

RESPIRO Guide on Socially Responsible Procurement of Textiles and Clothing

TEXTILES & CLOTHING



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Publisher:

EUROCITIES asbl

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Design: Natalie Ochoa (inside and logo), Land in Sicht AG (cover)

Print: Reprodienst GmbH

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ICLEI European Secretariat GmbH, Freiburg, Germany and EUROCITIES asbl, Bruxelles, Belgium, 2007

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Printed in Germany on 100% recycled paper and Totally Chlorine Free (TCF) paper.

Obtainable from:

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The RESPIRO – Responsibility in Procurement - project was co-funded by the European Commission, Directorate General Employment, Social Affairs and Equal Opportunities. The RESPIRO Guide on Socially Responsible Procurement in the Textiles and Clothing Sector was developed within the RESPIRO project by the project partners and through a multi-stakeholder consultation process. The RESPIRO project partners: ICLEI – Local Governments for Sustainability (project co-ordinator), EUROCITIES (main partner), together with two European Social Partners for each of the project's focus sectors – for the construction sector: FIEC and EFBWW, for the textiles and clothing sector: EURATEX and ETUF-TCL.

Acknowledgements (full list):

Helena Barraco, City of Barcelona; Carole Crabbe, Clean Clothes Campaign Belgium; Nathalie Debec, City of Nantes; Miriam Dross, Ökoinstitut; Ann-Lawrence Durviaux, University of Liège; Frederic Fournier, Fibre Citoyenne; Vivien Fuehr, Earthlink; Jean-Francois Gribomont, PROMPTEX; Patricia Hualde Grasa, European Commission; Patrick Itschert, ETUF-TCL; Richard Julian, City of Lille; Stéphanie Leberre, EURATEX; Françoise Navez, University of Liège; Frans Papma, Fair Wear Foundation; Béatrice Pauly, PROMPTEX; Bettina Schaefer, Ecoinstitut Barcelona; Rachid Sifany, City of Paris; Sebastian Perea, Belgian Federal Administration.

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission or the European Social Partners involved in the project. All responsibility for the content of this guide lies EUROCITIES.

The RESPIRO Guide on SRP of Textiles and Clothing ties in with a recent guide published by the social partners in the textiles and clothing sector.

The guide explains the possibilities provided by EU law to public buyers to base purchasing decisions not only on price but also on quality considerations (“best value”).

EURATEX, PROMPTEX, ETUF:TCL (2004): Public Procurement Awarding Guide for the Clothing-Textile Sector

Introduction

Socially responsible procurement (SRP) is about using the buying power of public and private organisations to purchase products, works and services that have a positive social impact. This means considering the social impacts over the life-cycle of the product or work in procurement decisions and actions taken. By implementing SRP, purchasers can influence issues such as health and safety at work, respect of international labour standards and quality of employment, labour market inclusion policies, the fight against illegal and child labour, and the ethical procurement of raw materials.

The RESPIRO Guide on SRP of Textiles and Clothing provides clear guidance for purchasers wishing to procure textiles and clothing in a socially responsible way. Relevant procurements include:

- Workwear for staff in canteens, gardening services, waste collection, hospitals etc.
- Uniforms and protective clothing for municipal police, fire brigades, etc
- Corporate fashion clothing such as t-shirts, caps etc.

The guide suggests ambitious yet carefully checked steps to take towards procuring garments that offer good quality at a reasonable price while at the same time respecting living and working conditions all along the production and distribution chain.

Textiles and clothing and green procurement

In addition to the social issues in the T/C (textiles and clothing) sector that are the focus of this guide, the environmental impacts of the industry are substantial: the use of pesticides and other chemicals in different production stages as well as excessive water consumption and wastewater generation, are major environmental challenges. A comprehensive responsible procurement policy for textiles and clothing should therefore also take into account environmental issues as outlined for example in the standards of the European eco-label for textiles or the Oeko-Tex label.

The RESPIRO guide includes the following sections:

- 1 What does SRP of textiles and clothing mean?**
: An introduction to the social issues at stake
- 2 Corporate Social Responsibility in the Textiles & Clothing Sector**
: Sectoral initiatives as a reference for SRP
- 3 First steps before tendering**
: Recommendations on preparatory activities
- 4 SRP and EU Legislation on public procurement**
: An overview of relevant EU public procurement law
- 5 Minimising legal concerns in SRP**
: Advice on minimising legal uncertainties
- 6 Recommendations for tendering**
: Concrete proposals and examples for wording of tender documents
- 7 Further ideas for SRP promotion**
: Suggestions and links to complementary activities

The RESPIRO guide brings together the ambitions of public buyers to promote sustainable development through procurement policies with growing initiatives from suppliers in the private sector on corporate social responsibility (CSR, see definition in margin). It has been developed through a cooperation of city networks representing public sector buyers and sectoral social partners representing the suppliers' side. By joining forces and expanding the scope of responsible demand and offer, cities and social partners hope to stimulate socially and environmentally friendly innovations.

Awareness in the private sector of the need to work on environmental and social impacts of business operations is increasing; concurrently CSR policies are being highlighted more and more as an important element in public procurement decisions.

The new Resolution from the European Parliament on Corporate Social Responsibility (CSR) restates that major efforts should be undertaken by public authorities through the opportunities provided by the Public Procurement Directives to support CSR by promoting social and environmental criteria amongst potential suppliers. 2006/2133 (INI), 13 March 2007

CSR is a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. Main features are:

- CSR is behaviour by businesses over and above legal requirements, voluntarily adopted because businesses deem it in their long-term interest;
- CSR is intrinsically linked to the concept of sustainable development: business need to integrate the economic, social and environmental impact in their operations;
- CSR is not an optional "add-on" to business core activities – but about the way in which businesses are managed.

Communication from the Commission concerning CSR: a business contribution to sustainable development, COM(2002) 347 final.

Benefits for public and private groups

Contribution to sustainable development goals: SRP can help public bodies to further social aspects of their sustainable development policies in terms of social inclusion, equal opportunities and global responsibility. Promoting champions of CSR via SRP supports companies in their CSR policies and turns private sector investments in social responsibility into a competitive advantage.

