



**Ajuntament
de Barcelona**

MAYORAL DECREE S1/D/2017-1271, of 24 April, on the City Council's sustainable public procurement¹

**INCLUDING THE SOCIAL PUBLIC PROCUREMENT GUIDE AND
THE ENVIRONMENTAL PUBLIC PROCUREMENT GUIDE**

ENGLISH VERSION

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MAYORAL DECREE S1/D/2017-1271, of 24 April, on the City Council's sustainable public procurement

Decree. By using the powers conferred on me as Mayor, under Article 13(1) of the Barcelona Charter,

I hereby approve

Barcelona City Council's sustainable public procurement measures and their implementation guidelines under the provisions set out in the attached Annex.

Barcelona, 24 April 2017. The Mayor, Ada Colau Ballano.

The public procurement that Barcelona City Council promotes must be in collaboration with the city's sustainable development.

The United Nations General Assembly declaration, adopted at the plenary meeting of 25 September 2015, entitled *Transforming our world: the 2030 Agenda for Sustainable Development*, states as follows in its sections 8 and 9:

We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.

We envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. A world in which consumption and production patterns and use of all natural resources – from air to land, from rivers, lakes and aquifers to oceans and seas – are sustainable. One in which democracy, good governance and the rule of law, as well as an enabling environment at the national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. One in which development and the application of technology are climate-sensitive, respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected

Directive 24/2014 EU, of 26 February, promotes strategic public procurement, which associates the concept of efficiency in public spending with promoting common European societal goals set out in the European Commission Communication, *Europe 2020, a strategy for smart, sustainable and inclusive growth*.

Barcelona City Council aims to enter into contracts with businesses whose contracts fully recognise the employment and social rights of the people performing them and conscientiously champion the environment and innovation. Municipal public procurement needs to encourage the involvement of social undertakings and socially responsible participation from local small and micro-undertakings.

Barcelona City Council is promoting sustainable public procurement based on the concept of the most economically advantageous tender, which has to be the one that offers the best value for



money, and on the understanding that social, environmental and innovation considerations have to be included if a contract is to be performed efficiently.

Established under Mayoral Decree S1/D/2016-832, of 23 March, the Socially Responsible Public Procurement Commission has prepared some guidelines on social and environmental public procurement, based on a broad internal debate inside the main organisation and on subsequent dialogue with citizen organisations representing business, social and resident activities on the “Public Procurement Committee” set up by Resolution of the Mayor’s Office of 21 October 2016 as a space for citizen dialogue on public procurement.

Mayoral Decree S1/D/2016-1419, of 19 May, making it an essential term in municipal public contracts that contractors must not have any illegal economic or financial relations with a country deemed a tax haven, has been incorporated into all invitations to tender. Its implementation has shown that certain requirements and procedures need to be specified in order to encourage the effectiveness of the provision under which certain specifications are to be introduced into this decree.

This decree gives formal approval to the societal and environmental public procurement guidelines that Barcelona City Council's sustainable public procurement has to follow.

Article 1.- **Subject matter of sustainable public procurement.**

1.1. Barcelona City Council is promoting sustainable public procurement that integrates social, environmental, ethical and innovative measures into the purpose and subject matter of municipal public contracts, while guaranteeing the employment, social and citizen rights not just of those who perform public contracts but also of those who these contracts are aimed at or used by, who foster a local circular and sustainable economy and boost the economic activities of local medium, small and micro-undertakings and, exceptionally, social undertakings.

1.2. The *Social Public Procurement Guide* and the *Environmental Public Procurement Guided* attached as Annexe 1 to this Decree are approved.

1.3. The *Environmental Public Procurement Guide* incorporates the *Technical Guidelines for Applying Sustainability Criteria* for twelve specific areas of activity and a list of possible environmental criteria for areas outside the scope of the technical guidelines. The guide can be supplemented with guidelines for other areas.

1.4. Specific guidelines will be approved for tackling other initiatives shaping the content of sustainable public procurement, such as innovation, fair trade, code of ethics of the contractor, risk prevention and occupational health and safety, etc.

Article 2.- **Subjective scope**

The regulations contained in this Decree shall apply for all of the City Council's units and to organisations and companies that make up the municipal group.

Article 3.- **Application of the sustainable public procurement measures.**

3.1. All the social, environmental and innovative measures set out in the guides or which are established as a supplement to this Decree make up the minimum common programme for municipal sustainable public procurement. This programme is dynamic and arranged as an extensive collection of measures.



3.2. All units promoting public contracts will explain, in the requirement report justifying the processing of the public contract, the sustainability measures that they aim to incorporate, according to type of contract, subject matter, estimated value, number of people involved in performing the contract, users or recipients of the service, sector of economic activity, applicable employment agreements, sectoral legal regulations, etc.

The Schedule of Specific Administrative Clauses or Specifications will be coordinated as a solvency criterion, contract-awarding criterion, condition of performance, technical specification or any other rule that is deemed fit under the legal regulations.

3.3. Contracts must mention their inclusion of sustainable public procurement measures, which must be properly stated where they describe their subject matter.

3.4. To ensure sustainable public procurement measures are homogeneously applied, all promoter units must include the clause models found in the guides or other models approved by the Socially Responsible Public Procurement Commission in their schedule of specific administrative clauses, specifications or documents governing their invitations to tender.

3.5. Where the unit promoting a contract does not deem it feasible or efficient to include any sustainable public procurement measure, it must provide the reasons for that decision in the requirement report that will feature in the procurement dossier.

Article 4.- **Social measures**

4.1. The social measures established in the guide are classed and distinguished according to their goals:

4.1.1. Regulations that determine an efficient implementation of social measures:

- Specification that the subject matter of the contract includes social measures.
- Maximum invitation-to-tender budget broken down with cost indicators.
- Obligation to provide information on subcontracting at the invitation-to-tender stage.
- Appropriate weight given to price to ensure quality of service and social rights.
- Determining unusually low offers having regard for guaranteed compliance with the employment agreements that apply.

4.1.2. Measures in favour of the employment rights of workers performing the contracts:

- Positively appraising open-ended recruitment.
- Maintaining employment conditions, taking account of applicable employment agreements during the lifetime of the contract.
- Positively appraising improved wages with regard to benchmark employment agreements.
- Transfer of the workforce.
- Joint responsibility for reconciling work with personal and family time

4.1.3. Measures for promoting employment and social inclusion,

- Recruiting unemployed people with special job-placement or social-exclusion problems.
- Workers with disabilities.

4.1.4. Measures for promoting social undertakings and a social and solidarity economy model.

- Reserved contracts.
- Subcontracting through social economy undertakings.



- Compliance with social and employment regulations in the production process and commercial distribution.

4.1.5. Measures for promoting SMEs,

- Paying subcontracted companies.
- Subcontracting information and monitoring at the invitation-to-tender stage:

4.1.6. Measures promoting the citizen and social rights of the people performing contracts or the people the contracts are aimed at or used by,

- Gender equality.
- Equal opportunities and non-discrimination against LGBTI people

Article 5.- **Environmental measures**

5.1. The measures established in the guide seek to reduce the environmental impact associated with municipal activity by promoting and increasing:

- Efficiency in consuming resources.
- Consumption of ecological products and procurement of ecological services.
- Eco-innovation and environmental management of hired undertakings.

5.2. The measures are classed under and divided up into two areas:

5.2.1. Material intervention areas for which specific Technical Guidelines have been established:

- Food services
- Electricity supplies
- Communication elements
- Computer equipment
- Timber
- Office furniture
- Public works projects
- Events
- Paper
- Cleaning and selective waste collection in buildings
- Textile products
- Vehicles

Each set of guidelines establishes specific technical criteria and clear orders of priority referring to the subject matter of the contract and the products or services relating to this subject matter.

The technical guidelines will be supplemented with other guidelines for specific areas of action, such as the *Technical Guidelines for Energy Improvements to Municipal Initiatives* and *Technical Guidelines for Applying Environmental Criteria to Exhibitions*.

5.2.2. Other material intervention areas, different from those above, for which the following are proposed, according to their goals:

5.2.2.1 Preliminary determining measures for efficiently implementing environment measures:

- Needs analysis.



- Subject matter of a contract with environmental features.
- Environmental solvency.

5.2.2.2. Measures for reducing the direct environmental impact:

- Less water and energy consumption.
- Fewer pollutant or noise emissions.
- Positive appraisal of products with recycled, biodegradable or ecologically harnessed content.
- Excluding or limiting use of products containing toxic substances.

5.2.2.3. Circular-economy promoting measures:

- Durability, reparability and reuse criteria.

5.2.2.4. Co-efficiency promoting measures:

- Positive appraisal of applying ecological design rules.
- Positive appraisal of ecological certificates of products or services (ecolabels).

Article 6.- Innovation

6.1. Article 2(1) (22) of Directive 24/2014, on public procurement, defines innovation as “the implementation of a new or significantly improved product, service or process, including but not limited to production, building or construction processes, a new marketing method, or a new organisational method

in business practices, workplace organisation or external relations *inter alia* with the purpose of helping to solve societal challenges or to support the Europe 2020 strategy for smart, sustainable and inclusive growth...”

6.2. Barcelona City Council will be promoting innovative public procurement processes for the purposes of promoting research and developing ideas and new technologies that enable their activities to be carried out in favour of the public where such activities are not available on the market.

6.3. In acquiring work, goods and services innovation-boosting measures will be extensively incorporated by setting out functional technical rules, contract-awarding criteria that strengthen coordinated improvements such as innovative proposals or any other measure that encourages innovation linked to developing economic, social and environmental sustainability.

Article 7.- Monitoring sustainable public procurement measures.

7.1. The specifications that govern municipal public procurement will set out the objective indicators for allowing the monitoring and verification of compliance with the specific sustainable public procurement measure, while identifying, where appropriate, the supporting documents.

7.2. Annexes 2 and 3 to the Decree specify the respective monitoring data of the social and environmental measures. As regards environmental measures, the information for supplementing these monitoring data will be specifically requested from the contract-promoting units, where deemed appropriate.

7.3. The Socially Responsible Public Procurement Commission will approve the corresponding actions for promoting innovation, etc.



7.4. Units promoting and people in charge of the contracts, as well as tenderers and contractors, will have access to an IT application that allows them to enter data to verify compliance with the environmental, social and innovative measures, by including, where appropriate, the supporting documents. The person in charge of the contract will see to compliance with the provisions of the schedules over sustainable public procurement and will be able, for such purposes, to forward the corresponding guidelines or indications to the contractor.

7.5. The application for monitoring the sustainability measures is based on open data and can be put at the disposal of other public authorities that so request it.

7.6. The Schedule of Specific Administrative Clauses or Specifications will determine whether the social, environmental or innovative measure is classed as an essential obligation and establish the consequences of non-compliance, such as, in particular, imposing financial penalties and possibly terminating the contract.

Article 8.- Monitoring the control measure for illegal activities of undertakings with tax havens

8.1. All the contracts include a municipal clause with the following provisions:

“The contractor undertaking declares that neither it nor its subcontractor or subsidiary or intermediate undertakings carry out any financial transactions in tax

havens - according to the list of countries prepared or backed by European Institutions or, failing that, by the Spanish State - or outside tax havens, which are deemed criminal, under legally established terms, such as money-laundering, tax fraud or crimes against the Public Treasury. Should this be the case, it declares that it carries out financial transactions within the legal framework in the following tax havens...”

8.2. The undertaking's declaration that it carries out legal activities in countries declared as tax havens will have to state, at the least, the name of the undertakings, their registered offices, tax ID numbers and the subject matter of their activities. The procurement body or procurement committee may demand, where necessary, the information it deems necessary.

8.3. The person in charge of the procurement unit must publish the declaration within the procurement dossier of the contractor's profile and fill in the general information sheet that is provided on the Public Procurement Services Platform.

Article 9.- Annual sustainable public procurement plan.

9.1. The Socially Responsible Public Procurement Commission will propose a Sustainable Public Procurement Plan, within the first quarter of the year, which expresses the goals that the entire municipal organisation will have to achieve. The Plan may establish the priorities of the various measures and the types of contracts they will apply in.

