

SOCIALING PUBLIC PROCUREMENT

A transformational journey towards socially responsible public procurement

This paper was drafted by the European Training Foundation (ETF), in cooperation with the European Union Intellectual Property Office (EUIPO), the European Institute for Gender Equality (EIGE), the European Labour Authority (ELA) and the European Insurance and Occupational Pensions Authority (EIOPA).

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PREFACE

Socially responsible public procurement (SRPP) is about achieving positive social outcomes in public contracts. This paper is addressing SRPP from different angles, taking into account the primary need of public authorities to consider social aspects in public purchases.

In 2022 the European Training Foundation (ETF) led a Working Group on socially responsible public procurement within the Network of Agencies Procurement Officers (NAPO) and the following agencies engaged with the objective to analyse the topic, collect best practices and formulate ready-to-use hints and tips for different purchases: the European Union Intellectual Property Office (EUIPO), the European Institute for Gender Equality (EIGE), the European Labour Authority (ELA) and the European Insurance and Occupational Pensions Authority (EIOPA).

The Working Group followed an agreed methodology to analyse social aspects on topics such as gender responsive public procurement, working conditions, safe and healthy working environment, and small- and medium-sized enterprises. The first part of the paper includes the above-mentioned notes.

The second part of the paper includes some relevant reflections on the relation between SRPP and different aspects of sustainable procurement, some reflections on the legal framework, including an analysis of the draft Financial Regulation under revision following the Green Deal, as well as a series of approaches contained in the main literature on the SRPP subject.

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EXECUTIVE SUMMARY

Socially responsible public procurement (SRPP) is an evolving subject in a fast and continuous development. The traditional approach to procurement requires a complete change of perspective when seen under the lens of sustainability. Nowadays, in light of the Sustainable Development Goals and the European Pillar of Social Rights, a more socially responsible public procurement is not only important, but due when dealing with public spending.

The Working Group (WG) on Socially responsible public procurement has been established in the context of the Network of Agencies Procurement Officers (NAPO) in 2022, led by ETF with the participation of EUIPO, EIGE, ELA and EIOPA. The main outputs and deliverables envisaged by the WG were:

- to collect information and create a repository on existing work on SRPP;
- to discuss how Agencies can get ready to meet the anticipated requirements in this topic.

Taking stock from the main literature and sources available mostly at institutional level (EU, ILO, OECD, WB), but also authoritative sources like Procura+ Network, Sapiens Network and others, the WG focused on some of the main areas where SRPP could be applied.

The present study offers a snapshot of basic principles on SRPP, including orientation among key literature, while providing some practical guidance on the main focus areas identified by the WG.

Methodology of the Working Group

The Methodology to carry out a study on the different focus areas consisted of the following milestones:

1. Analysis of different sources
2. Note key elements of the area of analysis
3. What the Agencies can do to integrate SRPP (area of analysis) in their Procurement workflow: Examples of criteria, technical specifications, contract clauses and monitoring; Relevant Best Practices identified of public procurements in the area of analysis (2 or 3). Refer also to key sectors (e.g. ICT, Furniture, Cleaning and facility management services, Food and catering, etc.)
4. List of literature and sources analysed to include in the relevant Repository – Literature, bibliography, sitography

Social aspects analysed by the Working Group

The WG selected some of the more relevant fields of SRPP in some cases according to the mandate of the belonging Agency or based on areas of interest or previous studies:

- EIGE: Gender equality dimension
- ELA: Work integration of disabled and disadvantaged persons
- EIOPA: Safe and healthy working environment
- ETF: Accessibility and inclusion
- EUIPO: Small and Medium-sized Enterprises.

1. MAKING PUBLIC PROCUREMENT MORE SOCIALLY RESPONSIBLE: THE CHALLENGES

In order to include aspects of SRPP into the procurement process, the following aspects should be considered. They are concrete or perceived barriers to the goal of making public procurement more socially responsible. However, for each challenge there are actions in development or different points of view to be taken.

- Sustainability concept is often limited to green aspects (see also current negotiations on the FR recast). Green aspects, including procurement guidelines and criteria (GPP) are subject to fast and wider development comparing to social aspects.

Directive 2014/24/EU includes explicit reference to social aspects. SRPP is a duty for EU institutions and it cannot be ignored in organisational policies and future multiannual procurement plans, especially in light of 2030 Sustainable Development Goals and the targets set in the Commission's European Pillar of Social Rights Action Plan to be achieved by 2030. Directives 2004/17/EC and 2004/18/EC (the 'Procurement Directives'), include rules for taking account of social considerations, provided they are linked to the subject-matter of the contract and proportionate to its requirements, and as long as principles of value for money and equal access to suppliers are observed.

- The perception of social impacts is very variable and it is difficult to isolate the influence of an organisation.

Social impact assessment is a complex exercise; however it must not be comprehensive. It is essential to define a framework (organisational objectives) and a methodology, that could even be tailored to specific procedures, setting targets, indicators and defining the source of verification. The methodology. Measuring social impact is important to identify and also to communicate the social value created in a consistent way. For EU Institutions it is essential to communicate taxpayers and stakeholders that they make a (social) difference. The degree of complexity needed for measuring social impacts is a critical issue. The inclusion of social impact considerations within procurement procedures may be an initial step for setting up a Social impact assessment framework.

- There is a need for better databases and software to obtain social and socio-economic information, as well as information on a product's life cycle impacts and therefore, a company's production methods. All actors involved in the process of sustainable procurement and social impact assessment lack guidance, tools and skills.

The definition of sustainable practices, specifications and standards, as they are being developed for GPP, as well as expanding reporting frameworks to social performance (sustainable reporting) could help contracting authorities to develop their SRPP policies. For now, EU agencies can share good practices, tools and also knowledge acquired in order to feed and replicate good models.

- Concern about possible misuse of sustainability to implement unlawful discrimination among economic operators. In other words, there is a perception of narrowing and distortion of competition.

Procurement principles must be always respected and social considerations may be included when relevant and depending on the subject matter of the contract. Also, considering the nature of social considerations it might be more appropriate to include them at a certain stage of the procurement procedure.

- GPP as higher in the political agenda (Green Deal)

GPP is key to sustainable procurement but it does not mean that a green procurement could not be also a SRPP. GPP has more advanced tools and standards for its implementation and some of the tools could be adapted to social considerations (e.g. labels). In some cases, GPP and SRPP could even be achieved at the same time (e.g. fair trade). In other cases, environmental considerations may imply also social implications.

- Sustainable products and services cost more

Sustainable products and services can contribute to savings on other fields (e.g. accessible and inclusive website may save costs of front-office information, health and safety measures may save costs on occupational disease, etc.). There is small evidence and data collection is costly, but it appears clear from best practices that sustainable products and services cost less and have more positive / less negative effects than traditional products for the economy and the society. As an example, if life cycle costs are duly considered, some products usually considered sustainable being local, may not be true (e.g. food raised in greenhouses in some countries may imply higher consumption of water/electricity than imported products).

Leading by example, EU Agencies can also encourage private sector organisations to use and custom principles of SRPP for their own procurement, while promoting good corporate citizenship and responsible business conduct along the entire supply chain (RBC, OECD).

2. ROADMAP TO SOCIALIZING PUBLIC PROCUREMENT

- **Search.** An organisation can make sustainable choices and has at its disposal a number of tools to implement effective and more social purchases. The Procurement function has a crucial role in this process. EU Agencies have sparked the process elevating SRPP. Given the wideness of the topic, the recommended approach is to get familiar with the guidelines and tools available and plan strategically the sector / group of products to which social considerations could be applied. This decision is directly related to the organisational mandate, objectives and procurement strategy. Once the decision is taken on the procedures to *socializing*, a methodology would help fixing the milestones, targets and indicators to monitor and report achievement of the results (social impact). Guidance, good practices and also the tips from the WG on SRPP provide insight on social considerations that could be apply to different procedures at each stage of the procurement process. + feed and improve (partnership)
- **Simplify.** Choose carefully the sector/group of products (e.g. catering services and event organisation), as well as the social considerations to tackle (e.g. fairtrade products, job opportunities for disadvantaged groups, working conditions, accessibility, etc.), focusing your efforts to shape a simple and clear methodology. S-LCA and SROI prove to be challenging, especially for small size organisations and efforts should be proportionate to the size of the purchase(s) and the social impact envisaged. The recommendation is to include at first a few well designed elements of SRPP to pilot procedure(s).
- **Share.** Following piloting phase, collect the main lessons learnt (collect feedback from stakeholders and actors involved in the process) and share them with colleagues (NAPO solidarity initiative or dedicated NAPO WG on SRPP). Sharing is extremely beneficial as it creates a virtuous exchange of knowledge, multiplying quickly the guidance on such an extremely wide and challenging subject. Shared services may increase and collaboration among agencies could bring important benefits to the development of SRPP.
- **Feed, improve, repeat.** Lessons learnt from the organisation itself, as well as from other entities can feed the organisational strategy and future procedures. From *quick wins*, the road towards a structured implementation of SRPP and a comprehensive sustainable procurement strategy is dotted with pilots and lessons learnt. Inputs and best practices can improve implementation of SRPP and constitute a model that can be repeated by the organisation itself and by others. In this sense, EU agencies have the opportunity to lead by example and inspire wider action and others involved in procurement, whether as suppliers or service providers, private buyers, social economy players including social enterprises, or NGOs.
- **Joint forces.** EU Agencies must more than ever cooperate and join their efforts in order to make SRPP effective. The following initiate may be considered:
 - Work at inter-institutional level especially for the implementation of SROI and S-LCA. Given the time consuming and difficulty of implementing good SROI and S-LCA, external specialised expertise might be procured.
 - Collection of best practices and lessons learnt by EU Agencies in the implementation and piloting of SRPP, in order to share, feed and replicate.

- Establish a cooperation with the Performance Development Network (PDN) Working Group on Sustainability Reporting, to harmonise and tailor the approach to Sustainable reporting depending on the mandate of the agencies, eventually clustering indicators and standards based on common organisational objectives.

2.1 A transformational journey

SRPP implementation is to be seen as embarking in a transformational journey, as it is a process bringing to a profound and radical change. The perspective of making purchases with a social impact is however also a duty, especially in public spending.

Following the setting up of a procurement strategy and multiannual procurement plan, the next step is to identify priority products or product groups most purchased and services, assessing procurement value, as well as social considerations and categories suitable and relevant for SRPP.

Crucial for the success of the purchase is to perform a preliminary market study to shortlist the products or product groups, assessing where possible: how expensive they are versus conventional products; what is their total cost of ownership compared to conventional products; assess the existence of certification schemes and find out if the types of product selected have appropriate schemes, standards or labels in place enabling the verification of sustainability criteria. Set a scoring methodology is useful to including goals, priorities, indicators, and also to define partnership approach, roadmap, governance and responsibilities.

The journey is highly adaptive, as it entails not only a reworking of procurement processes (mapping, gap analysis vs goals, review, incorporation of lessons learnt), but also an adaptation of action plans and governance, adjustment of training needs and building on competences, communicating and engaging, including partnerships.

2.2 Practical guidance

The paper issued by the Commission, [Buying Social – A guide to taking account of social considerations in public procurement – Second edition \(2021/C 237/01\)](#) provides exceptional guidance on embedding social considerations throughout the procurement process. This study has no intention to repeat or replicate its content and below there is a selection of highlights and to approach in a very simple way SRPP, especially by means of labels.

Considerations on the subject matter of the contract involves starting from the title of the procedure: a direct reference to sustainability objectives can help communicating clearly your ambitions. For example: Provision of *sustainable* catering services. Ensure on the quality and availability of sustainable products and services on the market.

Also, check social product [labels and standards](#) at national and international level before requesting them and always ensure to be in the position to accept and assess equivalents. Use of labels (Type I) are always to be preferred, however provided equivalents are explicitly accepted. For example: All products must meet the criteria of Label X, included in Annex Y; Proof: Label X certification for the products offered must be provided. Other labels which demonstrate compliance with the same or very similar criteria of Label X will also be accepted, provided that:

- Only concern criteria which are linked to the subject matter of the contract;
- The criteria for the label are verifiable, and non-discriminatory;

- They are established using an open and transparent procedure in which all relevant stakeholders, including government bodies, consumers, social partners, manufacturers, distributors and non-governmental organisations, may participate;
- They are accessible to all interested parties; and
- They are set by a third party over which the economic operator applying for the label cannot exercise a decisive influence. If the tenderer can demonstrate that it had no possibility of obtaining the specific label or an equivalent label within the time limits, for reasons not attributable to themselves, alternative proof will also be accepted, such as a technical dossier.

How to evaluate based on labels or standards? A possibility is to progressively reward better performance, or give additional points if specific thresholds are reached/conditions met. For example:

- Products supplied under this contract must be produced according to the principles of fair trade, endorsed by the European Parliament Resolution on Fair Trade and Development (2005/2245(INI)). Verification: Tenderers must provide evidence that these principles are met. This may include the possession of the Fairtrade label, or products demonstrated as being imported and distributed by Fair Trade Organisations (recognised by the World Fair Trade Organization). Other forms of third-party verification will also be accepted.
- Contract performance clause: The contractor must supply proof of the fair trade origins of the products used in carrying out the contract. This may include the possession of the Fairtrade label, or products demonstrated as being imported and distributed by Fair Trade Organisations (recognised by the World Fair Trade Organization). Other forms of third-party verification will also be accepted.

Examples of third-party labels which address social considerations are: The Fairtrade International certifications; TCO Certified; SA 8000; Fair for Life; World Fair Trade Organization; WAI WCAG 2.1 AAA label, and/or other disability organisations labels; DALCO accessibility requirements for standard UNE 170001-1:2007 on built environment.

3. FOCUS AREAS

3.1 Gender-responsive public procurement (Focus: EIGE)

Gender-responsive public procurement (GRPP) is a gender mainstreaming tool to promote gender equality through public procurement.

GRPP promotes gender equality through the goods, services or works being purchased. This means that buyers and suppliers examine the impact of all contracted activities on women's and men's needs, interests and concerns, and design and deliver contracts in a way that reduces inequalities. GRPP may target inequalities in the workforce through the delivery of a contract (whether local or remote), in the way a contract is performed and/or via the impact it has on users or recipients of the goods, services or works purchased. It does not necessarily entail higher costs, but does require knowledge and capacity. GRPP can improve efficiency in public spending.

Applying GRPP to promote gender equality from the beginning of the procurement cycle means asking questions such as the following:

- Do the services, supplies or works that I intend to buy have different implications for women and men in all their diversity?
- Do women and men, in all their diversity, have different needs in relation to the services, supplies or works to be purchased?
- Which social and labour laws and collective agreements that promote gender equality at work are applicable to the contract?

The EU legal and policy framework

GRPP has a basis in the financial regulation (Regulation (EU, Euratom) 2018/1046) and the EU legal framework for public procurement. The legal framework has evolved into a comprehensive set of rules and principles governing the award of public contracts. The three 2014 procurement directives aim to facilitate greater strategic use of procurement, including for the advancement of social objectives.

The European Commission explicitly states in its gender equality strategy for 2020–2025 that 'the Commission's guidance on socially responsible public procurement will fight discrimination and promote gender equality in public tenders'. As one of the first deliverables of the strategy, the Commission has proposed binding measures on pay transparency under the draft directive on pay transparency, which specifically addresses equal pay and the pay gap in the context of public procurement (in Article 21).