Positive image and legitimacy: Both public authorities and companies will benefit from positive image gains through SRP. Sustainability reports, political commitments and codes of conduct are important communication tools for public authorities and companies to showcase their achievements to citizens and clients.

Increase efficiency and improve transparency: Integration of SRP criteria into procurement procedures as well as adopting CSR commitments requires strategic rethinking of policies and procedures. While this requires skills and concerted efforts of a range of experts, it can also provide an opportunity to increase efficiency and transparency of operations.

Disclaimer:

The information provided in this guide has been drafted on the basis of research on procurement legislation and practices across Europe. No legal guarantee can be given by the authors and it is therefore recommended that any public authority seek additional legal advice on a case-by-case basis.

Responsible procurement and competitiveness

An increased emphasis on high-quality and specialised products requiring skilled labour, such as workwear, is a crucial part of the European T/C industry's strategy to cope with competition from low-wage countries. Recent European Commission publications point out the contribution that public procurement can make to ensure a level playing field for global competition: recommendations from the High Level Group on improving the competitiveness of the European T/C industry encourage Member States and regional and local authorities to take into consideration "criteria other than price alone in their purchasing decisions"; another Communication mentions the promotion of sustainable development "by integrating environmental and social concerns" in procurement of textiles as crucial for enabling the sector to cope with the challenges posed by globalisation.

European Commission, Textiles and Clothing after 2005 – Recommendations of the High Level Group (COM 2004 668); European Commission, The Future of the Textiles and Clothing sector, (COM 2003 649)

1 What does SRP of textiles and clothing mean?

Notwithstanding the existence of an important European textiles and clothing industry (T/C industry), garment production is progressively being relocated to other countries, using global supply chains. More and more often, European public authorities purchase clothes that are entirely or partly produced in countries with lower labour costs. Unfortunately, lower labour costs often indicate poor working conditions for the garment workers.

European public purchasers are considerable purchasers of textiles and clothing, particularly workwear. The total turnover of companies in the EU-15 selling workwear is estimated to reach €4 billion in 2008¹, and it is estimated that approximately half of this is spent by public authorities². This includes functional workwear (e.g. for waste collection services), protective clothes (e.g. for firemen) and representative workwear (e.g. police uniforms). As major customers of companies selling workwear, the opportunities for public as well as private sector purchasers to make a significant impact on the global supply chain in terms of fostering more socially responsible behaviour and practices of suppliers are therefore considerable.

Socially responsible procurement of garments can focus on one or several of the following issues:

Human/workers rights: Low wages combined with severely restricted workers rights along increasingly globalised supply chains are a major concern in the T/C sector. Besides poor working conditions in low-wage countries both in Europe and developing countries, excessive working hours and the use of child labour are main issues of concern in this area.

Healthy and safe working conditions: Even if European law forbids their use, toxic substances used during cultivation of fibres as well as for dyeing processes are still being used in many countries and pose threats to the health and safety of textile and garment workers as well as to end-users wearing these garments.

Quality of employment and equal opportunities: Investments in a skilled workforce, such as training opportunities, are crucial for equipping employees, and hence companies, with the skills required to compete in a global market. In addition, the T/C sector is characterised by a high share of female workers with an often marked discrimination in terms of wages. Policies fostering equal opportunities therefore are of particular importance.

¹ Frost & Sullivan Market Report on European Workwear, www.engineeringtalk.com/news/fro/fro157.html. Quoted in SOMO (2005), Work in progress: Labour policies of workwear companies supplying public authorities in Europe (Authors Sanne van der Wal & Bart Slob).

² Campagne Vetements Propres (2007): Vetements Propres pour ma Commune.

2 Corporate social responsibility in the textiles and clothing sector

Buying responsible requires a market that produces to responsible standards. The definition of such standards is pursued by actors both within and outside the sector and constitutes an indispensable reference point for SRP activities.

The basic reference point for workers' rights around the world are the Conventions of the International Labour Organisation (ILO). The ILO Conventions are standards that define basic labour rights. Once adopted by the ILO and ratified by the signatories countries, they are binding in nature.

In recent years, CSR initiatives have grown both from within the T/C sector and from multi-stakeholder initiatives to address the social and ethical challenges in the global supply chain of the sector. While referring to the ILO Conventions as basic standards, CSR policies generally pursue more ambitious goals in terms of social responsibility, stakeholder dialogue and community involvement. CSR tools tailored to the specific needs of the sector include:

Codes of Conduct are public commitments to CSR, announcing the principles of social and environmental responsibility that a company commits to adhere to. Codes of conduct can be either developed by the industry (individual company or by sectoral actors) or externally (by a civil society organisation or a multistakeholder initiative).

Certifications and labels are documents proving the implementation of CSR policies that companies can obtain by passing an independent audit. They relate either to specific products or to the management of the company as a whole. Relevant certifications and labels in the T/C sector include the Rugmark label for carpets, and audit schemes such as OekoTex1000, SA8000, ISO140001 and EMAS.

Multi-stakeholder implementation and verification schemes: Companies can affiliate themselves to multi-stakeholder initiatives (MSI) that offer a support scheme including continued performance monitoring, access to complaint systems for workers and verification audits. They aim at gradually improving labour standards. The boards of such MSI bring together representatives of different interest groups – usually comprising businesses, trade unions, and civil society – to set standards and define procedures for verification. Recently an initiative has been started for closer cooperation between these different initiatives (www.jo-in.org).