9.2. The general goals, numbered or sized in each measure, will be distributed among all the municipal organisation's units, including the group's organisations. The final calculation may take account of a unit's surplus compliance compared to others that have not achieved that.

9.3. The Commission will draft a compliance report on the annual goals which will be published and forwarded to the Public Procurement Committee. The Report may state the levels of compliance of the various units according to the goals set out under the Plan.



Article 10.- **Assistance for implementing the Sustainable Public Procurement Plan**

Municipal units and the municipal group's units, depending on their specific knowledge, speciality and areas of competence, will collaborate with and assist the units tasked with implementing the Plan as well as, where necessary, the contractor undertakings, according to the guidelines given in the guides.

The Socially Responsible Public Procurement Commission may approve protocols that establish the initiatives that will be carried out by the various sections and organisations of the municipal group in assisting and advising on the implementation of the Sustainable Public Procurement Plan.

Annexe 11.- **Collaboration with undertakings**

Dissemination and training campaigns aimed at undertakings will be launched so that they can find out about Barcelona City Council's sustainable public procurement policy and management and monitoring tools. The initiatives will ensure above all that small and medium-sized undertakings have no obstacle in their way to implementing, as tenderers and contractors, the provisions of this Decree.

The initiatives necessary for improving the implementation of this Decree in training and analysing results may be carried out under the framework of the Public Procurement Committee.

Article 12.- **Entry in force**

The Decree comes into force on the day following its date of publication.

The provisions in this Decree shall apply to all contracts where the date of publication of the announcement of the invitation to tender or the date of invitation for making an offer is after the date that this Decree comes into force.

Derogating provision

The provisions listed below as well as any others that oppose or contradict this Decree are hereby derogated:

- The Mayor Decree of 20 November 2013, published in the Municipal Gazette, issue nº 35, of 20 December 2013, on responsible public procurement with social and environmental criteria, for the effective application of social and environmental considerations to public-sector contracts subscribed to by Barcelona City Council and its subsidiary organisations which are authorised to award contracts.
- The Guidelines of 13 May 2015, published in the Municipal Gazette, issue nº 16 of 30 May 2015, for improving quality in procuring social and care services.



ANNEXE I:

**SOCIAL PUBLIC PROCUREMENT GUIDE AND ENVIRONMENTAL
PUBLIC PROCUREMENT GUIDE**



Social Public Procurement Guide

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4. Reserved contracts

1. Introduction

Barcelona City Council is promoting socially responsible procurement, by including the goals of social justice, environmental sustainability and an ethics code in municipal public procurement.

This guide specifies social inclusion, gender equality and social justice measures designed to encourage the award of work, supply and service contracts to companies and professionals that perform public contracts with a business model based on decent wages, stable employment with health and safety protection, environmental sustainability and ethical behaviour, to promote the production players' democratic participation and drive social innovation.

Environmental considerations in municipal public procurement are promoted under the "More Sustainable City Council" programme and fall outside the scope of this guide.

The social public procurement measures launched by Barcelona City Council promote eco-social Barcelona enterprises, under a socially responsible business model, which are to be taken into account by City Council procurement.

This social public procurement 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. The most significant reflections and recommendations on this matter have also been taken into account, as in the *Proposal for Good Practices in the Procurement of People Care Services*, drawn up by the Ombudsman in 2013; the *Code of Good Practice for Public Procurement of People-Care Services*, as signed in December 2015 by the Generalitat [regional government] of Catalonia with various bodies representing the people-care services sector, and the *Guide to Including Social Clauses in Contracts*, drawn up by the Generalitat's Public Procurement Advisory Board. The most advanced practical actions have also been taken into account, for example, Instruction 1/2016, of Madrid City Council, on the incorporation of social clauses, as well as pronouncements by bodies responsible for deciding on special resources with regard to procurement.

The City Council as a whole, and the companies and entities with a majority municipal stake that make up the municipal group must apply the contents of the guide, with the corresponding adjustments, depending on the respective legal framework, sphere of action and jurisdictional powers.

The various measures in the guide will be included in the specimen specific administrative clause for each type of contract.

Barcelona City Council wants business sectors, associations and citizens' organisations to discuss the action criteria included in this guide, so that the dialogue process culminates in the approval of a new municipal decree on social and environmental procurement to replace the Mayoral Decree of 20 November 2013, currently in force, and amend or repeal the corresponding regulations to bring them into line with these goals.

The guide consists of a general introduction, four sections describing works, services, services-for-people and supply contracts, and the list of social clauses.

The concept of social public procurement

In accordance with the European Commission's interpretative communication, published in the OJEU on 28 November 2001, Commission on the Community law applicable to public procurement and the possibilities for integrating social considerations into public procurement, the expression "social clauses or considerations" includes very diverse definitions and spheres of action, ranging from fundamental rights and principles of equal treatment and non-discrimination to the application

of legislation on social matters, the reintegration of disadvantaged people excluded from the labour market and positive actions against unemployment and social exclusion.

Under consideration 2 of the preamble to Directive 24/2014, on Public Procurement, public expenditure has to be more efficient, to enable in particular SMEs to participate in public procurement and public authorities to make better use of such participation in support of shared social goals.

Given the economic crisis and deterioration of the environment, public procurement has to strengthen every action that adds value to a contract and help to achieve smart growth, as stated in the European Commission's communication of 3 March 2010, "Europe 2020", by developing an economy based on knowledge and innovation; sustainable growth by promoting an economy that uses its resources more effectively, that is greener and more competitive; and inclusive growth that fosters an economy with a high level of unemployment that contributes to economic, social and territorial cohesion.

Social considerations need to be integrated into the entire contract cycle and feature in the process of selecting contractors that offer works, services and supplies with the aim of finding a balance between quality and price while, at the same time, fostering the values and practices of a socially responsible business model that should enhance the efficiency and quality of service delivery by adding social efficiency to the contract.

All the players involved in public procurement need to share the vision of a new public procurement strategy that includes the achievement of public policy goals as structural elements in the purpose of the contract. More specifically that means promoting employment opportunities, decent jobs, social inclusion, accessibility, design for everyone, ethical trade and broader compliance with social standards, as set out in the "Guide to Taking Account of Social Considerations in Public Procurement" commissioned by the European Commission in 2010.

Social exclusion

The international economic and financial crisis, the social crisis and the crisis of the economic model have expelled millions of people from the social system. Unemployment, poverty and the reduction in social benefits has caused a social divide. All public policies must consider the overcoming of this social and economic crisis as a general goal. That includes public procurement policies. This guide therefore includes measures that encourage the employment of unemployed and socially excluded persons in the performance of public contracts, depending on the type and features of each contract. It also provides for reserved contracts for special work centres and social integration enterprises, as well as other non-profit organisations, in order to combat social dystocia and favour the inclusion of socially marginalised groups.

The link with the subject matter of the contract

Including social criteria should give public contracts a specific advantage. For example, the purpose of public contracts may include general interests that help to make them more efficient. Article 67(3) of Directive 24/2014 states that any award criteria shall be considered to be linked to the subject-matter of the public contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle, even where they make no reference to their material substance. Public procurement has to consider all the factors involved in the material offer of the works, services or supplies, such as environmental factors involved in production, marketing, recycling and destruction, as well as the social and working conditions of the production process and performance of the contract.

Unfair salary or insecure contractual conditions have a negative effect on the performance of workers implementing the contract, increasing absenteeism and accidents at work. Gender discrimination such as the wage gap, sexual harassment and the lack of women in positions of responsibility are forms of inequality that must be eradicated for a fairer society and at the same



time have a negative effect on the competitiveness of businesses tendering for public contracts. Unequal treatment can also arise between businesses with a democratic business model and a profit-share scheme and others that pay their taxes in tax havens and offshore production processes to earn profits by failing to comply with international regulations protecting workers' and social rights.

Award criteria and performance conditions

The specific measures of social public procurement may be included in several points of the contract cycle and under conditions or criteria with different legal meanings.

Some measures may be included as **special performance conditions** (in other words, as predetermined contractual obligations established by the contracting body before tenders are submitted) in the special administrative clauses and specifications that the contractor must comply with. These measures have to be proportional to the features of the contract and take account of the opinion and comments of the business sectors involved in dealing with their mandatory nature.

Other measures have to be considered as an invitation to tendering companies to adopt them in the performance of the contract but without any obligation, so those companies are encouraged to include them in their tenders. These measures must be included in the administrative clauses as **award criteria**. They are measures designed to produce a change of culture in business sectors and among professionals, and which will be a hallmark of Barcelona City Council: contractors with a social responsibility, with a social, participatory business model, concerned about where they work in and the people who live there. This requirement has no generic validity, merely in the context, application and performance of a specific contract that is tendered according to the benefits its performance will bring. It is not a matter of evaluating the general social responsibility of companies but specific applications of that responsibility which may be part of the tender and represent an added value for the performance of the contract.

Consideration 97 of the preamble to Directive 24/2014 maintains: "Furthermore, with a view to the better integration of social and environmental considerations in the procurement procedures, contracting authorities should be allowed to use award criteria or contract performance conditions relating to the works, supplies or services to be provided under the public contract in any respect and at any stage of their life cycles from extraction of raw materials for the product to the stage of disposal of the product, including factors involved in the specific process of production, provision or trading and its conditions of those works, supplies or services or a specific process during a later stage of their life cycle, even where such factors do not form part of their material substance. Criteria and conditions referring to such a production or provision process are, for example, that the manufacturing of the purchased products did not involve toxic chemicals, or that the purchased services are provided using energy-efficient machines. In accordance with the case-law of the Court of Justice of the European Union, this also includes award criteria or contract performance conditions relating to the supply or utilisation of fair trade products in the course of the performance of the contract to be awarded. Criteria and conditions relating to trading and its conditions can, for instance, refer to the fact that the product concerned is of fair-trade origin, including the requirement to pay a minimum price and price premium to producers. Contract performance conditions pertaining to environmental considerations might include, for example, the delivery, package and disposal of products, and in respect of works and services contracts, waste minimisation or resource efficiency."

The principles of competition and equal treatment

Social public procurement must not prejudice business competition or equal treatment in invitations to tender. None of the measures included in this guide implies unequal treatment of tendering companies or candidates in the public procurement procedures promoted by Barcelona City Council and the organisations with a majority municipal stake that make up the municipal group. However, they are intended as a positive action in favour of businesses that demonstrate a social conscience and good practices, so these values are included in the performance of public

contracts and increase the social, economic and innovative efficiency of investment in municipal public procurement.

Drawing up procurement contracts

When drawing up municipal contracts, applicable social measures need to be studied in line with the subject matter of each one. That means this guide should not be seen as collection of general clauses applicable to all contracts but rather as a set of guidelines. At the same time, a contracting body may also incorporate a social consideration of special interest not included in this guide, depending on the subject matter of the contract.

Either way, social measures have to be applied in a coherent and systematic fashion. The market needs legal security and confidence in the Authority's conduct. That means contracts with similar provisions and features must have similar social requirements. Successive contracts, which are regularly put out to tender because they constitute fixed administrative or public needs, must keep the same social requirements, without unjustified changes.

Should the incorporation of social measures be regarded as enviable, the promoting unit will have to produce a report justifying their decision, which will remain in the contract file. The report may include the advice and validation of the Socially Responsible Public Procurement Committee, which will offer action criteria and guidelines on applying social measures according to the type of contract provision and the general or specific applicability of those social measures.

This guide does not apply to contracts arising from framework agreements awarded by other public authorities or to extensions to contracts that have been awarded before its coming into force, although the contracting parties may incorporate specific measures voluntarily and by mutual agreement, provided they do not involve any changes to the core obligations agreed to under the contract.

The Socially Responsible Public Procurement Committee is in charge of ensuring social measures are complied with, queries are answered and advice and action criteria are provided, under the provisions set out in the Mayoral Decree of 23 March, 2016, on the establishment of this committee. However, municipal departments and other bodies represented on the committee may offer specific advice, for example, the Gender Mainstreaming Department, the Municipal Institute for Persons with Disabilities, the local development agency Barcelona Active, SA, and so on.

Implementing social public procurement is a process

This guide is not a public procurement code. It does not provide for general regulations or measures referred to in the public procurement procedures.

