial volume reaches the minimum threshold of €100 million (excluding VAT) per year. On the basis of this threshold, nearly 160 local authorities are potentially involved: almost all the regions, about 60 departments, nearly 70 public intercommunal cooperation institutions and around 10 municipalities with a population of over 250,000 inhabitants each.

The law and its implementing decree, however, give communities absolute freedom to decide the periodicity, duration and modalities of the scheme.

For example, on the basis of this Law, Paris City Hall adopted a scheme on March 2016, to be applied as from 2019, addressed to all contracting authorities in the region, with the goal to facilitate access to financing of social economy enterprise actors, to boost social inclusion, and to strengthen

sustainable local development policies. This is to be achieved mostly through public procurement.

Paris supports the integration into sustainable employment of people in need through its public procurement policy:

- by using its power to award contracts under a restricted or negotiated procedure, i.e. without publication or opening up to competition (Art. 30 of the Code of PP and Art. 32 of the PP Directive, 2014);
- by inserting clauses and conditions in favour of sheltered workshops, persons with disabilities etc., (Art. 14 of the Code PP for sheltered workshops); or
- by dividing contracts into lots so that small social economy enterprises with low financial capacity can submit offers.

POLICY OBJECTIVES

The purpose of schemes for the promotion of socially responsible purchasing is to define public procurement objectives, which include social measures designed to contribute to social and professional integration of workers with disabilities or those who are far from the labour market, as well as implementation and annual monitoring of these objectives.

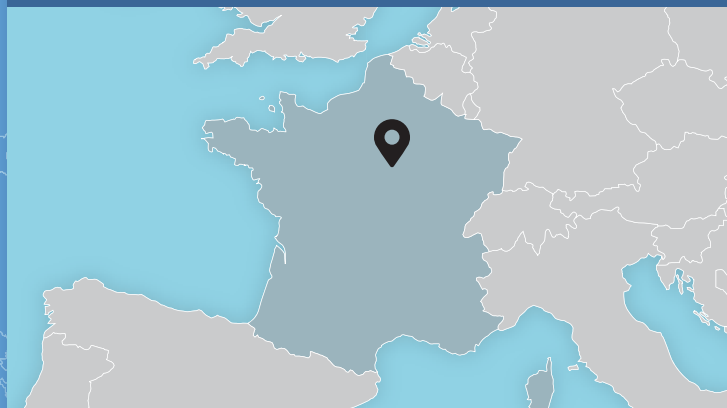
The scheme for SRPP in Paris has 3 main objectives:

1. Foster the ecological transition to a sustainable city;

¹ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029313296&categorieLien=id>



FRANCE



2. Promote solidarity (facilitate employment of people far from the labour market; allow the emergence of a solidarity economy and short circuits; fight against all kinds of discrimination); and
3. Make Paris an exemplary city (enable more responsible public buying by increasing knowledge of the offer; and support large buyers in responsible public spending).

KEY RESULTS AND LESSONS LEARNT

In the case of Paris, the ambition of the authorities is to integrate social clauses in up to 20% of public procurement contracts by the end of 2020. This should account for up to 1 million insertion hours (2014: 10% and 500,000 hours).

Paris is simplifying tender specifications and removing some barriers to make procedures accessible to social economy enterprises. Some steps have already been taken such as informing, preparing and training future contractors, and giving unsuccessful bidders detailed reasons for rejection so that they can better meet the needs and expectations of the municipal government in future. The city of Paris established a Commission that will report annually on the use of social clauses, the number of "insertion" hours offered, and the performance of the city's public procurement policy. This Commission will also explore new methods for the promotion of social economy enterprises.

PUBLIC AUTHORITY

French public buyers awarding contracts worth over €100 million

TYPOLGY

National support scheme

DURATION

Multiannual plan (flexible duration)

MORE INFORMATION

<https://www.ess-france.org>

<https://www.maximilien.fr/espace-entreprises/schema-de-promotion-des-achats-publics-responsables/>

It is too early to evaluate the results of Paris's socially responsible public procurement initiatives. Nonetheless, it is expected that more social economy enterprises will participate in public procurement tenders. Dividing tenders into lots could help to facilitate the participation of small enterprises.

The French approach can easily be replicated in the EU. It is mandatory but flexible enough to be adapted to specific needs and objectives. Its main benefits are to ensure the political ownership of sustainable public procurement, to encourage the consultation of relevant stakeholders (e.g. social economy enterprises, facilitators, etc.) and to set clear targets and initiatives to achieve them. In the case of Paris, many such enterprises provide recycling and food waste prevention services. Moreover, the scheme simplifies procedures and provides different tools to monitor and evaluate results.

SOCIAL ASPECTS OF THE PRACTICE

SPASER provides a framework for the use of different social clauses and tools to promote socially responsible public procurement (SRPP). French law on the social and solidarity economy requires public buyers whose annual financial volume reaches the minimum threshold of €100 million excluding tax to adopt such schemes to promote SRPP.



Good Practice #07

Ministry's public procurement guidelines to boost social impact

DESCRIPTION

From 2016 onwards, Slovenia's Ministry of Public Administration has been publishing guidelines for public procurement procedures that propose giving additional points in the evaluation phase to tenderers that include specific social aspects in their bids.

Guidelines for public procurement have been published or are under development on the following topics:

- architectural and engineering solutions;
- construction;
- IT solutions;
- cleaning services; and
- food.

These documents promote the idea that public procurement should not be determined solely on price; qualitative criteria are also important. For instance, higher turnover of staff could be a sign of lower quality. Ways of reducing staff turnover could include higher average salaries and more family-friendly ways of working.

The qualitative criteria highlighted in the guidelines include:

- workers' experience;
- systems for quality control;
- quotas for persons with disabilities; and
- provisions for permanent employment. The latter could involve awarding more points during the evaluation to employers with

a higher ratio of employees on permanent contracts, as opposed to personnel on short-term contracts.

A particular mention should be made of the guidelines for buying cleaning services which includes an Excel template featuring examples of criteria. It is important to promote socially-responsible practices in this labour-intensive sector.

POLICY OBJECTIVES

The objective of these guidelines is to promote the use of social considerations in Most Economically Advantageous Tender (MEAT) award criteria to foster sustainable public procurement. MEAT refers to when contracts are awarded on the basis of criteria other than price, such as social and environmental considerations and quality criteria.

Social public procurement aims to increase the level of social criteria used in public procurement procedures. It may take into account a number of factors, such as:

- employment possibilities;
- adherence to labour standards;
- social inclusion of persons with disabilities/ the elderly/women, etc.;
- equal opportunities;
- promotion of permanent employment;
- social responsibility; and
- average salary of personnel.



SLOVENIA



This initiative aims to raise awareness of public buyers to buy goods and services in a socially-responsible way in line with EU rules, so public procurement can contribute to strategic social goals.

KEY RESULTS AND LESSONS LEARNT

The recommendations helped in the practical implementation of socially-responsible award criteria, without causing an increase in the number of court cases. Since the guidelines are aligned with national procurement law, there were no specific issues in practice. It is therefore suggested to regularly update the existing guidelines and to develop new ones in other sectors.

PUBLIC AUTHORITY

Ministry of Public Administration

TYOLOGY

Guidelines

DURATION

Permanent

MORE INFORMATION

https://ejn.gov.si/dam/jcr:3f350f3b-819c-4ced-a9d5-5dd37c9a917d/Smernice_ciscenje.pdf

SOCIAL ASPECTS OF THE PRACTICE

The guidelines recommend that tenderers are awarded additional points for including specific social aspects in their bids, such as:

- *workers' experience;*
- *systems for quality control*
- *disabled quotas (percentage of disabled personnel in workforce of the supplier);*
- *and provisions for permanent employment.*



Good Practice #08

Regional government guidelines on the use of reserved contracts in the Canary Islands

DESCRIPTION

In 2017, the Canary Islands government commissioned Javier Mendoza from La Laguna University in Tenerife to produce a guide on the use of reserved public procurement.

The author sent an electronic survey to social economy enterprises, with questions about their activities, such as location, number of workers, turnover, etc.

The guide entitled “Quick Guide to Reserved Procurements, what are they? How do they work?” was structured as follows:

- an introduction to the concept and legal background of reserved procurement;
- information regarding the limits of reserved procurement, differences with normal procedures, types of organisations, etc.;
- a brief study of the evolution of reserved procurement in Spain; and
- annexes with information about social economy enterprises and legislation in force in other regions.