Core Conventions of the International Labour Organisation (ILO)

Freedom of association:

1) Freedom of Association and Protection of the Right to Organise (No. 87)

2) Right to Organise and Collective Bargaining (No. 98)

3) Forced Labour (No. 29)

4) Abolition of Forced Labour (No. 105)

Equality:

5) Discrimination

(Employment and Occupation) (No. 111)

6) Equal Remuneration (No. 100)

Elimination of child labour:

7) Minimum Age (No. 138)

8) Worst Forms of Child Labour (No. 182)

www.ilo.org/public/english/standards/norm/index.htm

The Clean Clothes

Campaign's code of conduct

comprises the core ILO Conventions as well as the issues of living wages, non-excessive working hours, health and safety at work, and formalisation of employment relationship.

www.cleanclothes.org





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3 First steps before tendering

Before undertaking the tendering process, it is strongly recommended that public authorities perform a series of preparatory activities. These will provide transparency, clarify objectives and thus legitimate the inclusion of SRP.

1 Carry out a needs assessment ► what are you looking for?

Using a systematic approach which should include an analysis of the current situation and the definition of the desired or necessary outcome. Problems, deficits, strengths, opportunities and new directions must be evaluated before setting priorities and identifying solutions.

2 Analyse the market ► what's on the market?

This step should follow the needs assessment and look at the readiness of the market to meet the future tender requirements related to social responsibility. Before actually tendering, the contracting authority should be confident that the criteria are sufficiently realistic and can be met by the local, regional and European markets.

3 Develop a specific policy or strategy ► how serious are we about SRP?

To enhance transparency and non-discrimination, and legitimise the inclusion of 'social' criteria in the actual tender, it is advisable to define a comprehensive strategy. In addition, the contracting authority could adopt a political commitment (resolution) at the municipal level in view of the tender. It is important to publicise the strategy or commitment in relevant newspapers and journals to give a clear signal to the market and increase the number of bidders.

4 Set up a dialogue with relevant stakeholders ► interest in potential SRP tender?

It is important to communicate the SRP approach to relevant stakeholders and to inform them about the upcoming tender and its social aims. This may help to obtain input on designing particular social clauses to assess the availability of the product on the market and hence to see whether the criteria are in fact realistic. From a legal point of view, it is recommended to invite relevant associations rather than single companies to avoid any kind of discrimination.

5 Choose a suitable pilot contract ► which purchase is appropriate?

It is recommended to select a limited number of pilot contracts for introducing SRP in order to test the approach and learn from first experiences. The choice of such a pilot contract will take into account the volume and recurrence of the purchase in order to guarantee a minimum impact of the SRP approach, as well as the interest of the end-user of the product, i.e. the relevant administrative unit for who the textiles are purchased.

Fair Wear Foundation is an initiative of businesses, NGOs and trade unions promoting its "Code of Labour Practice in the Garment Industry". Member companies endorse this code and commit themselves to auditing working conditions in their factories against the standards set by the code as well as to implementing improvements if necessary.
www.en.fairwear.nl

The Fair Labour association brings together companies, NGOs and universities in the promotion of workers' rights, particularly for sportswear.
www.fairlabor.org



SRP and EU legislation on public procurement

Transparency, non-discrimination and best value for money are the three key principles underpinning the EU Public Procurement Directives³ which are binding to public authorities in all Member States. In compliance with the principle of free movement of goods and services within the Internal Market, companies throughout the EU have to be able to tender for public contracts and their bids have to be evaluated in an objective and transparent procedure.

Any criteria used in public tenders to address social concerns have to follow these principles. Whereas options for integrating environmental concerns into public buying decisions (green procurement) are explicitly mentioned within the Directives, and have been detailed extensively in a European Commission⁴ handbook, guidelines for SRP are far less clear, leaving room for debate by experts. Legal advice on SRP therefore builds both on experiences with green procurement and on clarifications achieved by case-law handed down from the European Court of Justice (see margins). An official EC handbook on social procurement announced for 2008/2009 should bring further clarification on SRP.

The European Public Procurement Directives explicitly mention an opportunity to introduce social clauses only at the level of contract performance clauses (Directive 2004/18/EC, Art. 26). In particular, EU law mentions the possibility for buyers to request at this stage the performance of the contract in accordance with International Labour Organisation standards (Directive 2004/18/EC, Recital 33).

To be safe, conservative interpretations advise including criteria on social responsibility only in the contract performance clauses of the tender. The impact of contract performance clauses - limited to imposing social clauses for the purpose and duration of the relevant contract only – can however only be narrow, in particular considering the often global supply chain involved in the T/C sector.

In light of the increased interest and pressure to include social issues in their procurement decisions, legal interpretations of EU law are becoming more progressive. This applies the legal principle of analogy to SRP and sustains that there is enough legal basis to adopt some of the same legal reasoning to SRP criteria as for green criteria. This approach allows to take into account the wide-reaching and complex process with global dimensions that lies behind sustainable and socially responsible production and consumption.

Building on the Wienstrom case in particular, which acknowledged the relevance of (clean) production methods for the purchasing authority even if they are not visible in the final (green) product, considerations related to decent working conditions would be legally valid as they would imply a different (more equitable) production process leading to a different final (socially fair) product⁵. This holds in particular if such green or SRP practices can significantly support an overall sustainability policy endorsed by a public body. In further analogy, provided there is a clear linkage to the 'social' subject matter, as stated in recital (1) of the Directives, SRP issues can then also be integrated in the technical specifications or award criteria. Obviously, any criteria must always be formulated according to the principles of transparency, objectivity and non-discrimination.

Social clauses used to award a contract: the Beentjes and Nord-Pas-de-Calais cases

In the Beentjes case the ECJ ruled that the social clause requested in the call (employing at least 70% of workforce for the contract among long-term unemployed) was compatible with European law, correctly mentioned in the call for tender and respected the non-discrimination principle.

The scope for including social and environmental criteria was widened further following the ECJ's decision in the Nord-Pas-de-Calais case. The ECJ ruled that it was lawful to include an award criterion requiring contractors to recruit the workforce from a local employment project. By choosing the most economically advantageous offer, the local authority could in fact take into account employment policy objectives.