It supplements other specific guides on health, safety and risk prevention at work, fair trade, and so on.

The regulation of the social measures in this guide is part of a process that the various social and economic players involved in defining the proposals, together with Barcelona City Council, will have to oversee, with the aim of revising their practical application, checking their strong points as well as looking for any defects or weaknesses, and, if appropriate, studying their formulation or wording to adapt them to new circumstances. That means developing the tools required for overseeing the application of the measures and thus ensuring a process of continuous improvement.

2. Considerations depending on the type of contract

The prevailing approach in the legal thinking of advisory bodies and appeal courts is to accept social considerations with greater “ease” as a contract performance condition. It is generally understood that the inclusion of social award criteria is based more on the principles of competition and equal treatment.

The guide takes this state of opinion into account. Social award criteria are regarded as being supplementary to selective economic, technical and qualitative efficiency criteria, so in weighting terms, the former generally do not have a decisive score in the award of a public contract.

2.1 Works and works concession contracts

The economic crisis has had a very negative effect on the construction sector, in Spain and Catalonia, resulting in the closure of thousands of companies and unemployment for hundreds of thousands of people, as well as a downturn in the activity of many professionals and related industries.

A works contract is generally noted for the intensive use of manual labour and subcontracting to specialist companies. However, each type of works contract has its own specific features. For example, renovation and refurbishment of public housing does not require as many workers as new buildings do, while the type of company that performs work on a street's layout is not the same as a company contracted for a road infrastructure.

The need to achieve budgetary stability and contain the deficit, together with the financial crisis, has led to a big fall in investment in public works. Invitations to tender for public works contracts attract a lot of companies and professionals, and some companies offer price reductions that occasionally threaten the viability of performing the contract efficiently, of complying with fair social conditions for the workers employed and paying subcontractors within the legal time limit.

To sum up, the specific features of the public work that is put out to tender have to be considered for the purposes of evaluating the most efficient and proportionate social measures, taking into account the special situation of this productive sector.

2.2 Service and service concession contracts

We distinguish service contracts from contracts whose beneficiaries are people in receipt of social, educational, cultural and other services, as defined in Article 74 of Directive 24/2014, on Public Procurement.

Service contracts can have very different features that must be taken into account when deciding on the social measures that are the most suitable and genuinely increase the social efficiency of the contract in question: the length of the contract, the number of people performing it, the type of supplier market, the frequency of subcontracting and so on. Once again it must be emphasised that the units promoting the contract have to evaluate which measures are the most efficient, reasonable and proportionate, depending on the features of the contract to be put out to tender.

In some services, the salaries of the people employed to carry out the contract represent a very high percentage of its total cost. Sector labour agreements can set basic salaries and other social conditions that vary from one sector to another.

In service contracts that require a large number of workers, the inclusion of social measures that take into account their working and social conditions can be very important, since a public contract also has to consider the fact that the efficiency of service provision will depend on the training and motivation of the people carrying out the contract, the wages they receive, the relationships between them and gender inequality which creates an intolerable social injustice that distorts the

tenders that companies submit in public invitations to tender, by creating unfair competition between tenderers.

In some sectors, social enterprises have a considerable degree of specialisation that needs to be taken advantage of to ensure greater social efficiency.

2.3 Services-for-persons contracts

Directive 24/2014 regards procurement of “social services” (social, health, education or cultural services, as well as other specific services listed under Article 74 and Annex XIV) as a segment of public procurement of services that is of more limited cross-border interest and falls within the community material sphere when the estimated value of the contract is equal to or greater than 750,000 euros. In Article 76(2), the directive envisages that the award of these contracts should take quality and sustainability criteria especially into account.

Companies contracted by a public authority deliver a service to the public. The efficiency and quality of that service delivery will depend on factors such as fair working and social conditions for the professionals who deliver them.

The operational definition of service delivery and the beneficiaries of those services has to ensure it complies with gender equality, under the legal provisions set out in Act 17/2015, of 21 July, on Effective Equality between Men and Women.

The procurement of services for persons is carried out by qualified people with specific professional training. In the supply market for these services, there are non-profit organisations alongside multi-service commercial companies, which in some cases constitutes unfair competition.

Selecting the best offer cannot be based on the lowest price. Providing a good quality service to the service beneficiaries must take precedence.

Fair working and social conditions must also be ensured for the professionals delivering the service, because adequate salaries and stable employment in the company will mean a better service. Likewise, the system of selecting the most profitable tender has to ensure the quality, accessibility and stability of service delivery.

The Code of Good Practice in Public Procurement of Services for Persons, signed on 11 December 2015 by the Generalitat of Catalonia and representative organisations from this sector.

Legal changes are currently taking place in this area of procurement that could lead to readjustments in the guidelines contained in this guide on invitations to tender where the aim is to award contracts for services to persons.

Additional Provision 3 of Generalitat Decree 3/2016, of 31 May, on Urgent Measures for Public Procurement, establishes that social services regulated by Act 12/2007, of 11 October, can be managed under non-contractual formulas.

2.4 Supply contracts

Supply contracts, especially those that consist of acquiring goods through purchase, mean a legal business where the obligation is, in most cases, to supply some goods without the procuring body being able to evaluate the human and material resources involved in the performance of the contract. The situation is different for a mixed contract where, aside from delivering a good, there may be an obligation to install and maintain the goods or items, in which case social measures described in the guide that refer to service contracts could be implemented. It is also possible, in the case of supply contracts that involve leasing, to insert social measures relating to the workers performing the contract.

Social considerations in supply contracts could give a boost to ethical public procurement and fair trade.

3. Social measures proposal

3.1 Internal contract definition

- **Subject matter of a socially efficient contract**

Applicable conditions

Consideration 2 of the preamble to Directive 24/2014 calls on contracting bodies to make better use of public procurement in pursuit of common social goals which, it maintains, should lead to more efficient public spending.

When social clauses are included in a public contract that involves specific contractual obligations, social efficiency is being included in the definition of the purpose of the contract. In that case, and so the meaning of the social measures is clearly identified, the title of the subject matter of the contract and the description in the specific administrative clauses (PCAP) and the specifications (PPT) have to specify explicitly that the contract includes social efficiency goals.

Verification of the measure's implementation

The definition of the subject matter of the contract must declare that the contract includes social measures.

The number of contracts that have included social efficiency in the definition of their subject matter, as well as the social clauses that may have been included, must be monitored. In those cases where there is a significantly high impact socially, on the people and interest groups involved, as well as financially, the contractor may be required to draw up a report analysing social impact and the monitoring carried out during the contract.

- **Maximum tender budget**

Applicable conditions

In the specific administrative clauses and the specifications, as well as supplementary documentation available to tendering companies, the promoters must identify the maximum and base budgets of the tender, with a breakdown of the estimated costs, both direct and indirect, of performing the contract. When salaries represent a major part of the final contract, the breakdown shall include details of the estimated salaries of the workers who will perform the contract, based on a benchmark agreement which should preferably apply. Where possible, this should include details of their occupational group and an itemisation of salary items.

Verification of the measure's implementation

The breakdown of the estimated direct and indirect costs shall be included in the contract file, more specifically, in the requirements report and, in particular, in the specific administrative clauses, so tendering companies might have access to them.

- **Subcontracting information**

Applicable conditions

1. Information on subcontracting **in the tendering stage:**



Under Article 227(2)(a) of the Consolidated Public Sector Contract Act (TRLCSP), the specific administrative clauses and the specifications must state whether the tenderer company has decided which companies it is thinking of performing specific parts of the subject matter of the contract with, identifying the company or companies subcontracted, the part of the activity that will be subcontracted and the percentage of the contract price that each subcontractor will receive. In the case of a work contract, this is a supplementary requirement to managing the Subcontracting Log, as stipulated under Article 8 of Act 32/2006, of 18 October, Regulating Subcontracting in the Construction Sector.

If, during the tendering stage, the company actually does declare its intention to subcontract then, in evaluating that company's technical solvency, the accredited solvency of each subcontracted company for the part of the subject matter it will carry out shall also be taken into account.

If, during the performance stage, the contracted company intends to change the subcontracted companies, the contracting body shall change the subcontracted companies identified in the tender, as stipulated in Article 227 of the TRLCSP. This authorisation shall not be granted if the same solvency conditions offered in the tender stage are not fulfilled.

Verification of the measure's implementation

Confirmation by the contract award committee or the offer evaluating body. Specific description of the subcontracting in the contract document.

2. Subcontracting information in the performance stage of the contract:

The contracted company shall notify the contracting body of the subcontracting it intends to carry out, under Article 227 of the TRLCSP.

Verification of the measure's implementation

The specific administrative clauses (PCAP) and the specifications (PPT) shall specify that a penalty of up to 5% of the contract price may be imposed in the event of the contracting body becoming aware of partial contract performance by companies not formally notified by the contracted company, and in the absence of a justifiable cause or reason for this omission.

3.2 Award criteria

- **Evaluating the price**

Applicable conditions

This measure is supplemented by the calculation for the maximum tender budget, in the sense that the contracting body calculates the maximum tender budget by factoring in, among other factors, wage costs based on the benchmark labour agreement.

In contracts where the remuneration of the employees performing the contract is a decisive factor in the total cost then, in order to prevent tendering companies rashly lowering the estimated wage bill, the award criteria for evaluating the contract price may establish a weighting of up to 35% of the total score. In that way, the contract award is the right combination of quality and price.

The price weighting formula has to be linear and proportional, so that tenders receive a proportionately lower score in relation to the difference between them and the lowest tender accepted, with a score of 0 points for a tender that represents no reduction on the maximum tender budget or the criteria for calculating the price set in the administrative clauses.

A decision may be taken not to award the maximum score if no company makes a minimum percentage reduction with regard to the maximum tender budget or the criterion fixing the price



set in the schedule. In that case, the schedule of administrative clauses shall set the alternative score that will be given to the lowest offer.

Verification of the measure's implementation

Legal validation of the contract file when these considerations are expressly included.

- **Abnormally low offer**

Applicable conditions

The consideration of an abnormally low offer must be regulated in the specific administrative clauses and the specifications. The tender shall be excluded if, during the hearing of the tendering company that has submitted a tender classified as abnormally low, it is proved that the unit wage costs of the workers considered in the tender are below the rates set in the applicable labour agreement.

Verification of the measure's implementation

In order to verify whether or not the tender is adapted to wage costs, and if justified, a supplementary technical report may be required from the body representing the workers or a representative organisation from the sector.

- **Open-ended contracts for workers employed in performing the contract**

Applicable conditions

Should there be no transfer of staff, the specific administrative clauses (PCAP) and the specifications (PPT) may include as an award criterion consideration of stability in the contracting company workforce that has to perform the public contract put out to tender.

This social measure is not intended to impose a particular policy for hiring workers on companies or to socially legislate. The contracting body, considering the subject matter of the contract put out to tender and the economic sector it relates to, decides that taking into account the regular employment of the workers that have to perform the contract in the contracting company' workforce will enhance contract performance efficiency.

The benchmark for weighting the award criterion shall be the minimum number of persons needed to perform the contract, as specified in the technical specifications, along with their professional qualifications if applicable. The number of days worked with the tendering company on the same type of contract in the 36 months prior to the closing date for submitting tenders will be calculated.

Verification of the measure's implementation

In the corresponding envelope containing the part of the tender evaluated under arithmetic criteria, or in the overall tender submitted if the award procedure being followed does not require tender evaluation to be divided into two kinds of award criteria, the tendering company shall provide a list of workers and the number of days worked. This information shall be broken down by sex.

This criterion shall be weighted arithmetically and the maximum score shall be given to the tender that states the workers who will perform the contract being tendered have worked the most days on a stable employment contract in the period.

The score for this award criterion may not exceed 10% of the total tender evaluation score. The other tenders will receive a proportionately lower score.



In order to verify this statement, the contract award committee or the body evaluating tenders may require certification by the administrative bodies competent in this matter or a report from the representative bodies of workers at the company.

Model clause

Award criteria based on arithmetic evaluation or a formula. Maximum weighting ... points.

Open-ended contracts for workers employed in performing the contract

Taking into account the minimum number of workers and the corresponding professional categories established in clause ... of the technical specifications (PPT), and to ensure the contract put out to tender is performed more efficiently, stable employment at the company of the workers specified in the PPT who will be performing the contract shall be given a maximum weighting of ... points.