POLICY OBJECTIVES

The new Public Procurement Law in Spain widens the possibilities available to social economy enterprises from reserved public procurement. However, there is a lack of knowledge of mechanisms for implementing this type of procurement and of the types of activity carried out by potential participants.

The aim of the practical guide was to close a gap in public servants' knowledge on the matter.

A second objective was to make visible the activities of social enterprises in the Canary Islands, in order to facilitate the later implementation of reserved public procurement.

KEY RESULTS AND LESSONS LEARNT

The practical guide to reserved procurements was published in March 2018 and presented to regional authorities through a series of conferences and courses in the remainder of 2018. More than 600 public servants attended the different events that followed publication. Some 1 000 hard copies of the guide have been distributed, as well as 260 electronic copies.

Feedback from the target audience has been positive. The guide has helped to clarify aspects such as the legality and limits of reserved procurement, and the nature of social economy organisations that could participate.

As a result, an increasing number of public administrations have started to work on the implementation of reserved public procurements.

There is a need to adapt legal language to the everyday language that public servants need



SPAIN



PUBLIC AUTHORITY

Gobierno de Canarias

TPOLOGY

Guidelines

DURATION

Permanent

MORE INFORMATION

http://www.gobiernodecanarias.org/cmsgobcan/export/sites/presidencia/Libros_Comisionado/Guia-rapida-sobre-los-contratos-reservados.pdf

to implement these new practices. The publication of the guide was necessary but not sufficient. The follow-up events proved very useful in this regard.

La Laguna University has played a key role in disseminating information about the use of reserved contracts. Presenting case studies from other regions helps to diminish misconceptions that harm the implementation of these processes.

While the guide has helped to increase public administrations' awareness of social economy enterprises, some did not respond to the author's surveys. It is important to involve all such organisations where possible.

SOCIAL ASPECTS OF THE PRACTICE

The reserved public procurement guide is designed to help implement Article 20 of the EU Public Procurement Directive following its transposition into Spanish law. The author consulted and interviewed social economy enterprises. The guide outlines aspects of reserved procurements and makes public authorities that put contracts out to tender aware of social enterprises.



Good Practice #09

Ready for Business embeds social value in Scotland's procurement

DESCRIPTION

The Developing Markets for Third Sector Providers programme was a key part of the Scottish Government support strategy for the Third Sector from 2011 to 2017. It complemented other initiatives and activities including the [Procurement Reform \(Scotland\) Act 2014](#) and the Public Service Reform programme.

This programme was commissioned by Scottish Government, and offered a unique opportunity to embed social value throughout public procurement by developing and enhancing a number of leading market development solutions, including the Public Social Partnership (PSP) model, Community Benefit Clauses (CBC) and the use of social value measurement and monitoring techniques¹.

To fulfil this objective, the programme was designed to provide fully funded, accessible and flexible support to public buyers and procurement teams through: awareness-raising events, practical thematic workshops, tailored consultancy support, and online resources.

Ready for Business (RfB) won the contract. RfB is a third sector-led consortium comprised of social

enterprises and private sector organisations. One of the partners is Ready for Business Procurement LLP, a partnership between Senscot, CEIS and Social Firms Scotland, organisations committed to developing the social economy and building relationships with the public sector.

The programme included a structured mix of events, workshops and bespoke consultancy support which were delivered locally so that public buyers could easily access the service.

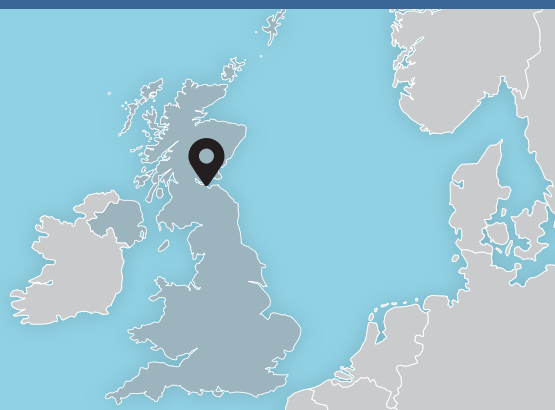
National Engagement Events were information and dissemination events to explain the programme objectives and stimulate debate among public buyers and senior procurement officers. Local Engagement Events were organised across Scotland to bring shared understanding between the public sector commissioning and procurement community and the third sector at a local level. Practical workshops covered a range of themes including Community Benefit Clauses, the PSP model, and the use of social value in procurement.

RfB also provided practical consultancy to ensure hands-on mentoring, advice and support. The RfB consortium provided a personalised approach covering all steps of the joint commissioning process. It also assisted public sector bodies with tender evaluations and post-award performance monitoring.

¹ Public Social Partnerships (PSP) are defined as "a strategic partnering arrangement which involves the third sector earlier and more deeply in the design and commissioning of public services"; Community Benefits Clauses (CBCs) are contractual clauses which can be used to build a range of economic, social or environmental conditions into the delivery of public contracts.



UNITED KINGDOM



POLICY OBJECTIVES

This Scotland-wide programme offered a unique opportunity to embed social value throughout public procurement.

KEY RESULTS AND LESSONS LEARNT

Organisations that engaged with the programme realised a number of important benefits:

- making procurement staff more confident in understanding, and working with, third sector suppliers and consortiums through improved communication and relationships;
- communication between public buyers and frontline delivery providers, which helped them to identify opportunities for ensuring wider sustainable community benefit;
- giving procurement officers the confidence to work with a range of stakeholders to design better services which meet service user outcomes;
- maximising opportunities for joint strategic procurement that deliver social benefits; and
- knowledge sharing across the public sector through the use of workshops, champions' networks, focus groups and relevant case studies.

Underpinning RfB's approach was a focus on effective knowledge transfer and learning. Sustainable change within the public sector needs people, organisations and regions to share experiences and innovations. RfB committed, in its approach, to

PUBLIC AUTHORITY

Scottish Government

TPOLOGY

Programme

DURATION

2011-2017

MORE INFORMATION

<https://readyforbusiness.org/>

document and disseminate case studies, guides to lessons learned and additional templates to provide real-life examples of public/third sector engagement, PSP development, CBC use and social and economic impact measurement that would encourage others to take a similar journey.

A key success factor was the unique combination of knowledge and experience of the consortium on the issues facing the public sector commissioning and procurement community and third sector suppliers. This enabled the development of an innovative combination of events and a consultancy support programme able to deliver lasting change.

In their activity, RfB partners built a social value supply chain and delivered and promoted this activity to encourage other agencies to follow suit. In delivering the initial phase of the contract, the consortium sub-contracted 15 third sector organisations for a wide range of supporting activities and services.

SOCIAL ASPECTS OF THE PRACTICE

Programme foreseeing different tools to promote socially responsible public procurement (awareness-raising events, practical thematic workshops, tailored consultancy support, and online resources).



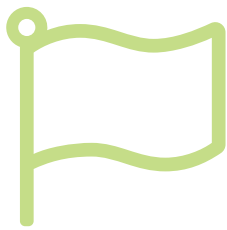


Good practice in public procurement procedures



Good Practice #01

Waving the banner for socially-responsible flags



Textile

DESCRIPTION

In June 2017, the City of Zagreb launched a call for the purchase of textile flags - City of Zagreb flags, Croatian flags and EU flags.

The public authority received 3 applications, and awarded framework contracts for the 2018-2021 period to 2 successful bidders: URIHO (a sheltered workshop, 100%-owned by the City of Zagreb) and the social cooperative Humana Nova Cakovec (a work integration social enterprise). URIHO's contract is worth €700,000 in total; Humana Nova Cakovec's contract is worth €580,000. The latter delivered a €100,000 contract for flags in 2018 and a €94,500 contract in 2019. URIHO has so far delivered a short-term contract worth €25,500. As of autumn 2019, 30% of the total of contracted flags have been delivered.

POLICY OBJECTIVES

The City of Zagreb has a history of reserving contracts for sheltered workshops and other protected employment schemes. In 2017, it decided to expand the practice of reserved contracting to other businesses (social enterprises) according to Article 51 of the Public Procurement Act (OG 120/16).

KEY RESULTS AND LESSONS LEARNT

This is the first and so far only example of public procurement with implementation of reserved contracts for social enterprises in Croatia (above €500,000). In the Croatian context it is a good practice because it shows that social enterprises are able to submit offers and implement contracts in line with requirements. Moreover, if such practice is encouraged, it should indirectly contribute to strengthening of the social enterprise market i.e. encourage other social enterprises to participate in further tenders.