Gebroeder Beentjes v The Netherlands - 1998; European Communities v French Republic - 2000



3 Directive 2004/18/EC and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004

4 European Commission (2004), Buying Green! A Handbook on Environmental Public Procurement

5 A.-L. Durvieux et F. Navez (2006): Marché public et paradigme concurrentiel : état du droit (Les dossiers d'ASBL 2/2006),

Non-economic benefits as award criteria: the Concordia Bus Case

In a landmark ruling, the ECJ ruled in favour of the City of Helsinki that non-economic benefits, such as environmental quality (i.e. the quality of the bus fleet and the operator's quality and environmental management) could be used to define the most economically advantageous offer (MEAT). The notion of "MEAT" related not only to the awarding authority as a single entity but to the benefit of a whole community. The ECJ explicitly stated that the award criteria must be clearly linked to the subject matter of the contract.

Concordia Bus Finland Oy Ab versus Helsingin kaupunki, HKJ – Bussililikenne. 2002

Green criteria related to the production method: the Wienstrom case

In this case, the ECJ ruled on a contract for the supply of green electricity. The decision acknowledged the legality of using an environmental criterion related to the production method of a product. The Court held that the environmental criterion does not have to change the product visibly, as long as:

- environmental claims are verifiable by the contracting authority
- award criteria are only used to take into account the share of renewable energy supplied to the contracting authority, i.e. not to other customers.

EVN AG and Wienstrom vs Republik Österreich. 2003

5 Minimising legal concerns

The legal concerns that some experts voice with regard to SRP predominantly relate to the objective formulation of social requirements and the non-discriminatory treatment of bids. These can be minimised by embedding activities in a strategic policy approach and being as transparent as possible to potential bidders about the objectives of the contract in question. Some suggestions:

Make a political commitment

Backing up responsible procurement practice with a strategic commitment of the administration or a resolution of the council provides for a policy reference framework that can be referred to in tender documents.

Go public with your SRP activities

Going public with information on SRP activities of the organisation (e.g. websites, bulletins and newspapers) as well as providing potential bidders with relevant policy documents will raise awareness of SRP and effectively communicate your purchasing strategies to eligible suppliers. The more widely you publicise your actions, the more transparent they are.

Clear communication of objectives & requirements

When taking social issues into your purchasing decisions, it is important that the objective is made explicit in the relevant sections of the tender documents. The definition of the subject matter of the contract as central reference point is of paramount importance and should make explicit reference to the social issue addressed. Similarly, it is crucial to mention that the contract will be awarded taking into account other criteria in addition to price ("most economically advantageous tender" or "best value for money").

Clearly define verification mechanisms

In order to guarantee equal competition, the tender documents should also explicitly state how the bidder can demonstrate compliance with the requirements (i.e. labels, certification bodies etc. which your requirements relate to). However, make sure to always mention that equivalents to the suggested schemes will also be accepted as proof of compliance.

Consider the financial relevance of the contract

Many contracts for procurement of workwear will be below the threshold (€249,000 for local authorities; €162,000 for central government authorities) that defines whether a contract is subject to the detailed regulations of the EU Public Procurement Directives. Although the basic rules of the EC Treaty on transparency, equal treatment and non-discrimination do apply to such contracts below thresholds, the scope for including social considerations in tender documents is far broader⁶.

6 For more information and guidance from the European Commission, refer to the Interpretative Communication from the European Commission (2006/C 179/02)

6 Recommendations for tendering

This section proposes formulations that can be used by public authorities when drawing up their tender documents. Suggestions are made for each section of the tender documents:

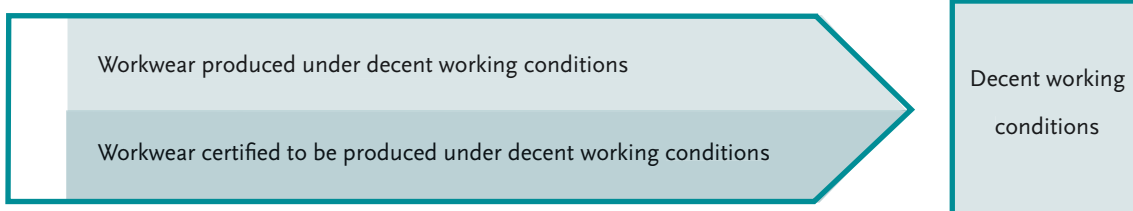
- Subject matter of the contract
- Selection criteria
- Contract performance clauses
- Technical specifications
- Award criteria

Each section is presented in a standard way:

- **Brief introduction** on the function the particular section in the tender documents as well as impact on the tendering process;
- **Suggested wording** for tender documents including a choice of alternative proposals that reflect different levels of ambition to achieve the SRP goals. This allows a tendering authority to choose locally tailored approaches which will depend on factors such as SRP experience, market situation etc.; it also shows how ambitions can be progressively increased over a series of subsequent tenders;
- **Implementation notes** providing additional background information on the particular section such as specific legal questions, tools for compliance or verification, etc.;
- **Good practice examples** highlighting how a European city has used this particular tender section for a tender including social considerations.

The shading of the rows represent different levels of SRP ambition: dark=ambitious, lighter=less ambitious.

Definition of the subject matter



Implementation notes



Subject matter: It is important that any SRP concerns to be integrated in the definition of the subject matter are relevant and specific to the particular purchase in question. Therefore, the above-mentioned example the contracting authority should not ask for “workwear produced by a company providing decent working conditions”, as this addresses a general policy beyond the scope of the contract in question.

Subject matter:

The subject matter of the contract defines what will be purchased. It can integrate an SRP objective if there is clear link and relevance to the purchase in question. As all conditions stipulated in the other sections of the tender need to maintain a clear link to the subject matter of the contract, clear and explicit wording of the subject matter is a strong way of approaching SRP.

