



EcoProcura 2012

Social Considerations in Public Procurement - Guide to "Buying Social"

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European Commission

DG Employment, Social Affairs and Inclusion



Context: Corporate Social Responsibility

March 2006 Communication –

"Implementing the partnership for growth and jobs: making Europe a pole of excellence on corporate social responsibility"

New CSR Communication, October 2011

More integrated labour markets, higher levels of social inclusion, more recruitment of people from disadvantaged groups

Need for Action on the Social Considerations in Public Procurement

16% of EU GDP from public spending – leverage for the common good

Clarity

Study and guide

Guide published in February 2011

Legal Basis

Directives 2004/17/EC and 2004/18/EC

European Court of Justice case law

Commission Communication of 2001

Study on equality and diversity in public procurement in 2003

- **Public purchasers who wish to can integrate social considerations in public procurement as long as the principles of value for money for taxpayers and equal access for all EU suppliers are respected**

Terms of Reference of the Study

What is socially-responsible public procurement and why it is important

A strategy for awarding authorities

Assess what is legally possible at all stages of the procurement process

Added value of socially-responsible public procurement

Case studies

Study Deliverables

Inventory of typical applications of SRPP

Policy and regulatory frameworks for SRPP

Six case studies (equal opportunities for all, gender equality, health and safety, employment and vocational training, decent work, accessibility and design for all)

Elements for draft guide

Key Findings

Framework is complex and evolving fast at MS level

Different practices at different levels within MS

Guides in use already

Scope for limited technical interpretations to enable SRPP to be incorporated legally

Need for peer learning

Commission's "Green" guide an example, but significant adaptation needed

Need to establish business case – assess costs and benefits

Structure of the Guide (1)

Buying Social : key issues

An organisational strategy to buy social

Identifying the needs and planning the procurement

The contract

- **Defining requirements**
- **Selecting**
- **Awarding**
- **Performance**

Structure of the Guide (2)

Ch. I: Buying Social: Key Issues

Definitions

Benefits of socially-responsible public procurement

Link to EU social model

Legal and policy approach

Structure of the Guide (3)

Ch. I: Buying Social: Key Issues

Definitions:

Employment opportunities

Decent work

Social and labour rights

Social inclusion

Accessibility and design for all

Ethical trade

CSR

Human rights

SMEs

Structure of the Guide (4)

Ch. I: Buying Social: Key Issues

Benefits of socially-responsible public procurement:

Assist compliance with social and labour law

Stimulate socially-conscious markets

Demonstrate socially-responsible governance

Stimulate integration

Structure of the Guide (5)

Ch. I: Buying Social: Key Issues

Link to EU social model:

Sustainable economic growth and improved living/working conditions

Maintain EU "social" profile

Evidence of social mainstreaming

Legal and policy approach:

EU legislation and social dialogue / OMC / ESF financial support

Link to Directives and previous Communications

SSGEI

Structure of the Guide (6)

Ch. II: An Organisational Strategy to Buy Social

Defining objectives

Political leadership

Measuring and prioritising

Raising awareness

Implementation

Monitoring and control

Structure of the Guide (7)

*Ch. III: Identifying the Needs and Planning
the Procurement*

Assessing actual needs

Defining the subject matter

Increasing access

Issues Provoking Discussion

Lowest cost/best value

Supply chain/sub-contractor links

Fair/ethical trade

Collective agreements

Link to subject matter of the contract

Contract performance

Sectoral guides

Next Steps Taken

Series of training seminars

Review of the 2004 Directives by DG Internal Market