Five reasons why gender-responsive public procurement is crucial in the EU context

1. GRPP can contribute to sustainable and inclusive growth in the EU as a gender equality measure, lead to an increase in the productive capacity of the economy and better value for money. The EU would be able to produce more goods and services domestically and would also become more competitive in international markets.
2. GRPP offers a major opportunity to leverage public spending to pursue a fairer allocation of economic resources and improve living standards for both women and men. Achieving value for money and delivering wider benefits, such as gender equality objectives, often go hand in hand. The best outcome for society can be achieved only by taking the possible differences between the situations of women and men, in all their diversity, into account.

3. GRPP can include measures to address the gender pay gap in the workforce assigned to the contract. It can also help to ensure that wages paid under contracts are legal and adequate, and that bidders are not avoiding their social obligations. This is especially relevant in low-wage sectors (such as cleaning, catering, childcare and call centres), in which women represent the main workforce, and in contracts that will be performed or partly performed in developing countries, or sectors with significant gender inequalities in the workforce (e.g. financial and economic activities, which have the highest gender pay gap).
4. GRPP supports efforts towards sustainable and socially responsible procurement. The UN's 2030 agenda for sustainable development acknowledges that systematic mainstreaming of the gender perspective is crucial for implementing all the goals and targets of the agenda [9]. This includes target 12.7, which aims to promote sustainable practices in the area of public procurement. Contracting authorities may pursue GRPP as part of a broader policy on strategic procurement, encompassing environmental and other social objectives.
5. GRPP can contribute to strengthening the institutionalisation of gender mainstreaming. Integrating a gender perspective in the work (i.e. at the operational level) of public contracting authorities creates a significant opportunity for institutional change in the strategies, objectives and activities of the organisations (e.g. by considering work-life balance for parents and carers).

Examples of GRPP that can be implemented by contracting authorities at all levels, including EU institutions

1. In a contract for cleaning services, a government department consults with cleaning companies and their staff in order to determine the scope for improving work-life balance for cleaners (e.g. cleaning could be carried out during the working day rather than in the evenings).
2. In a contract for uniforms, an emergency services provider examines the entire supply chain to ensure that all workers receive a fair wage, human and employment rights are respected and the uniforms are suitable and comfortable for both women and men employees to wear.
3. In a contract for social housing, a local authority specifically considers how planning and design may affect women and men differently. This could include safety issues (e.g. lighting and visibility), access to transport, employment and childcare and the height or layout of facilities. In addition, during the procurement process, the authority aims to create employment and training opportunities for both women and men, including single parents and those seeking to retrain or re-enter the workforce.
4. A state agency holds market engagement events which encourage businesses and social enterprises owned and operated by women to participate in tenders, for example by explaining procedures, considering feedback and ensuring that the structure and size of contracts is appropriate to encourage maximum participation.
5. The European Commission launches a tendering procedure to commission a study on the impact of the COVID-19 pandemic on the increase in homelessness among women suffering domestic violence. Selection criteria include prior experience in conducting gender studies. Award criteria require the team conducting the study to have specific expertise in homelessness from a gender perspective.

How to advance gender equality through public procurement?

Using a gender-responsive public procurement approach, public buyers and suppliers can design and deliver contracts in a way that can advance gender equality.

Here are several examples:

Pre-procurement	Procurement	Post-procurement
Conduct needs assessment and market consultation to identify gender impacts of the contract	Apply exclusion criteria to reject bidders who have a poor record on gender equality issues	Apply contract performance conditions that require actions related to gender equality
Include gender equality in the subject matter of the contract	Apply selection criteria to choose bidders who can implement GRPP	Set up monitoring and reporting on GRPP clauses
Choose an appropriate procedure which best allows for GRPP	Devise technical specifications which reflect gender aspects of the contract	Require GRPP clauses to be applied by subcontractors
Consider using a light regime / reservations / lots to promote greater participation of women-owned businesses	Apply award criteria to target specific gender equality issues in the delivery of the contract	Enforce compliance with GRPP clauses through the application of contractual remedies
Use gender-sensitive language in tender documents	Request third-party labels or certifications which certify gender equality compliance	Collect statistics on GRPP

Challenges under EU procurement law

The EU legal framework is faced with several challenges in the implementation of GRPP:

- a lack of mandatory provisions;
- uncertainty regarding some existing rules;
- the absence of monitoring and reporting requirements.

More broadly, the promotion of gender equality as a legitimate objective is currently lacking within public procurement policy at both the EU and the national levels. This means that many public bodies are not yet aware of the possibility of addressing gender issues through procurement. Also, there might be a need for practical support for integrating a gender perspective into public procurement.

Gender-responsive public procurement and gender budgeting

Gender budgeting is a gender mainstreaming tool aimed at achieving equality between women and men by focusing on how public resources are collected and spent. The gender dimension should be integrated into all phases of the budgetary cycle, from the budgetary proposals (*ex ante*) and

throughout the spending itself (*ex nunc*) to the evaluation and control of the money actually spent (*ex post*).

An important element of public spending or expenditure into which the gender dimension can be integrated is public procurement contracts. In this way, GRPP can be considered a means of implementing gender budgeting.

GRPP can be carried out under the EU procurement directives and under the financial regulation. The EU legal framework for public procurement has evolved into a comprehensive set of rules and principles governing the award of public contracts. The three 2014 procurement directives aim to facilitate greater strategic use of procurement, including for the advancement of social objectives. Further guidance on how to incorporate social objectives in public procurement is available in the European Commission's Buying Social Guide.

The European Commission explicitly states in its gender equality strategy for 2020–2025 that 'the Commission's guidance on socially responsible public procurement will fight discrimination and promote gender equality in public tenders'. As one of the first deliverables of the EU gender equality strategy for 2020–2025, the Commission proposed binding measures on pay transparency under the draft directive on pay transparency, which specifically addresses equal pay and the pay gap in the context of public procurement (Article 21). GRPP is part of government spending and thus forms part of gender budgeting. The European Parliament and the Council of the European Union have repeatedly called on the EU institutions and Member States to develop and implement gender budgeting¹.

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Useful tools for gender mainstreaming [Methods and Tools | European Institute for Gender Equality \(europa.eu\)](#) and [Concepts and definitions | European Institute for Gender Equality \(europa.eu\)](#)

Useful practical step-by-step toolkit for implementing gender-responsive public procurement (GRPP) in the EU is designed for contracting authorities at national, regional and local level, including EU institutions, bodies and agencies: [Gender-responsive Public Procurement: Step-by-step toolkit | European Institute for Gender Equality \(europa.eu\)](#)

- EIGE has developed a PDF and an online version of a step-by-step toolkit on gender-responsive public procurement. The toolkit includes practical guidance on how to include gender considerations at each step of the public procurement cycle: pre-procurement, procurement and post-procurement.

For some of the specific tools, we have included downloadable files such as guiding questions or decision trees:

- Tool 1: Self-assessment questionnaire about the legal, regulatory and policy frameworks ([downloadable questions](#))
- Tool 3: Decision tree to assess the gender relevance of public contracts ([downloadable decision tree](#))

¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, OJ L 433I, 22.12.2020, p. 28. Point 16(f) of the interinstitutional agreement gives the Commission the mandate to promote equality between women and men throughout the implementation and monitoring of programmes and to examine how to develop a methodology to measure the relevant expenditure at programme level in the multiannual financial framework for 2021–2027.

- Tool 4: Guiding questions for needs assessment / preliminary market consultations ([downloadable questions](#))
 - Tool 5: Decision tree for the choice of procedure for GRPP ([downloadable decision tree](#))
 - Tool 6: Guiding questions for dividing contracts into lots for GRPP ([downloadable questions](#))
 - Tool 7: Guiding questions for applying GRPP under the light regime – designing healthcare and social care service contracts with a gender perspective ([downloadable questions](#))
 - Tool 8: Guiding questions for applying GRPP under the light regime – improving working conditions in healthcare and social care services by means of public procurement ([downloadable questions](#))
 - Tool 9: Decision tree for setting GRPP selection criteria, technical specifications and/or award criteria ([downloadable decision tree](#))
 - Tool 13: Template for a GRPP monitoring and reporting plan ([downloadable template](#))
- Other study outputs include a [factsheet](#) and a [brief](#) on GRPP.
 - EIGE has developed the following set of indicators to measure GRPP in the EU, and carried out data collection in 2022. The data is on EIGE's [Gender Statistics Database](#) (on production), and will be made available to the public.

Indicators measuring the existence of GRPP activities

Types of GRPP measures	EIGE's indicators on GRPP	
1. Existence of legislative and/or policy frameworks related to GRPP	Indicator 1.1	Existence of legislative and/or policy frameworks in the area of public procurement related to GRPP.
	Indicator 1.2	Existence of legislative and/or policy frameworks in the area of gender equality related to GRPP.
2. Awareness of GRPP amongst buyers and sellers of public procurement	Indicator 2.1	Existence of networks for public procurement sellers related to GRPP.
	Indicator 2.2	Existence of awards, labels, and/or certificates related to GRPP.
	Indicator 2.3	Existence of regular and/or formal coordination between gender equality and public procurement bodies to promote GRPP.
	Indicator 2.4	Existence of regular and/or formal coordination between public procurement bodies to promote GRPP.
	Indicator 2.5	Existence of practical guidance and/or resources on GRPP.
	Indicator 2.6	Existence of training programmes to raise awareness on GRPP amongst staff of public procurement bodies.
	Indicator 2.7	Existence of initiatives to facilitate the participation of women entrepreneurs in the public procurement process.
	Indicator 2.8	Existence of policy evaluations related to GRPP.

Source: EIGE's 2022 data collection exercise on Gender-responsive Public Procurement

Indicator 2.2 Existence of awards, labels, and/or certificates related to GRPP explores the existence of awards, labels, and certificates that promote GRPP at the EU or national levels.

The data covers awards, labels, and certificates established and/or funded by national procurement bodies, gender equality bodies, or other public authorities that recognise the commitments of buyers and sellers to promote gender equality in the public procurement process.

Relevant measures can include awards, labels, and certificates that are awarded to:

- Public procurement buyers and encourage gender equality and diversity amongst their suppliers
- Public procurement sellers and are beneficial when applying to public contracts (e.g. the label is used as award criteria in public tenders).

*NOTE: The indicator does not attempt to measure whether international standards or certifications that relate to gender equality and/or public procurement have been adopted by buyers and/or sellers in the EU. Rather, the indicator explores whether relevant awards, labels and certificates have been established by public bodies at the **national level**, and whether existing initiatives **incentivise buyers and sellers to promote GRPP**.*

3.2 Working conditions (Focus: ELA)

Focus area: working conditions (such as no undeclared work, access to social security, adequate pay etc.)

Goals

- Protect decent work and improve the quality of work
- Promote serious and reliable contractors, that in turn gives stability, quality and predictability
- Less tax evasion and fraud – less labour crime – promoting legal-declared work and tackling undeclared work
- Building public reputation by taking social responsibility
- Using Public Procurement as a governance/policy tool with minimum costs rather than looking at Public Procurement from the simple view of financial cost
- Effective and socially responsible public procurement
- Increase attention by businesses and public authorities for the use of fair and responsible trade products in catering services and thus help the social conditions of workers in cacao, sugar and tea production (the most effected by fair trade production)
- Actively promote inclusion of marginalised social groups, persons with disabilities, persons with disadvantages on labour market, to prevent breaching of health and safety measures

1. Analysis of different sources

United Nations: 10 Principles of the Global Compact

<https://www.un.org/Depts/ptd/about-us/un-global-compact>

The United Nations strongly encourages all vendors to actively participate in the Global Compact. The Global Compact is a voluntary international corporate citizenship network initiated to support the participation of both the private sector and other social actors to advance responsible corporate citizenship and universal social and environmental principles to meet the challenges of globalization.

The principles cover human rights, labour, environment and anti-corruption.

For the focus area, the following principles are relevant:

- Principle 4: the abolition of compulsory labour
- Principle 5: the abolition of child labour
- Principle 6: the elimination of discrimination in employment and occupation.

It is also referred to in the **UN Procurement Manual**:

<https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/pm.pdf>

The UN developed the Supplier Code of Conduct

https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/unscc/conduct_english.pdf with recognition of the importance of the Ten Principles of the UN Global Compact, and it is viewed as an important means of integrating the Compact's principles into the operations of the UN.

The General Conditions of Contract of the UN contain specific provisions on mines, child labour, sexual exploitation, and the fundamental rights of workers. Contractors signing UN contracts automatically agree to abide by these conditions. Procurement Officials should bring these clauses to the attention of the contractor at the time of signing the contract.

The social dimension of the sustainable agenda considers the promotion of human rights, elimination of child labour, fair labour conditions, gender equality, and wider ethical issues in the supply chain. For instance, to enable the implementation of the Convention on the Rights of Persons with Disabilities, as well as the achievement of the Sustainable Development Goals, the [UN Disability Inclusion Strategy english.pdf](#) calls for specific action to raise the standards of the United Nations performance on disability inclusion across its operations, such as the inclusion of accessibility considerations into relevant procurement activities.

OECD

The OECD project [Public Procurement and Responsible Business Conduct – OECD](#) aims to help the contracting authorities to provide an incentive for economic operators to incorporate responsible business practices and risk-based due diligence in their global supply chains.

Responsible Business Conduct (RBC) is about integrating within the core of businesses the management of risks to the environment, people and society. RBC principles and standards set out the expectation that businesses contribute to sustainable development while avoiding and addressing adverse impacts of their operations including throughout their supply chains and business relationships.

It acknowledges and encourages the positive contributions that business can make to economic, environmental and social progress. It also recognises that business activities through global supply chains can result in adverse impacts on people, society and the environment.

OECD Report on **Integrating Responsible Business Conduct in Public Procurement**

<https://www.oecd.org/gov/integrating-responsible-business-conduct-in-public-procurement-02682b01-en.htm>

It takes stock of current practices integrating RBC in public procurement and identifies possible avenues to increase the impact of public procurement strategies to promote RBC objectives. The report contains country fact sheets for a number of countries with summary of policies in place and how they implement the social considerations in the procurement procedures, e.g. in the Netherlands: the contracting authorities can reserve tender procedures to companies that have proven to comply with the required minimum percentage (30%) of hiring of people with disabilities or unemployed people or; in Germany: in order to ensure that the tenderers did not use child labour in the manufacturing of the procured product or that the employees have been paid the minimum wage, contracting authorities require a self-declaration for each procurement procedure.

There are no detailed examples of criteria or requirements to be used in the concrete procurement procedures, but rather a country level information on the overall approach, it can serve as sources of ideas though.

OECD Guidelines for Multinational Enterprises – non-binding principles and standards for RBC in a global context consistent with applicable laws and internationally recognised standards. The Guidelines are the only multilaterally agreed and comprehensive code of RBC that governments have committed to promoting.

[MNE Guidelines – Organisation for Economic Co-operation and Development \(oecd.org\)](https://www.oecd.org/mne/)

Examples of recommendations for businesses in the focus area: Enterprises should contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency; contribute to the elimination of all forms of forced or compulsory labour and take adequate steps to ensure that forced or compulsory labour does not exist in their operations.

The OECD, the UN and the ILO have developed instruments that provide guidance on responsible business and due diligence. These instruments establish that all companies have the responsibility to avoid and address adverse impacts with which they are involved, including in their supply chains, while making a positive contribution to the economic, environmental and social progress of the countries in which they operate.

[Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf \(oecd.org\)](https://www.oecd.org/mne/Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf)

World Bank

No guidelines found. On the page [Socially Responsible Procurement \(worldbank.org\)](https://www.worldbank.org/en/topic/social/guide/socially-responsible-procurement) some general information is available.