The company shall state the number of days each person has been employed by them on the same type of open-ended contract in the 36 months prior to the end of the tender submission period.

Based on the information provided, the company with the most days of stable employment of the minimum number of workers required in the PPT shall receive the maximum score. The minimum number of days for awarding the score is ...

- **Wages of workers employed in performing the contract**

Applicable conditions

The general working conditions of workers employed by others are usually decided by collective bargaining.

In public contracts, the contracting body may decide to include consideration of the wages of workers assigned to perform the contract and, among other selective criteria, evaluate the highest tender in terms of their salaries, as well as in relation to the basic wages established in the benchmark labour agreement and taking into account standard professional categories. The tender must be broken down by sex and professional category.

This social consideration is relevant when workers' wages in the economic sector corresponding to the contract being tendered are low, in benchmark terms, compared to those of other sectors.

It does not represent an intrusion on collective bargaining. Nor is it a question of forcing companies to pay set wages. The company that voluntarily pays more money to staff who have to perform the contract put out to tender receives a higher score because this will inevitably result in better performance.

This award criterion is weighted arithmetically and the maximum score is awarded to the company that proposes a higher basic wage or a higher level of the salary item being evaluated. The score corresponding to this measure should not be decisive in awarding the contract. So the points for this award criterion may not exceed 10% of the total tender evaluation score. The other tenders shall receive an inversely proportional score.

The wage offer of the tendering company that wins the tender is a contract performance condition and non-compliance could be penalised as a very serious fault or result in the rescission of the contract.



Verification of the measure's implementation

In order to verify the wage offer, the contract award committee or the body evaluating tenders may require validation by the competent administrative bodies or the representative bodies of workers at the company. The person in charge of the contract may, at any time during the performance of the contract, ask for documents used by the contractor showing staff remuneration according to the offer made.

The tendering company shall supply documentation (via the information collection and management mechanisms defined for that purpose) supporting the conditions claimed for the evaluation of the clause.

Model clause

Award criteria based on arithmetic evaluation or a formula.

Remuneration of the workers performing the public contract. Maximum weighting ... points. Taking the remuneration set in the labour agreement of ..., published in ..., as a reference, consideration shall be given to higher remuneration that the contracting company may propose to pay the persons who will perform the contract.

Consideration shall be given to wages for the following professional category or categories: ...

The maximum score shall be given to the highest total wage bill in the corresponding professional category. (If applicable, this score may be spread over several professional categories). Consideration shall be given to staff remuneration by calculating the basic wage and the following items: ...

The other offers with wage proposals higher than those set by the benchmark agreement shall receive an inversely proportional score.

3.3 Contract performance conditions

- **Subcontracting social economy enterprises**

Applicable conditions

Article 4 of State Act 5/2011, of 29 March, on the Social Economy, defines some social economy principles: primacy of the individual and social purpose over capital; profits obtained should go to the social purpose of the entity; promotion of solidarity internally and with society, thus fostering a commitment to local development, equal opportunities for men and women, social cohesion, integration of people at risk of social inclusion, creation of stable, quality employment, reconciliation of work with personal and family life, and sustainability. Article 5 describes which kinds of entities this business model covers. Article 8 includes measures for boosting the social economy.

Article 14(2)(l) of the recent Act 6/2016, of 4 May, on the Social Economy in Galicia, commits Galician public administrations to fostering the social economy through *“the introduction of clauses of a social character which, having taken into account the features and values of the social economy, favour its participation in public procurement and enable its contributions to society to be properly evaluated.”*

So, subcontracting a specific part or parts of the contract subject matter (specified in the schedule) to social economy enterprises may be established as a contract performance condition in municipal public procurement, the PCAP and the PPT, in order to improve the social efficiency of public investment, taking into account the characteristics of the contract



and the possibility of incorporating specialist companies that could contribute technical efficiency, innovation and social value.

The company or companies that the contractor proposes to subcontract may not be dependent on it in any way. They must also demonstrate the requisite economic and technical solvency and capacity for performing the specific parts of the contract subject matter.

Subcontracting social enterprises may not exceed 35% of the contract price.

Model clause

Subcontracting social economy enterprises

For the purposes of ensuring a more efficient contract and incorporating the technical, social and ethical values of the social economy, it is a contract performance condition to subcontract service delivery consisting of ..., in line with the technical description and justification set out in the PPT, to social economy enterprises, as defined in Article 4 of Act 5/2011, of 29 March on the Social Economy.

Subcontracted companies shall demonstrate the requisite economic and technical solvency and capacity for performing specific parts of the contract subject matter.

It is estimated that this subcontracting represents ...% of the contract budget (it may not exceed 35%).

The subcontracting company shall inform the contracting body once the contract and the subcontracted company or companies have been formalised. Unjustified non-compliance of this performance condition, which is an essential requirement, shall lead to the termination of the contract.

The contracting company may request the advice and help of the municipal company Barcelona Active in selecting a social economy enterprise to collaborate in the performance of the contract.

Verification of the measure's implementation

To facilitate the implementation of this measure, a protocol will be drawn up with Barcelona Active.

The contract performance condition has to be reflected in the contract. On receipt of the contract, the contracting company and the subcontracted company shall be asked for an evaluation report on the contractual activity carried out and any benefits or defects noted in the performance of the contract.

The tendering company shall supply documentation (via the information collection and management mechanisms defined for that purpose) supporting the conditions claimed for the evaluation of the clause.

• Paying subcontracted companies

General applicable conditions

If a subcontracted company notifies the contracting body that the contractor, without justifiable cause arising out of the contract, is not complying with its obligation to pay the price within the legal deadline set under Act 3/2004, of 29 December, which establishes measures to combat late payment in commercial operations, the PCAP clauses and the PPT specifications may make it a contract performance condition that the contracting body shall pay the subcontractor directly, deducting the price from the main contractor.

Prior to that, the contracting body shall offer the contractor a hearing to explain the reason for the late payment, as envisaged in Article 228 bis of the TRLCSP. If the contractor does not offer any reason to justify the non-payment, the social measure shall be activated.



This measure shall be supplemented by applying the provision of Article 228 bis) of the TRLCSP on periodic checks of payments to subcontracted companies and suppliers, taking into account the essential performance condition and sanctioning non-compliance as a very serious fault.

Model clause

Paying subcontracted companies

When a subcontracting company alleges late payment, on the part of the main contractor, of the price due to it for the service provided, under the price payment obligations set out in Act 3/2004, of 29 December, which establishes measures for combating late payment in commercial operations, it is considered a contractual obligation between the parties that the contracting body shall pay the subcontractor directly.

Faced with the demand of a subcontractor, the contracting body shall offer the contractor a hearing so that it can present any arguments it considers relevant within a maximum of 10 days. If it fails to plead a justifiable cause, the contracting body shall pay the subcontractor directly, deducting the price from the main contractor.

Verification of the measure's implementation

The contracting body shall notify subcontractors of the regulation contained in the PCAP clauses and the PPT specifications and ask the contractor, prior to receipt of the contract, to state that it has paid the subcontractors within the required deadline. The same body may also request periodic certification, issued by the contractor, demonstrating that the invoices issued by suppliers and subcontractors in the performance of the work have been paid.

- **Transfer of the workforce**

Applicable conditions

In the case of successive contracts where there is no legal or contractual obligation to transfer the workforce performing the contract over to the new one, the PCAP clauses and the PPT specifications may make it a contract performance condition that the tendering company shall keep the workforce employed by the outgoing company on the contract.

The inclusion of this obligation in a public contract's invitation to tender shall apply where it is considered essential to make sure that people already performing the activity under the previous contract are kept on to ensure maximum technical efficiency in the service provision and as a social goal to guarantee stable employment, in the event that the workers concerned have provided the service without a break over a long period of time.

The contract promoting unit shall consider the economic sector that the measure affects and the technical characteristics of the contract.

Transfer of the workforce from one contract to another has special significance in contracts where manual work is particularly important in both qualitative and quantitative terms. It is advisable for the City Council to maintain a consistent approach, if there is no variation in the conditions, by deciding to include this transfer condition in certain types of contract, so that successive invitations to tender keep to it if it is not included in the applicable labour agreement.

Where this performance condition is established, the workforce must be listed in an annex with details of their wages and working conditions, so tendering companies can evaluate the corresponding costs. The tender must be broken down by sex and professional category.



Transfer is voluntary for the workers concerned and the outgoing company is responsible for meeting all work, social and social-security obligations until the transfer takes place.

Verification of the measure's implementation

The contract must include this obligation in a specific clause, with a list of all the workers who have said they are willing to accept the transfer in an annex. It is an essential obligation and, in the event of non-compliance during the performance of the contract, it could result in a penalty or the termination of the contract.

Model clause

1. Where the legal or contractual transfer of workers does not apply, it shall be considered a performance condition of this contract that contracting company takes on the workers employed in the performance of the contract by the company currently providing the service ("..."), under Article 118 of the TRLCSP.

This clause does not discriminate against companies participating in the tender process, it expresses Barcelona City Council's intention to promote stable employment for workers performing the contract and boost public procurement that is socially efficient and technically efficient in the quality of the service provision.

2. Transferring workers over means the company awarded the new contract shall maintain the economic, working and social conditions those workers have when the old contract finishes.

3. The transfer shall only apply to people who meet the requirement of being employed for at least one year before the end date of the contract.

4. Transfer is voluntary for the people affected, whose express consent shall be required.

5. For the purposes of Article 120 of the TRLCSP, 'annex number ... is included with the details of the workers affected by the transfer, based on the information provided by the current contractor.

6. This condition is an essential obligation, so non-compliance shall result in the rescission of the contract, in accordance with the provisions of Article 223(f) of the TRLCSP. This obligation does not contradict the contracting company's management rights set out in the Workers' Statute and applicable legislation.

7. The forwarding of information, documents and other operational issues relating to the transfer of staff shall be governed by the applicable employment laws. Barcelona City Council shall not bear any obligation towards such staff or any employment obligations relating to social security that correspond to the hiring of workers by companies.

- **Maintaining working conditions while the contract is in force**

Applicable conditions

The contracting body may set a contract performance condition whereby the tendering company shall keep the working and social conditions of workers engaged in the performance of the contract set during the tender-submission period, and based on the applicable labour agreement, while the contract remains in force.

Non-compliance may subject to penalisation as a very serious breach or ground for terminating the contract.

Verification of the measure's implementation

Monitoring effective compliance with this measure may take the form of a statement from the contracting company or a report from the body representing the workers.



- **Hiring unemployed people with particular job-placement and social-exclusion problems**

Applicable conditions

The contracting body may include a social measure to encourage the contractor to include people who are unemployed with special job-placement problems or in a social-exclusion situation.

The schedule of clauses may identify a particular target group for implementing the measure or raise it openly and without differentiating.

For the purposes of this guide, the target groups are regarded as those people who are socially excluded or face special job placement problems, preferably those in the following circumstances:

- People in receipt of the minimum income (RMI).
- People with a recognised disability equal to or more than 33%.
- Women who are victims of gender violence (physical or psychological) and people who victims of domestic violence.
- Young people over the age of 16 and under 30 from youth protection institutions.
- People in prison who may be able to do work or are on probation and ex-prisoners.
- People with drug-addiction and alcohol-related problems undergoing rehabilitation and in the process of being reintegrated into society.
- Refugees and asylum seekers.
- People taking part in municipal social-integration and job-placement programmes for groups at risk of social exclusion or with particular difficulties.
- People who are ineligible for income support but who are at risk of social exclusion, according to reports from the competent public services. (For example: a mother or father of a single-parent family, members of evicted families and homeless people, the long-term unemployed (over 12 months), people over 45, people who are unemployed and have used up their unemployment benefit and have no right to any other benefit or allowance, young people under 25 with particular job-placement difficulties, non-EU immigrants with their papers, people in a situation of unemployment where all the members of the family unit are without a job, people who might have been involved in prostitution, transsexuals and others at risk of social exclusion).

