

## Buying Social: A Guide to Taking into Account of Social Considerations in Public Procurement

### General observations:

EASPD welcomes the Commission's draft guideline on socially responsible public procurement and especially the inclusion of considerations on decent work, the promotion of accessibility and design for all and the addressing of the reality of sheltered workshops for people with disabilities and other disadvantaged groups.

The guidelines aim primarily to encourage and assist public authorities to set up procurement exercises which secure additional social benefits within a contract for goods and services which are not in themselves considered as providing a public benefit - for example, construction contracts, or office supplies, etc. In other words, the guidance encourages authorities to award contracts to firms which, in the course of supplying the goods and services required, will offer additional, but very important, social benefits such as decent pay and conditions to workers, social protection, environmentally friendly production methods, and so on.

We agree that it is indeed necessary to promote the inclusion of additional, social considerations in any public procurement exercise carried out by public authorities at any level. Nevertheless, in the case of publicly-funded social care and support services, the service itself represents the major public benefit to be delivered, rather than any additional social benefits regarding employment conditions, use of SMEs, environmental considerations and so on, however welcome they are.

EASPD therefore calls for the **inclusion of an additional chapter in the guidelines** under preparation **specifically on the procurement of social care services**. EASPD thinks that it is really important to make the distinction between procuring support for vulnerable people and procuring office furniture, for example. Consequently, particular considerations must apply in order to make procurement procedures "fit" with concepts such as **service user choice, control, inclusion, personalisation, sustainability, continuity, partnership between social service providers and users and partnerships between specialized and mainstream services**, if the desired social benefit - which is the entire purpose of the service, not just an "extra added value" - is to be delivered.

A further, important consideration that EASPD would like to make is that clear **reference to** the principles enshrined in **the UN Convention on the Rights of Persons with Disabilities** should be made, as well as other relevant international covenants, wherever applicable. The draft text of the Guide makes reference on several occasions to the promotion of the 'design for all' principle. This is a very welcome remark, however, given that the Convention has been signed by all Member States of the EU and is in process of ratification, clear reference to its text should be made given that it sets a high standard in this respect. Of note, this is in line with the amendments proposed by the European Parliament to the text of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

EASPD would also suggest adding a short summary after each section of the guide, so that key information can be readily identified by procuring authorities, and increase the user-friendliness of the document.

Finally, EASPD would propose to include a statement in the guidelines stating that all SRPP-provisions outlined in it should be also **extended to sub-contractors**.



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