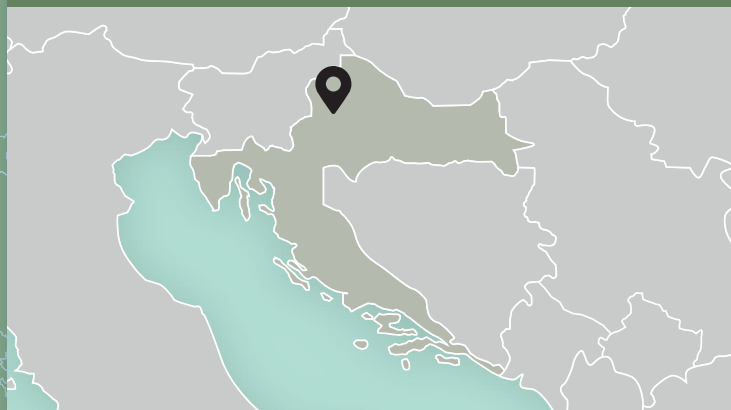
From a strictly market perspective, prices and quality of the tenders were comparable to "regular" public procurement, therefore no argument against sheltered workshops could be made in that regard.

There have been some procedural issues: Humana Nova made a complaint to the contracting authority regarding a perceived conflict of interest, since URIHO is owned and was established by the City of Zagreb. However, the National Authority (State Commission for the appeals in public procurement) ruled that URIHO is a legitimate Social Enterprise tenderer in public procurement process and that there is no conflict of interest.

SOCIAL ASPECTS OF THE PROCUREMENT

First and so far only example of public procurement with implementation of reserved contracts for social enterprises in Croatia, for the purchase of textile flags.

CROATIA



CONTRACTING AUTHORITY

The City of Zagreb

ECONOMIC SECTOR

Textiles

LEGAL BASIS

Article 20 (reserved contracts) of Directive 2014/24/EU > Article 51 of Public Procurement Act (NN 120/2016)

DURATION

4 years

VALUE

HRK 5.2 million (approx. €700,000)

MORE INFORMATION

www.humananova.org



Good Practice #02

Opening forestry management to people with disabilities



Forestry

DESCRIPTION

The procurer is a facility and forestry management company that is 100% owned by the Municipality of Havlíčkův Brod, a town of around 23,000 inhabitants, located in Vysočina Region.

Havlíčkův Brod Technical Services divided the procurement of forestry management services (harvesting, reforestation, etc.) into lots. Some of the activities put out to tender are more suitable for social economy enterprises than others. For instance, harvesting requires heavy machinery and suitable capacity to handle it, which few such enterprises can provide. On the other hand, reforestation and maintenance activities are more accessible to social economy enterprises and can be carried out by people with disabilities. The focus is on employing people that have been excluded from the labour market for a long time and on promoting social enterprises.

In 2016, Havlíčkův Brod Technical Services published a three-year forestry management tender, divided into 5 lots. This included 1 lot (Lot 5) for the reforestation, maintenance and protection of newly-planted trees. This lot was won by Fokus Vysočina – a social enterprise that employs people with health disabilities and thus at risk of social exclusion. Fokus Vysočina has employed 8 people to work on this

contract, including 4 new employees with disabilities (50% quota).

POLICY OBJECTIVES

The tender aims at providing the procurer with forestry services. Enabling social economy enterprises to take part in tenders constitutes an indirect way to support the inclusion of people with disabilities and support the local economy.

KEY RESULTS AND LESSONS LEARNT

The social economy enterprise Fokus Vysočina won the contract. This was possible because of the procurer's decision to divide the tender into lots. This did not give an advantage to bidders from the social economy market, but it did make it possible for them to take part. This case study shows the effectiveness of methods other than reserved contracts as tools for increasing the participation of socially excluded groups of individuals in the workplace. Division into lots led to widening the field of potential bidders, increasing competition for individual lots, potentially reducing costs and improving results for the procurer.

SOCIAL ASPECTS OF THE PROCUREMENT

The procurement of forestry management services was divided into lots to enable SMEs and social economy enterprises to take part.

CZECHIA

CONTRACTING AUTHORITY

Havlíčkův Brod Technical Services (Havlíčkův Brod Technické služby)

ECONOMIC SECTOR

Forestry

LEGAL BASIS

Art. 46 (division of contracts into lots) of Directive 2014/24/EU > Article 35, Article 78, Article 101, Article 217 of Act. No. 134/2016 Coll., on Public Procurement

DURATION

4 years

VALUE

CZK 2.785 million (€103,430)

MORE INFORMATION

<http://sovz.cz/priklady-dobre-praxe/>



Good Practice #03

Socially-responsible event catering



Catering

SOCIAL ASPECTS OF THE PROCUREMENT

The Czech Ministry of Labour and Social Affairs has set up a dynamic purchasing system to handle individual tenders for its many events. By using labels and contract performance conditions, it requires contractors to minimise waste and provide fresh, ethically-sourced food and drink.

DESCRIPTION

The Czech Ministry of Labour and Social Affairs (MoLSA) organises many conferences, seminars, workshops and other events every year. In December 2018, the Ministry introduced a dynamic purchasing system (DPS) to handle individual tenders for its events.

Catering for the events is also tendered out within the system. Contract performance conditions are used to include sustainable public procurement criteria. MoLSA's requirements for catering contractors include:

- minimising waste (using non-bottled water; no single-use plastics; dishes that are durable and washable, not disposable); and
- providing fresh, ethically-sourced food and drink.

Goods offered during the events (such as tea, coffee, chocolates) must meet fair trade requirements. Those requirements can be covered by fair trade labels.

MoLSA also requires the purchase of organic produce (fruit and vegetables, fruit and vegetable juices, meat and meat products, eggs) as a contract performance condition (with reference to national regulation No. 834/2007, which defines 'fresh livelihoods' - a choice of 'fresh livelihoods' enables contractors to place indirect restrictions on individually-packed food and drink).

The use of DPS allows the SMEs and social economy enterprises to take part in individual small tenders. They can also learn to use electronic procurement instruments on a temporary platform on the DPS. This gives them the ability to communicate with the contracting authority and bid. MoLSA also organised an open seminar on electronic instrument within the DPS. Any potential bidder could take part, but it was especially important for SMEs and social economy enterprises that often lack the experience and capacity to participate in public tenders.

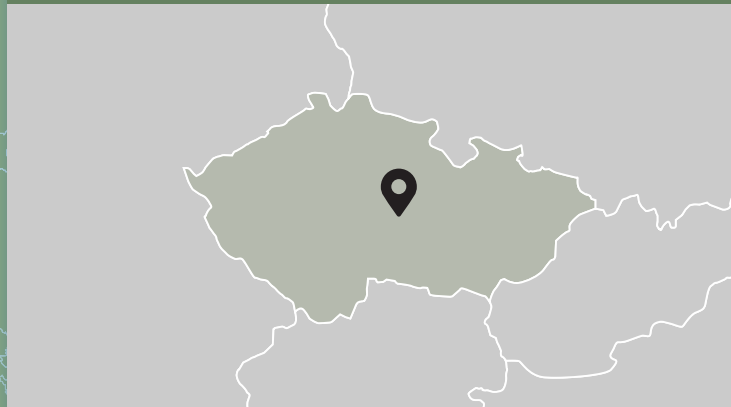
MoLSA has awarded several tenders within the DPS based on following criteria: 70% lowest bid price, 15% employment of social economy enterprises in catering, 15% employment of social economy enterprises in other areas (for instance: audio-visual).

POLICY OBJECTIVES

The award criteria and performance conditions attached to event catering contracts are in line with MoLSA's sustainable purchasing strategy. This aims at buying sustainably, supporting ethical and fair trade production, and promoting opportunities for social economy enterprises. MoLSA also strives to minimise negative environmental impacts of its procurement. In this case that means minimising waste.



CZECHIA



KEY RESULTS AND LESSONS LEARNT

MoLSA's events produce less catering waste.

By stipulating the use of certified (labelled) products, the Ministry is also able to ensure that high standards and ethical practices apply throughout the supply chain. This supports its goal of supporting human rights and decent working conditions for food producers globally.

The positive social outcome can be further enhanced by extending contract performance conditions (or award criteria) to include social economy enterprises, such as enterprises providing catering services as sub-contractors.