EU

The 2014 Public Procurement Directives make it clear that social aspects can be taken into account throughout the procurement cycle, from preliminary market consultation, through to the use of reservations and the light regime, and to social award criteria and contract performance conditions.

Such requirement comes from Article 18.2. (Principles of Procurement) of the Directive 2014/24/EU:

Member States shall take appropriate measures to ensure that in the performance of public contracts economic operators comply with applicable obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X.

Annex X refers to a list of international social and environmental conventions:

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;

- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International

Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its three regional Protocols

Commission Notice of 26.05.2021 "Buying Social – a guide to taking account of social considerations in public procurement (2nd edition)"

<https://ec.europa.eu/docsroom/documents/45767> – the Guide is intended to raise public buyers' awareness of the potential benefits of socially responsible procurement and it also explains in a practical way the opportunities offered by the EU legal framework. It includes examples of selection and award criteria and also contract performance conditions, e.g. a clause for minimum rates pay:

The contractor and all subcontractors operating within the jurisdiction where the contract is carried out will comply with the minimum rates of pay set out in [relevant law or collective agreement] and will keep records of all hours worked and wages paid. The public buyer may require access to these records and evidence of wages paid at any time.

Making socially responsible procurement work – 71 good practice cases [Making socially responsible procurement work – 71 good practice cases | European Commission \(europa.eu\)](#) – a collection of real cases and examples of socially responsible procurement in 27 countries (22 EU member states and 5 non- EU member states).

An example of various approaches leading to the same goal on promoting socially responsible procurement from two **EU countries**: Slovakia and Czechia. Both countries have introduced a number of reforms in public procurement in the recent years.

In the case of Slovakia, there exists a set of legislative tools defining obligations for every contracting authority to have at least 6% of all calls with a compulsory social responsible element and other 6% of all calls with environmental element per year². This can be achieved by restricted calls where only registered social integration enterprises can apply or by compulsory social or environmental element in selection or award criteria. The registered social enterprises were introduced in legislation as of 2018 and they represent 0.1% of all registered companies. Based on the definition, such an enterprise should employ at least 30% of persons with disadvantages and at least 30% of vulnerable persons or 40% of a mix of these two groups³. The geographical location of such enterprises mirrors the gaps in regional development differences.

In Czechia, after similar reforms of the public procurement legislation, no compulsory quota approach on SRP was introduced. The “soft” approach on introducing SRP is based on providing support, examples, analysis. The most significant and useful instrument is the Checklist⁴ for contracting authorities guiding them where the use of social responsible element on procurement can be used in optimal way: https://www.sovz.cz/wp-content/uploads/2021/02/sovz_checklist_eng_200209.pdf

² https://socialnaekonomika.sk/wp-content/uploads/2022/02/sprievodca_socialnym_verejnym_obstaravanim_verzia-04_2022.pdf?csrt=8382916473026579076&undefined=undefined

³ <https://sovz.cz/wp-content/uploads/2019/10/responsible-public-procurement-european-practice.pdf>, p.19

⁴ https://www.sovz.cz/wp-content/uploads/2021/02/sovz_checklist_eng_200209.pdf

Examples in practice would be to focus in Circular economy in Supplies (including elimination of their packaging), services such as waste collection, rental, sharing of items such as furniture, vehicles, etc. or to focus on Decent working conditions in services with low labour costs such as cleaning, security, forestry or construction contracts.

2. Key elements of the area

In EU countries, some 14% of total GDP is generated by contracting authorities and contracting entities. In OECD countries, public procurement accounts to 12% of GDP, making the public procurement a significant policy lever⁵.

In EU, some 97 million citizens live at risk of poverty and social exclusion, i.e. some 22% of the EU population⁶ (the figures are from 2020).

There are various barriers in use of the social responsible procurement on the side of Contracting authorities, These vary from the strongest ones such “fear to change anything” and “low awareness and understanding of SRP” down to the least problematic “access to resources, data”⁷.

3. What the Agencies can do to integrate SRPP (in particular with a focus on working conditions) in their Procurement workflow

For the procurement by the EU institutions, bodies, offices and agencies to which the EU Financial Regulation is applicable, the FR in the Article 166:

Minimum requirements shall include compliance with applicable environmental, social and labour law obligations established by Union law, national law, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU

Such a clause is a part of the template of tender specifications of DG BUDG.

Additional and/or more concrete requirements can be added for the selection, award or contract performance stages so the contracting authorities consider the social impact of how a product/service is produced, sourced and delivered. They can do this by demanding that potential suppliers have a sustainable, ethical and transparent supply chain, treat their workers fairly, or employ persons who find it difficult to enter the labour market.

The Commission defines requirements towards sustainability strategies and environmental impacts for in various product groups in studies and reports here:

<https://susproc.jrc.ec.europa.eu/product-bureau/product-groups>

<https://susproc.jrc.ec.europa.eu/product-bureau/product-groups/522/documents>

Further the Commission published recently: “Buying Social – A guide to taking account of social considerations in public procurement–Second edition (2021/C 237/01)”⁸

⁵ <https://sovz.cz/wp-content/uploads/2019/10/responsible-public-procurement-european-practice.pdf>

⁶ [Living conditions in Europe – poverty and social exclusion – Statistics Explained \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=sdg_8_10)

⁷ https://sovz.cz/wp-content/uploads/2019/06/2018_report-on-responsible-public-procurement-in-the-czech-republic.pdf
p.11

⁸ <https://op.europa.eu/en/publication-detail/-/publication/47c69b3a-cfcf-11eb-ac72-01aa75ed71a1>

Examples of selection criteria, award criteria and contract performance clauses used by the members states' contracting authorities in various fields

INFORMATION AND COMMUNICATION TECHNOLOGY

Purchase of ICT-hardware

Technical specifications

For the main subject of the procurement procedure (computers and monitors), the tenderers can be asked to fulfil mandatory criteria for the first tier of the supply chain:

1. Compliance with ILO Core Labour Conventions:
 - Prohibition of forced labour and debt bondage (ILO conventions 29 and 105)
 - Non-discrimination (ILO conventions 100 and 111)
 - Prohibition of exploitative child labour and the employment of children under 15 years of age (ILO Conventions 138 and 182)
 - Freedom of association and the right to collective bargaining (ILO Conventions 87 and 98)
2. Compliance with other labour and social standards:
 - Occupational health and safety (ILO Conventions 155 and 170)
 - Minimum wage and social benefits (ILO Conventions 131 and 102)
 - No excessive working hours (ILO Convention 1)

Award criteria

As an example, the contracting authority (BMZ Federal Ministry for Economic Cooperation and Development, Germany) asked the tenderers to submit a document entitled 'bidder concept' to prove further product related compliance with the following:

- For the first tier for peripheral equipment (keypad and pc-mouse), with the same criteria as mentioned above i.e. ILO Conventions;
- For the second and further tiers of the supply chain, both for the main subject of the tender (computers and monitors) and for the peripheral equipment, the tenderers were requested to submit, together with the offer, a description of all the measures they have taken to demonstrate compliance with ILO Core Labour Conventions (as listed above), compliance with other labour and social standards (as listed above); and
- Avoidance of the use of conflict minerals in the goods to be supplied, in compliance with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

Other award criteria were: Risk analysis on working conditions, Corrective and preventative measures, Control measures, such as social audits, Grievance mechanism.

The measures presented in the bidder concept became part of the contract. The more effective and far-reaching the efforts for social sustainability are, the higher the rating of the quality.

Purchase of office and mobile computing equipment (e.g. computers, laptops, tablets, related accessories and services)

Award criteria

The transparency of the supplier concerning the locations of final assembly sites and component suppliers, as well as the working conditions in the final assembly locations; the payment of a living wage and the number of working hours (at the most 48 hours per week including overtime) to be verified by an independent third-party auditing report.

NB: The contracting authority (Finnish central purchasing body) which used this criterion noted that it was difficult to verify as the audit reports did not necessarily prove the actual criterion (i.e. working hours). Also, the same products are manufactured in several assembly factories. In this case, it is difficult to conduct auditing in practice. (e.g. Which production sites should be chosen? How is overall compliance guaranteed?)

They created a Code of Conduct for the procurement of electronic products with a focus on social responsibility – it spells out the obligation of suppliers to commit to its compliance and ensure that all of the minimum requirements included in it are met within their own operations as contractors, as well as those along the supply chain. The Code refers to the following standards and conventions:

- UN Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (UN 1966) International Covenant on Economic, Social and Cultural Rights (ICESCR, UN 1966)
- UN Guiding Principles on Business and Human Rights
- OECD Guidelines for Multinational Enterprises
- The Eight Fundamental Conventions of the ILO: No. 29 on Forced Labour (1930), No. 87 on Freedom of Association and Protection of the Right to Organise (1948), No. 98 on the Right to Organise and Collective Bargaining (1949), No. 100 on Equal Remuneration (1951), No. 105 on Abolition of Forced Labour (1957), No. 111 on Discrimination (Employment and Occupation) (1958), No. 138 on Minimum Age (1973) and No. 182 on Worst Forms of Child Labour (1999)
- UN Convention on the Rights of the Child, Article 32 (1989)
- UN Convention against Corruption (2003)
- Labour protection, labour terms and working conditions legislation in force in the country of production of goods and services, including legislation on minimum wages, and the social welfare protection regulations.

Contract performance conditions to strengthen workers' rights in electronics supply chains

Successful tenderers must ensure compliance with labour rights and safety regulations in the production chains of the factories where the goods subject to the contract are produced. For these purposes, the successful tenderer must:

- Carry out due diligence so that the factories producing electronic goods comply with the provisions of the Code of Labour Standards defined in the Electronics Watch Contract Conditions <https://electronicswatch.org/en>
- Deliver to the contracting authority (within 30 days after the formalisation):
 - A Disclosure Form, informing the contracting Authority about the physical locations of the factories where the goods forming the subject matter of the contract are produced.

- If applicable, the contractor must inform the contracting authority annually about audits of any of the factories where the goods forming the subject matter of the contract were produced

Electronics Watch's clauses require contractors to perform due diligence to achieve supply chain transparency, collaborate with independent monitors and remedy breaches of labour rights and safety standards. Electronics Watch's clauses are consistent with Directive 2014/24/EU on public procurement and reflect the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises. The clauses contain a code of labour standards referring to domestic laws in the countries of production as well as the fundamental ILO conventions.

Verification is based on factory disclosure directly linked to the subject matter of the contract. Contractors disclose legal names and the complete physical addresses of factories that make specific product models to Electronics Watch affiliates. Electronics Watch will conduct the monitoring for ACM to investigate compliance with the set-out labour rights standards in the tender documents.

FURNITURE

Award criteria

- SA 8000 certification, or equivalent, against child, forced and discriminated labour
- BS OHSAS 18001 label, or equivalent, on safety and health protection

SA 8000 is an international certification standard that encourages organisations to develop, maintain and apply socially acceptable practices in the workplace; it includes issues of child labour, freedom of association, discrimination, working hours and managerial systems with attention for the employees.

BS OHSAS 18001 label concerns the occupation and health assessment of the workers. Organisations that apply for the BS OHSAS 18001 standard should ensure a system of safety and health protection for their employees.

FOOD AND CATERING

Selection criteria

Open to social enterprises, sheltered workshops, non-profit or for-profit with social elements (refugees, persons with disadvantages, etc.)

Technical specifications

- Fair trade coffee (All coffee must be fair trade certified and labelled Fairtrade or equivalent);
- Fair trade bananas (All bananas must be fair trade certified and labelled Fairtrade or equivalent)

Award criteria

Making it mandatory to include at least one fair or responsibly traded product of the selected category in the tender. The clause encompasses selected products chosen in the purchasing of food for catering and restaurant services.

- The term "fair" refers to the respect of labour rights and the protection of the environment in line with the European Parliament resolution on Fair Trade and Development 2005/2245.
- The term "responsible" refers to the same EP resolution 2005/2245; it is worth noting that the concept of responsible trade does not encompass specifications for a minimum price and for the awarding of a fair trade premium to producers; it is thus a less stringent definition than that of fair trade.

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:303E:0865:0870:EN:PDF>

The following standards and organisations can be referred to:

- World Fair Trade Organization: the leading organisation active on fair trade verification and standardisation;
- FairTrade: International fair trade organisation, providing for a FAIRTRADE mark to producers and businesses meeting international standards;
- Naturland Fair: international organisation of organic agriculture acting in 58 countries worldwide;
- EcoCert: international sustainability association providing fair trade certifications, including sustainable farming and responsible sourcing;
- Fair for Life: international fair trade organisation focusing on human rights and fair working conditions;
- Símbolo de Pequeños Productores: international network of small and medium ecological producers operating mainly in Latin American countries;
- Rainforest Alliance Certified: certification of environmental, social and economic sustainability of the product;
- UTZ certified: sustainability label encompassing the whole supply chain;
- Fair Wear Foundation – FWF⁹
- Other labels and organisations with an equivalent aim and purpose

TEXTILES

To prevent violations of labour and social rights in the process of manufacturing of textiles, the contracting authority can require tenderers as a selection criterion to have a system that guarantees that labour rights protected under the core ILO Conventions (child labour, forced labour, etc.) have not been violated during the manufacturing of the purchased goods – the focus is on the conditions in the actual textile manufacturing processes, not on the production of raw materials.

As an example, the tenderers can be required to be members of the Fair Wear Foundation (FWF) or another system for controlling working conditions along their supply chain. When an organisation joins FWF, it expresses a commitment to implementing the eight FWF labour standards in their supply chain:

- Employment is freely chosen
- There is no discrimination in employment
- No exploitation of child labour
- Freedom of association and the right to collective bargaining
- Payment of a living wage
- No excessive working hours
- Safe and healthy working conditions
- Legally binding employment relationship

⁹ <https://www.fairwear.org/brands>

For example, the city of Bonn created and piloted a so-called Social Criteria Questionnaire in a tender for uniforms for green space maintenance employees to allow tenderers to easily verify each criterion through labels, membership of an initiative, or alternative evidence such as social audits or management audits by independent third parties. The Questionnaire development was informed by market analysis, which helped Bonn to define appropriate evidence for each required social standard, as well as to allocate lots according to the evidenced market availability of ethically manufactured clothing.

Offers had to be accompanied by the Social Criteria Questionnaire, which included nine questions per product to be procured. The questions relate to the manufacturing conditions at the final production stage (that is, the production site where the procured product was finalised). The Social Criteria Questionnaire clearly indicates acceptable forms of verification (i.e. relevant third-party textile seals, certificates or memberships). Some forms of verification can be used to provide a positive answer to all of the below questions (and thus score a maximum 29 points). Other forms of verification only positively answer some of the below questions, and score points accordingly. For the questions, see page 162 of [Making socially responsible public procurement work – Publications Office of the EU \(europa.eu\)](#)

CLEANING

Selection criteria

Is it open to people with disadvantages on the labour market (typically: person with disabilities, with low qualification, persons older than 55 years, young persons up to 24 years, but also to persons with criminal records¹⁰?

Award criteria

Provision of services with high intensity of precarious and low-quality jobs, such as cleaning, shall be procured through the best price-quality ratio award criterion (BPQR) instead of price or cost only. A criterion on working conditions can be used: the economic operator is to submit proof indicating the following:

- Existing / Potential employees have a written contract
- Wages are paid by credit transfer – costs of which are borne by the contractor
- Planned schedule of payment dates for the years indicating the dates when wages are paid to employees
- Employees are provided with a detailed payslip
- Proof of insurance cover for employees in case of injury during work
- Declaration by the contractor of freedom of employees (no restrictions imposed) to join a Trade Union

Contract performance stage

- A labour clause obliging the tenderer to meet overall labour market standards with regards to wage and working conditions. The contractor may be required to show the payslips for the cleaners during random checks.
- A clause on social responsibility, which contains a list of specific requirements on human rights, labour rights, environment and anti-corruption, based on the ten principles of the UN Global

¹⁰ 99.8% of persons sentenced to jail eventually leave jail and enter the labour market:
<https://www.sovz.cz/temata/podpora-zamestnavani-osob-s-trestni-minulosti/>

Compact. In particular, the contractor undertakes to ensure compliance with fundamental human rights, and basic labour rights protected by the conventions of the International Labour Organisation (ILO).

