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Making Socially Responsible Public Procurement Work: 71 Good Practice Cases

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Work inclusion through conditions for the performance of contracts in Castilla y León (Spain)

Government of Castilla y León (regional
Department of Health), Spain

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Name of procuring authority, Country: Government of Castilla y León (regional Department of Health), Spain
Product or service sector: Construction



Introduction/procurement objective

By its *Agreement 44/2016, of 21 of July*, the regional government of Castilla y León established provisions for the implementation of socially responsible public procurement (SRPP) in contracting procedures carried out by regional public authorities. This Agreement provides for the application of social clauses in public procurement procedures through social criteria, reserved contracts and measures facilitating the employment of people excluded from labour markets.

This specific procedure aimed at providing employment opportunities to people belonging to disadvantaged groups or at risk of social exclusion with low chances to find employment as a result. The contract required the employment of people in these groups as a condition for the performance of the works. The groups of people targeted by this

procurement procedure were most of those listed in the Agreement of 2016 [Annex I, section II.1, letters (a) to (f)].

Subject matter

Expansion and retrofit of a hospital in the city of Soria (Castilla y León, Spain).

Stage of procurement phase and criteria

The procedure included a condition for the performance of the contract, relating to the employment of persons at risk of social exclusion. This covered a total of 14,600 hours (70 hours per week x 4.34523 weeks/month x 48 months). The inclusion of disadvantaged persons was to be realised through employment contracts of a minimum duration of 3 months (a shorter duration could be agreed by the contracting authority for

specific parts of the works lasting less than 3 months) and at least 20 hours a week.

People eligible to perform the works under this provision may belong to any of the following groups:

- minimum income recipients or members of a household benefitting from minimum income.
- people who are not eligible for minimum income due to either a length of residence that is insufficient to qualify for minimum income or having completed the full length of minimum income benefits.
- young persons between 18 and 30 years of age who have been under child protection; young offenders older than 16 years of age and ex-offenders below 30 years of age.
- people with substance abuse issues or other forms of dependence that are currently under treatment.
- offenders and ex-offenders with a legal entitlement to work.

Social policy objective and/or reference standard

Provide employment opportunities to persons that lack access to labour markets or are at risk of social exclusion.

Verification

Before the start of the works, the winning tenderer had to submit a plan that spelled out how work inclusion would be implemented, including the type of jobs and tasks to be performed by the employees. In order to prove compliance with the above performance condition, the successful tenderer had to submit the following documents for each new employee benefitting from inclusion within one month of his or her placement:

- Work contract, stating its type, duration and working hours.
- Proof of registration in the social security system.
- Identification of the employee with evidence of social exclusion issued by a public social service agency.
- The tenderer had to accompany each report of

work executed with a statement that there have been no changes to the agreed work inclusion plan.

Contract value

€32.1 million over 48 months

Instrument

- Art. 70 on contract performance conditions of Directive 2014/24/EU.
- Agreement 44/2016, of 21 of July, of the regional government of Castilla y León, establishing mandatory guidelines for contracting authorities belonging to regional government bodies towards socially responsible public procurement.

Actors

- Contracting authority: Castilla y León
- Contracted service provider
- Employed persons
- Public social services: The winning tenderer is free to select the employees that will perform the work under the work inclusion programme provided that they belong to any of the eligible groups. At the tenderer's request, public authorities can refer suitable candidates through social services agencies operated by the Department of Family and Equal Opportunities of the regional government that are dealing with the eligible groups of people at risk of exclusion.

Social impacts

- The main objective of the provision is to increase the chances of sustainable integration in the labour market of beneficiaries of work inclusion opportunities.
- The contractor has to designate a person within the team in charge of supervising and accompanying employees at the workplace to ensure the success of placements. This person is the reference person for the contracting authority throughout the monitoring of this performance condition.
- At the end of the contract, the contractor will

meet the contracting authority to assess the work inclusion programme, the progress made in the employability of beneficiaries, skills gained and the challenges faced. The integration of beneficiaries as permanent employees, as well as the continuation of such work inclusion programmes within the employment practices of the contractor, will also be explored. Representatives from the regional Department of Family and Equal Opportunities may also take part in such assessments.

Lessons learned and future challenges

Contracting authorities often have reservations against the use of such procedures because of the risk of legal challenge. As a result, pioneering experiences can trigger significant action. This contract is the first of its kind and has been replicated in other contracting procedures issued by the Regional Government of Castilla y León. Among these are:

- Construction of an elderly care home and a day care centre in care centre in Salamanca (A2019/001392, link to the procedure can be found [here](#)). This contract foresees 8,680 hours of work for people at risk of social exclusion and includes women affected by gender-based violence as a target group.
- Construction of a primary health care centre in Calzada de Vanduciel (Salamanca) (2020008538, link to the procedure can be found [here](#)), including 1,140 hours of work.
- Construction of a primary health care centre (Parada del Molino) in Zamora (2020008470, link to the procedure can be found [here](#)), including 1,520 hours of work.
- Construction of a primary health care centre in Bembibre (León) (2020008470, link to the procedure can be found [here](#)), including 1,370 hours of work.

The main challenge ahead is to promote the enforcement of work inclusion clauses as conditions for the performance of work contracts tendered by contracting bodies under the supervision of the Regional Government of Castilla y León, whenever

the duration and budget of such works make it feasible. The envisaged target is that at least 3% of the total number of hours worked in the execution of the contract are performed by workers benefitting from a work inclusion programme.

Contact

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“The work inclusion project included in the expansion and retrofit of a hospital in the city of Soria is enabling people at risk of social exclusion to enter the labour market. This is an example of social responsibility in public procurement which is being followed in other contracts of the Junta de Castilla y León.”

*Jesús Fuertes Zurita,
Secretary General, Department of Family and Equal Opportunities, Junta de Castilla y León (Spain)*