CONTRACTING AUTHORITY

Ministry of Labour and Social Affairs (MoLSA)

ECONOMIC SECTOR

Catering

LEGAL BASIS

Art. 43 (labels) of Directive 2014/24/EU > Art. 89 par. 1 letter a), Article 94 of Act. No. 134/2016 Coll., On Public Procurement

Art. 70 (conditions for performance of contracts) of Directive 2014/24/EU > Article 37, par. 1 letter d) of Act. No. 134/2016 Coll., On Public Procurement.

DURATION

Dynamic purchasing system in place for 4 years from December 2018.

VALUE

CZK 13.29 million (€491,900) assigned through individual sub-tenders (dynamic purchasing system)

MORE INFORMATION

<http://sovz.cz/priklady-dobre-praxe/>



Good Practice #04

Helping WISEs to win larger tenders



Cleaning
Services

DESCRIPTION

Greece's national organisation for the provision of health services (EOPYY) tendered out a reserved contract for cleaning services for its headquarters and regional offices.

The contract was divided into 8 lots, each corresponding to a different area of Greece. Tenderers had the right to bid for one lot, several lots or the whole contract.

POLICY OBJECTIVES

Cleaning services are the main sector of activity for Greek work insertion social enterprises (WISE) in public contracts.

The tender aimed to combine cost effectiveness with an added value: promoting work insertion of vulnerable people by scaling up the capacity of WISEs to handle contracts that are larger (over thresholds) and of broader geographical scope.

KEY RESULTS AND LESSONS LEARNT

There was a significant response by KoiSPEs (Greek form of WISE providing work integration for people with mental problems) from all over the country. However, no KoiSPE or group of KoiSPEs bid for the whole contract. Instead, several groups of KoiSPEs combined forces in different regions to bid for different lots.

The contracting authority awarded 7 different groups of KoiSPEs a single lot each. There was no successful tenderer for the 8th lot, so that lot had to be put out to tender again under the national legal provision for reserved contracts and was awarded to a KoiSPE. Contracts were signed in June 2018 and performance was successfully concluded in July 2019.

EOPYY challenged social enterprises to up-scale their capacity to deliver larger contracts with more demanding awards procedures and performance contexts. By dividing the contract into lots, it gave the tenderers the opportunity to develop flexible solutions. This practice is extremely rare in Greece and it provides a useful lesson for other public agencies: article 20 can be used successfully for large contracts as well.

Social enterprises responded with a high degree of professionalism and flexibility, both in terms of bids and contract performance. In order to meet the financial and practical requirements of the tender, KoiSPEs joined forces and bid as groups, which enhanced their networking capacity and the self-esteem of the sector.

A lesson learned is the need to better target tenderers: this call targeted exclusively a single legal form of WISE, namely KoiSPEs.

According to POKOISPE, the national federation of KoiSPEs, EOPYY's call gave enterpris-

SOCIAL ASPECTS OF THE PROCUREMENT

The call for competition exclusively targeted social cooperatives under the Greek legal form of KOISPE (limited liability social cooperatives for work insertion of the mentally ill – regulated by art. 12 of Law No. 2716/1999).



es in the sector the opportunity to prove their worth as efficient bidders and reliable contractors for large contracts. It also taught KoiSPEs to team up for group bidding. The federation says it has improved perceptions of the sector, enhanced the self-esteem of KoiSPEs and built capacity.

GREECE

CONTRACTING AUTHORITY

National Organisation for the Provision of Health Services (EOPYY)

ECONOMIC SECTOR

Cleaning Services

LEGAL BASIS

Art. 20 (reserved contracts) of Directive 2014/24/EU > Article 20 of Law No. 4412/2016 on Public Contracts of Works, Supplies and Services

DURATION

One year

VALUE

€369,000

MORE INFORMATION

<https://eopyy.gov.gr/article/80d2d7d1-1e72-4ca4-b6dd-7cebfaf4bbb9>



Good Practice #05

Market consultation to introduce social procurement into the Irish Prison Service



Criminal Justice

SOCIAL ASPECTS OF THE PRE-PROCUREMENT

To gain access to the consultation/expressions of interest process, social enterprises (or a consortium) who expressed an interest needed to meet the following criteria:

- be a bona fide social enterprise¹;
- be able to demonstrate at least 2 years trading in the same sector in another location and make available annual turnover figures; and
- show evidence of employing people who are distant from the labour market

DESCRIPTION

The Irish Prison Service and Probation Service operate as executive agencies of the Department of Justice and Equality (DOJE). In 2017, the DOJE, along with its executive agencies, launched 'A New Way Forward – social enterprise strategy 2017-2019'. This strategy outlines the direction for supporting social enterprises (SEs) as a mechanism of increasing employment opportunities for people with criminal convictions. The principal theme of this strategy is that people with education and training and who are in work are less likely to offend. Social enterprises play a key role in an individual's journey to long-term, well-paid, sustainable employment. By creating a much-needed buffer between prison, or engagement in a community probation project, and the mainstream labour market, they create a pathway that for many does not exist outside of these developments.

Social procurement is a key objective of the Irish Prison Service.

In 2018, the Irish Prison Service conducted a market-sounding exercise in order to ascertain the level of interest and engagement of suitable operators for a proposed café facility in one of its

vacant buildings adjacent to Mountjoy prison in central Dublin.

In line with the DOJE social enterprise strategy, the Irish Prison Service sought an independent operator to run a café that will employ suitably qualified people with criminal convictions who have found it difficult to gain employment as a result of their previous criminal activity. The facility would be given rent-free to the selected café operator with the Irish Prison Service making available memorabilia to retain a prison theme in the facility.

POLICY OBJECTIVES

One of the strategic objectives of the DOJE's social enterprise strategy is to:

- 'ensure procurement processes are accessible to social enterprises through the implementation of social clauses'

The specific objective of this case study was to:

- 'test that there is a sufficient level of interest in this proposition and sufficient capacity among social enterprises to meet the primary objectives in order to proceed to the reserved contract tender stage.'

KEY RESULTS AND LESSONS LEARNT

OUTCOME

In total, 10 social enterprises made enquiries as a result of the market sounding exercise with 8

¹ As Ireland does not currently have a designated legal status for social enterprises, the Irish Prison Service required confirmation that those who expressed an interest were bona fide social enterprises by confirming that their social enterprise activity is acknowledged/named in their Memorandum and/or Articles of Association -



formally submitting an expression of interest. The Irish Prison Service organised site visits for each of the bidders to allow them to view the building and ask questions. The following common queries were raised:

- is there any flexibility in relation to the use of the building? The building is 150 m from the main road leading to concerns about footfall and hence profitability;
- is there any scope for the Irish Prison Service to assist with renovation and fit-out costs? The work to install a commercial kitchen and convert the space into a café is estimated to cost some €120,000;
- can any of the surrounding areas be part of the package too? There is a green area adjacent to the building that could be used for outdoor seating, an area currently housing disused portable buildings, and a flat roof space.

As the Irish Prison Service was not in a position to financially assist with the fit out of the proposed café and none of the interested social enterprises had the capacity to meet these costs themselves, the initiative did not proceed as planned to the next stage of the procurement process.

LESSONS LEARNT

Conducting an initial market soundings/expressions of interest process was hugely informative in this case. It revealed a greater level of interest than anticipated, but also showed that capacity within the social enterprise sector was limited.

IRELAND

CONTRACTING AUTHORITY

Irish Prison Service

ECONOMIC SECTOR

Criminal Justice

LEGAL BASIS

Market-sounding exercise (based on Directive 2014/24/EU, art. 40 on preliminary market consultation) > European Union (Award of Public Authority Contracts) Regulations 2016, SI 284/2016, reg 40

DURATION

1-month market-sounding exercise in 2018, open to social enterprise operators

MORE INFORMATION

To access 'A New Way Forward – social enterprise strategy 2017-2019' and the mid-term review, visit:

<http://www.justice.ie/EN/PB/WebPages/WP17000016>

The high costs of refurbishing the vacant venue made the offer prohibitive to the interested social enterprises. Budget constraints precluded the Irish Prison Service from covering any of these costs.

RECOMMENDATIONS

While resource intensive and time consuming, conducting an expressions of interest process can be an extremely beneficial first step in a reserved contract process for social enterprises. It allows both sides to test the water and to see if the requirements can be met effectively by a social enterprise while allowing the SEs to assess their own capacity without fully committing to the tender process.



Good Practice #06

Providing medical logistics and transport in Tuscany



MEDICAL LOGISTICS AND TRANSPORT SERVICES

DESCRIPTION

In October 2016, ESTAR (Regional support agency for Tuscany Region) issued an open call for the selection of a provider of medical logistics and transport services between local units of the health agency (hospitals, surgeries and ambulances). The aim was to contract the work out to a single provider for the whole service.