- During performance of contracts, providers are required to respect social legislation and legislation on the employment of persons with disabilities, guarantee decent working conditions, promote the inclusion and development of human resources (i.e. employing people from vulnerable or disadvantaged groups, promoting equality between men and women, and improving skills, especially of people from vulnerable groups, enhance equal opportunities to employment).

Keep a copy (if possible) or record of literature and sources analysed or relevant for Repository (e.g. Shared Teams among agencies? Link to website; references for bibliography; files)

See links under points 1, 2 and 3

3.3 Safe and healthy working environment (Focus: EIOPA)

TFEU Article 114 (ex Article 95 TEC)

1. Save where otherwise provided in the Treaties, the following provisions shall apply for the achievement of the objectives set out in Article 26. The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.
2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.
3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

Directive 89/391 – OSH "Framework Directive"

of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work – "Framework Directive"

Ireland, Cyprus not transposed

as well as of the first five individual directives, addressing particular workplace environments or risks. The individual directives concern in particular:

- minimum requirements for the workplace (89/654)
- the use of work equipment (89/655)
- personal protective equipment (89/656)
- manual handling of loads (90/269)
- display screen equipment (90/270)

European Social Charter

Article 3

The right to safe and healthy working conditions. With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations: 1) to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment; 2) to issue safety and health regulations; 3) to provide for the enforcement of such regulations by measures of supervision; 4) to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Employers' obligations

Article 6

General obligations on employers

1. Within the context of his responsibilities, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organisation and means.

Article 7

Protective and preventive services

1. Without prejudice to the obligations referred to in Articles 5 and 6, the employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment.

Article 8

First aid, fire-fighting and evacuation of workers, serious and imminent danger

1. The employer shall:

- take the necessary measures for first aid, fire-fighting and evacuation of workers, adapted to the nature of the activities and the size of the undertaking and/ or establishment and taking into account other persons present,
- arrange any necessary contacts with external services, particularly as regards first aid, emergency medical care, rescue work and fire-fighting.

Article 9

Various obligations on employers

1. The employer shall:

- (a) be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks;
- (b) decide on the protective measures to be taken and, if necessary, the protective equipment to be used;
- (c) keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days;

- (d) draw up, for the responsible authorities and in accordance with national laws and/ or practices, reports on occupational accidents suffered by his workers.

Article 10

Worker information

1. The employer shall take appropriate measures so that workers and/ or their representatives in the undertaking and/ or establishment receive, in accordance with national laws and/ or practices which may take account, inter alia, of the size of the undertaking and/ or establishment, all the necessary information concerning:

- (a) the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/ or establishment in general and each type of workstation and/ or job;
- (b) the measures taken pursuant to Article 8 (2).

Article 11

Consultation and participation of workers

1. Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.

This presupposes:

- the consultation of workers,
- the right of workers and/ or their representatives to make proposals,
- balanced participation in accordance with national laws and/ or practices.

2. Workers or workers' representatives with specific responsibility for the safety and health of workers shall take part in a balanced way, in accordance with national laws and/ or practices, or shall be consulted in advance and in good time by the employer with regard to:

- (a) any measure which may substantially affect safety and health;
- (b) the designation of workers referred to in Articles 7 (1) and 8 (2) and the activities referred to in Article 7 (1);
- (c) the information referred to in Articles 9 (1) and 10;
- (d) the enlistment, where appropriate, of the competent services or persons outside the undertaking and/ or establishment, as referred to in Article 7 (3);
- (e) the planning and organisation of the training referred to in Article 12.

Article 12

Training of workers

1. The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job:

- on recruitment,
- in the event of a transfer or a change of job,
- in the event of the introduction of new work equipment or a change in equipment,
- in the event of the introduction of any new technology.

The training shall be:

- adapted to take account of new or changed risks, and
- repeated periodically if necessary.

Minimum requirements for the workplace (89/654)

20. Handicapped workers

Workplaces must be organized to take account of handicapped workers, if necessary.

This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

EIOPA: Safe and healthy working environment

1. **Analysis** of different sources:
2. **Key elements** of the area of analysis (self-explanatory for Procurement colleagues in other agencies):
3. **What the Agencies can do** to integrate SRPP (area of analysis) in their Procurement workflow (suggested criteria):
 - a. Compliance with Selection criteria
 - i. Technical and professional capacity

	YES	NO
The company has an evaluation in its possession on the risks of safety and health at the workplace (to which the last update is not older than 5 years). (Article 6(3)a and 9(1)a) of 89/391/EEC)		

- *The following evidence must be provided upon request:*

Risk assessment

- b. Compliance with award criteria
 - i. Labour and social welfare standards

	YES	NO
The company employs one or more workers designated to carry out activities related to the protection and prevention of occupational risks for the undertaking. (Article 7(1) of 89/391/EEC)		
The company took appropriate measures so that workers in the undertaking, in accordance with national laws or practices, receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of both the undertaking in general and each type of workstation or job as well as concerning first aid, fire-fighting and the evacuation. (Articles 10(1) a) and 8(2) of 89/391/EEC)		
The company ensures that workers (or their representatives) have been consulted in advance, on a balanced base, on all questions related to health and safety at work as well as they have had the right to make proposals. (Article 11 of 89/391/EEC)		

- *The following evidence must be provided upon request:*

- Documents on the appointment/designation of workers responsible for activities related to the protection and prevention of occupational risks,
 - Information session/training attendance sheet signed by the participants,
 - Meeting minutes on consultation related to health and safety at work.
4. Keep a copy (if possible) or record of literature and sources analysed or relevant for **Repository** (e.g. Shared Teams among agencies? Link to website; references for bibliography; files)

3.4 Small and medium-sized enterprises (Focus: EUIPO)

How agencies can boost participation of SMEs; benefits for SMEs; SRPP and integration with economic pillar

1. Analysis of different sources

EU (incl. European Sustainable Procurement Network) + e.g. UN and ILO; OECD; World Bank

United Nations: 10 Principles of the Global Compact (<https://www.un.org/Depts/ptd/about-us/un-global-compact>) covering aspects such as human rights, labour, environment and anti-corruption. But being more orientated towards the supply chain management, the “Support your SME suppliers” [guidance](#) doesn’t offer much help.

The UN Procurement Manual insists on ensuring that SMEs are not excluded from market researches (section 5.2)

International Labour Organisation: SME Promotion Agencies [report](#) on promotion of SMEs, but not relevant to procurement.

OECD: [Report](#) on the participation of SMEs in a globally integrated economy (policy paper, not really practical).

World Bank: No particular guidelines, mainly general [recommendations](#). The International Finance Corporation (WB Group) has a dedicated [page](#) for SMEs.

European Innovation Council and SMEs Executive Agency (EISMEA, ex-EASME): https://eisma.ec.europa.eu/programmes_en Their work programme includes some prize procedures addressing SMEs with a emphasis on [socially innovative ideas](#). But no particular methodology proposed.

The Enterprise Europe network: <https://een.ec.europa.eu/> offers businesses (primarily SMEs), mainly in EU, to benefit from their support and advices. A page is dedicated to partnership opportunities. They propose assistance for EU funding opportunities and help for applying for international public contracts. This network should be widely advertised on Agencies webpages dedicated to procurement. Additional promotion would also be beneficial. Envisage collaboration between NAPO and the network.

European Commission: Guide to Taking Account of Social Considerations in Public Procurement from 2010. Highlights the potential difficulties for SMEs to adopt SRPP (costs, regulations ...).

European Commission: The European Commission issued a very comprehensive report in 2021 (although not specifically addressing the EU institutions) on “[SME needs analysis in public procurement](#)” which proposes a thorough review of the situation, what the barriers are and what the solutions could be. In summary, the 4 barriers identified concern: screening opportunities, verifying selection criteria, formulating the offer and being awarded the contract. But globally, SMEs lack knowledge on the existence of public procurement (PP). The smaller ones, the start-ups and recently

created companies are the least familiar with PP. The sector of activity is also a key aspect (traditional sectors versus technological and innovation ones). Then, more surprisingly, the study shows that SMEs have a low trust in PP. More classically, the heavy administrative paperwork is a clear deterrent as SMEs often lack the resources to tackle this issue. Also, the cultural background has an impact as it is often difficult for SMEs to try to group together and form a consortia. Likewise, the language of the procedure may prevent SMEs from participating to PP in another country. Finally, the use of IT applications (TED, eTendering, eSubmission ...) could limit SMEs bidding.

The study then offers a list of actions that would help improve the situation: communication support and guidance come first (improving access to digital tools to better competences from both SMEs and public procurers). Simplification and standardisation of practices are to be considered too. Some policy interventions (directive principles to lighten the administrative burden) are mentioned as well.

The report is full of practical solutions. Some being readily usable by EU institutions. There is as well an [SME Envoys Network](#) from DG GROWTH, which could be consulted. The network proposes information, tools, reports ...

2. Key elements of the area of analysis

(self-explanatory for Procurement colleagues in other agencies)

- Importance of feasibility studies, market researches to check applicability of SRPP and also participation/access of SMEs.
- Initiate information sessions and/or presentations for SMEs regarding procurement processes. Upload these videos/docs ... on agencies' websites.
- Promote Agencies' procedures to local professional organisations, chambers of commerce...
- Envisage extending deadlines to ensure better participation of SMEs.
- Divide into lots in order to ease the SMEs' participation.
- Consider prefinancing as it may be key for SMEs who do not have the cashflow.
- Soften selection criteria in order to include SMEs.
- Encourage grouping of SMEs (information sessions, promotion ...).

3. What the Agencies can do to integrate SRPP (area of analysis) in their Procurement workflow

The preferred approach is to consider including SMEs in SRPP right from the start of the project with a proper market research that will allow agencies to launch inclusive procedures that can actually be answered to by SMEs in this field. Hence the importance of identifying sectors where SMEs are more active. Assistance can be sought from organisations and associations that are involved in the promotion of SMEs. For example, in Spain: <https://cepyme.es/>

To ensure that SMEs can participate to EU agencies procedures, it would be recommended to have selection criteria, in particular economic and financial ones, adapted to SMEs. Some technical criteria are also to be avoided, such as some ISO certifications that might be costly for SMEs.

For larger contracts it would be recommended to envisage slicing up procedures in lots wherever possible so that the financial capacity would be reachable for SMEs.

When promoting procurement activities towards SMEs, explain that grouping of companies could be a solution for SMEs to tackle larger and/or more complex projects, instead of being used as subcontractors.

Keep a copy (if possible) or record of literature and sources analysed or relevant for **Repository** (e.g. Shared Teams among agencies? Link to website; references for bibliography; files)

See links under point 1.

3.5 Accessibility and inclusion (Focus: ETF)

Focus area: Design for all

- Definitions
- Application areas, sectors and products
- Best practices
- Examples of criteria and contract clauses
- Example of procurement procedures

Legal framework and definition

UN

[Convention on the Rights of Persons with Disabilities \(CRPD\)](#), Article 2:

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Design for All is the design for human diversity, social inclusion and equality. It entails design, development and marketing of products, services, systems and environments for the general public, so that they are accessible to the widest possible range of users.

Context

Urbanisation: from built environment, basic urban services, transport and services, information and communications, including ICTs.

Problems

- Lack of accessibility of persons with disabilities
- Lack of awareness, knowledge and good practices regarding inclusive urban development among policymakers, urban planners and developers and professionals; a dearth of specific legislation, government policies and technical standards on accessibility that regulate urban planning and construction; poor enforcement of existing laws and policies; insufficient resources; and the impact of armed conflicts.

Without access to the physical environment, transportation, information and communication, including information and communications technologies (ICTs) and related systems, and other facilities and services open or provided to the public, persons with disabilities do not have equal opportunities for participation in their respective societies.

Goal

Accessibility for persons with disabilities to live independently and achieve full and equal participation in society. Identification and elimination of obstacles and barriers to accessibility.

Political goals

- Active involvement of persons with disabilities and their representative organisations and active involvement in the development, planning, design, implementation, monitoring and evaluation of urban development actions.
- Take appropriate measures to ensure to persons with disabilities access, on an equal basis with others: to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas.
- Promote research into and the development of universally designed goods, services, equipment and facilities, as well as to promote universal design in the development of standards and guide.
- Take all appropriate measures to ensure that persons with disabilities can seek, receive and impart information and ideas on an equal basis with others, including by:
 - providing information intended for the general public in accessible formats and technologies;
 - accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication; and
 - urging private entities to provide information and services in accessible and usable formats for persons with disabilities.

[Design für Alle – Deutschland e.V.](#) (EDAD): Design for All (DfA) is a concept for the planning and design of products, services and infrastructure with the aim of enabling everyone to use them without individual adaptation or special assistance. Specifically, this means solutions that are particularly user-friendly and can also be used for individual requirements, e.g. due to age or a disability. The concept considers that the design-for-all solutions are perceived by consumers as comfortable and attractive.

EU

28 June 2022 marked the deadline for Member States to transpose the [European Accessibility Act](#) into national law.

The European Accessibility Act (Directive 2019/882) is a landmark EU law which **requires some everyday products and services to be accessible for persons with disabilities**.

The Act delivers on the EU's commitment to break down barriers for persons with disabilities, one of its obligations as Party to the [UN Convention of the Rights of Persons with Disabilities](#).

The Act covers the following products and services:

Products

- Computers and operating systems
- Smartphones and other communication devices
- TV equipment related to digital television services
- ATMs and payment terminals (e.g. card payment machines in supermarkets)
- E-readers
- Ticketing and check-in machines

Services

- Phone services
- Banking services
- E-commerce
- Websites, mobile services, electronic tickets and all sources of information for air, bus, rail and waterborne transport services
- E-books
- Access to Audio-visual media services (AVMS)
- Calls to the European emergency number 112

To comply with the accessibility requirements, ATMs for example could be equipped with visual and audible signals that indicate where to insert your bank card, or where the cash is dispensed.

The Act was drafted following the [Study on the socio-economic impact of new measures to improve accessibility of goods and services for people with disabilities](#) by the European Commission. The study underlined the constraints posed by the discrepancies among the legislative situation in the EU Member States, and even contradictions between the accessibility requirements, leading to barriers and costs for businesses related to cross-border trade.

Implementation of the Accessibility Act contributes to the [Strategy for the Rights of Persons with Disabilities 2021-2030](#) and the Act foresees actions to support full participation of persons with disabilities in its implementation.

Companies have three years to make their services and products comply with the common EU accessibility requirements. This will drive innovation, ensure common standards across the EU internal market, and in turn, benefit consumers who will benefit from a wider and more inclusive offer at competitive prices.

Businesses will benefit from:

- common rules on accessibility in the EU leading to costs reduction
- easier cross-border trading
- more market opportunities for their accessible products and services

Persons with disabilities and elderly people will benefit from:

- more accessible products and services in the market
- accessible products and services at more competitive prices
- fewer barriers when accessing transport, education and the open labour market
- more jobs available where accessibility expertise is needed

Best practices and examples

The European Commission has instructed European standards organisations, which include [CEN](#), [CENELEC](#) and [ETSI](#), to develop and implement accessibility standards.