The specific technical characteristics of the contract put out to tender shall be taken into account in deciding whether to include this social measure or not. It should not be forgotten that in certain contracts, the technical training requirements for the staff involved could make it difficult to include this measure.

In the PCAP clauses and PPT specifications the contracting body will establish, proportionately, the number of unemployed and socially excluded people that the contracting company shall include in the performance of the contract, taking into account the costs, the operational consequences of the measure and the total number of people required for performing the contract. Occasionally, where the intention is to benefit certain sectors or segments of people, the specific social groups the people who have to be hired for the contract's performance must belong to may be specified.

Where there is a transfer of staff, the measure may refer to replacements and new people taken on during the term of the contract's performance.



Barcelona Active SA and the Municipal Institute for Persons with Disabilities in particular may be able to help the contracting company with hiring people through their own intervention programmes.

Verification of the measure's implementation

To help the roll-out of this measure, the contracting body shall notify Barcelona Active about the performance condition to be included in future procurement. Barcelona Active must be able to offer contractors a specific candidate pre-selection service to facilitate the implementation of the measure and provide the necessary advice.

The contractor shall provide the person in charge of the contract with the list of people employed and the corresponding certification to demonstrate their social situation.

The tendering company shall supply documents (using the information-collecting and management mechanisms established for that purpose) supporting the conditions claimed for the evaluation of the clause.

- **Gender equality**

Applicable conditions

Unjustified forms of gender discrimination occur in employment relationships. This infringement of the constitutional principle of equal treatment takes various forms: the salaries for performing the same activity are higher for men; the number of women carrying out executive or managerial roles is well below that of men, for no justified reason, and some duties are carried out predominantly by men.

Spanish Framework Act 3/2007, on Effective Equality between Men and Women, and Catalan Act 17/2015, on Effective Equality between Men and Women, set out measures and actions in many areas of social activity to ensure gender equality.

Article 10 of Act 17/2015 calls on Catalan public authorities to include a gender perspective in public procurement tenders and performance conditions for the work that is the subject matter of the contract so that the company awarded the contract shall adopt measures to promote gender equality. Article 36(1)(a) makes it compulsory for companies with more than 250 workers to have equality plans, along with those that have included gender equality in their collective agreement and those required to do so by the labour authority.

Barcelona City Council wants to bolster compliance with these legal measures in the performance of municipal public contracts. This guide treats the verification of compliance with these laws as a contractual performance condition.

The City Council is launching a verification process for equality measures in public procurement, in collaboration with business, to help companies to become aware of and implement these legal requirements in performing municipal public contracts. It is not a question of launching a process to penalise contractors as a “solution” for compliance with legal obligations. It is about facilitating and boosting the effective implementation of these obligations.

We need to adopt this measure when the municipal public contract performance characteristics are right. The contract must be of a minimum length, and its purpose must require a certain use of human resources for the measure's implementation to have any meaning, while bearing in mind that the intention is not to check general company policy but the specific application in municipal contracts of a social measure that adds social efficiency to the contract.



So it includes the following measures:

- Equality plan: The contractor company must present the gender equality plan, within the first 10 days following the signing of the contract, that will apply to the individuals performing the contract and, where it is not legally required to draw up this plan, submit the measures that will apply to the individual workers involved in the performance of the contract, for the purposes of achieving equal treatment and opportunities for men and women in the work environment, eliminating stereotypes and fostering real and effective gender equality.

This contractual performance condition shall appear in the PCAP clauses and the PPT specifications, under Article 146(2) of the TRLCSP.

Where the company provides reasons for being unable to submit equality measures within the deadline granted, it will receive municipal instructions, help and advice as well as a new deadline for it to provide information on the requisite practices. Failure to submit the equality plan or measures, after receiving advice, will result in the issue of a 1% financial penalty on the contract price, which will go up by 1% a month to a maximum of 10% of the price.

- Gender parity in professional profiles and categories:

This social consideration may be included in a public municipal contract as a contract performance condition, as it is considered to be an essential requirement for this performance and places an obligation on the contracting company to ensure parity in the various professional profiles and categories of the individuals who will perform the contract and in carrying out positions of managerial responsibility during the performance of the contract.

- Non-sexist language and images:

The contracting company shall ensure that sexist language and images are not used in the performance of the contract.

- Measures against sexual harassment and for reasons of sex:

The contracting company shall submit a plan outlining measures to prevent, avoid and eliminate sexual harassment and harassment based on sex towards staff assigned to the performance of the contract. These measures may consist, at the very least, of information campaigns on what constitutes sexual harassment and harassment based on sex, as well as training and the designation of reference persons to ensure a workplace free of sexist violence and violence against sexist orientation or gender identity.

More specifically, in service contracts where a service is delivered to physical persons, a performance condition may be established whereby the contractor implements specific protection measures for its professionals against the sexual harassment and harassment for reasons of sex they might suffer from service users, as well as adopting training measures for personnel so they are better equipped to spot situations of sexist violence and violence against sexual orientation or gender identity that end users might suffer.

Verification of the measure's implementation

The company must present the person in charge of the contract with an equality plan or measures, within the 10 days following the signing of the contract, for the individual workers performing the contract; it must include measures to prevent, avoid and eliminate sexual harassment and harassment based on sex, sexual orientation or gender, with regard to the staff assigned to carrying out the contract. Where the contractor demonstrates the impossibility of submitting the plan or measures, the municipal authority must provide sufficient support for the company to be able to design and apply such specific measures under the municipal public contract.



Failure to comply with this contractual performance condition shall result in the issue of the corresponding financial penalties under the provisions set out in the specifications.

Prior to receipt of the contract, the contractor must present the person in charge of the contract with a final report on the application of the measures during the performance of the contract.

- **Equal opportunities and non-discrimination against LGBTI people**

Applicable conditions

Catalan Act 11/2014, of 10 October, is intended to guarantee the rights of lesbian, gay, bisexual, trans and/or intersex (LGBTI) individuals and to eliminate homophobia, biphobia and transphobia. Article 21(b)(5) establishes the requirement for companies to adopt codes of conduct and action protocols designed to ensure equal opportunities for and non-discrimination against LGBTI people.

Conditions may arise during the performance of a public where the proper application of Act 11/2014 must be ensured. For example, contracts with a significant proportion of manual labour or where the service is aimed at the general public may include a performance condition that the company must adopt codes of conduct and action protocols to ensure equal opportunities for and non-discrimination against LGBTI people in the performance of the contract.

Model clause

Equal opportunities and non-discrimination against LGBTI people

The contract shall submit the action protocol or plan, within a maximum of 15 days following the signing of the contract, for ensuring equal opportunities and non-discrimination against LGBTI people, whether they are members of the staff performing the contract or service users. The measures may consist of training on the forms of discrimination LGBTI people may suffer from and on awareness of diversity in relation to sexual orientation, gender identity and gender expression.

Where the company demonstrates the impossibility of submitting the action protocol or plan within the established deadline, the person in charge of the contract may grant it an extra 10 days.

Barcelona City Council will organise information sessions with council contractors and the companies in the Municipal Group to reflect generally on putting these measures in public contracts.

Verification of the measure's implementation

The person in charge of the contract may ask the contracting company for data supporting the implementation of the measures.

- **Joint responsibility for reconciling work with personal and family time**

Applicable conditions

A contract performance condition may be established to ensure the contracting company adopts measures over joint responsibility for reconciling the work time of people employed in the performance of the contract with their family and personal time. Economic and social measures may be specified that help them to look after children or dependent persons, as well as work-related measures, such as a shorter working day, maternity leave or paternity leave, and more flexibility, adapting or reassigning services and working hours depending on the work-life balance and similar needs.

This social consideration should benefit contract performance and the people involved in that.



Verification of the measure's implementation

The person in charge of the contract shall require proof of the measures, where necessary.

- **Workers with disabilities**

Applicable conditions

Article 60(1)(d) of the TRLCSP establishes that a company with 50 or more employees in its workforce may not enter into contracts with public authorities and their associated public sector unless it demonstrates compliance with the requirement that at least 2% of the staff hired are people with a disability, as required under Article 42 of Royal Legislative Decree 1/2013, of 29 November, approving the consolidated text of the General Act on the Rights of Persons with a Disability and their Social Inclusion. This ban on contracting may not apply, according to Transitional Provision 10 of the TRLCSP, until the rule has a regulatory basis to it. Even so, the Additional Provision 4 of the TRLCSP stipulates that contracting bodies may use documentation to verify that the company is complying with this legal provision.

Barcelona wants to put this legal obligation into practice by including a contract performance condition which will force a contractor that meets the conditions set out in Act 1/2013 to demonstrate its compliance with this legal requirement within the first 10 days following the signing of the contract, by providing a certificate that specifies the total number of workers in the workforce as well as the specific number of persons with a disability, or, if it has opted for compliance with the legal alternatives, a copy of the declaration of exception and a statement by the company with the specific measures adopted to this end.

Verification of the measure's implementation

This certification is understood to be a contract performance condition and non-compliance shall result in the imposition of a fine of 2% of the contract price, which will rise monthly to a maximum of 10% if there is no evidence of compliance.

- **Universal accessibility**

Applicable conditions

The technical specifications for contracts aimed at the general public and City Council staff shall include a compulsory clause which establishes that the contracting company must take into account the United Nations Convention on the Right of People with Disabilities, as well as universal accessibility and universal design, or design for everyone, criteria as defined in Royal Legislative Decree 1/2013, of 29 November, which approved the consolidated text of the General Act on the Rights of Persons with Functional Diversity and their Social Inclusion.

Improvements in universal accessibility proposed by tendering companies that go beyond the legal obligations established in Catalan Act 13/2014, of 30 October, on Accessibility, may also be considered as an award criterion.

Verification of the measure's implementation

The tendering company that has submitted the offer considered the most advantageous shall draft a declaration of compliance before the decision on the award of the contract is made. The person in charge of the contract may ask for specific certification at any time during its performance. Non-compliance with measures favouring the rights of people with functional diversity or with universal accessibility and universal design, or design for everyone, criteria could result in a financial penalty or termination of the contract.



- **Compliance with work and social regulations in the production process and commercial distribution**

Applicable conditions

The technical specifications shall include a compulsory clause which establishes that the goods or services which are the subject matter of the contract have been made respecting the social and working regulations in force in the Spanish State and the European Union, and approved by the International Labour Organisation, especially the 1990 Convention on Children's Rights and the International Convention on the Protection of the Rights of Migrant Workers and their Families.

Verification of the measure's implementation

A standard clause shall be drawn up. The tendering company shall submit a declaration of compliance and the contracting body or the person in charge of the contract may ask for a supporting documents or certifications at any time.

4. Reserved contracts

Applicable conditions

Within the framework of the annual municipal reservation agreements and depending on the subject matter of the contract, consideration shall be given to tendering by means of contracts reserved for special work centres and social integration enterprises regulated by Act 44/2007, of 13 December, in accordance with Additional Provision 5 of the TRLCSP. In the case of direct contracting with no competition, small contracts, the reservation can be expanded to other non-profit organisations and businesses with the sole purpose of reintegrating socially excluded people in society.

Verification of the measure's implementation

The contract shall specify it is a reserved contract.

Environmental Public Procurement Guide

1. Introduction

Background

Barcelona City Council is working hard within the framework of the 2012-2022 Citizen Commitment to Sustainability to introduce sustainability criteria into its activity and management systems. In this regard it has developed the More Sustainable City Council Programme (+SCC Programme) which encompasses the environmental improvement initiatives adopted within the municipal organisation. Making all municipal procurement greener is one of the main goals of this programme. This area of work has been developed since 2001 through successive government measures, municipal decrees and other regulations that have reinforced the inclusion of environmental criteria in the procurement of public works, products and services.

Barcelona City Council is a founding member of the Procura+ Campaign run by ICLEI (Local Governments for Sustainability) and plays an active role in regional networks such as the Network of Cities and Towns Towards Sustainability (Barcelona Provincial Council), EUROCITIES and the Catalan Network for Ethical Public Procurement.

Reference to work done in the area of responsible procurement can be found in official documents, such as an explicit quote in the first European Commission guide *Buying Green!*, published in 2005, to explain the 2004 public procurement directives. The third edition of this guide, published in 2016, includes as examples of good practice the implementation of the Mayoral Decree on Responsible Public Procurement using Social and Environmental Criteria in 2013, the drawing up of technical instructions for applying sustainability criteria and Barcelona City Council's procurement monitoring system².

