



GOOD PRACTICE – WISEs AND RESERVED CONTRACTS – PUBLIC PROCUREMENT



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ENSIE – Trinijove Empresa d'Inserció S.L.

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Where is it located?

- In Barcelona

What does it consist of?

Creation of a reservation of municipal markets of the city of Barcelona, intended for work integration social enterprises (WISEs) to manage green points located in different districts of the city.



Good practice:



- Barcelona City Council through the Society WASTE TREATMENT AND SELECTION SA, hereinafter TERSA, calls a negotiated procedure aimed for work integration social enterprises.
- These companies, that participate in the call must be accredited to TERSA (legal statutes, technical, professional, economic and financial solvency).



- Registration in Catalonia Business administrative record for integration, according to the Law 27/2002, of 20 December
- The aim and object of the contract is the provision of the services of reception and classification of waste, public service and maintenance of the facility owned by the municipality by Trinijove.
- These services are developed under the direction and control of TERSA.



- 4 jobs with regular work contract for people in situations of social exclusion, hired by TRINIJOVE social enterprise.
- 3 years contract: from 2014 to 2017.
- Beneficiaries: groups at risk of social exclusion, for example irregular migrants located in urban settlements



Procurement law of city hall of Barcelona

“Social Public Procurement Guide”

This guide is based on current legislation, in particular Directive 23/2014 on Concessions and Directive 24/2014 on Public Procurement, pending implementation, and Royal Legislative Decree 3/2011, of 14 November, approving the consolidated text of the Public Sector Contracts Act.



More information

City hall website:

<http://ajuntament.barcelona.cat/premsa/2016/10/24/lajuntament-es-dota-per-primera-vegada-duna-guia-de-contractacio-publica-social/>



Some images of the service



Reserved contracts for the work integration of disadvantaged persons and persons with disabilities – article 20 and recital 36

	2004 Directive	2014 Directive
Who?	Sheltered workshops	Sheltered workshops and economic operators whose main aim
Target group?	Disabled persons	Disabled and disadvantaged persons
Threshold?	most of the employees (min 50%)	30%



Reserved contracts

This new proposition will guarantee a **more efficient and more sustainable integration of disadvantaged and disabled people**, while **increasing the economic performance** of work integration social enterprises and sheltered workshops by contributing to the long term dimension of social and professional integration.



Reserved contracts

To do so, it is thus important that contracting authorities verify that the integration of disadvantaged or disabled persons is stated as a **primary mission** in the statutes or other statutory documents of the applicant organization. Social economy enterprises fall into this category.

While drafting the terms of reference, **contracting authorities should include the quality of the social integration project** as an essential criterion to be met by tenderer.

This would prevent enterprises that opportunistically employed disadvantaged or disabled persons only during the contracting period from winning the contract.



Reserved contracts

Recital 36 exemplifies how 'disadvantaged person' should be interpreted: for example, the unemployed, members of disadvantaged minorities or otherwise socially marginalized groups.

The **definition of disadvantaged persons** should be interpreted with wide discretion, to include all categories of people facing social exclusion and adapt it to the national context of each country.



Transposition

Within our European network the Member States that have transposed the Directive so far

Reserved contracts included	Specific situations
The Netherlands	Croatia
Romania	Austria
Belgium	Italy
Spain	Czech Republic
France	
Slovenia	
United-Kingdom	
Hungary	
Ireland	



Reserved contracts remain possibilities and not obligations !



Transposition

Specific situations

1. Italy

Transposition done but public authorities are still making reference to the old version of the directive (2014)

2. Croatia

Transposition waiting for approval of the national Parliament

3. Czech Republic

Reserved contracts only for organisations employing more than 50% of disabled people – same as previously

4. Austria

Only parts of the Directive have been transposed but no mention of reserved contracts or social considerations



Follow-up

3 current interesting initiatives

1. Spain

- Handbook with the new possibilities offered for WISEs, including the reserved contracts created by our member FAEDEI
- Organization of meetings at regional level to support and convince public authorities to use reserved contracts
- Template document to be used as a model for call for tender including reserved contracts and to adapt considering the specificities of each cities and services



Follow-up

3 current interesting initiatives

2. Croatia

- Working plan in partnership with the national public administration in order to organize trainings on responsible public procurement in 2017
- Creation of a manual of good practices providing examples of good practices from other EU countries
- Using a template document similar to the Spanish one to illustrate the reserved contracts possibility



Follow-up

3 current interesting initiatives

3. Romania

- Civil society organisations working in partnership with national public administration building recommendations in order to explain to public authorities on tendering social services
- Similar exercise could be done concerning the reserved contracts possibilities at the same time



Any question or comment ?

Thank you very much !



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