The tender required at least 8% of the people delivering the contract to be disadvantaged. Bids not meeting this criterion would be disqualified. Bids were assessed on the basis of the criterion of best value for money. The contract, which is for 60 months, with the possibility to extend for an additional 24 months, was won by a joint venture between a commercial cooperative and a social cooperative.

POLICY OBJECTIVES

- safeguarding employment levels among disadvantaged persons already employed in medical logistics and transport; and
- generating new job opportunities for disadvantaged persons, where possible selecting new employees from disadvantaged groups from among those participating in regional insertion programmes managed by the health authority.

The policy objectives are supported by a Memorandum of Understanding signed by the re-

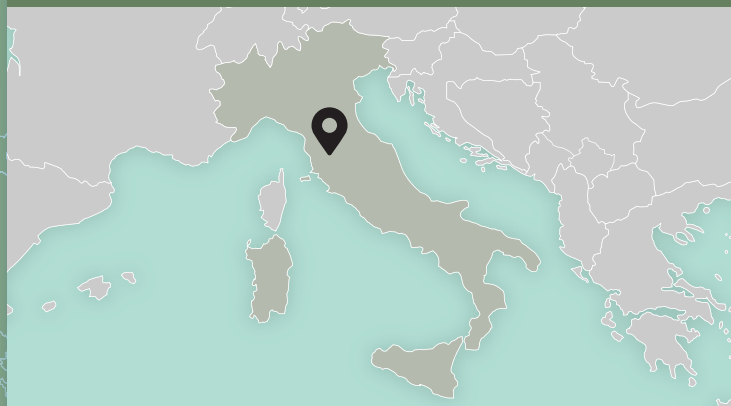
gional government and the main trade unions in Tuscany.

KEY RESULTS AND LESSONS LEARNT

The conditions that enabled the commercial cooperative and social cooperative to form a temporary economic grouping to win and deliver the contract are as follows:

- great tradition of cooperatives in Tuscany (one of the participating organisations is 70 years old);
- clear definition of disadvantaged workers in national law;
- the existence of potential bidders; and
- political will to support the inclusion of disadvantaged persons through the social economy.

The main lesson from this good practice is that it is possible to organise large open tendering procedures while safeguarding existing jobs and fostering new employment for disadvantaged persons, even without the use of reserved contracts.

**ITALY****SOCIAL ASPECTS
OF THE
PROCUREMENT**

*The procurement
applied the following
2 criteria:*

- *Safeguard employment levels in the sector; and*
- *Create new opportunities for disadvantaged persons not in employment.*

CONTRACTING AUTHORITY

ESTAR – regional support agency of Tuscany region

ECONOMIC SECTOR

Medical logistics and transport services

LEGAL BASIS

Art. 67 (use of quality award criteria) and art. 18.2 (mandatory social clause) of Directive 2014/24/EU > Article 95 and Article 30 (3) of D.lgs. no. 50/2016 (Code)

DURATION

June 2017-ongoing

VALUE

€22 million

MORE INFORMATION

<http://www.estar.toscana.it/amministrazione-trasparente/bandi-di-gara-e-contratti>



Good Practice #07

Maintaining green spaces in hospitals and health centres



MAINTENANCE
OF GREEN
SPACES

SOCIAL ASPECTS OF THE PROCUREMENT

The procurement applied the following 2 criteria:

- *safeguarding of jobs for disadvantaged persons already in employment;*
- *creation of new opportunities for disadvantaged persons not in employment.*

DESCRIPTION

In May 2017, ESTAR, the regional support agency for Tuscany, issued an open procedure for the selection of one or more service providers for the maintenance of green areas at hospitals and health centres.

The procedure identified 11 sites that required such maintenance. To each of these areas a lot was assigned, and 8 of the 11 lots were reserved for sheltered workshops or social enterprises employing at least 30% of persons from disadvantaged groups, according to Italian law.

Organisations that met these criteria were invited to bid for all 8 reserved lots, leaving the contracting authority with the flexibility to assign lots to the successful candidates afterwards. There were 2 successful social cooperative bidders, with one being awarded 6 lots and the other winning 2 lots.

POLICY OBJECTIVES

The reserved contracts were designed to generate new job opportunities for disadvantaged persons, on the basis of the objectives set in the applicable national legislation and 2 Memorandums signed between the regional government of Tuscany and the main representatives of social cooperatives and social enterprises.

The 2 Memorandums, while re-affirming respect for European and national principles and laws, underline the importance of using the lever provided by public procurement in order to pursue the social objectives of work insertion.

KEY RESULTS AND LESSONS LEARNT

The contract was awarded to 2 social cooperatives. Conditions that made this possible include:

- a long national tradition of work insertion through social enterprises;
- Specific laws regulating social cooperatives (381/1991)¹ and the third sector (117/2017)²;
- a relatively well-endowed contracting authority with nearly 1,000 employees;
- potential bidders that were large enough to respond to the tender; and
- political will to support inclusion of the disadvantaged through the social economy.

Risks associated with the public procurement process were as follows:

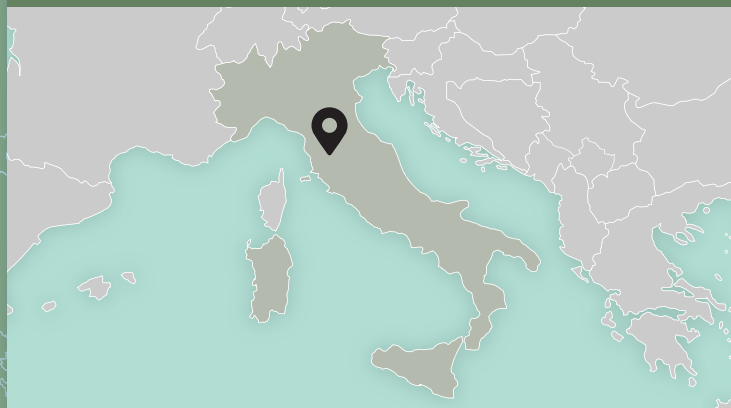
- relatively large (and complex) contracts, giving the possibility to bidders to submit offers

¹ LEGGE 8 novembre 1991, n. 381 Disciplina delle cooperative sociali, <https://www.gazzettaufficiale.it/eli/id/1991/12/03/091G0410/sg>

² DECRETO LEGISLATIVO 3 luglio 2017, n. 117 Codice del Terzo settore, <https://www.gazzettaufficiale.it/eli/id/2017/08/2/17G00128/sg>



ITALY



for all 8 lots, to the contracting authority to join lots afterwards;

- a relatively slow award procedure (more than 1.5 years); and
- the scale of the contract, which required social economy enterprises with a larger capacity.

The lesson from this experience is that it is possible to organise large tendering procedures for reserved contracts, provided they are set in a conducive context and supported by strong political will.

CONTRACTING AUTHORITY

ESTAR – the regional support agency for Tuscany

ECONOMIC SECTOR

Maintenance of green spaces

LEGAL BASIS

Art. 20 (reserved contracts) of Directive 2014/24/EU > Article 112 of D.lgs. no. 50/2016 (Code)

DURATION

6 years (from March 2019)

VALUE

€23 million for 8 reserved lots, out of a total contract value of €40 million

MORE INFORMATION

<http://www.estar.toscana.it/amministrazione-trasparente/bandi-di-gara-e-contratti>



Good Practice #08

Delivering mental health services through social cooperatives



HEALTH/SOCIAL
SERVICES

DESCRIPTION

In December 2016, EGAS launched a call for services to implement personal pathways to support individualised rehabilitation projects co-designed through a public-private partnership with mental health services in Trieste and the Western part of Friuli.

Co-design and co-production are defined as a continuous cooperation between the Regional Health Service and the “Partner” on 3 levels: strategic, managerial, and operational/professional.

The contract was to be awarded to the best offer on the basis of the following criteria:

- Quality: 85 points
- Price: 15 points

The call defined in detail how to assess the quality criteria:

The call included a social clause to safeguard continuity of the employment of staff involved in the performance of the services. In the event of a change of contractor, the new contractor is obliged to employ the staff and the disadvantaged workers hired by the former contractor, and to provide them with the same working conditions.