[EIDD](#) – [Design for All Europe](#) is an international platform made of associations, academies, design centres, cities, regions and different organisations with a common goal: a more inclusive Europe for everyone. Design for All aims to enable all people to have equal opportunities to participate in every aspect of society. To achieve this, the built environment, everyday objects, services, culture and

information – in short, everything that is designed and made by people to be used by people – must be accessible, convenient for everyone in society to use and responsive to evolving human diversity.

Below are some examples referring to this area, with particular reference to the Design for All principles and approach:

[Hedonomy – tableware](#)

[Leonardo door handle](#)

[Autogrill “Villoresi Est” motorway service area](#)

Watch out!

Like Greenwash, products that are designed to be truly inclusive offer much greater opportunities than purely inclusive communication: they make a fundamental contribution to reflecting the diversity of our society. In an ideal world, inclusive design would allow everyone to have a similar user experience for all products.

Inclusive design takes a holistic view of human diversity and incorporates it into the development of products and services. This includes language, gender, culture, physical condition, as well as other aspects of our identity.

Inclusive design goes beyond pure accessibility. Think of the digital space, for example. If a website offers the option of navigating to the various gender information in a form using the keyboard, this is an element of *accessibility*. If you can also choose the personal pronoun that suits you, it becomes *inclusive*.

Change of perspective: from usage situations to usage types

Inclusive design knows no typical users. It is rather thought in usage situations. Instead of asking what a product has to do for a specific group of people, the question is *what task* it has to perform in a specific situation. That's an important difference. Because we can all – at least temporarily – be excluded from the use of certain products or services due to current circumstances. It only takes a broken arm, broken glasses or a noisy environment, for example, to experience short-term limitations similar to those experienced by people with disabilities over the long term. Inclusive design actively looks for situations in which exclusion occurs. In research, care is taken to identify unusual application scenarios and related ones.

European standards

Common European accessibility standards help remove barriers for people with disabilities and others (e.g. the elderly). When applied across Member States, these standards also improve the functioning of the internal market, by removing barriers to free movement of goods and services.

Equitable infrastructure includes affordable serviced land, housing, modern and renewable energy, safe drinking water and sanitation, safe, nutritious and adequate food, waste disposal, sustainable mobility, health care and family planning, education, culture and ICTs for persons with disabilities.

The [European Standard EN 17161:2019 ‘Design for All – Accessibility following a Design for All approach in products, goods and services – Extending the range of users’](#) specifies requirements that can enable organisations to design, develop and provide products, goods and services which are accessible to a wide diversity of users, including persons with disabilities.

The Design for All approach set by the Standard can be used by private and public organisations. It can be considered by public authorities as a selection criterion for public procurement. This means that more companies that provide goods and services will be encouraged to follow a Design for All approach, which in the end will benefit consumers and users with disabilities.

Finally, the Standard helps to ensure the application of the *Universal design* approach as defined by the United Nations Convention on the Rights of Persons with Disabilities, which requires “design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.

Consequently, the approach will lead to increased independent participation by persons with disabilities in private and public life.

Other main standards:

- [ICT accessibility](#) resulting in European Standard EN 301 549
- [Accessibility to the built environment](#), leading to European Standard EN 17210, which is currently in the process of consultation
- [Accessibility of websites and mobile applications](#), updating European Standard EN 301 549

Key EU legislative instruments (the [directive on web accessibility](#), the [European accessibility act](#), the public procurement directives) refer to the possible use of accessibility standards. The Commission encourages the participation of all relevant stakeholders in these processes, including persons with disabilities.

Examples of criteria and contract clauses

Best practices in EU (Making Socially Responsible Public Procurement Work: 71 Good Practice Cases)

25. Centralised procurement of office furniture for Romanian public institutions, Name of procuring authority, Country: National Office for Centralised Procurement (NOCP), Romania Product or service sector: Furniture

26. Collaboration with Social Cooperatives for labour market inclusion in Tuscany Name of procuring authority, Country: ESTAR, Italy Product or service sector: Gardening

Best practice by Ireland NDA

Step 1: Assessing the accessibility issues

Include accessibility from the start

Consider accessibility at the start of your procurement process. If you do not consider accessibility until later on in the procurement process, you might find it impossible or expensive to address accessibility issues. Your services or goods might exclude some people, and then you will need to provide an alternative; that is usually expensive.

Maintaining accessibility

It is important to consider accessibility within the whole lifecycle of the service, product, building, or information. Future-proof your service or goods by requesting something that is robust and adaptable enough to still be accessible in the future.

Involve customers and colleagues with disabilities

In the specifications, supplier selection, design, and implementation stages of your project, involve the customers and colleagues who will use your services or goods. This can save you money: you might find that some solutions that you had in mind are not actually necessary.

By consulting people with disabilities, you will better understand what they need from your services or goods. That will help you to prioritise the features of your services or goods. As you gain more experience with projects that focus on accessibility for people with disabilities, your understanding of accessibility will improve. You might also learn simpler or more cost-effective ways to ensure

accessibility, because the people with disabilities whom you have consulted will usually want simple, practical solutions.

Make sure that you communicate in clear language and that you offer to communicate in many different formats as required, such as Large Print, Sign Language (mind the language to be used), Braille, verbally, by email, or with an advocate. If you arrange a focus group or a meeting, make sure that you hold the focus group or meeting in a venue that a person with a disability can access and use. *Ask attendees to let you know in advance if they have any accessibility requirements.*

Procurers and suppliers need a good understanding of accessibility

Suppliers need to develop a good understanding of accessibility in order to deliver the right service or goods. You should develop a good understanding of accessibility requirements and the appropriate processes, to make sure that the services or goods that you get will suit your customers' requirements. In certain cases, you might need to involve an outside expert for some tenders. To consult experts:

- Carefully list the skills that they will need to have so that they can help you
- List the products, standards, and guidelines that the expert will have to know about
- Ask for references from organisations that do similar work to yours.

Consider providing accessibility training, to build the capacity and skills of your staff.

In some cases, you might find that there is no suitable service or good available that is fully accessible for people with disabilities. In other cases, you might find that a fully accessible service or good is available, but that it is not practicable, that it is too expensive, or that waiting for it would cause too much of a delay for your customers or colleagues. In those cases:

- Consult customers or colleagues with disabilities to find out what specific aspects of the service or good are most important to them, and what specific aspects are most likely to be a barrier to them
- Procure the most accessible service or good that you can, based on that feedback
- Let the suppliers know your interest in procuring a fully accessible service or good in future
- Inform your customers and colleagues about the accessibility issues of your service or good, and inform them of your most accessible alternative
- Consider whether a different solution would allow you to provide the same service, but in an accessible way.

Step 2: Writing tender specifications

When you write your Tender specifications, you can:

- Include appropriate accessibility specifications in your tender documentation and include weighting for accessibility in your tender award criteria
- Include a requirement for accessibility expertise under the standards for technical and/or professional capacity, when specifying criteria
- State how your supplier should include accessibility in their development process, as well as in their quality assurance
- Ask your suppliers to describe the accessibility features of their products or services
- Include your accessibility policy with your tender documentation
- Ask tenderers to describe the accessibility of any examples of previous work that they provide.

Tender criteria

Use specific criteria, such as conformance to a particular set of guidelines, standards or a best practice document, instead of general criteria, such as "accessibility". That will allow suppliers to understand precisely what level of accessibility you want. Make sure that you understand the criteria that you specify, so that you know how to evaluate the tenders fairly and accurately. Also, consider how the suppliers can prove whether they have complied with them.

Selection criteria

You can **use selection criteria to exclude the tenderers who cannot provide the minimum level of accessibility** that you need. For example: "Provide evidence of a plan for getting everybody, including people with disabilities, out of the venue if there is an emergency" would be a better criterion than "The venue should be safe for customers to use."

Award criteria

You can use award criteria to select a candidate that will provide a high level of accessibility, weighted appropriately against other requirements and overall cost.

There are a number of ways to include accessibility criteria:

- Group all the accessibility requirements together within a separate "Accessibility" criterion
- Include them as part of a more general "Usability" or "Ease of use" criterion
- Spread them across criteria such as "Quality and technical merit" or "Expertise and skills of assigned personnel".

Use your own knowledge and expert judgement to decide what the weighting should be, based on the nature of service or good.

Accessibility targets

Where required, you should make accessibility an explicit factor in your specification criteria, to make sure that the services or goods that you procure are accessible.

If accessibility standards or guidelines exist for what you are procuring, specify them in your Tender specifications. For example, if you were procuring ticket machines, you could use "Provide evidence as to how the ticket machines will conform to all of the requirements from the EU Standard" as one of your selection criteria.

Accessibility policy

If your organisation has a written accessibility policy, consider including it with your contract notice or documents.

Development process

If you are procuring something that will have to be designed and developed, specify in your Tender specifications that the supplier should include accessibility in its development process. One way to ensure accessibility is to consult users, including people with disabilities, from the start of the design process.

Here is some sample text:

Development process

You should carry out design and implementation in accordance with an inclusive, user-centred process. Outline the main features of this process, such as how you will:

- gather and use information about user requirements, including the needs of people with disabilities
- identify users' needs and take them into account
- consult users, including people with disabilities or their representatives
- balance the needs and costs.

Quality assurance

Many services and goods are not accessible to people with disabilities, even in cases where procurers asked for them to be accessible. Sometimes, suppliers intended to deliver an accessible service or good, but did not fully understand the difficulties that people with disabilities would have when trying to use the product. Sometimes, suppliers may have focussed on one particular group of people with disabilities, such as wheelchair users, and not given enough consideration to the broad range of disabilities that people have. Consider asking an independent expert to carry out quality assurance, instead of asking the supplier to do it, to make sure that you get unbiased assessment.

Here is some sample text:

Quality assurance

Prior to delivery, the [procured item] should be evaluated for usability and accessibility as part of the quality assurance process. Tenders should outline the main evaluation methods to be used, such as:

- accessibility audit carried out by an accessibility expert. Please state the credentials of the expert who will carry out the audit; and
- user testing by representative users, including users with disabilities. Please describe the test environment, procedures and user group characteristics.

Tenderers may employ either or both of the above methodologies or propose their own set of methodologies.

You decide whether user testing is necessary for your services or goods.

Accessibility audits

If experts are engaged to carry out an accessibility audit, you will need to be confident about their expertise and experience.

User testing

Sometimes "user testing" can help you to identify specific details and features that you can include in your Request for Tender. The idea of a user test is to arrange for some individuals to carry out a typical task, such as using a website, to establish ease of use as well as accessibility issues.

Evidence from tenderers

Ask tenderers to provide evidence in their tender proposals to satisfy your criteria. Decide whether to specify what form that evidence should be, or whether to let the tenderers choose whatever form they think is most suitable.

For example, if you are hiring a venue for a conference, you could state that tenderers should provide an accessibility audit report as evidence that their venues are accessible.

For services and goods where the relevant standards are not well-known, tenderers may submit evidence of compliance with EU/international standards that were previously unknown to you.

Step 3: Evaluating tenders

Assessing candidates and tenders

Consider accessibility when you assess tenders. This will involve assessing:

- The accessibility-related experience and skills of candidates or tenderers;
- The proposed plans, specifications, and processes.

Consider carefully whether your procurement team includes someone who has sufficient expertise to properly assess these aspects. If sufficient expertise is not available in your organisation, you could seek to co-opt someone with relevant experience from another agency or disability representative group. Alternatively, you can consult external accessibility experts if required. Your approach will vary, depending on the size of your project.

Accessibility requirements should have been stated in the Tender specifications as an explicit part of the award criteria. If you are evaluating tenders on the basis of the Most Economically Advantageous Tender (MEAT), the recommended best practice is to score each tender against a matrix of weighted criteria. You could:

- Include a separate "Accessibility" criterion;
- Include accessibility as part of a "Usability" criterion;
- Include accessibility in criteria such as "Quality and technical merit".

Reviewing references

Take the time to review the accessibility of the services, products, buildings, or information that each tender has supplied as examples of their work. Pay particular attention to feedback that has been collected from end-users in a systematic way. Consult experts to help you if necessary.

Reviewing prototypes

Ask experts to review the accessibility of any prototypes that a tenderer provides. Ideally ask some potential customers with disabilities to try to use them too; for example, you could ask them to visit a venue that you might use for a conference, to see if it is accessible.

Step 4: Measuring the success of your process

How to measure the success of your process

After your staff or customers have used your service, product, building, or information, get feedback from as many customers or colleagues as possible. Pay particular attention to the feedback from customers or colleagues with disabilities, and to feedback that mentions accessibility. Allow customers or colleagues to give their feedback in a number of different formats, such as in person, by phone, by email, or by filling in a form.

Monitoring and compliance systems for purchasing

You should periodically review your procurements, by assessing the final service, product, building, or information against the needs of the organisation. If you have concerns regarding the effectiveness of your procedures, try to identify its source by asking these questions:

- Did you specify the right accessibility guidelines in your Tender specifications (or market research)?
- Did you evaluate the responses to your procedure accurately?
- Did you assess the deliverables correctly?
- If you consulted accessibility experts, was their expertise sufficient?
- Did you get complaints or compliments from customers?

Document what you learn so that it can help you in future procurement exercises.

Complaints process

You should have a clearly documented and well-publicised complaints procedure that is accessible and easy to use for customers with disabilities.

Remember that your customers' complaints can be a valuable source of feedback to guide your procurement process.

Procuring products and services

Transport services

When your organisation receives transport-related goods or services, try to make sure that the vehicles that are used are accessible to people with disabilities. For taxi services, make sure that the service provider has capacity to efficiently meet any requirements for accessible vehicles on request. Waiting areas and drop-off points should also be accessible, and staff should monitor those areas to keep them accessible. Every aspect of a person's journey should be accessible; for example, it is important that passengers can get on and off wheelchair-accessible buses at bus stops that are wheelchair-accessible. Any tickets, and any machines that dispense tickets, should be accessible to people with disabilities. Staff who interact with your customers or your colleagues should have taken disability equality training. Any information that is delivered in the vehicle, such as the name of the next stop or station, should be in simple, clear language and delivered visually and orally.

Select as many of these suggested criteria as necessary to make sure that the whole service that you procure is accessible.

Here are suggestions for your request for tender. Select and adapt these as necessary.

Staff who will deal with customers

Award criterion

- Provide details of your approach to disability equality training and how your staff who will deal with our staff or customers have been trained.

Information for customers

Selection criteria

- Provide evidence as to how you have provided information for customers in simple, clear language.
- Provide evidence as to how printed information that you have provided for customers has followed clear print guidelines.
- Provide evidence as to how web-based information that you have provided for customers has conformed to the latest version of the xxx/EU Standard/Guidelines.

Award criteria

- Describe how the information that you provide for customers will use simple, clear language.
- Describe how the printed information that you propose to provide for customers will follow clear print guidelines.
- Describe how the web-based information that you propose to provide for customers will conform to the latest version of the XXX-EU Standard/Guidelines.
- Provide information on the range of accessible formats through which information will be available to customers and how you will respond to requests.

Specific guidance on Vehicles (buses, taxis and others; air travel; ships, boats, ferries; tickets and ticket machines) is provided at: [4. Procuring products and services | The National Disability Authority \(nda.ie\)](#)

Cleaning services

Cleaning staff can sometimes change the layout, usability, and familiarity of a building. This can affect people with sensory disabilities, physical disabilities, or cognitive disabilities.