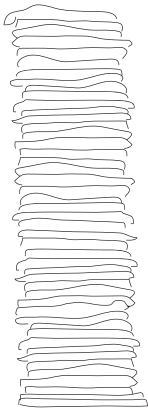
Good practice in ... the City of Lille, France

The City of Lille is practicing SRP when purchasing workwear for municipal staff. Responsible Procurement is an important part of the overall sustainable development policy of the City. This is clearly set out in tender documents for the purchase of workwear. The subject matter of a recent call for tender reads: “Supply of workwear for municipal services of the City of Lille and the associated municipalities of Lomme and Hellemmes.” In the same section of the call for tender, a text box explains that the City strives to influence in a significant way the global human rights situation and preservation of the natural environment; and that therefore the tender integrates sound social and environmental criteria that take into account a products life-cycle.

www.mairie-lille.fr

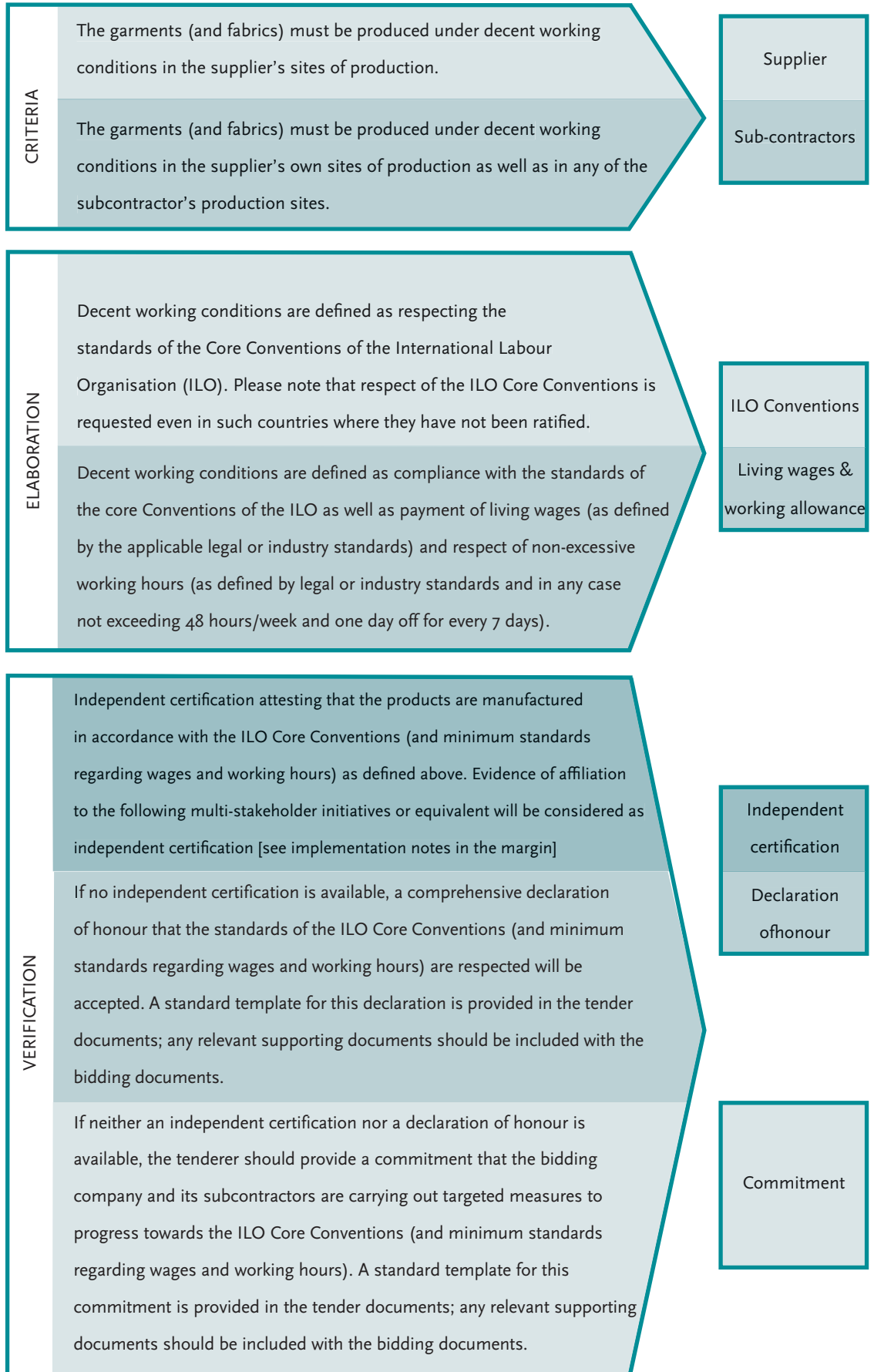
Technical specifications:

Provide detailed information on the functionality, quality and specific characteristics of the product to be purchased and present a clear opportunity to introduce in detail the SRP requirements of the contracting authority. SRP requirements that are introduced as part of the technical specifications will impact on the evaluation of offers at the award stage when the compliance of offers with the technical specifications is assessed (see Award Criteria on page 13).



Stock.Xchng - www.sxc.hu







Technical specifications



SANCTIONS

In case a breach of the declaration of honour/self-commitment becomes apparent during the duration of the contract, the contracting authority reserves the right to impose a penalty (up to 5% of the contract value) or to withdraw from the contract.

Implementation notes

	SRP criteria: Please note that these technical specifications provided above are suggested in analogy to the Wienstrom case (see box on page 8). Any tender following this model should however be drafted with the tailored legal advice.
	Supply chain: To fully cover SRP concerns along the complete supply chain, not only garments, but also fabrics can be explicitly referred to.
	ILO Conventions: The tender documents should include a copy of the ILO Core Conventions or provide the website link. If the contracting authority is concerned with single issue such as prohibition of child labour, it is of course possible to refer only to the relevant Convention.
	Multi-stakeholder initiatives: One or several of the multi-stakeholder initiatives presented on page 5 could be listed here, e.g. FairWearFoundation, Ethical Trading Initiative as well as Fair Labour Association or Fibre Citoyenne. Please note it is essential to always mention the fact that equivalent affiliations will also be accepted.
	Variants: As standards regarding living wages and non-excessive working hours go beyond the standards covered by the core ILO Core Conventions and thus may not have an approved legal status, a legally “safer” option could be ask for variants including such requirements.
	Standard templates: Standard templates for the declaration of honour/commitment should be provided in order to guarantee transparency and comparability and thus consequently equal treatment. Such templates also have the advantage that they can be made available as standard part of a contracting authority’s documents so that potential suppliers can subscribe to it at any time, independently of a current call for tender.