Given the size and structure of Barcelona City Council, monitoring and expanding the strategy to the whole organisation is one of the main challenges of the More Sustainable City Council Programme.

Legal framework

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

Directive 2014/24/EU establishes a general framework for incorporating environmental aspects and specifies that "in view of the important differences between individual sectors and markets, it would not be appropriate to set general, mandatory requirements for procurement", then goes even further by adding it "seems appropriate that sector-specific legislation should set the mandatory objectives according to the particular policies and conditions prevailing in the sector concerned".

At a municipal level it is worth mentioning the technical instructions for applying sustainability criteria (2015), drawn up in response to and compliance with the Government Measure on Responsible Public Procurement with Social and Environmental Criteria (2013)³ and which set out specific environmental criteria that must be applied in procuring and purchasing groups of products and services that have been defined as priorities⁴:

- Food services
- Electricity supplies
- Public works projects
- Events

² http://ec.europa.eu/environment/gpp/pdf/handbook_2016_es.pdf

³ http://www.ajsosteniblebcn.cat/mesura-govern-contractacio-responsable-2013_16872.pdf

⁴ The prioritisation of action areas has been carried out in accordance with the products and services identified by the European Commission as priorities for implementing green public procurement (COM/2008/400)

- Communication elements
- Computer equipment
- Timber
- Office furniture
- Paper
- Cleaning and selective waste collection in buildings
- Textile products
- Vehicles

The Mayoral Decree approving these instructions, which apply to all municipal contracting bodies, was signed on 28 April, 2015.

It is Barcelona City Council's intention that the process of drawing up the environmental and social public procurement guides should culminate in the approval of a new municipal decree on public procurement with environmental and social responsibility that will replace the Mayoral Decree of 20 November 2013 currently in force, consolidate the current instructions and amend or repeal any regulations where that is required to adapt them to these objectives.

Environmental Public Procurement Guide

The Communication from the European Commission on "Public Procurement for a Better Environment" defines environmental (green or ecological) public procurement as "a process whereby public authorities seek to acquire goods, services and works with a reduced environmental impact throughout their life cycle when compared to other goods, services and works with the same primary function that would otherwise be acquired"⁵.

Introducing environmental criteria into public procurement is one of the key instruments for:

- Driving continuous improvement processes to increase efficiency in the consumption of natural and economic resources.
- Reducing the environmental impact associated with municipal activity.
- Prompting a bigger supply of products and services that use resources more efficiently.
- Stimulating company innovation and environmental management.
- Leading change and practising what we preach.

The role of environmental public procurement in European policies

Europe 2020, the European Union's strategy for smarter, more sustainable and more inclusive growth, includes seven "flagship initiatives" in priority areas, including innovation, industrial policy and the efficient use of resources. The initiative "A Europe that uses resources efficiently" introduces a series of measures and proposals for:

- Moving towards a low-carbon economy (by means of energy policies).
- Uncoupling economic growth from the use of material resources (by means of production and consumption policies).
- Promoting a circular economy⁶ (by means of waste prevention policies and the recovery and reuse of materials).

The initiative mentions the need to foster a more widespread use of environmental public procurement. Although environmental public procurement is a voluntary political instrument, it has

⁵ COM (2008) 400, page 4

⁶ The circular economy promotes a more efficient use of natural resources in all stages of a product: from design through manufacturing and use to waste management. The circular economy includes strategies such as ecodesign and increasing product durability, as well as waste prevention, reuse and reparability strategies Further information: http://ec.europa.eu/environment/circular-economy/index_en.htm

acquired a strategic role in the European Union's efforts to become a more efficient economy as regards resources.

The reform of the public procurement directives has turned public procurement into a strategic political instrument. More specifically, the new Directive 2014/24/EU favours SME access to public purchasing and facilitates the implementation of environmental, social inclusion and innovation policies.

As Directive 2014/24/EU specifies in its preamble, the acquisition of innovative products, works and services (including ecological and social innovation) has a key role to play in improving the efficiency and quality of public services, and contributes towards getting better value for money in public investment:

*"Identifying the most advantageous tender from an economic point of view does not necessarily mean simply choosing the cheapest bid. It means finding a solution which satisfies the requirements that have been identified, including environmental ones, in the most profitable way. The best price-quality relationship does not only measure the cost of products and services but also takes into account factors such as quality, efficiency, effectiveness and suitability for the desired end. Protecting the environment may be one of those factors and, therefore, may be considered on an equal footing with others when awarding the contract"*⁷.

In this regard Directive 2014/24/EU includes the costs of the entire life cycle in evaluating tenders (Art. 67 and 68) and insists on the environmental, social and other natural characteristics of goods, works and services being certified with a specific label (Art. 43).

The European Union Circular Economy Action Plan, approved on 2 December 2015⁸, recognises the strategic role of environmental public procurement and sets out a series of key actions for promoting it:

- Pushing for circular economy requirements such as durability and repairability to be included in green purchasing criteria
- Encouraging environmental public procurement in general and especially in relation to products and contracts pertinent to the circular economy.
- Setting an example with the European Commission's own procurement and European Union funds for funding projects.

In addition to that, for 10 years now the European Commission has been developing environmental criteria for goods, services and works considered to be priorities for including the environmental variable in public procurement⁹. These criteria serve as a basis for the More Sustainable City Council Programme in drawing up greening instructions or guidelines and making proposals for specific technical specifications greener.

Contents and structure of the *Environmental Public Procurement Guide*

This environmental guide briefly outlines the key elements that need to be considered in the process of introducing environmental criteria when drafting specifications for the acquisition or supply of goods, services or works by or to Barcelona City Council.

Environmental criteria are technical criteria and, as such, have to be formulated specifically in each case, in line with the subject matter of the contract. For this reason, this guide cannot define any typical clauses in a way that would enable them to be automatically included in contracts. On the other hand, almost any procurement could be made greener, which means the world of contractual subject matter is limitless and suitable technical criteria need to be predefined.

Therefore, and as has already been pointed out, specific documents (technical instructions) have been drawn up for specific contractual subject matter that describe in detail specific criteria that

⁷ http://ec.europa.eu/environment/gpp/pdf/handbook_2016_es.pdf

⁸ COM (2015) 614 final

⁹ http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm

need to be considered. What this document does do is take a another step forward in guiding the greening of those contracts that, so far, do not have any reference instructions or guidelines. So, the guide is organised in two main blocks:

- **Environmental criteria in contracts envisaged by the greening instructions:** This section presents the instructions in force, summarises the criteria compiled in each case and briefly outlines some examples of their application.
- **Environmental criteria in other municipal procurement:** This section offers guidelines for introducing environmental criteria into the different stages of procurement (needs analysis; defining the contract, the technical specifications and the award criteria; performance, follow-up and evaluation of the contract), outlines the key concepts that need to be taken into account at each stage and briefly covers examples of City Council contracts where they have already been incorporated.

The contents of this guide have been shared with representative bodies on the Citizen Sustainability Council Standing Committee.

Contents and structure of the *Environmental Public Procurement Guide*

This guide applies to public contracts entered into by Barcelona City Council and the entities that make up the municipal group, with the corresponding adaptations, depending on the legal framework governing the procurement and the respective areas of action and responsibility.

The various measures included in the guide, and the technical instructions for applying sustainability criteria, must be included in the specific administrative clauses and/or the technical specifications, depending on the type of contract.

The principles of competition and equal treatment

Sustainable public procurement must not prejudice business competition or equal treatment in invitations to tender. None of the measures included in this guide implies unequal treatment of tendering companies or candidates in the public procurement procedures promoted by Barcelona City Council and the entities with a majority municipal stake that make up the municipal group. However, they are intended as a positive action in favour of businesses that demonstrate a social conscience and good practices, so that these values are included in the execution of public contracts and increase the social, environmental, economic and innovative efficiency of investment in municipal public procurement.

Drawing up procurement contract files

When drawing up municipal contracts, applicable environmental measures need to be studied in line with the subject matter of each one. In the case of contracts whose subject matter matches one of the sets of technical instructions for applying sustainability criteria, the contracting body has to ensure that it, as well as the corresponding technical services, comply with them. In the case of other contracts, this guide offers some guidelines to facilitate their greening. In this regard, it should not be seen as collection of general clauses applicable to all contracts. At the same time, a contracting body may also incorporate an environmental consideration of special interest not included in this guide, depending on the subject matter of the contract.

Either way, environmental measures have to be applied in a coherent and systematic fashion. The market needs legal security and confidence in the local authority's conduct. This means contracts with similar provisions and features must have similar environmental requirements. Successive contracts, which are regularly put out to tender because they constitute fixed administrative and/or public needs, must keep the same social and environmental requirements, without unjustified changes.

In the extraordinary event that it is not possible to include any measure of an environmental nature, the unit promoting the contract has to draw up a justification report to clarify this decision, which will remain in the contract file, as is already envisaged in each of the technical instructions in force. This guide does not apply to contracts arising from framework agreements awarded by other public authorities or to extensions to contracts that have been awarded before it comes into force,



although the contracting parties may incorporate specific measures voluntarily and by mutual agreement, provided they do not involve any changes to the core obligations agreed to under the contract.

The Socially Responsible Public Procurement Committee is in charge of ensuring environmental measures are complied with, queries are answered and advice and action criteria are provided, under the provisions set out in the Mayoral Decree of 23 March, 2016, on setting up this committee. As an exception, municipal departments and other entities represented on the committee may offer specific advice, for example, the Barcelona Energy Agency, Barcelona Cicle de l'Aigua SA (BCASA), etc.

On the economically most advantageous tender and life-cycle costs

While Directive 2014/24/EU represents a step forward in incorporating life-cycle costs (LCC), the steps taken subsequent to its approval show there is still a long way to go before this is done systematically, as standard. Work is being done on this, with Barcelona City Council involved in developing the initiatives under way in Europe and keeping an eye on what is happening.

The difficulties associated with calculating LCC are not a hindrance to a more widespread inclusion of the life-cycle perspective in tenders. Both this guide and the various technical instructions propose environmental criteria linked to ecodesign, durability, energy labelling, ecolabelling, costs during the use stage and so on, which enable environmental aspects to be highlighted when determining the most economically advantageous tender and, in that way, go beyond making awards solely based on price.

Implementing social and environmental public procurement is a process

This guide is not a public procurement code. It does not provide for general regulations or measures referred to in the public procurement procedures.

It supplements other specific guides on health, safety and risk prevention at work, social procurement, and so on.

Social considerations in municipal public procurement are promoted in the social public procurement guides and fall outside the scope of this guide. But social sensitivity is present in the process followed by the environmental issues that have led to the various technical instructions and certain aspects have been incorporated that overlap with issues in the *Social Public Procurement Guide*, for example, fair trade food and textile products with certain guarantees of origin.

The regulation of the environmental measures that contain the various technical instructions has resulted from an internal process with extensive participation of the technical services of the different municipal bodies and manager's offices. This is a process that must be followed when drawing up new instructions, where necessary, as well as in monitoring their application to confirm what they have got right, detect any shortcomings or inadequacies and, if applicable, revising them to adapt them to new circumstances.

Now, with this *Environmental Public Procurement Guide*, Barcelona City Council hopes to count on and hold discussions with the social players, business sectors, associations and civic entities, through members of the Citizen Sustainability Council.

2. Environmental criteria in contracts envisaged by the greening instructions:

In accordance with the Mayoral Decree on Responsible Public Procurement with Social and Environmental Criteria (2013) and following the lines and priorities set out by the European Commission, Barcelona City Council established some non-exhaustive groups of priority products and services for greening:

- Food services
- Electricity supplies
- Communication elements
- Computer equipment
- Timber
- Office furniture
- Public works projects
- Events
- Paper
- Cleaning and selective waste collection in buildings
- Textile products
- Vehicles

Process for defining the contents

An internal participatory process was conducted in 2014 to define the specific environmental criteria and how to include them in municipal procurement. More than 200 municipal agents identified as the main contracting parties for each product and service, from various departments and areas, took part in the specific working groups for each set of instructions.