Award criteria

Please provide details of the procedures in place to make sure that staff:

- Do cleaning and maintenance work during off-peak periods or while the building is closed when possible
- Cordon off wet floors and similar hazards, and/or indicate them with warning signs
- Make sure that their equipment and cables will not be an obstruction or hazard
- Only use floor polish that will not reduce the floor's slip resistance
- Make sure that their polishing of surfaces will neither present glare nor reduce contrast
- Clean windows, lamps and lighting diffusers regularly
- Only use cleaning agents and applications that are non-toxic, and air fresheners that will not aggravate respiratory difficulties.

These criteria could also be useful in a service level agreement or in a list of requirements for the service.

Security services

Security staff from a private company, who will come into contact with a public body's staff or customers, should receive disability equality training.

Award criterion

- Provide details of your approach to disability equality training and how your staff who will deal with our staff or customers have been trained.

Training

When training courses are provided to your organisation, try to make sure that the registration forms and training materials that attendees will get are accessible. The trainer should be able to adapt their method of instruction and course materials to cater for attendees who:

- Are deaf or hard of hearing
- Are blind or have impaired vision
- May have cognitive impairments
- Have impaired mobility.

Attendees should be able to use their assistive technology during the course if necessary. Appropriate supports, such as sign language interpreters and real time transcription services, should be available for those who require them. There should be an accessible way for attendees to give their feedback after the training. Trainers and other staff (such as receptionists) should have completed disability equality training.

The venue for the training course should be accessible to people with disabilities, and people with disabilities should be able to travel to the venue easily, using accessible transport and accessible parking spaces. All attendees must be able to get out of the venue easily in an emergency. Practical considerations for accessibility, such as sufficient lighting to enable lip reading, proper layout of the room and position of the trainer to facilitate sign language and lip reading, and provision of loop systems to facilitate those with hearing impairments, should be made where necessary. The trainer should identify and respond to the accessibility requirements of the attendees with regard to room layout.

Trainers and other staff (such as receptionists)

Award criteria

- Provide details of your approach to disability equality training and how your staff who will deal with our staff or customers have been trained.
- Describe how you can adapt your method of instruction and your course materials to cater for attendees who are deaf or hard of hearing, attendees who are blind or vision-impaired, and attendees with impaired mobility.
- Describe how the trainers will ensure that presentations are accessible, including reference to layout of the room and consideration of assistive technology. Provide evidence of how they will follow guidance such as xxx.

Registration forms, training materials, and ways of collecting feedback

Selection criteria

- Provide evidence as to how you have previously provided registration forms, training materials, and/or feedback forms that use simple, clear language.

- Provide evidence as to how you have previously provided printed registration forms, training materials, and/or feedback forms that follow clear print guidelines.
- Provide evidence as to how you have previously provided web-based registration forms, training materials, and/or feedback forms that conform to the latest version of the web content accessibility guidelines.
- Provide evidence as to how you have previously provided video-based training materials that are accessible to everybody, regardless of age, size, ability or disability.

Technical proposal and award criteria

- Show how any registration forms, training materials, and/or feedback forms that you provide will use simple, clear language.
- Describe how any printed registration forms, training materials, and/or feedback forms that you provide will follow clear print guidelines.
- Show how any web-based registration forms, training materials, and/or feedback forms that you provide will conform to the latest version of the web content accessibility guidelines.
- Show how any video-based training materials that you provide will be accessible to everybody, regardless of age, size, ability or disability.

Emergency management

Selection criteria

- Provide evidence of your policy listing the relevant laws, the responsible staff, and the aims and objectives for getting everybody, including people with disabilities, out of the venue if there is an emergency.
- Provide evidence of a plan for getting everybody, including people with disabilities, out of the venue if there is an emergency.

Office equipment

When office equipment is provided to your organisation, try to make sure that people with disabilities will be able to use that equipment. Ask your customers or colleagues who will be using the office equipment whether they have had problems when using office equipment in the past. Then add criteria to your request for tender to make sure that your office equipment will prevent those problems. For example, you might be buying a photocopier and a member of staff might have difficulty stapling paper (due to arthritis, Parkinson's disease, or cerebral palsy, or some other condition). In that case, you could add this phrase as a minimum requirement or as a selection criterion in your request for tender: "The photocopier must be able to staple sheets automatically."

Also, consider whether all of your staff can:

- Read lcd panels and controls (some wheelchair users and people of restricted stature might not be able to see something that is positioned too high, and some people with restricted vision might find controls hard to see if they have small text or inadequate colour contrast)
- Use touch-screen control panels (some people who have prosthetic hands or who use pointing sticks might find them impossible to use)
- Use small buttons on machines
- Load paper into office equipment easily (some people have limited ranges of motion).

Consider asking tenderers to show that their equipment is easy to use and requires only a low physical effort.

Selection criterion

- Provide evidence as to how the equipment's controls are easy to reach, easy to see, and easy to operate, and can be operated by those with dexterity or mobility limitations.

Office furniture

Ask your customers or colleagues who will be using the office furniture whether they have had problems in the past, then add criteria to your request for tender to make sure that your office furniture will prevent those problems. Furniture should be free of sharp edges. Relatively high, stiff-backed chairs are easier to get in and out of and provide good back support. Seats should be wide enough for all customers, and should not be too low. Some people, including some wheelchair-users, may require height-adjustable desks. To accommodate as many people as possible, provide:

- Chairs of different heights and widths, including height-adjustable chairs
- Chairs with arm-rests and chairs without arm-rests.

and select fittings which require only light pressure to operate.

Selection criterion

- Provide evidence as to how the [office furniture] conforms to the EU Standard/guidelines xxx.

Public events

When your organisation organises, sponsors, or endorses a public event, try to make sure that the event's advertisements, registration, information, and venue are accessible to attendees with disabilities. Make sure that attendees with disabilities can travel to the venue easily, using accessible transport and accessible parking spaces. The venue, its signage, its reception areas, and its toilet facilities should all be accessible to attendees with disabilities. All attendees must be able to get out of the venue easily in an emergency. The room itself is essential and key considerations include good acoustics to ensure participants can hear the proceedings and the layout which should ensure that presenters can be seen by all, including those who need to lip-read. Staff such as event managers, receptionists, and catering staff should have completed disability equality training.

Venues

Selection criteria

- Provide evidence as to how the venue conforms to Standard / Guidelines xxx.
- Provide details of the acoustic properties of the venue, and how the air conditioning and heating systems affect the sound quality. provide details of any induction loops available in auditoriums.

Technical specifications and award criteria

- Describe the accessibility of the venue, its layout, its signage, its reception areas, its catering facilities, and its toilet facilities.

Event management

Technical specifications and award criteria

- Describe how you will be able to provide sign language interpreters, induction loop systems, and speed text services, if requested.
- Describe how you will be able to provide conference materials in accessible formats, such as large print, electronic format, and braille, if requested.

- Describe how you will be able to accommodate wheelchair users, personal assistants, and assistance animals such as guide dogs, as necessary.

Advertisements, registration and sign-up forms, information, and feedback forms

Selection criteria

- Provide evidence as to how you have written simple, clear language for advertisements, registration and sign-up forms, information, and feedback forms.
- Provide evidence as to how you have designed advertisements, registration and sign-up forms, information, and feedback forms that conform to clear print guidelines.
- Provide evidence as to how you have created advertisements, registration and sign-up forms, information, and feedback forms that conform to the latest version of the EU standard/ guidelines xxx.
- Provide evidence as to how you have used captions (whether real-time, closed, or open) in video-based information.

Technical specifications and award criteria

- Describe how you will gather information on reasonable accommodations.

Transport

Selection criteria

- Provide evidence as to how the accessible parking spaces conform to Standard/Guidelines xxx.

Technical specifications and award criteria

- Provide details of accessible public transport to and from the venue.

Emergency management

This is a complex area, and you should give it a lot of consideration. Here are some of the issues involved:

- Particular difficulties faced by people with disabilities, in recognising alarms, responding to those alarms, and moving to a safe place
- Individual needs of employees, visitors, other building occupiers, special interest groups, and enforcement agencies
- Types of emergency warning systems installed and alternative features to assist people with disabilities
- Wayfinding issues for people with disabilities, and technological solutions
- Design, location and use of refuges and safe areas in the building
- Circulation within the building, stairs, lifts, and possible methods for moving wheelchairs vertically
- Use of evacuation lifts or other lifts for vertical escape
- Personal emergency egress plans (peeps) for all who require them
- Emergency egress plans.

Selection criteria

- Provide evidence of your policy listing the relevant laws, the responsible staff, and the aims and objectives for getting everybody, including people with disabilities, out of the venue if there is an emergency.
- Provide evidence of a plan for getting everybody, including people with disabilities, out of the venue if there is an emergency.

Front line and support staff

Technical specifications and award criteria

- Provide details of your approach to disability equality training and how your staff who will deal with our staff or customers have been trained.

Telephone-based services

Some people may find it hard to cope with telephone-based services such as automatic answering systems or call centres. Hearing too many options, options that are presented too quickly, or options that use complex language can make these services difficult to use.

Services

Selection criteria

- Provide evidence as to how your service will cater for customers with hearing loss who use email, sms text messages, or a textphone (sometimes referred to as a 'minicom') to contact the call centre.

Technical specifications and award criteria

- Provide evidence as to how your service will be easy for customers with disabilities to use.

Staff

Award criterion

- Provide details of your approach to disability equality training and how your staff who will deal with our staff or customers have been trained.

Suggested curriculum for disability equality training

If your organisation receives any service, make sure that the staff who provide that service have attended *disability equality training* before starting work for you. Your employees should attend disability equality training too. The training can be accessed through an experienced trainer, e-learning (electronically supported learning such as computer-based training) or a mixture of those.

The training should include:

- Definition of disability
 - What do we mean by disability?
 - What are the practical accommodations to meet the needs of customers with disabilities in your country?
- Disability and society
 - How do we view disability in society?
 - How does the social model differ from the medical model?

- How does society restrict people with disabilities?
- How can we create a more inclusive society?
- Equality and disability
 - What is reasonable accommodation?
 - What are the legal duties and responsibilities of public bodies?
 - What legislation covers disabled people's rights to equal status and employment opportunities?
 - How can some people with disabilities face discrimination in other dimensions, such as racism?
- Disability and communication
 - What language should I use when interacting with, or referring to, people with disabilities?
 - How does my organisation interact with people with disabilities?
 - What myths and misconceptions exist about people with disabilities?
- Proactive approach
 - What are my organisation's equal opportunities policies and procedures?
 - What is accessibility?
 - How could my organisation be more accessible?
 - How can I improve my own practices to be more inclusive of people with disabilities?

Look for a trainer who developed their training course after consulting people with disabilities.

Staff who have attended training about disability will be able to interact more confidently and more effectively with people who have disabilities. Remember that staff will need an ongoing programme of disability equality training.

Disability equality training courses should be backed up by the development of written policies setting out the organisation's commitments in this area. Those policies should be easily accessible by all staff, and should be monitored to demonstrate their impact.

Procuring built environment projects

Detailed guidelines are provided at: [Procuring built environment projects | The National Disability Authority \(nda.ie\)](https://www.nda.ie/publications/procuring-built-environment-projects)

Procuring information and communication technology

[Procuring information and communication technology | The National Disability Authority \(nda.ie\)](https://www.nda.ie/publications/procuring-information-and-communication-technology)

This chapter has information, criteria, and references for staff who procure websites, Content Management Systems (CMS), ticket machines and smart cards, public computers, kiosks, and other public access terminals, telephones. Below are some tips in relation to advertising, printing and publishing.

Advertising

When somebody provides advertising for your organisation, try to ensure that it is accessible to all people with disabilities. All advertisements should use clear, simple language. Moving text, flashing text, ornate or decorative fonts and flashing images will make it harder for some people to understand your message. Video advertisements may need captions, sign language interpretation and audio-descriptions. Images flashing more than three times per second may affect some people. Background noise or music can make it difficult for some people to understand speech.

Printed advertisements should have a clear font at a minimum size of 12 point and text aligned to one side only (the left side for Irish and English). There should be no blocks of upper-case letters. There should be no underlining, no italics, and no over-use of bold text.

It is important to have a simple, clear layout with no images behind text and good colour contrast between the text and background. There should be appropriate space between columns of text, text descriptions for images or colour that convey information, and paper with a matt finish that is thick enough to prevent the other side of a page from showing through the page.

Advertisements

Selection criteria

- Provide evidence as to how you have written simple, clear language for advertisements.
- Provide evidence as to how you have designed printed advertisements that follow clear print guidelines.
- Provide evidence as to how web-based advertisements that you have created conform to the latest version of the xxx Guidelines.
- Provide evidence as to how video advertisements that you have created are accessible to everybody, regardless of age, size, ability or disability.

Award criteria

- Provide evidence as to how you will write simple, clear language in advertisements that you propose to create.
- Provide evidence as to how you will follow clear print guidelines in printed advertisements that you propose to create.
- Provide evidence as to how the web-based advertisements that you propose to create will conform to the latest version of the xxx Guidelines.
- Provide evidence as to how video advertisements that you propose to create will be accessible to everybody, regardless of age, size, ability or disability.

Designing, printing and publishing

You may need to tender for the design and print of publications such as Annual Reports, customer complaint cards, brochures, flyers, posters, and other correspondence with customers and colleagues. Make sure that any designers and printers focus on clarity, so that you can be confident that your customers and colleagues will understand your message. For web-based publishing, remember that you can make your information accessible to the widest range of people by publishing it in multiple formats, such as accessible HTML, accessible PDF, and accessible Microsoft Word.

Printed documents, web documents, and last-minute revisions

When somebody provides printing services for your organisation, try to make sure that: documents are printed in clear, simple language. Make sure that web-based publishing conforms to the latest version of the Web Content Accessibility Guidelines.

Printed documents

Selection criteria

- Provide evidence as to how you have designed printed documents to follow clear print guidelines.
- Provide evidence as to how you have created web-based documents that conform to the latest version of the xxx Guidelines.

Award criteria

- Provide evidence as to how printed documents that you propose to design will follow clear print guidelines.
- Provide evidence as to how the web-based documents that you propose to create will conform to the latest version of the xxx Guidelines.

Examples and best practices outside the EU

[Disabilityin.org](https://disabilityin.org) (US) has developed the Accessible Technology Procurement Toolkit, offering some areas to explore with vendors about the technology they are purchasing. The Accessible Procurement Questions and other questions and topics can be written into early procurement documents including requests for information and proposals, and/or used to create an internal checklist for market research and vendor interviews.

Defining accessibility requirements is about people. In early procurement documents it is important to put this aspect of the purchase in human terms. Below some best practices that may help.

Example of procurement procedures

Wording

- Give examples of particular types of disabilities that employees or potential employees may have for which accessibility is crucial. Be specific about the types of people with disabilities who need accessibility:
 - People who cannot hold a mouse because they have cerebral palsy
 - People who use voice input (dictation) technology because of repetitive stress or other disabilities that impact use of their hands
 - People who cannot see a screen because they are blind
 - Applicants who cannot distinguish certain colours because they are colour blind
 - People who cannot hear audible instructions and tones because they are deaf or hard of hearing
 - People who may become physically sick when exposed to flashing or cluttered content because of cognitive disabilities or brain injuries.

Giving examples like these avoids inaccurate assumptions about either (or both) accessibility and disability.

- Give examples of why accessibility is needed based on particular functionality of the technology.
 - We need accurate captioning on all video content for deaf users.
 - We need our technology to work with speech recognition software for users who cannot use their hands.
 - We need this software to be 100% keyboard accessible because we want to attract a wide range of applicants, some of whom may not be able to use a mouse.
 - We have blind employees who rely on screen reader software, which is one of the reasons we need accessibility.
 - Your software generates PDFs / other documents. We need documents that all our users can read and interact with, including those who cannot use a mouse or see a screen.