Good practice in...the City of Nantes, France

During 2006, the City of Nantes had used for the first time a variant to purchase sportswear complying with fair trade standards. This approach was further developed in 2007, when the city purchased a batch of 850 promotional t-shirts for use during the Rugby World Cup matches hosted by the City. The City contacted a number of suppliers and asked them to provide t-shirts with a Fair Trade label for the basic material and/or the production process. Suppliers were asked to fill in a detailed matrix providing information on each step of the production process (weaving, dyeing, confection), on the production sites, and on labels or certifications. The award criteria favoured offers providing labelled products for both the material and the production process. The success of this experience has led Nantes to continue and extend its SRP approach to also include purchases of workwear and uniforms. www.nantes.fr



Selection criteria:

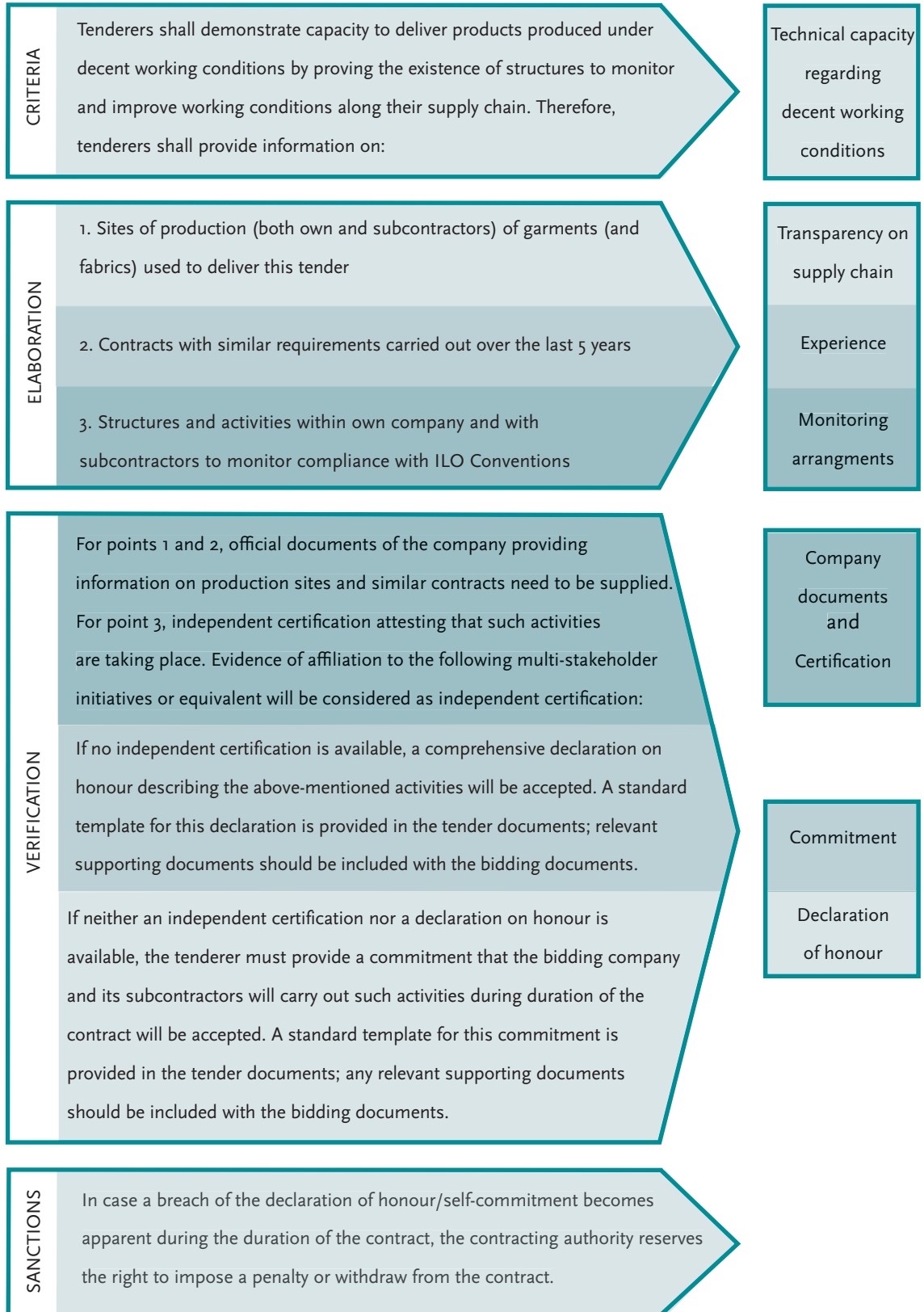
Assess the technical and professional qualifications of tenderers to produce and/or supply the requested products. If SRP requirements are part of the subject matter or the technical specifications, selection criteria can be set up that assess SRP performance of tenderers. They can assess the bidding company (and subcontractors) as total rather than only the products purchased under the specific contract. They can address the availability of information on products, existing experience of the tenderer, and security of supply.

