



Public
Procurement
Office

**Polish approach to socially responsible
public procurement**

Prague, 3 October 2019

SRPP in the policy documents

- **Strategy for Responsible Development (SRD):**

An instrument to manage main development processes in Poland.
The main objective of the strategy:

➤ **socially sensitive and territorially sustainable development;**

Public procurement – one of the pillars of SRD:

Creation of the **Integrated State's Purchasing Policy** - goal: development of public procurement system, creating demand for innovative products and services as well as for social responsibility and environmental protection.



SRPP in the policy documents

- **Ecological Policy of the State 2030**
- **National Program for the Development of Social Economy**
- **Program Accessibility Plus (accessibility and universal design)**
- **Recommendations of the Council of Ministers** on the consideration of social clauses in public procurement contracts awarded by the government administration (2015)
- **Recommendations of the Council of Ministers** on the consideration of social aspects in public procurement awarded by the government administration (2017)



SRPP in the legal provisions

- **Public procurement law:**
- ✓ Transposition of all provisions of the directives 2014/24/UE and 2014/25/UE allowing to take into account sustainability aspects in public procurement (including those which are not to be transposed mandatory):
 - preliminary market consultations
 - reserved contracts
 - description of the subject matter of the contract
 - specific requirements related to the contract performance
 - division of contracts into lots
 - award criteria
 - labels
 - reserved contracts within the framework of the special regime of awarding contracts for social and other specific services etc.



Specific national provisions on SRPP

Article 29 par. 3a of the PPL

In the description of the subject-matter of contract for services or works, the contracting authority **shall define the requirements relating to the employment by an economic operator under an employment contract** of persons carrying out activities in the course of contract performance, if the said activities are to be carried out in the manner defined in Article 22 § 1 of the Act of 26 June 1974 – Labour Code (it means if the tasks they perform appear to be an employment relationship).



Specific national provisions on SRPP

Article 91 par. 2a of the PPL

Price criterion – max. 60%

- price as the only contract award criterion or a criterion with a weight exceeding 60% – allowed only if quality standards pertaining to all important features of the subject-matter of contract are specified in the description of the subject-matter of contract, and if the contracting authorities evidence in an annex to the procedure record how the costs incurred throughout the life cycle of the subject-matter of contract are included in its description



Reform of the PPL

- **New PPL** – adopted on 11 September 2019 (will enter into force on 1 January 2021)
 - „sustainability” as one of the principles of public procurement;
 - legal basis for the State’s Purchasing Policy (SPP)- SPP shall define the priority activities of Poland in the area of public procurement, which includes in particular the purchase of innovative or sustainable products and services;
 - contracting authorities, being a central government administration bodies, obliged to elaborate a management strategy for individual purchase categories, in which they shall specify contracts essential from the perspective of implementation of the State's Purchasing Policy.
 - all contracting authorities obliged to prepare - before initiating the contract award procedure - an analysis of the needs and requirements, which shall take into account the social, environmental or innovative aspects of the contract



Education and promotion

- **National Action Plan for Sustainable Public Procurement for 2017 -2020 (sixth edition)**

Basic goals:

- ✓ To increase awareness and knowledge of contracting authorities and control bodies in the field of socially responsible public procurement (social and green public procurement)
- ✓ To increase the level of application of socially responsible public procurement - **target: 12% of social public procurement and 20 % of green public procurement by 2020**



Education and promotion

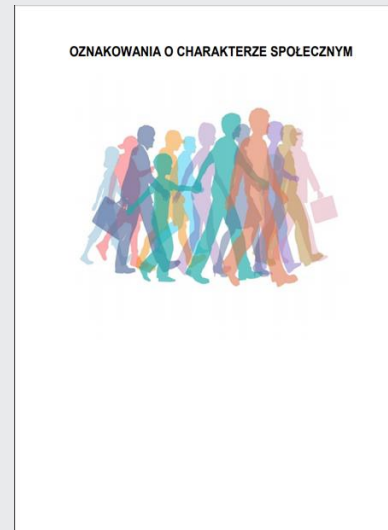


- 2-3 conferences per year on social or green procurement.
- Exemplary topics of our conferences:
 - „Clean air protection in public procurement procedures”
 - „Energy efficiency and green award criteria”
 - „Protection of the worker’s rights in the public procurement contracts”
 - „Social aspects in the public procurement contracts awarded by central administration bodies”
 - „Support - through public procurement - for social and professional inclusion of disadvantaged persons”
 - „How to apply social clauses in public procurement procedures?”
 - „Accessibility for disabled persons and universal design in public procurement”