Defining requirements in this way makes it less likely that accessibility will be used as a bargaining chip as the contract is being negotiated.

- Statement of your organisation's commitment to purchase accessible technology. Be specific as possible, recognizing that 100% accessibility may not be available at the time of purchase. Preference shall be granted to the most accessible solution that meets other product requirements. Solutions that demonstrate a commitment to accessibility should be preferred over those that don't. When fully accessible technology is not available, solutions that are transparent in identifying known accessibility defects/limitations and the bidder's strategy (including timeframe) for mitigating those defects shall be requested/preferred.
- Encouraging suppliers to create their own culture of accessibility demonstrates that your organisation's expectation extends beyond compliance.
- Establish a team responsible for the accessibility portion of product evaluation. This might involve bringing in an in-house subject matter expert, who can both assist and identify any outside needed resources. If the product owner or in-house procurement specialists do not have the expertise to evaluate whether proposals will deliver an accessible product, identify internal or external resources that the procurement team can reach out to. Determine when it is appropriate to hire outside accessibility expertise.

Evaluate bids for accessibility

Some best practices for incorporating accessibility into the product selection process are listed below.

- Conduct an **accessibility demonstration**. This may have been done while gathering information, but an additional demonstration may be needed if enhancements or improving solutions were requested or foreseen. Key to the success of an accessibility demonstration at any stage is having participation of people with disabilities, from your own workforce or outside organisations. Involve your employee resource group, hire a consultant or non-profit organisation that offers accessibility evaluation with disabled people, or connect with local disability rights organisations.
- Arrange for an **in-house evaluation** of accessibility claims in the final bids, which may require access to a secure test environment.
- If your organisation does not yet have the resources to conduct an evaluation in-house, determine whether an **independent audit** of accessibility claims is appropriate, who will conduct it, from whose budget will the cost be taken.
- Determine how your organisation will handle technologies that are not fully accessible.
 - It is important to determine where accessibility is ranked among evaluation factors.
 - Establish a risk matrix that ranks accessibility seriously.

Draft accessibility into contracts

- **Reference** specific standards and legal requirements. Contracts cannot simply say "product will be accessible," "product will meet EU standards". The contract should identify specific standards and legal requirements. Contracts should state that legal requirements and standards will be met at time of submission and throughout the term of the contract, and apply to product revisions, updates, patches, and new releases.
- **Address potential changes in standards**. The contract needs to anticipate a change in accessibility standards or legal requirements during the term. Language can require compliance with "the most current version".

- **Specify testing protocols, including usability.** Specifications should include requirements identifying automated tools to be used, manual testing protocols, and usability testing. Specify frequency of testing and place(s) along the development process where testing will occur. Require and spell out details of how disabled people will participate in the process. Usability testing provisions should identify types of assistive technology to be tested with as well as operating system and browser combinations. Details of a final accessibility test at the time of delivery by the contractor should be specified, identifying the type of testing, verification, etc. All testing results should be provided to the purchaser within a stated timeframe.
- **Establish a maintenance plan.** The plan should include specific obligations that updates, new releases, etc. will meet the referenced standards and testing/evaluation requirements. Language should specify how updates will be tested prior to release. All testing results should be provided to the purchaser within a stated timeframe. As explained in the next item of this list, the maintenance plan must specifically address how both known and unpredicted accessibility barriers will be remediated, including timeframes for responses if/when accessibility issues reported and timeframe within which to make fixes. As part of the maintenance plan, consider including an obligation to **identify accessibility enhancements in release notes**. Language could be as simple as “The contractor will include information about accessibility improvements, as applicable, in the release notes for each new product release.”
- **Address known accessibility gaps and bugs and specify a remediation plan.** Gathering honest information early in the procurement process means you will have accurate information about any features and functions that are not accessible. The contract should identify those gaps in accessibility and state how and when they will be remediated. Ideally, remediation will occur ideally prior to product delivery, but if not at a stated time along a roadmap to full accessibility. Any costs associated with meeting accessibility should be clearly spelled out.
- When technology incorporates software that a supplier purchases from a third party the contract must address what will happen if that third-party's technology is the cause of accessibility barriers.
- **Address unpredicted accessibility gaps and bugs.** The most effective contract is a sustainable document that enhances relationships with clarity of content. Postdelivery accessibility bugs must be addressed. Despite the best of intentions, they are like to occur. Contracts must be clear about:
 - A reporting and response process for accessibility barriers
 - When barriers/bugs will be remediated
 - Who is responsible for remediation and its cost
 - Who is responsible for interim work-arounds and their cost.

Discussing questions like the following can lead the parties to contract language on these issues that is direct and workable:

- What will happen if a deaf employee cannot receive online training because the captioning on the product we are purchasing is not accurate?
- What if an applicant who cannot hold a mouse could not submit an application because the submit button cannot be reached through the keyboard.

4. ADDITIONAL INSIGHTS

4.1 Socially responsible public procurement (SRPP) and its relation to sustainable public procurement (SPP)

Socially responsible public procurement (SRPP) is embedded in sustainable public procurement (SPP). Some definitions on the web may be misleading, when stating that sustainable procurement is the integration of corporate social responsibility (CSR) principles into organisations procurement processes and decisions, as this is only partially true.

As defined by the Procura+ Manual, Sustainable procurement means making sure that the products and services your organisation buys, achieve value for money on a life cycle cost basis and generate benefits not only for your organisation, but also for the environment, society and the economy.

Previously, UNEP defined SP as the process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves “value for money on a whole life basis” in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimizing, and if possible avoiding, damage to the environment. Procura+ definition does not include a direct reference to the need to avoid negative impact on environment, as it potentiates positive attitudes.

The European Commission defines Sustainable Public Procurement (SPP) as a process by which public authorities seek to achieve the appropriate balance between the three pillars of sustainable development – economic, social and environmental – when procuring goods, services or works at all stages of the project. Socially responsible public procurement (SRPP) is about achieving positive social outcomes in public contracts.

Some confusion is created by the definition of Sustainable procurement as “mere” inclusion of green aspects, while the environment is one of the three pillars, together with economic and social aspects. Therefore, sustainable procurement is achieved only when considerations about all three pillars mentioned above are considered and inter-connected. This is possible only using the method of Life cycle costing and through the Social return on investment, i.e. assessing the overall impact of activities and the social value created. Instead, Sustainability is a policy goal and public procurement is not only a key mean to achieve it as a primary economic objective embedding efficient spending. In fact, Public procurement is to be considered as a public function, and for this reason it is important to integrate the social aspect of Public procurement. It is crucial consider Public procurement strategically to achieve sustainable development instead of seeing it as a secondary goal (mean to achieve SP).

To be noted that aside from the three pillars of sustainability: Environmental, Economic and Social, recent studies agree to consider supplier governance and compliance as a new dimension of sustainability. This is adding value to the analysis of Socially responsible public procurement and future analysis.

Socially responsible public procurement (SRPP) aims to address the impact on society of the goods, services and works purchased by the public sector. It recognises that public buyers are not just interested in purchasing at the lowest price or best value for money, but also in ensuring that procurement achieves social benefits and prevents or mitigates adverse social impacts during the performance of the contract.

SRPP implies considerations of social impact of the purchase in a holistic way. It is not only a matter of including social standards in the purchase. It requires careful consideration of social impact through the design of procurement processes with the objective to deliver positive social outcomes. SRPP

entails sustainable practices, specifications and standards, while promoting good corporate citizenship and responsibility for corporate actions. OECD has coined this practice as promoting RBC along the entire supply chain.

In order to analyse the social costs and impact along the entire supply chain, the most useful method is the life cycle costing analysis.

4.2 Social life cycle assessment (S-LCA)

Life cycle costing is a method to assess the final costs of a product/service considering their entire life cycle. The price at purchase is not providing exhaustive elements to assess the best value for money. There are other elements intervening in the lowest price for both, the organisation and the society, apart from the Purchasing price:

- The total cost of ownership (TCO), including acquisition, use and end of life costs
- Monetised life cycle costs (LCC), including costs of externalities
- All life cycle costs and impacts: non-monetized externalities

Referring to social aspects, it is not only a matter of life cycle of a product/service and the relevant costs, but also the social cost and especially the social impact of the purchase (direct and indirect). S-LCA methodological basis was registered by the United Nations Environment Programme (UNEP, 2020), based on the structure of the LCA.

Once the strategic objective and goals are defined, starting from potential alternatives, a crucial step of the process is to identify key life cycle sustainability impact categories (impact categories), in cooperation with experts and stakeholders if necessary, in order to feed a methodology to support decision making. Depending on the area of analysis, examples of stakeholders may be: workers; local community; other actors of the value chain; consumers; society, etc.

In order to benchmark the impact of the purchase, it is a good practice to set intermediate as well as final indicators, e.g. site visit or site-specific audit; interviews with community members, employees and management; organisation-specific reports, such as sustainable reporting; and organisation-specific audits. The use of quantitative indicators must be supported by the presence of direct or indirect quantifiable sources of data or proxy. Instead, qualitative indicators are not limiting the types of information to include in the assessment and allow for more flexibility and could be more tailored to the purchase and objectives of the organisation.

The paper on [Methodologies for Social Life Cycle Assessment](#) is providing examples on formulation and different types of indicators, as well as a panoramic of the different approaches to the S-LCA methodology. The conclusion is that a crucial step in the process is to define fundamental impact categories to include in the assessment and how to measure these. Examples of categories may include: impact on human health, labour cost, health and safety, employment, income, human rights, gender equality, governance and practices to ensure sustainable production, damage to society/workers/local communities, etc.

The paper on [Life cycle sustainability impact categories for sustainable procurement](#) offers a catalogue of categories and suggested indicators to guide the assessment of options in sustainable procurement. The catalogue of impact categories can be used as a roadmap for assessing the sustainability of procurement, and through the proposed indicators, take the measurements of each category, which is configured as an objective criterion for the sustainability assessment. The relevance of indicators must be assessed depending on the organisations' objectives and available resources.

There is still small guidance and reporting on the use of S-LCA, but examples of evaluation criteria adopted in previous studies include: verification of supplier compliance with legislation, social norms

and standards; implementation of codes of practice and conduct; equality in employment among suppliers in terms of diversity, gender, etc. There is also a greater coverage of environmental categories compared to costing and social ones. The level of complexity of measuring social impact is definitely an issue, as well as to find a commonly agreed methodology to implement. A pragmatic approach would suggest to tailor the methodology to the strategic objectives of the organisation. A multiannual procurement plan would set the baseline for the definition of the pillar social aspects and categories to be considered, as well as for setting intermediate and final indicators for benchmarking of the results of single purchases but especially of group of products/services.

S-LCA is directly linked with the concept of Corporate social responsibility (CSR) in terms of obligations towards consumers, communities, employees and what international standards and principles to be committed to while taking corporate decisions. CSR refers to the responsibility enterprises can assume in order to contribute to sustainable development. Public authorities, through policy-making, and the private sector, through business strategies, can guide the management and the production processes of enterprises towards CSR (UNEP, 2009).

A concept whereby enterprises integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis.

EU Communication, July 2002

This definition has evolved substantially to involve all kinds of organisations and include key principles like health and welfare of society, international human rights, stakeholders and their relationships, etc.

It is important to consider aspects of CSR in the process of S-LCA given its relevance to achieve SRPP. As well, S-LCA could feed critically CSR. Sustainable reporting is another fundamental element to shape SRPP. In fact, The Global Reporting Initiative (GRI) launched in 1997 by CERES and UNEP contributes to the development of sustainability reporting framework to enhance creation and implementation of standardised enterprises' reports on environmental, social and economic aspects.

A S-LCA methodology may be developed individually at Agency level as contracting authority. The methodology should be tailored to each specific award procedure. As preliminary step of the S-LCA methodology, the contracting authority must define a multiannual strategy of purchase in line with the organisational objectives and goals.

The development of common methodology(-ies) for S-LCA constitutes a future goal for the Agencies, requiring sharing knowledge and collaboration in such fragmented and complex area.

4.3 Social return on investment (SROI)

Social return on investment (SROI) is a methodology to consider social value while assessing investments. In other words, it is a way to monetise the social benefits and values created by an investment. For instance, the creation of employment opportunities for disadvantaged people or vulnerable groups creates a social return. Social return can be implemented in different forms: establishing specific contract provisions, setting special terms and conditions of performance, including specific award criteria. Many organisations have their own social return policies and dedicated SROI officers.

It is possible to implement social return in all procurement procedures; however, it may be a good practice to embed SROI considerations already within the procurement policy, in order to identify specific objectives and considerations in line with the organisational goals. Social return is mostly applied in the areas of health care, landscaping, cleaning and construction, but it can be more broadly considered. Procurement officer may assess whether the level of social return applied in a given

public procurement is proportionate and applicable. The value created by the procurement policy in terms of social, economic and environmental identify how effectively an organisation uses its resources to create value for the community.

In order to measure the SROI, four elements should always be considered:

- Inputs, or resources investments in the activity
- Outputs, or the direct and tangible products from the activity
- Outcomes, or the changes to people resulting from the activity
- Impact, or the outcome less an estimate of what would have happened anyway

A general formula used to calculate SROI is as follows:

$$\frac{(\text{Social impact value} - \text{Initial investment amount})}{(\text{Initial investment amount} \times 100 \%)}%$$

Here below is an example: [Social Return on Investment: a new way to measure FLAG results | FARNET \(europa.eu\)](#)

It is recommended to establish a methodology and quantify values in a transparent and proportionate way, so to forecast as concretely as possible the intended outcome.

An external company with expertise in the SROI methodology shall be involved, eventually considering them as shared services and launch an inter-institutional procedure.

4.4 Sustainable procurement and innovation

- Mainstreaming sustainability within procurement procedures vs Procurement of innovation)
- Procurement of innovation involves changes to business-as-usual => new procurement and contract tools
- Assess real needs and set sustainability goals
- Learning from counterparts and network without reinventing the wheel
- Market engagement (improve understanding, build credibility, stimulate competition and innovation)

5. LEGAL FRAMEWORK

[Sustainable Development Goal \(SDG\) 12](#) refrains on the duty to ensure sustainable consumption and production and Target 12.7 is particularly relevant for SRPP, as it sets the need to promote public procurement practices that are sustainable (in accordance with national policies and priorities).

In 2021 the UN highlighted the following among the Social priorities:

- Promoting SMEs
- Combating corruption
- Groups at risk
- Human rights
- Decent work
- Gender equality
- Inclusive and lifelong learning education

Among the above priorities, the NAPO WG selected some as study areas for the application of SRPP, i.e. Promoting SMEs, Human rights, Decent Work, Gender equality. The ETF is engaged in working on Inclusive and lifelong learning education.

The key principles for a Europe of justice, wellbeing of people and sustainable development were already proclaimed in the Treaty on European Union (i.e. Articles 3, 9, 152). However, recently, the [European Pillar of Social Rights](#) has established 20 key principles and rights to support fair and well-functioning labour markets – “to make Europe a fairer place, inclusive and full of opportunities for everyone”. Those principles are integrated in three main chapters, namely:

[Chapter I](#): Equal opportunities and access to the labour market

1. Education, training and lifelong learning
2. Gender equality
3. Equal opportunities
4. Active support to employment

[Chapter II](#): Fair working conditions

5. Secure and adaptable employment
6. Wages
7. Information about employment conditions and protection in case of dismissals
8. Social dialogue and involvement of workers
9. Work-life balance
10. Healthy, safe and well-adapted work environment and data protection

[Chapter III](#): Social protection and inclusion

11. Childcare and support to children
12. Social protection
13. Unemployment benefits

14. Minimum income
15. Old age income and pensions
16. Health care
17. Inclusion of people with disabilities
18. Long-term care
19. Housing and assistance for the homeless
20. Access to essential services

It was worth mentioning all, as those principles must be taken as a baseline to the development and implementation of SRPP. Public procurement is in fact to be considered a crucial element aside the so called “wider efforts” to build a more inclusive and sustainable growth model, by improving Europe’s competitiveness and making it a better place to invest, create jobs and foster social cohesion.