POLICY OBJECTIVES

- increase the effectiveness of rehabilitation measures by means of personalised reintegration pathways targeting housing, employment and social inclusion needs;
- ensure the participation and empowerment of users of mental health services and their families;
- try out new forms of service provision that go beyond the customer / provider relationship.

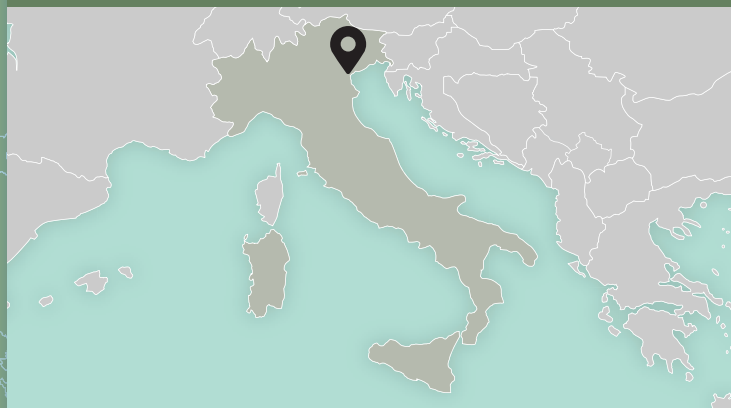
SOCIAL ASPECTS OF THE PROCUREMENT

Co-design and co-production of interventions based on a continuous cooperation between the Regional Health Service and the “partner”. Award criterion: best price-quality ratio (quality score of up to 85 points; price score of up to 15 points).

Quality Criteria	Points
Ability to operate and provide services in partnership	10
Organisational model proposed a system of co-management	15
Human resources (experience, training programme, staff organisation)	10
Housing needs: accessibility, continuity of service, provision of cultural or recreational trips for the users	15
Employment needs of users (work integration)	10
Social inclusion needs	10
Additional proposals made by tenderer	10
Implementation plan	5



ITALY



KEY RESULTS AND LESSONS LEARNT

The tender was awarded to 2 temporary groups of social cooperatives (1 for each lot). They were the only bidders, with 1 group formed of 11 cooperatives and the other of 6 cooperatives. The participants in the bidding groups chose to join forces rather than compete against each other.

The groups of social economy enterprises that won the tender were able to demonstrate that they could respond in an integrated way to complex client needs around living, working and socialising.

The joint management of the services by the cooperatives strengthened the ability of social enterprises to speak directly and with a single voice to the regional health services.

Responding to a complex call required effective coordination between the participating social enterprises, both in terms of participation and management. The coordinator played a vital role, including by giving smaller cooperatives a voice. Another success factor was defining clear rules and roles for all participants in the group.

This type of call works well if there are already organisations in the relevant market capable of organising and networking to offer integrated services.

CONTRACTING AUTHORITY

EGAS (public procurement body of health services on behalf of Friuli Venezia Giulia)

ECONOMIC SECTOR

Health/social services

LEGAL BASIS

Art. 74-76 (special regime for social services) of Directive 2014/24/EU > Articles 60 and 142 of D.lgs. no. 50/2016 (Code)

DURATION

4 years

VALUE

Lot 1 (Trieste): €2.89 million per year; Lot 2 (Western Friuli): €2.67 million per year

MORE INFORMATION

<https://egas.sanita.fvg.it/>

Furthermore, this approach favours collaboration between social enterprises and participatory management methods. Assessment of bids was heavily weighted towards the quality of the offer, this meant there was no advantage to submitting below-cost offers.



Good Practice #09

Wroclaw's social approach to cleaning contracts



Cleaning
Services

DESCRIPTION

A contract for the provision of cleaning services in premises and associated facilities of the Municipality of Wrocław was reserved for social cooperatives (based on art. 15a of the [Act on Social Cooperatives](#)) and tendered out by a restricted procedure with prior publication of a contract notice. The contract value was below the threshold set in the Polish Public Procurement Law of 29 January 2004 (€30,000).

POLICY OBJECTIVES

According to Art. 15a of the Act on Social Cooperatives, public bodies awarding contracts below the threshold may stipulate that only social cooperatives operating under the Act or applicable laws of the Member States of the European Union or the European Economic Area may apply for the award of the contract.

The Polish Act of April 27, 2006 on social cooperatives (Journal of Laws 2006 No. 94, item. 651 with the subsequent amendments) indicates that the main objective of social cooperatives is the integration in the labour market of people at risk of social exclusion.

The City of Wrocław, one of the fastest-developing communities in Poland, decided to draft a social economy development strategy to tackle issues related to social and vocational reintegration. The strategy looked at ways to strengthen socially-responsible public procurement policy,

one of the key challenges facing the local government and the social economy sector.

KEY RESULTS AND LESSONS LEARNT

The contract was awarded to Wroclawska Social Cooperative, and 12 disadvantaged people, mainly from shelters for the homeless in Wrocław, had the opportunity to participate in the reintegration process as a part of the programme called Socially Responsible Wrocław.

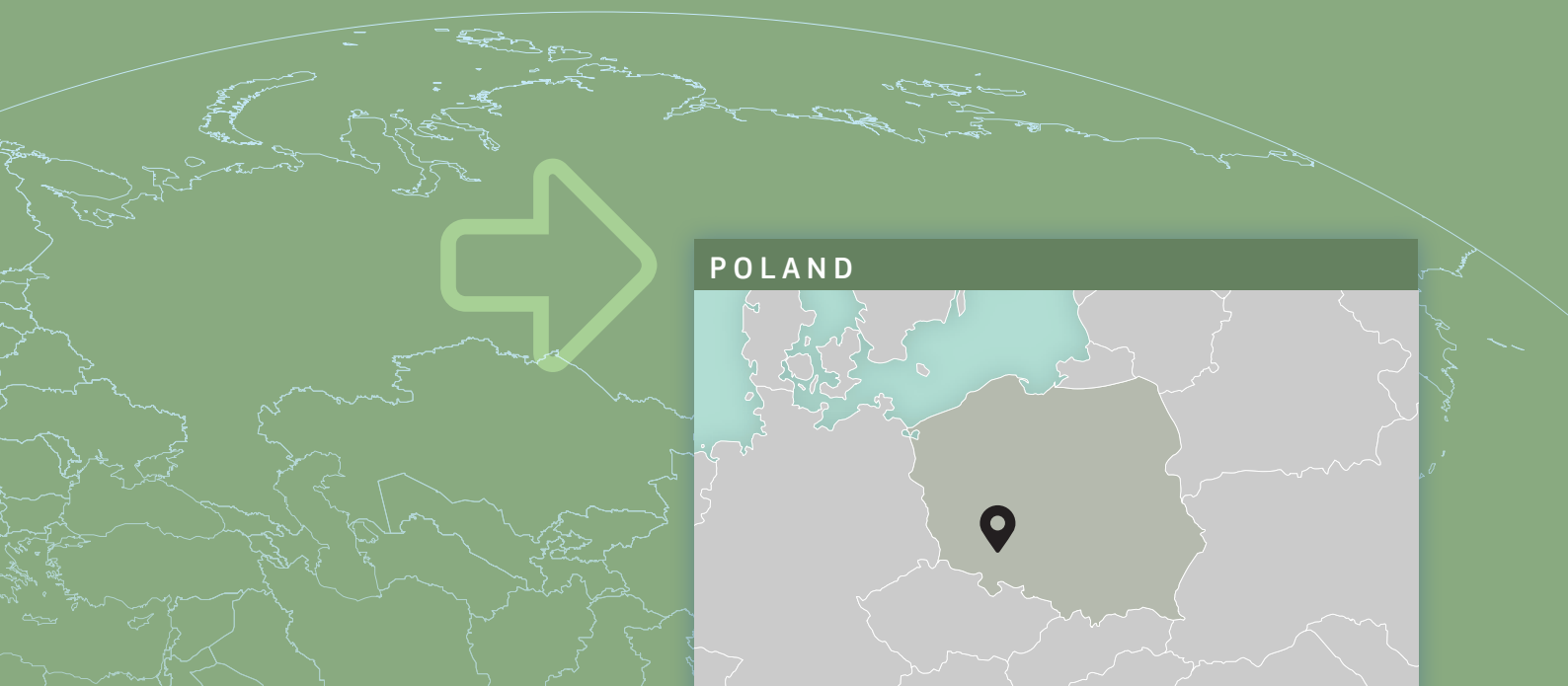
Wroclawska Social Cooperative employs people at risk of social exclusion, especially homeless people. The contract allowed the cooperative to grow and achieve social and professional reintegration of people involved in providing the cleaning services specified in the contract.