Education and promotion

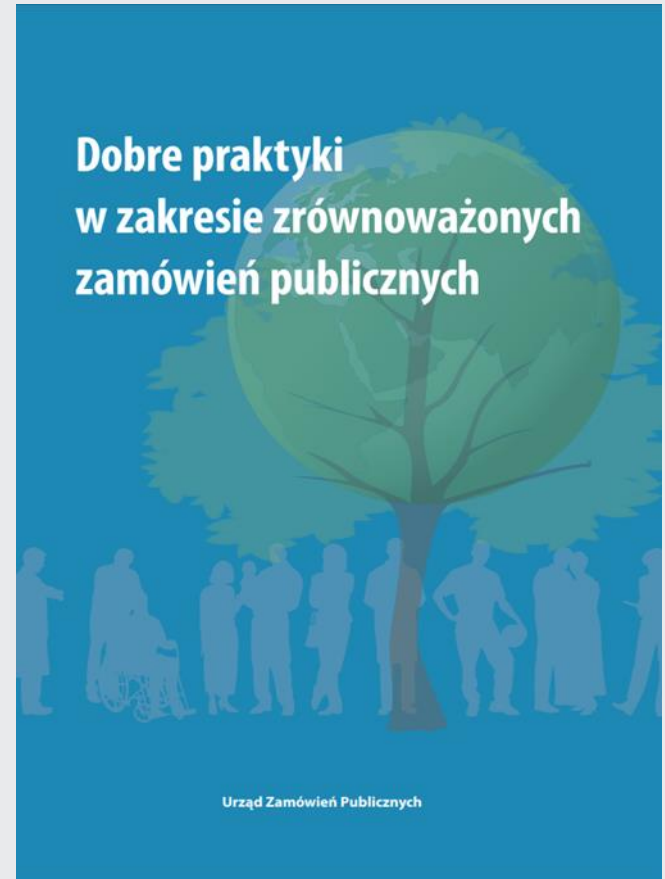
- Trainings on green and social pp for contracting authorities and control bodies (6-8 per year)
- Legal opinions
- Template documents
- Examples of good practices
- Information materials on the PPO's website:
 - Eco and Social labels
 - Explanatory document on LCC methodology with exemplary calculations for the IT equipment and selected building equipment
 - Guidebook on procurement of agricultural eco-products
 - Innovation partnership



Education and promotion

Publications:

- „**Social aspects in public procurement procedures - guidebook**” – (two editions: 2014 and 2015)
- „**Sustainable public procurement. Social and environmental aspects in the procedure of awarding public contracts in the light of the amendment to the Public procurement law.**” – guidebook (2017)
- **Exemplary social and environmental contract award criteria.**” – 2018 r.
- „**Good practices in the field of sustainable public procurement**” - 2017



Education and promotion

The Public Procurement Office signed on April 26., 2019 an agreement with the National Fund for Environmental Protection and Water Management on the fostering of GPP in Poland. The **“Agreement for the development of green public procurement”** is to contribute in particular to the development of:

- guidelines for the **assessment of environmental impact in the whole life cycle (LCA) of vehicles** purchased in public procurement,
- an interactive map of the **impact of a construction investment on the environment** with guidelines for contracting authorities regarding the possibilities of its limitation,
- explanatory material regarding the **application of the LCC methodology in procurement of works** as a result of the use of cost as contract award criterion.



Examples of SRPP in Poland

Comprehensive approach to social considerations in public procurement in Brzeziny:

- social clauses (requirement to employ for the realisation of the pp contract persons with disabilities and unemployed persons; requirement to employ people involved in the realisation of the pp contract under an employment contract)
- reserved contracts
- creation of the communal social economy entity (social cooperative)
- in-house procurement

Results (2011-2016):

- 42 persons with disabilities have been employed due to the use of social clauses in pp
- 50 persons from the group of socially excluded or threatened with exclusion obtained employment in a social cooperative
- 25 % of the funds usually spent on social benefits were saved
- promotion of the idea of equal opportunities and professional integration among the local community
- positive impact on the image of the local administration



Examples of SRPP in Poland

Modernization of the sewage treatment plants in Tychy.

Thanks to GPP:

- very high parameters were obtained regarding energy efficiency, reduction of harmful gas emissions, noise level, etc.
- production of electricity and heat from biogas



Water Park Tychy:

- source of energy – biogas produced by sewage treatment plants in Tychy
- innovative methods for water treatment
- heat recovery



Sewage treatment plant Tychy- Urbanowice, Aquapark Tychy

Source and photo: RCGW S.A. Tychy (2017), in: J. Pożarowska, M. Olejarcz (ed.) (2017), Good practices in the field of sustainable public procurement, UZP, Warsaw.



Examples of SRPP in Poland

Purchase of **100** hybrid buses for
the City of Warsaw



Examples of SRPP in Poland

Projects being developed by the National Centre for Research & Development in the formula of innovation partnership



Zero-emission public transport

Development of fully electric city bus for Polish cities with infrastructure supporting its operation

Photo: *Polski Przemysł*

Luxtorpeda 2.0

Development of innovative rolling stock for the Polish Railway

Photo: *PKP Intercity*





Thank you for the attention!