Directive 2014/24/EU opportunities following the Green Paper

In the paper *The European Union law of life cycle costing* opportunities and limits provided by the Directive are carefully assessed.

In light of the Green Paper issued by the Commission in 2011 referring to a strategic use of public procurement in response to new challenges, and in view of Europe 2020 objectives for smart, sustainable and inclusive growth, the Directive contributed to the development of SPP, particularly when looking at the following provisions and considerations:

- Environmental, **social considerations** and innovation may be taken into account when public contracts are awarded and performed, provided these considerations are linked to the subject matter of the contract (i.e. they relate to the product/service/works being bought or their process of production but not the supplier more generally).
- Flexibility on the use of quality aspects and award criteria, provided; they are linked to the subject matter of the contract; they ensure effective and fair competition and are in line with the procurement principles; they are verifiable
- The ability to specify production methods (e.g. organic, electricity from renewable sources, or chlorine-free bleaching) is confirmed. [NB: general corporate policy cannot be considered as a factor characterizing the specific process of production or provision of the purchased works, supplies or service¹¹]
- Detailed rules on the use of life cycle costing and use of environmental and **social labels** (provided the information can be verified).
- Compliance with the ILO core conventions and certain international environmental conventions can also be ensured, with the possibility to exclude suppliers who cannot demonstrate this.
- **Fair trading conditions** can be taken into account in award criteria.

¹¹ Max Havelaar C-368/10 – Commission vs Netherlands

FR 2018/1046 – Ongoing negotiations

Comparing to the Green Paper, the Green Deal puts the accent much more on the green side of sustainability while referring to the role of public procurement. Procurement is mentioned only twice within the document:

Public authorities, including the EU institutions, should lead by example and ensure that their procurement is green. The Commission will propose further legislation and guidance on green public purchasing.

The EU's trade policy facilitates trade and investment in green goods and services and promotes climate-friendly public procurement.

The proposal for a Regulation on the financial rules applicable to the general budget of the Union (recast) includes the following provisions:

- Article 139 **Exclusion criteria**: (b) it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law.
- Article 170 Preparation of a PP: **Minimum requirements** shall include compliance with applicable environmental, social and labour law obligations established by Union law, national law, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU.
- (158): **Label requirements** (link with subject matter, verifiability and non-discrimination, open and transparent procedure, accessible, set by a third party, criteria for conformity assessment).
- 21.1. **Quality criteria** may include elements such as technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics, production, provision and trading process and any other specific process at any stage of the life cycle of the works, supplies or services, organisation of the staff assigned to performing the contract, after-sales service, technical assistance or delivery conditions such as delivery date, delivery process and delivery period or period of completion.
- 23.2: The contracting authority shall reject the tender where it has established that the tender is **abnormally low** because it does not comply with applicable obligations in the fields of environmental, social and labour laws.

↓ 2018/1046 recital 102

- (157) The contribution of contracting authorities to the protection of the environment and the promotion of sustainable development, while ensuring that they obtain the best value for money for their contracts, in particular through requiring specific labels or through the use of appropriate award methods, should be clarified.

↓ new

- (158) In line with the objectives of the Communication on the European Green Deal, progress towards implementation of greening aspects should be ensured by including, when relevant, for the calls for tenders, green selection or award criteria, which will incentivise the economic operators to offer more sustainable options.

↓ 2018/1046 recital 9

- (23) The concept of performance as regards the budget should be clarified. Performance should be linked to the direct application of the principle of sound financial management. The principle of sound financial management should also be defined, and a link should be established between objectives set and performance indicators, results and economy, efficiency and effectiveness in the use of appropriations. For reasons of legal certainty, while avoiding conflicts with existing performance frameworks of the different programmes, performance terminology, in particular output and results, should be defined.

↓ new

- (24) Considering the importance of addressing climate and environmental challenges and in order to ensure that budget implementation contributes to the achievement of the European Green Deal³⁰, the concept of performance as regards the budget should be extended to include the implementation of programmes and activities in a sustainable way, which would not hinder the achievement of the environmental objectives of climate change mitigation, climate change adaptation, the sustainable use and protection of water and marine resources, the transition to a circular economy, pollution prevention and control and the protection and restoration of biodiversity and ecosystems.

From the recast, it looks like the reference to sustainable development will disappear, leaving the ground to specific progress towards the implementation of greening aspects. Sustainable options is directly linked to greening aspects.

However, even in case the Proposal for the recast would be confirmed as above, Sustainable procurement and in particular SRPP are still relevant and they should be pursued within the framework provided by the Directive and the abovementioned *Social aspects*.

6. NAVIGATING THE MAIN EU LITERATURE AND APPROACHES TO SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

The publications below were a starting point for the Working Group to analyse and implement the mandate on SRPP.

Buying Social – A guide to taking account of social considerations in public procurement, Second edition (2021/C 237/01)

This publication was commissioned under the European Union Programme for Employment and Social Solidarity PROGRESS (2007-2013) to contribute to the achievement of the Europe 2020 goals. Its second edition was issued in 2021 (2021/C 237/01) with the purpose to raise public buyers' awareness of the potential benefits of SRPP and to explain in a practical way the opportunities offered by the EU legal framework. It is the newest publication issued by the Commission and providing general guidance as well as best practices for SRPP.

Buying for Social Impact (2018–2020)

This paper is a result of 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.

It details how social aspects of the EU Public Procurement Directive (2014/24/EU) were transposed at national level and provides a mapping of the capacity of social economy enterprises to access markets. It provides a set of identified good practices on SRPP and contains a long series of good practices example at policy/programme level, but also in Public Procurement procedures.

Making Socially Responsible Public Procurement Work – 71 Good Practice Cases (June 2020)

Publication issued in 2020 by the European Commission, including a collection of 71 good practice cases showing how public buyers have implemented socially responsible public procurement (SRPP), to promote employment opportunities, decent work, social inclusion, accessibility, compliance with social and labour rights in the EU and globally, while delivering high quality social services and facilitating access of social businesses to public tenders.

The report compiles cases from 27 countries: 22 EU member countries and 5 non-EU countries. The cases address a diverse selection of products and services, encompass all phases of the public procurement process, and include a broad range of public buyers, ranging from local and national governments, to public hospitals. These good practices also show that SRPP is possible in a wide array of sectors.

SRPP aims to address the impact on society of the goods, services and works purchased by the public sector. It can be a driver towards:

- Promoting employment opportunities and social inclusion
- Providing opportunities for social economy enterprises
- Encouraging decent work

- Supporting compliance with social and labour rights
- Accessibility and design for all
- Respecting human rights and addressing ethical trade issues
- Delivering high quality social, health, education and cultural services

The report shows that potential social risks and benefits of public buying depend on sectors and products considered: For example, some sectors have a higher proportion of vulnerable workers, or greater potential for job creation. Certain products may include raw materials sourced from conflict zones or regions with low labour standards, but can be certified as socially sustainable through quality labels. Sectors considered are:

- Sector 1: Cleaning and facility management services
- Sector 2: Construction
- Sector 3: Food/catering services
- Sector 4: Furniture
- Sector 5: Gardening services
- Sector 6: Healthcare
- Sector 7: Social services
- Sector 8: ICT
- Sector 9: Textiles
- Sector 10: Other

Below is a [summary table of social provisions included in the procurement Directive](#), with a direct link to the best practices analysed in the report.

Directive 2014/24/EU	Explanation (relevance to SRPP)	Cases Citing Provision
Art. 18(2) <i>Mandatory social clause</i>	Measures must be taken to ensure compliance with applicable national, EU and international social and labour law and collective agreements in the performance of public contracts.	(5) Czech Television; (8) European Commission; (20) Madrid; (25) Romania; (26) Tuscany; (30) Tampere; (40) Catalonia; (41) Hansel; (42) BMZ Germany; (44) Czech MoLSA; (46) Bonn; (60) Girona; (64) Valladolid, and (71) Pamplona.
Art. 20 <i>Reserved contracts</i>	Contracts may be reserved for sheltered workshops/ employment programmes employing at least 30% disabled or disadvantaged workers.	(1) Catalonia; (7) Wrocław; (18) Vendée; (21) Corfu; (22) Belgium; (26) Tuscany; (27) Toledo; (28) Salamanca; (31) Oslo; (47) Madrid; (50) Rzgów; (58) Conseil Régional Grand-Est; (59) Grand Paris Sud Est Avenir; (60) Girona; (63) Bulgaria; (64) Valladolid, and (71) Pamplona.
Art. 40 <i>Preliminary market consultations</i>	Preliminary market consultations may be held with economic operators and independent experts.	(1) Catalonia; (2) Helsingborg; (5) Czech Television; (25) Romania; (31) Oslo; (32) Koto SIB; (58) Conseil Régional Grand-Est; (62) Sodankylä and Kittilä; (64) Valladolid; (69) Bremen and (71) Pamplona.
Art. 42 <i>Accessibility in technical specifications</i>	In all procurement which is intended for use by people, technical specifications must take into account accessibility criteria for persons with disabilities or design for all users.	(25) Romania; (30) Tampere, and (43) Finnish Education Agency.
Art. 43 <i>Labels</i>	Social labels may be required in technical specifications, award criteria or contract performance clauses provided these meet certain transparency and objectivity standards, and equivalent labels are also accepted.	(11) Berlin; (19) Oslo; (20) Madrid; (24) Emilia-Romagna; (42) BMZ Germany and (64) Valladolid.
Art. 46 <i>Division into lots</i>	Contracts may be divided into lots, and if a decision is taken not to do so, an explanation must be provided in the procurement documents or report.	(1) Catalonia; (5) Czech Television; (12) Ille et Vilaine; (15) Strasbourg; (21) Corfu; (26) Tuscany; (45) Ghent; (62) Sodankylä and Kittilä; (64) Valladolid and (71) Pamplona.
Art. 56(1) <i>Principles of awarding contracts</i>	Contracting authorities may decide not to award a contract to the most economically advantageous tender if the tender does not comply with the applicable obligations under Art. 18(2).	

Art. 57(4) <i>Grounds for exclusion</i>	Bidders may be excluded where the contracting authority can demonstrate by any appropriate means a violation of applicable obligations under Art. 18(2).	(16) Skien; (25) Romania; (34) Brescia, and (60) Girona.
Art. 58/Annex XII <i>Supply chain management</i>	Bidders may be asked to indicate the supply chain management measures which they will be able to apply within the contract.	(44) Czech MoLSA and (71) Pamplona.
Art. 67 <i>Contract award criteria</i>	Contract award criteria may relate to social characteristics or trading conditions provided these are linked to the subject-matter of the contract, advertised in advance, do not confer an unrestricted freedom of choice on the contracting authority, ensure the possibility of effective competition, and can be effectively verified.	(1) Catalonia; (3) Budapest; (4) Aarhus; (5) Czech Television; (6) Ballerup; (9) Malta; (10) Olympic Games; (19) Oslo; (25) Romania; (28) Salamanca; (31) Oslo; (35) Gdynia; (38) Rotterdam; (41) Hansel; (42) BMZ Germany; (53) Sweden; (54) London; (55) Dublin; (60) Girona; (62) Sodankylä and Kittilä; (64) Valladolid and (68) Vienna.
Art. 70 <i>Contract performance conditions</i>	Contract performance conditions may include social or employment-related considerations provided that these are linked to the subject-matter of the contract and advertised in advance.	(2) Helsingborg; (4) Aarhus; (5) Czech Television; (6) Ballerup; (8) European Commission; (12) Ille et Vilaine; (14) Castilla y León; (16) Skien; (17) Grangegorman; (19) Oslo; (25) Romania; (35) Gdynia; (48) Falun-Borlänge; (49) Warsaw; (52) Vantaa and Helsinki; (53) Sweden; (54) London; (55) Dublin; (56) Dortmund; (57) La Rochelle; (60) Girona; (64) Valladolid; (66) Wageningen; (67) Haarlem; (68) Vienna; (70) Copenhagen, and (71) Pamplona.
Art. 71(1) and 71(6) <i>Subcontracting</i>	Obligations under Art. 18(2) may be enforced against subcontractors; joint liability for these obligations may be applied with main contractor; contracting authority may require replacement of a subcontractor who does not comply.	(41) Hansel; (70) Copenhagen, and (71) Pamplona.
Art. 74-77 <i>Light regime for social and other specific services</i>	Contracting authorities may apply more flexible procedures for certain social, health, educational, cultural and other services provided that the principles of equal treatment and transparency are observed; certain contracts may be reserved for social enterprises/public service mutuals.	(18) Vendée; (31) Oslo; (34) Brescia; (36) Riga; (37) Lithuania; (39) Italy/Slovenia and (64) Valladolid.

The Procura+ Manual – A Guide to Implementing Sustainable Procurement (ICLEI 2016)

The Procura+ European Sustainable Procurement Network was co-initiated and co-ordinated by ICLEI. It is a network of more than 40 European public authorities and regions that connect, exchange and act on sustainable and innovation procurement.

The Procura+ Manual provides clear, easy-to-understand guidance for any European public authority on how to implement sustainable procurement.

The Procura+ Manual includes practical advice on how to integrate sustainability into procurement and proposes a model for systematically implementing sustainable procurement: the [Procura+ Management Cycle](#). It includes also key guidance on sustainable procurement approaches, best practices and tools for six high-priority product groups: construction, IT equipment, cleaning products, food, vehicles and electricity.

The Procura+ Management Cycle: Managing sustainable procurement in your organisation



The Procura+ Manual highlights:

- The importance of category management (grouping of similar goods, services and works purchased by an organisation and their management across the organisation) and prioritisation, to enhance better planning, better spending and allows identification of sustainability measures applicable
- The use of information provided by the so-called Baseline inventory, providing key elements on purpose, process, performance, to identify the critical paths to sustainable procurement implementation
- Gathering support at political and technical level and the importance of developing a written sustainable procurement policy (structured approach)
- The importance of setting SMART sustainable procurement targets
- The key role of communication, joint procurement and training

- The necessity of monitoring performance
- The usefulness of mapping and assigning clear roles and responsibilities, including identification and empowerment of sustainable procurement champions
- The benefit of adopting a holistic view and being strategic, involving other teams and departments across the organisation, as well as consulting contractors and other stakeholders
- A set of criteria for six key product and service groups: 1. Construction, 2. ICT, 3. Cleaning, 4. Food and catering, 5. Vehicles, 6. Electricity.

ACRONYMS

CSR	Corporate social responsibility
EIGE	European Institute for Gender Equality
EIOPA	European Insurance and Occupational Pensions Authority
ELA	European Labour Authority
ETF	European Training Foundation
EUIPO	European Union Intellectual Property Office
GPP	Green public procurement
NAPO	Network of Agencies Procurement Officers
RBC	Responsible business conduct
S-LCA	Social life cycle assessment
SDG	Sustainable Development Goal
SPP	Sustainable public procurement
SROI	Social return on investment
SRPP	Socially responsible public procurement
TCO	Total cost of ownership

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