This contract was the practical application of Wrocław's local social economy programme, which includes an ordinance by the Mayor of Wrocław recommending the use of social aspects in all future public tenders.

The biggest challenge for the city of Wrocław is to support the creation of an environment conducive to the development of social enterprises able to compete for tenders. As of 2019, there are several social enterprises in the city, but they are still too small to compete for large orders. The local authority decided to include social aspects within smaller orders so that social enterprises and NGOs can gradually acquire

SOCIAL ASPECTS OF THE PROCUREMENT

A reserved contract for cleaning services for the city of Wrocław awarded to Wroclawska Social Cooperative made it possible for homeless people to participate in a reintegration process.



experience that will subsequently allow them to participate in tenders on a larger scale in the near future.

The public procurement market in Poland, especially in large cities, faces very specific challenges (a low unemployment rate, many contracts), so public tenders do not have many competitors and bidders have significant problems in finding suitable employees. This has had the effect of discouraging contracting authorities from introducing additional criteria in public procurement. In addition, high levels of certain types of public social protection expenditure may have a negative impact on labour force participation.

For these reasons, Wrocław is gradually introducing incentives to participate in public procurement for social enterprises and NGOs that employ those who are most distant from the labour market.

POLAND

CONTRACTING AUTHORITY

Wrocławskie Mieszkania Limited Company (100%-owned by the Municipality of Wrocław)

ECONOMIC SECTOR

Cleaning services

LEGAL BASIS

Art. 20 (reserved contracts) of Directive 2014/24/EU > Article 22 para. 2 and 2a of the Public Procurement Law

DURATION

1 year (25.04.17-24.04.18)

VALUE

PLN 109,000 (approx. €26,000)

MORE INFORMATION

Public procurement:

<https://www.wm.wroc.pl/pozostale-zamowienia-publiczne/>

Local Social Economy Development Programme:

<https://www.wroclaw.pl/rozmawia/ekonomia-spoieczna-um-wroclaw>



Good Practice #10

How Kramsk uses the special regime for social services in its care services



Care Services

DESCRIPTION

Kramsk is a small rural municipality (population: c. 11,000) situated near the city of Konin in Greater Poland. The municipal authority is responsible for the provision of care services to residents. This includes specialist support for the elderly, dependent people and people with disabilities.

Services that the municipal authority provides include basic care, maintenance of social activity, support for medical treatment, actions to prevent loneliness and assistance in running households.

Demand for these services is growing due to demographic, economic and social changes. These include:

- an aging population;
- reduced income from agriculture;
- insufficient pensions;
- migration from rural areas to cities;
- loosening of family ties; and
- loneliness of the elderly.

To fulfil its care service obligations, the Municipality of Kramsk tendered them out in accordance with the reserved contracts provisions of the special regime. This enables the Municipality to achieve social objectives while at the same time meeting its obligations in a cost-effective way.

The call was based on Article 138p of the Public Procurement Law (provision based on art.74-77 special regime for social services) and was reserved for entities which:

1. Broadly speaking meet the characteristics of non-profits.
2. In the 3 years preceding the starting day of the award procedure for the contract for social services, were not awarded any contract on the basis of this provision by the same contracting authority.

The municipality awarded the care contract to Razem do Sukcesu ("Together to Success"), a social cooperative based in Kramsk. Established in 2011, Razem do Sukcesu provides catering for schools and kindergartens, as well as community care services. It employs local people threatened with social exclusion.

POLICY OBJECTIVES

The purpose of Poland's special regime for social services procurement is to:

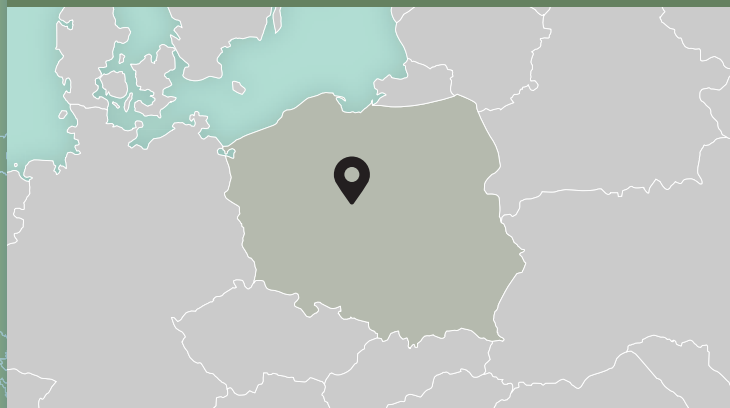
1. Promote the access of social enterprises to the social services market.
2. Promote social and professional reintegration of people at risk of social exclusion.
3. Professionalise social economy enterprises and increase the quality of their services.
4. Ensure local control over the delivery of community social services.

SOCIAL ASPECTS OF THE PROCUREMENT

The Municipality of Kramsk awarded care services by means of reserved contracts for social services.



POLAND



KEY RESULTS AND LESSONS LEARNT

The contract was won by a social cooperative that employs local people at risk of social exclusion, mainly from rural areas. The contract helped the cooperative to grow. It enabled the social and professional reintegration of people at risk of social exclusion, bringing them back into employment and actively involving them in the life of the local community. Furthermore, the Association of the Inhabitants of Kramsk Municipality (Stowarzyszenie Mieszkańców Gminy Kramsk), a member of the cooperative, ensured that residents had control over the quality of care services. As representatives of the Association, local residents could take part in the social cooperative's general meetings, where they could make comments and recommendations on the quality of services. They also indicated demand for future services, suggested new services and discussed solutions and obstacles to their implementation. The result was a high quality of service.

The contracting authority was interested in socially-responsible procurement and was supported by an expert from Poland's Social Economy Support Centre.

A key lesson is that contracts using social elements should be part of the public procurement plan for a given year, therefore any cooperation with the local government should be preceded by a proposal for cooperation on the prepara-

CONTRACTING AUTHORITY

The Municipality of Kramsk

ECONOMIC SECTOR

Care services

LEGAL BASIS

Article 77 (Special regime for social services – reserved contracts) of Directive 2014/24/EU > Article 138p of the Public Procurement Law of 29 January 2004

DURATION

2 years (01.01.2019 – 31.12.2020)

VALUE

PLN 1,355,320 (€315,191)

MORE INFORMATION

http://www.kramsk.pl/kramsk/zasoby/files/bip/przetargi_ug/2018/2018-11-09/ogloszenie_o_zamowieniu_siwz.pdf

<http://www.kramsk.pl/kramsk/bip/przetargi/Zamowienia-publiczne/archiwum/ogloszenia/2018-prziug.html>

tion of the annual procurement plan. This will allow the contracting authority to prepare the appropriate procedure and contractors to prepare the offer.

This practice is particularly relevant because the use of the special regime for social services procurement is not widespread in Poland. A barrier to its use is the fact that Polish law does not include a definition of social enterprises. Public authorities often do not have tools to decide which legal entities qualify for the special regime.



Good Practice #11

Adding social and environmental aspects to municipal park maintenance



MAINTENANCE
OF GREEN
SPACES

SOCIAL ASPECTS OF THE PROCUREMENT

The contract was reserved for Special Working Centres (Centros Especiales de Empleo), where at least 70% of the workforce has a recognised disability. In addition, by offering training in environmental aspects, the contract increases the possibility that the workforce could join the non-protected labour market in future.

DESCRIPTION

This case study concerns a contract for maintenance of public gardens in the city of Barcelona with sustainable procurement criteria.

The contract was reserved for Special Working Centres (Centros Especiales de Empleo), where at least 70% of the workforce has a recognised disability.

The contract was divided into 2 lots, to encourage more bids. In addition, it was much larger than most reserved contracts in Spain, in order to stimulate joint bids by social economy enterprises.

In addition to price (50% of the scoring), several social and environmental considerations were introduced in the award criteria, including use of electric vehicles and vehicles powered by natural gas, with widespread electric vehicle use scoring highest.

POLICY OBJECTIVES

The objective of this contract was to favour the integration of people far from the labour market, targeting especially persons with disabilities. It was decided to make it a reserved contract on the basis that its object, garden maintenance, is labour intensive. This allows more people from the target group to participate.

KEY RESULTS AND LESSONS LEARNT

A total of 6 offers were received (4 for lot 1 and 2 for lot 2), including 3 offers from Temporary Enterprise Unions (UTE in Spanish), which are groups of social economy enterprises. This implies a significant level of collaboration among companies active in the sector.