This process was led by the More Sustainable City Council Programme, working and coordinating with the municipal agents identified as the main contracting parties for each product and service, as well as the municipal areas, departments and companies involved (see Appendix 1)

The result was the technical instructions for applying sustainability criteria, approved by Mayoral Decree in April 2015.

Repercussion and goals

This is a pioneering initiative at a national and an international level which strengthens the City Council's commitment to fostering social action and respect for the environment through its procurement. By means of these instructions, it intends to set minimum compliance standards and standardise municipal procurement.

Applicability of the greening instructions

The instructions apply across the board and determine the common environmental criteria that need to be implemented in a uniform way throughout the City Council for acquiring and procuring these products and services:

Who are they applicable to?	To Barcelona City Council and subsidiary entities granted procurement powers and to the contracts for products and services included within the scope of each instruction.
Are there any exceptions?	The procurement bodies and/or contract managers may apply exceptions where they deem the features of the contract to be unsuitable for incorporating all or any of the environmental clauses set out in the instructions. In such cases, they shall have to provide due justification in the procurement report according to the specifications of each instruction.
What are the scope and criteria that have to be	The types of products and services that the instructions apply to (scope), the general lines the instructions establish (priorities) and the environmental aspects to be included in procurement (environmental

applied?	criteria).
Is there any follow-up?	The contract manager monitors the environmental clauses set out in the specifications for compliance and implementation and is required to submit detailed information on each instruction to the managers of the More Sustainable City Council Programme, who are responsible for ensuring the guidelines are complied with (see also section 2.2 on follow-up).

Instructions approved¹⁰

- Technical Instructions for the Application of Sustainability Criteria to Food Services (2015)
- Technical Instructions for the Application of Sustainability Criteria to Electricity Supplies (2015)
- Technical Instructions for the Application of Sustainability Criteria to Communication Elements (2015)
- Technical Instructions for the Application of Sustainability Criteria to Computer Equipment (2015)
- Technical Instructions for the Application of Sustainability Criteria to Timber (2015)
- Technical Instructions for the Application of Sustainability Criteria to Office Furniture (2015)
- Technical Instructions for the Application of Sustainability Criteria to Public Works (2015)
- Technical Instructions for the Application of Sustainability Criteria to Events (2015)
- Technical Instructions for the Application of Sustainability Criteria to Paper (2015)
- Technical Instructions for the Application of Sustainability Criteria to Cleaning and Selective Waste Collection in Buildings (2015)
- Technical Instructions for the Application of Sustainability Criteria to Textile Products (2015)
- Technical Instructions for the Application of Sustainability Criteria to Vehicles (2015)

2.1 Criteria included in the greening instructions

Below there is a summary of the greening instructions approved to date, accompanied by examples in each case. The detailed criteria for each one can be found at the links listed in Appendix 2.

Food

The Technical Instructions for the Application of Sustainability Criteria to Food Services (2015) set out the criteria that have to be introduced in all contracts for dining-room services, one-off catering services and automatic vending machines. In accordance with the instructions, the priority when procuring these services is to:

- Introduce staple, organically manufactured, fair trade food products.
- Introduce ecological items, materials and products in the activities associated with the service (preparing tables, the kitchen and cleaning).
- Gradually introduce and improve the energy efficiency of the machinery used.
- Introduce and consolidate good practices for waste prevention and management.

¹⁰ http://www.ajsosteniblebcn.cat/ca/ambientalització-de-contractes_3929



- Guarantee environmental training for staff delivering these types of services.

Minimum criteria are proposed for the different groups of products along with other, evaluable criteria in order to move forward gradually and encourage tenders of a higher environmental quality.

Since 2008 the specifications for the Barcelona Municipal Institute of Education (IMEB) dining-room service have introduced fresh, seasonal, organically produced food into all municipal nursery schools. As a result, all the bids submitted for the “Global food service at 46 municipal nursery schools, for the years 2016-2017 and 2017-2018” have offered to supply all the food products from organic sources, in line with the technical specifications, and obtained the maximum score for this point.

Examples of contracting catering services at special work centres, social inclusion companies and other non-profit entities give an added social value to the commitment and environmental improvement.

If surplus food is anticipated, it is recommended that specific clauses are included to enable that surplus food to be managed efficiently, through cooperation with social entities or other channels, to prevent food being wasted and to make better use of it.

Electricity

The Technical Instructions for the Application of Sustainability Criteria to Electricity Supplies (2015) specify that all electric power supplied to Barcelona City Council must be green electricity, that is, generated from renewable energy sources or highly efficient cogeneration sources with a guarantee of origin. They also include criteria relating to using the contract as an instrument for energy saving (by adjusting the power and correcting reactive energy).

The Framework Agreement for Supplying Electricity to Barcelona City Council Premises and Facilities (2013) sets a requirement of 15% green electricity. The City Council’s Resources Management consulted the approved company about the possibility of demanding 100% green electricity following the contract extension. Based on that, it was decided to assume an additional cost of 0.3%, linked to issuing a request for the guarantee of origin of the more than 3,000 consumption points it was necessary to register. The associated annual saving is more than 44,000 tonnes of CO₂ which, added to the energy saving, energy efficiency and local, renewable generation measures envisaged in the energy policies, will make it possible to reduce CO₂ emissions by approximately 40% compared to the base year of 2008.

Communication elements

The Technical Instructions for the Application of Sustainability Criteria to Communication Elements (2015) establishes the criteria that have to be included in contracts for the following services: graphic or digital design and production; communication and publicity on the streets; promotional and marketing items; distribution and installation services for those things.

Green publishing criteria are included that enable savings on material resources, as well as criteria for improving the environmental quality of materials and products, to consolidate good environmental practices and foster demand for fair trade products and socially responsible services.

In 2016 the head of the More Sustainable City Council Programme presented the technical instructions at the monthly meeting of the Communication Services Directorate, which brings together the reference people for communication at the City Council. Following the meeting a summary document was produced with a list of the environmental criteria proposed in the instructions as a simple checklist for each of those people to use in the various communication actions they undertake and with the contractors tasked with carrying them out.

At the same time, work is being done on greening the specifications for producing, installing, monitoring and removing publicity and other communication elements (the central contract of the Communication Services Directorate) following the environmental criteria of the technical instructions and also adding criteria that promote a circular economy.

The specifications stipulate the use of a single material, polypropylene, for banners, 100% recycled paper for outdoor advertising (illuminated advertising panels, posters) and the preferential use of single-material products for billboards, large canvasses and other similar advertising elements, to make their subsequent recycling easier. The specifications also define in detail how communication elements should be managed once they have been withdrawn, prioritising their reuse as raw material in the production of new products. The Communication Department coordinates the process of reusing the banners.

Computer equipment

The purpose of the Technical Instructions for the Application of Sustainability Criteria to Computer Equipment (2015) is to establish minimum environmental standards and standardise the acquisition of equipment in the various services and offices. Specifically, they establish specific criteria for multifunctional equipment, workstations and laptop computers which aim to:

- Reduce the energy consumption associated with their use.
- Reduce all types of emissions (sound, electromagnetic, harmful substances, etc.) that might affect the environment or human health.
- Minimise the impact from waste, in particular from consumables, encouraging reuse and recycling where possible.

In addition, they represent a first step in complying with ethical criteria in the manufacture of computer equipment by requiring bidding companies to commit to working towards adopting measures that guarantee transparency and good working conditions, and at least comply with the basic conventions of the International Labour Organisation (ILO) throughout the value chain of the products supplied.

Barcelona City Council has been working since 2001 to include sustainability criteria in the procurement of computer equipment. The contract for the printing, scanning and copying service in the Ciutat Vella and Les Corts districts (2014), for example, stipulates that an automatic double-sided function, a guarantee to use recycled paper, the application of Energy Star energy-efficiency criteria and noise-emission levels below 75 dB(A) are compulsory requirements.

The telecommunications services contract (2016) includes requirements to ensure compliance with labour rights in product supply chains for the first time. This stems from Barcelona City Council's support for Electronics Watch, an international initiative to protect workers' rights.

Timber

Barcelona City Council's first responsible timber procurement policy (2004) served as a benchmark in Spain and at an international level¹¹. The new responsible procurement policy for sustainable forestry timber (2015), developed within the framework of the city's participation in the European Sustainable Tropical Timber Coalition (EU STTC), strengthens the municipal commitment to acquire wood from sustainable forestry sources and the City Council's role in promoting timber as a construction material.

In that regard, the Technical Instructions for the Application of Sustainability Criteria to Timber (2015) establish:

- A requirement to procure timber and wood products with guarantees that they come from sustainable forestry sources (FSC, PEFC or equivalent certification) or certified recycled wood.

¹¹ <http://ec.europa.eu/environment/gpp/pdf/casestudy7.pdf>

- A determination to promote the use of timber as a construction material, with a wide range of species and native wood from sustainable forestry sources.

Data on the City Council's acquisition and procurement of timber is compiled annually and the results are published in the "Report on the Procurement of Timber by Barcelona City Council". In 2014, 78% of the wood acquired by all municipal bodies had sustainable forestry certification (FSC or PEFC). In the case of tropical timber, 92% had FSC certification.

When the Horta Velodrome was remodelled and refurbished (2015), a tropical timber called "doussié" was chosen because it meets the specific requirements of an outdoor sports track that hosts top-level competitions. BIMSA applied the timber policy and municipal instruction requiring FSC certification for the 100 m³ of wood used, from Cameroon.

When the Can Portabella Neighbourhood Centre was renovated, wood was chosen as a structural element, thus promoting a greater use of timber as a construction material. In line with BIMSA requirements, all the wood used has sustainable forestry certification.

Office furniture

The Technical Instructions for the Application of Sustainability Criteria to Office Furniture (2015) establish environmental criteria that have to be applied in procuring the various types of office furniture, ranging from furniture and chairs for senior management and furniture for communal areas to auxiliary furniture and accessories. All products that contain wood or wood products (such as chipboard, plywood or MDF) must have sustainable forestry source guarantees. Evaluable criteria include the use of ecodesign, the possession of ecolabels, and restrictions on the use of toxic substances and formaldehyde content. A longer warranty, longer availability of spare parts and the use of recycled packaging are other environmental improvements that need to be evaluated.

For example, BIMSA's specifications for supplying and fitting furniture at the Torre Sagrera Neighbourhood Centre include, among the documents that have to be provided, a declaration of responsibility signed by the bidder where it states that the wood used in manufacturing the furniture to be supplied has sustainable forestry certification (FSC, PEFC or equivalent).

Public works projects

The Technical Instructions for the Application of Sustainability Criteria to Public Works (2015) establish minimum criteria that have to be included in contracts for drawing up the plans and performance of architectural work, public space and infrastructures, in order to achieve maximum energy, water and environmental self-sufficiency.

All procurement requires the application of the Mayoral Decree on Greening Public Works (2009) and general environmental and energy self-sufficiency criteria.

When drawing up building plans, detailed criteria are included regarding maximum energy self-sufficiency, achieving a minimum energy standard, giving consideration to total ownership costs¹² and other environmental excellence criteria and standards relating to water, materials and biodiversity.

When drawing up urban-development and infrastructure projects, the instructions require the inclusion of environmental criteria relating to urban elements, an increase in greenery and biodiversity, water self-sufficiency, the circular economy and the incorporation of ICTs.

As regards the performance of building work, criteria are set for improving quality control, energy efficiency, comfort and maintenance.

¹² Besides investment costs, total ownership costs include operational costs generated in the building use stage, such as energy supplies and maintenance. A bigger initial investment in energy installations and renewable energy self-production, for example, can lead to a significant reduction in operating costs, so that should be taken into account when drawing up the project.



The Municipal Housing Trust has been including sustainable construction and energy management criteria in all its promotions since 1997. The successes achieved with regard to including the life-cycle concept in all stages of the process (architecture tender, new-build, post-sale, maintenance, use and rehabilitation) are based on the cross-service work of the technical services.

Following the experiences of incorporating improvements into the executive projects of various flagship projects (DHUB, Alchemika, Encants Nous), BIMSA has reserved 10% of evaluable criteria in architectural tender processes for environmental and energy-efficiency improvements. BIMSA also favours the inclusion of monitoring systems for the environmental standards offered.