Good practice in...the City of Barcelona, Spain





Barcelona's responsible procurement policy features the protection of basic workers rights as specific goal for procurement of workwear. The City piloted selection criteria including social standards in a contract for supplying workwear to staff in the parks and gardens services, requesting respect of ILO Conventions in manufacturing companies. Three options were offered to prove compliance: an ethical conduct certification (e.g. SA 8000/Fair Wear Foundation); an independent audit certificate; or an internal audit certificate including documents on standards and procedures used. As the new standards were accepted by suppliers and purchasing costs did not increase, Barcelona is now expanding the SRP approach to other contracts for workwear.

www.bcn.es/agenda21/oficinaverda

Selection criteria



Implementation notes

	<p>SRP criteria: Please note that the debate on whether it is legally advisable to include social concerns in selection criteria for contracts above the European thresholds is ongoing. Any tender should therefore be developed with targeted legal advice.</p>
	<p>ILO Conventions: The tender documents should ideally include a copy of the ILO Core Conventions, as included on page 5.</p>
	<p>Multi-stakeholder Initiatives: One or several of the multi-stakeholder initiatives presented on page 5 could be listed here. Please note it is essential to always mention the fact that equivalent affiliations will also be accepted.</p>
	<p>Standard templates: Standard templates for the declaration of honour/commitment should be provided in order to guarantee transparency and comparability and in consequence equal treatment. These templates can also be made available as a standard part of a contracting authority's documents so that potential suppliers can subscribe to it at any time, independently of a current call for tender.</p>



Stock.Xchng - www.sxc.hu

Award criteria:

In SRP, it is essential to indicate that the contract will be awarded to the 'most economically advantageous offer' - the technical term used if criteria other than the price will be assessed when comparing offers. The award criteria will then be used to evaluate the performance of an offer both in terms of price and in terms of other requirements described in the technical specifications. Tender documents must clearly set out the different elements of the award criteria (such as price, technical quality, environmental quality, social performance, etc.) as well as their relative weighting. In SRP, award criteria can be used to increase the weight of social requirements in the evaluation of offers; and/or to reward higher levels of SRP performance with higher evaluation scores.

Award criteria

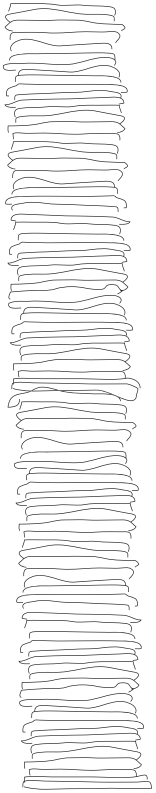
CRITERIA The contract will be awarded to the most economically advantageous tender. The contract will be awarded to the offer scoring the highest number of points according to the following matrix :

Example for not rating levels of SRP performance

Points for award criteria "price" will be awarded on the basis of a comparative evaluation of all offers, with the lowest price scoring 80 points and all other offers scoring 80 points minus the price difference.

Example for allocating extra points for higher levels of SRP performance

Points for award criteria "price" will be awarded on the basis of a comparative evaluation of all offers, with the lowest price scoring 80 points and all other offers scoring 80 points minus the price difference.



SRP considered but not essential to win the bid

Increased weight of SRP

SRP one of main criteria

Price: 80
 Technical quality: 20
 - technical performance: 15
 - social responsibility: 5

Price: 50
 Technical quality: 50
 - technical performance: 25
 - social responsibility: 25

Price: 40
 Technical quality: 60
 - technical performance: 20
 - social responsibility: 40

Points for technical quality will be awarded on the basis of a graded assessment (satisfactory – good - highly satisfactory) of compliance with the technical specifications.

Full points will be awarded to each offer that proves compliance with the SRP criteria outlined in the technical specifications, regardless of whether it is through an independent certification, a declaration of honour or a commitment.

Price: 80
 Technical quality: 20
 - technical performance: 15
 - social responsibility: 5
 - independent certification: +2, 5
 - declaration of Honour: +1, 25

Price: 50
 Technical quality: 50
 - technical performance: 25
 - social responsibility: 25
 - independent certification: +12, 5
 - declaration of honour: +6, 25

Price: 40
 Technical quality: 60
 - technical performance: 20
 - social responsibility: 40
 independent certification: + 20
 declaration of honour: + 10

Points for technical quality will be awarded on the basis of a graded assessment (satisfactory – good - highly satisfactory) of compliance with the technical specifications.

Full points will be awarded to each offer that proves compliance with the SRP criteria outlined in the technical specifications. In addition, the quality difference of an independent certification over a declaration of honour over a commitment is recognised by awarding additional points to higher-performing offers. Offers with an independent certification will be awarded an additional 50% of available points; offers with a declaration of honour will be awarded an additional 25% of available points.

Good practice in ... the City of Lille, France




The City of Lille includes “sustainable development performance” as one of the award criteria in its calls for tender. The award matrix used by the City of Lille includes the following criteria:

Technical quality: 50%
 - to be evaluated based on the technical description of the offer

Price: 30%
 Sustainable development performance: 20%

- to be evaluated based on a dossier on sustainable development performance that tenderers are requested to provide. This includes declarations on respecting the ILO Core Conventions
www.mairie-lille.fr