The 2 winning bids were made by UTEs that offered the most vehicles with a low environmental impact, the maximum salary increase and the lowest price. This shows that it is possible to combine a competitive economic offer with social and environmental criteria.

The formation of UTEs is unusual in reserved markets in Spain. This procurement process can be seen to have fostered collaboration and shown social economy enterprises that by joining forces they can win and deliver larger contracts.

The process shows that:

1. The division into lots allows social economy enterprises to participate since it lowers the financial and technical barriers.
2. The size of the contract encouraged social entities to collaborate and present an offer together, opening new possibilities for other contracts, even if they are not reserved.

3. The introduction of social and environmental criteria shows that reserved contracts can be of comparable quality to regular contracts and with similar levels of professionalism among enterprises.

SPAIN



CONTRACTING AUTHORITY

Institut Municipal Parcs i Jardins de Barcelona (Municipal Institute of Parks and Gardens of Barcelona)

ECONOMIC SECTOR

Maintenance of green spaces

LEGAL BASIS

Art. 20 (reserved contracts) of Directive 2014/24/EU > Fourth Additional Disposition of the Law 9/2017

Art. 46 (division of contracts into lots) of Directive 2014/24/EU > Article 99 of the Law 9/2017

Art. 67 (quality/social contract award criteria) of Directive 2014/24/EU > Article 145 of the Law 9/2017

DURATION

2 years

VALUE

€1.7 million

MORE INFORMATION

https://contractaciopublica.gencat.cat/ecofin_pscp/AppJava/search.pscp?reqCode=start&set-locale=ca_ES



Good Practice #12

Employing disadvantaged persons in residential construction in Gothenburg



CONSTRUCTION

DESCRIPTION

Familjebostäder i Göteborg AB is a public housing company in Gothenburg owned by the municipality. In November 2016 it launched a tender for the construction of a residential area in the city. This included social considerations obliging the supplier to provide employment for disadvantaged persons.

POLICY OBJECTIVES

The city of Gothenburg has a policy for social procurement. It wants to use public tendering as a tool to create employment for disadvantaged people.

Social considerations in procurement are an important part of the city administration's work to create an open and equal city where people want to live and work. Creating jobs for people who are outside the labour market offers people at risk of social exclusion the opportunity to become self-sufficient and have a meaningful everyday life. It also reduces the cost of social assistance for the municipality.

Gothenburg aims to increase the proportion of sustainable procurements. At least 50% of municipal service contracts must be made using the Gothenburg City model for social considerations. The work on the model should promote employment opportunities for people who are far from the labour market, stimulate

social integration, equal opportunities and social rights.

KEY RESULTS AND LESSONS LEARNT

The construction call was a success. Disadvantaged persons were employed and 80% of the participants in the recruiting procedure ended up in stable employment. Many people received training on the job and were able to acquire new professional skills.

The strongest social impact produced by this type of employment is that the people recruited to fulfil the social clauses acquire new skills and job experience so that they are able to find new work opportunities. This type of employment situation is thus a way into the labour market.

To facilitate the recruitment of the most suitable candidates among disadvantaged groups it was useful to have a support function to mediate between the labour market, suppliers and the contracting authority.

It is evident that creating a type of bridge or a function to fill the gap between the disadvantaged groups and the labour market is a successful way of creating long-term job opportunities, not just a temporary solution.

The procurement is part of the systematic work that the municipality undertakes to cre-

SOCIAL ASPECTS OF THE PROCUREMENT

Contract clauses obliging the supplier to provide employment for disadvantaged persons.



SWEDEN

CONTRACTING AUTHORITY

Familjebostäder i Göteborg AB, a municipally-owned public housing company

ECONOMIC SECTOR

Construction

LEGAL BASIS

Article 70 (conditions for performance of contracts) of Directive 2014/24/EU > Act (2016:1145) on Public Procurement, Chapter 17, Section 1

DURATION

n/a

VALUE

SEK 13.1 million (approx. €1.2 million)

MORE INFORMATION

<https://socialhansyn.se/>

ate jobs for unemployed people in professions where there is a shortage of offers. The municipality also supports suppliers so they can find suitable candidates to fill vacancies.

Apart from employment clauses the procedure included 2 further requirements of a social nature: 1) the supplier was obliged to abide by employment conditions clauses; and 2) the supplier was obliged to abide by an anti-discrimination clause. All clauses were measurable and allowed suppliers to compete whether or not they were based in Sweden.

One of the main reasons why this is a good practice example is the fact that the municipality developed a support function to spread knowledge and information on the procurement procedure. This support structure, consisting of 2 people, also provided support to suppliers. In fact, the 2 support staff developed regular contacts with suppliers to understand what professional profiles they seek. The relationship with the suppliers was useful to measure market requirements. Thanks to this information the contracting authority was later able to propose tenders with social considerations that fitted well with supplier's capacities.



Good Practice #13

Reserved tender for delivering fruit baskets to offices



FOOD

DESCRIPTION

Söderhamn is a town of around 11,000 inhabitants located some 250 km north of Stockholm in Gävleborg County, Sweden. The Municipality of Söderhamn decided to build a new procedure for social public procurement, based on 4 factors:

- analysis of the needs to which the procurement shall respond;
- a new national law on public procurement, introduced in 2017;
- establishment of a dialogue with beneficiaries and potential providers; and
- establishment of a training process for beneficiaries and potential tenderers.

This call was one of the first in Sweden to make use of reserved contracts, which were introduced on 1st January 2017 through the Act on Public Procurement.

The focus was on employing people that had been excluded from the labour market for a long time and on promoting social enterprises.

Söderhamn's new procedure was applied to the call for tender for a contract to deliver baskets of fruit to municipal offices in the town. Stebacken, a local work integration social enterprise (WISE), won the tender. The WISE is currently delivering 7 tonnes of fruit per year, and carrying out work-insertion projects.

POLICY OBJECTIVES

- promote socially-responsible public procurement;
- facilitate the participation of social enterprises in procurement; and
- achieve work inclusion of disadvantaged persons.

KEY RESULTS AND LESSONS LEARNT

The call can be considered a success for several reasons. Firstly, it has given people who are typically unable to enter the labour market a chance to become employed. The contract created a job for one person but it also enabled the social enterprise Stebacken to develop its other activities and by doing so creating employment for more people outside the labour market. This is a positive outcome not only for the individuals but also for the municipality as a whole. Under the reserved contract, the fruit baskets are slightly more expensive than before, but this cost increase was counter-balanced by the social benefits in terms of new opportunities for disadvantaged groups. In addition, the reserved contract includes a higher proportion of organic fruit than previously, demonstrating that the municipality is addressing environmental, as well as social, issues.

SOCIAL ASPECTS OF THE PROCUREMENT

The delivery of fruit baskets to public offices was carried out using a reserved procedure aimed at social and work inclusion of disadvantaged persons. The contract was reserved for sheltered workshops and social economy enterprises (WISE).



SWEDEN

CONTRACTING AUTHORITY

The Municipality of Söderhamn

ECONOMIC SECTOR

Food

LEGAL BASIS

Article 20 (reserved contracts) of Directive 2014/24/EU > Act (2016:1145) on Public Procurement, Chapter 4, Section 18

DURATION

Maximum 4 years (2 + 1 +1)

VALUE

SEK 1,000,000 (€91,600)

MORE INFORMATION

https://www.youtube.com/watch?v=hAG_A3MFakA/

Social enterprises rarely participate in public procurement tenders, but since the change of law in 2017, there is more interest from social economy enterprises. Stenbacken, which won this tender, had never bid for a public contract before. The organisation says it was inspired to do so by taking part in a workshop led by the contracting authority, the Municipality of Söderhamn. The public procurement workshop was also an opportunity for the municipality to speak to social economy enterprises and understand their demands and constraints with regards to budgets, the labour market and so on.

In total, 12 WISEs took part in the workshop. They learned about the Act on Public Procurement and were shown how to prepare and submit a tender. It encouraged collaboration between them and successful bids from the social economy for other contracts.

Söderhamn encourages other authorities to have the courage to be creative in public procurement. The municipality has produced a Youtube video about its experiences (see link above right). This highlights the benefits of including social considerations in procurement processes. The film also points out how important it is to ask for support and get inspiration from others. The Swedish National Agency for Public Procurement helped give Söderhamn the confidence to opt for a reserved contract.

The success of the workshop shows the value of informing organisations with the capability to participate in tenders which had not done so through lack of knowledge or confidence.