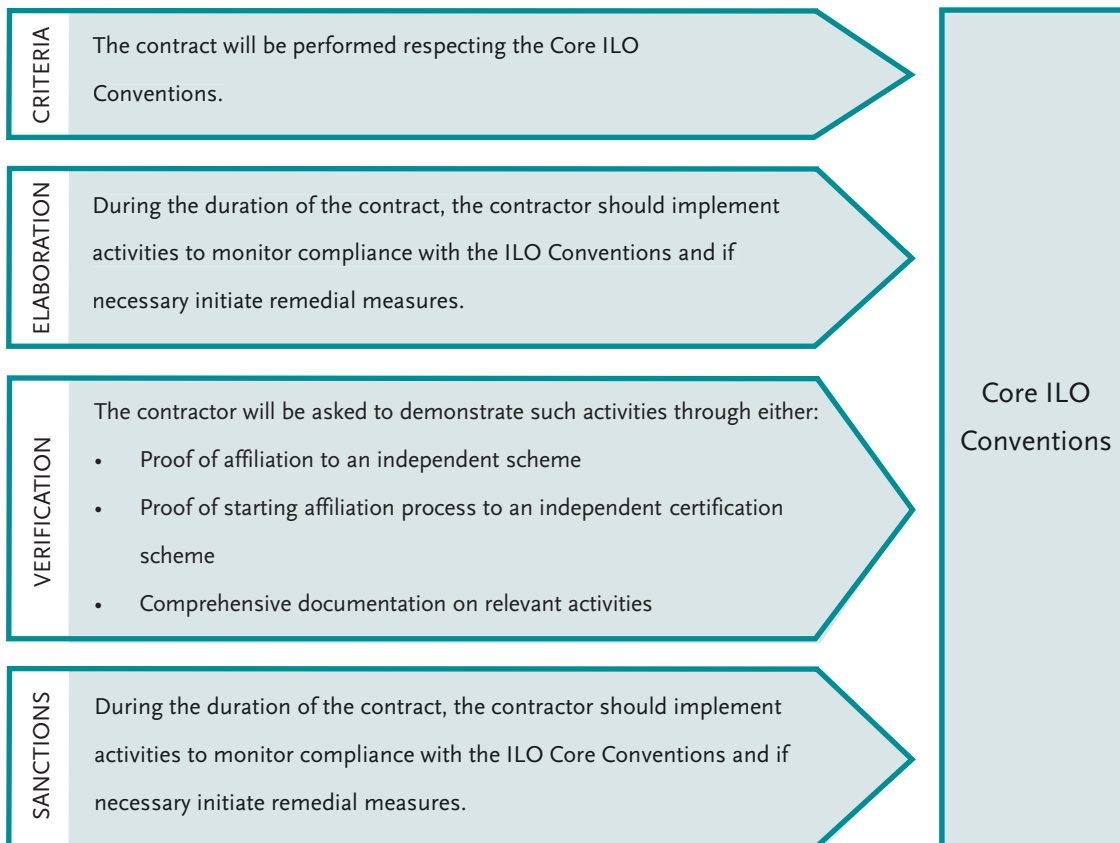
Implementation notes

	<p>Point scheme: Please note the proposed weightings and points are examples only and need to be carefully tailored to each specific tender, taking into account issues such as available budget, market situation, etc. Contracting authorities should be aware that weightings of SRP criteria above 25% can have a considerable financial impact. The weightings defined in the tender documents cannot be changed later in order to be able to select a cheaper offer.</p>
	<p>Social responsibility: The tender needs to specify clearly how an award criteria such as “social responsibility” is defined and how it will be assessed. This can refer to the details provided in the technical specifications if applicable; otherwise such details must be provided in the award criteria.</p>
	<p>Sustainable development performance: New procurement legislation in France allows public authorities to use an award criterion “Sustainable Development Performance” that can cover both environmental and social aspects.</p>



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Contract performance clauses



Contract performance clauses:

Contract performance conditions are binding on any company winning the bid. However, as they only apply once the contract has been awarded, they cannot be used to give preference to any company performing particularly well on SRP criteria. It makes sense to include SRP criteria in the contract performance conditions only if they are not included in other sections of the tender.

Publisher: EUROCITIES asbl

Editor: Silke Moschitz, EUROCITIES

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Design: Natalie Ochoa (inside and logo); www.land-in-sicht.de (cover)

Print: Reprodienst GmbH

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Obtainable from: EUROCITIES asbl

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Online: www.respiro-project.eu, www.iclei-europe.org/procurement

Acknowledgements: Helena Barraco, City of Barcelona; Carole Crabbe, Clean Clothes Campaign Belgium; Nathalie Debec, City of Nantes; Miriam Dross, Ökoinstitut; Ann-Lawrence Durviaux, University of Liège; Frederic Fournier, Fibre Citoyenne; Vivien Fuehr, Earthlink; Jean-Francois Gribomont, PROMPTEX; Patricia Hualde Grasa, European Commission; Patrick Itschert, ETUF-TCL; Richard Julian, City of Lille; Stéphanie Leberre, EURATEX; Françoise Navez, University of Liège; Frans Pappa, Fair Wear Foundation; Béatrice Pauly, PROMPTEX; Bettina Schaefer, Ecoinstitut Barcelona; Rachid Sifany, City of Paris; Sebastian Perea, Belgian Federal Administration.

The RESPIRO – Responsibility in Procurement - project was co-funded by the European Commission, Directorate General Employment, Social Affairs and Equal Opportunities. The RESPIRO Guide on Socially Responsible Procurement of Textiles and Clothing was developed within the RESPIRO project by the project partners and through a multi-stakeholder consultation process. The RESPIRO project partners: ICLEI – Local Governments for Sustainability (project co-ordinator), EUROCITIES (main partner), together with two European Social Partners for each of the project's focus sectors - for the construction sector: FIEC and EFBWW, for the textiles and clothing sector: EURATEX and ETUF-TCL.

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission or the European Social Partners involved in the project. All responsibility for the content of this guide lies with EUROCITIES.

Further ideas for SRP promotion



A further aspect of decent working conditions which socially responsible criteria can address is health and safety (H&S). This can address the H&S of workers in the contractor's (and subcontractor's) production sites; but also H&S of the end-users of the garments. Technical specifications could specify standards relating to the prohibition of toxic chemicals in the production process (such as azoic dyes, formaldehyde, etc.) as well as the provision of a healthy and safe working environment including personal protection measures and training on occupational health and safety. In terms of verification, environmental certifications such as the European eco-label for textiles or the OekoTex label or equivalents could be referred to that include certification of products to be manufactured without use of the above-mentioned chemicals and under respect of health & safety standards

Link compilation: Public Procurement and Textiles and Clothing:

- Clean Clothes Communities initiative:
www.cleanclothes.org/campaign/communities.htm
- Public Procurement Awarding Guide for the Clothing-Textile Sector:
http://ec.europa.eu/enterprise/textile/documents/public_proc_en.pdf

Link compilation: Relevant standards and MSI initiatives

- European eco-label for textiles:
http://ec.europa.eu/environment/ecolabel/product/pg_clothing_textiles_en.htm
- Oekotex100 and Oekotex1000: www.oekotex.com
- Clean Clothes Campaign Code of Conduct:
www.cleanclothes.org/codes/ccccode.htm
- Fair Wear Foundation: www.fairwear.nl
- Ethical Trading Initiative: www.ethicaltrade.org
- Fair Labour Association: www.fairlabor.org
- JO-IN project on harmonisation of codes of conduct in the T/C sector: www.jo-in.org