Since the approval of the new technical instructions on applying sustainability criteria, BIMSA has adapted all its technical documents (technical specifications, tender conditions, contract types, etc.) to include all the technical and environmental requirements that come from applying those instructions (September 2016).

Events

The Technical Instructions for the Application of Sustainability Criteria to Events (2015) establish the sustainability criteria that have to be included in the following elements involved in organising and holding an event:

- General management of the event.
- Communication, dissemination and merchandising items.
- Cleaning and waste collection.
- Catering services.
- Mobility and transport.
- Spaces, facilities and accommodation.
- Awareness-raising and training

The Full Sants-Montjuïc District Council has approved a government measure establishing sustainability criteria for organising annual local festivals (2016). Aspects covered include promoting and consolidating good environmental practices in holding the event, fostering the use of new technologies and saving on publicity and communication resources, as well as increasing the presence of basic and manufactured foods from organic and fair trade sources.

The specifications for holding the Barcelona Marathon and Half-Marathon in 2015, 2016, 2017 and 2018 require the successful bidder to submit a strategy for minimising its environmental impact that includes a sustainable mobility plan, a plan for minimising, selective collection and proper management of waste, and an environmental training plan, as well as the gradual incorporation of other environmental measures for textile and other products, and communication measures for greening actions. They also include the obligation to produce an environmental report that contains the environmental measures, indicators (mobility, waste and energy) and environmental perception of the race participants.

The contract assigning use of a space at Parc del Fòrum for setting up and running a series of bars during the La Mercè festivities on 23 and 24 September, 2016, managed by BSM, requires the submission of an environmental proposal that at least contains energy- and water-saving measures and systems, as well as a waste management plan. BSMSA's environmental and quality policy for Parc del Fòrum, which sets out the conditions for all events, is attached.

Paper

The introduction of sustainability criteria for the procurement and consumption of paper was one of the first internal greening actions undertaken by Barcelona City Council.

The Technical Instructions for the Application of Sustainability Criteria to Paper (2015) set out the environmental criteria that have to be considered in supplying and ordering paper for general use and in services that involve the presentation of work documents and reports. They retain the requirement to order and procure 100% recycled paper and establish the technical guarantee criteria (durability and technical suitability for printing and photocopying) this paper must comply with. Where justified, it is possible to opt for non-recycled paper which, besides the technical guarantees, must always have a guarantee it comes from a sustainable forestry source.

According to the "Report on Paper Consumption in Municipal Offices" (2014), recycled paper accounts for 74% of the total consumed. Both the total consumption (49,000 packets of 500 sheets) and the percentage of recycled paper are similar to the levels of the previous year. In more than half of all municipal offices, recycled paper consumption exceeds 80% (in 3 it is 100%). Resources Management, the office with the highest paper consumption of the whole City Council (30% of the total), maintain a high percentage of recycled paper (86%).

Cleaning and selective waste collection in buildings

The Technical Instructions for the Application of Sustainability Criteria to Cleaning and Waste Collection in Buildings (2015) establish the main principles and criteria that have to be included in all contracts for cleaning and the disposal of waste from administrative buildings:

- Adapt the frequency of the tasks to needs and adapt the times in which the tasks are performed to improve energy efficiency and make the best use of natural light.
- Limit the use of certain products that are highly polluting, unnecessary or in containers that make recycling difficult.
- Foster, and where possible stipulate, the use of less polluting cleaning products.
- Foster, and where possible stipulate, the use of recycled products.
- Establish selective disposal as an intrinsic part of waste disposal.
- Promote and guarantee, where possible, good environmental practices in carrying out the service: measured and responsible use of the products, savings, efficiency, etc.

The specifications for cleaning and waste collection from municipal buildings have, since 2002, included aspects such as reducing the pollutant level of cleaning and hygiene products and selective waste collection as one more task of the service. The new specifications for contracting the cleaning and selective waste collection service for municipal buildings and premises assigned to the various districts and City Council managers' offices (2016) update all the environmental criteria already defined, incorporate the Technical Instructions for the Application of Sustainability Criteria to Cleaning and Selective Waste Collection in Buildings as the benchmark technical standards, and present a whole series of improvements.

Textile products

The Technical Instructions for the Application of Sustainability Criteria to Textile Products (2015) extend certain good practices that had already been successfully incorporated in specific cases (see the examples) into all municipal contracts and make it obligatory to:

- Acquire textiles originating from a production process that respects the basic conventions of the International Labour Organisation (ILO).
- Comply with the requirements for limiting the presence of chemical substances in the main fabrics and certification of the main end items.
- Promote recycled, organic and fair trade fibres.



- Ensure good environmental management for discarded clothing items and a reduction of packaging in the distribution chain.

In 2006, Parks and Gardens was the first Spanish public business to introduce corporate social responsibility clauses and ethical criteria into its annual tenders for the supply of work clothes. At the same time, Barcelona City Council takes part in some of the national and international initiatives that promote public procurement with environmental, social and ethical criteria, such as the Spanish Clean Clothing Campaign, the Catalan Network for Ethical Public Procurement and the Landmark project.

The specifications for acquiring the basic operational police uniform for the Guàrdia Urbana de Barcelona (2012) had already made it obligatory for the main fabrics and products to be Oeko-Tex certified, in order to guarantee a maximum limit for chemical substances.

The specifications for acquiring the intervention uniforms (protective jacket and trousers for the Barcelona Fire Service (2016) requires the successful bidder to have a technical assistance service that can guarantee replacement, repairs, maintenance and conservation throughout the clothing's useful life, and provide a plan and maintenance process that any maintenance company can apply, together with a user manual.

Vehicles

The Technical Instructions for the Application of Sustainability Criteria to Vehicles (2015) define the priorities that must be followed when deciding which type of vehicle to acquire:

Priority 1: All kinds of electric vehicles

Priority 2: Plug-in hybrid vehicles

Priority 3: Non-plug-in hybrid and gas vehicles (including bi-fuel vehicles)

Priority 4: Petrol-driven vehicles

Priority 5: Diesel-driven vehicles

These criteria are applicable to contracts for purchasing, leasing or renting vehicles, as well as services that require the use of vehicles.

The Guàrdia Urbana de Barcelona (GUB, city police) has drawn up a plan for gradually replacing all the force's current motorbikes with electric ones. The GUB's Eixample Territorial Unit has had 30 electric motorbikes since 2015, making Barcelona the first city in the world with an emission-free motorbike fleet.

The Barcelona City Council courier service specifications (2014) included the environmental quality of the vehicle fleet as evaluable award criteria. Pollutant emissions, the CO₂ emissions of the bidders' vehicle fleets were evaluated, as well as the availability of alternatively powered vehicles (electric, hybrid or gas) and bicycles.

Future technical instructions

The Mayoral Decree on Responsible Public Procurement with Social and Environmental Criteria (2013) explicitly stated a determination to gradually develop criteria for other products and services in conjunction with other areas of the City Council, as well as for other needs that might arise in the future.

At the initiative of the Barcelona Institute of Culture, instructions have been drawn up for exhibitions and the Barcelona Energy Agency is working on technical instructions for energy in buildings.

2.2 Monitoring compliance with the instructions

As these instructions cover types of contracts as diverse as they are specific, the specific monitoring method is that envisaged in each set of instructions. In general terms, it is based on the fact that the person in charge of the contract has to send the relevant information in each case to

the More Sustainable City Council Programme, so they can analyse it and produce sectoral reports.

Annual reports monitoring paper consumption and timber procurement are already produced which allow compliance with the main aspects of the two benchmark instructions to be evaluated and provide specific, detailed indicators on the environmental quality of municipal consumption of these products (see the references in the boxes of the corresponding instructions).

Barcelona City Council is currently defining an electronic procurement file monitoring system and the idea is that this system should include monitoring of the technical instructions. The More Sustainable City Council Programme and the Administrative Procurement Coordination Department are working on a proposal in this regard.

An electronic system will enable the results of environmental criteria implementation to be monitored and, from that, it will be possible to monitor the level of compliance with each of the instructions and study formulas for aggregating the results, to obtain the degree of municipal procurement greening and its contribution to other environment policies.

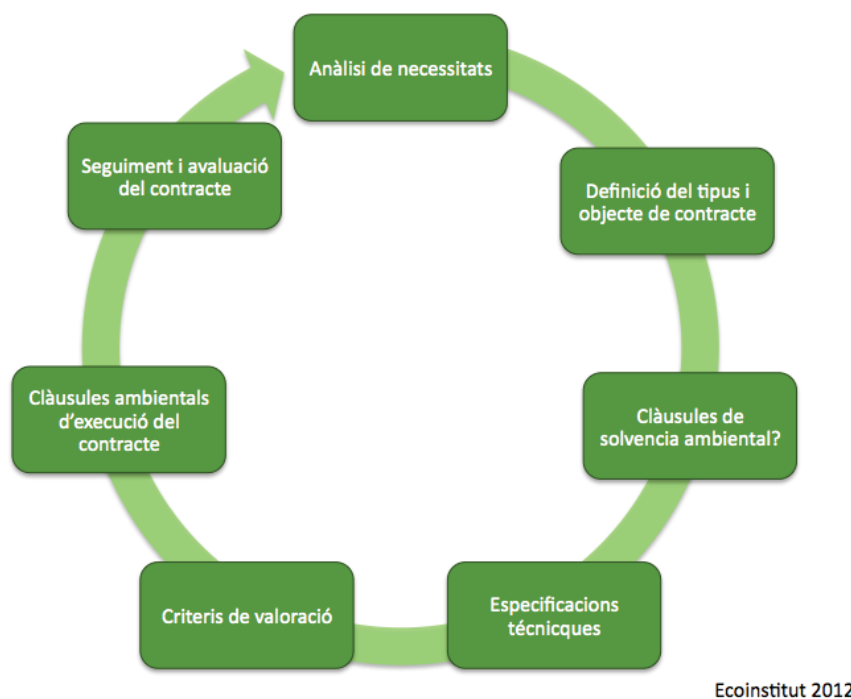
3. Environmental criteria in other municipal procurement:

Besides the instructions, the Mayoral Decree on Responsible Public Procurement with Social and Environmental Criteria (2013) had already established that, in addition to the groups of products and services defined as priorities, work would be done in coordination with other areas of the City Council responsible for the procurement of other specific products and services to ensure the inclusion of environmental criteria in their procurement. The More Sustainable City Council Programme offers technical support, on request, in greening specifications for the whole of Barcelona City Council and its dependent entities.

Defining environmental criteria as a continuous improvement process

The inclusion of environmental clauses in public contracts is part of a continuous improvement process that begins in the stage prior to procurement, the needs analysis, and ends with the contract follow-up and evaluation. The chart below is a visual representation of the process:

Clàusules ambientals segons les diferents fases de contractació



To the extent that we have monitoring and follow-up data and can evaluate environmental criteria compliance in the performance of the contract, we will be able to act in a variety of ways, ranging from being more demanding in subsequent tender processes and consolidating evaluable aspects as technical specifications, to redefining the needs and, with that, the type and subject matter of the contract.

Link with the subject matter of the contract

Technical specifications are specifications that define the characteristics of the contract subject matter; award criteria are criteria set to select the most advantageous bid. Directive 2014/24/EU states that the former (Art. 42.1) and the latter (Art. 67.3) may refer to any aspect or stage of the life cycle, even when they are not part of the material substance, provided they are linked to the subject matter of the contract and are commensurate with its value and goals.

There are environmental measures that may be included as special performance conditions, in other words, as predetermined contractual obligations established by the contracting body before tenders are submitted, in the administrative clauses and conditions that the contractor must comply with. These measures, including environmental ones, must always be proportionate to the characteristics of the contract given their imperative character.

Subcontracting

It is important to remember that all the environmental aspects incorporated in the administrative clauses and technical specifications must be maintained in the event of subcontracting. Contract winners are responsible to the municipal services for compliance with all the specifications and environmental criteria considered in the specifications document and included in the bid. That responsibility also extends to work performed by subcontracted companies, where the contract permits subcontracting.

It should also be noted here that if, during the tendering stage, the company actually does declare its intention to subcontract then, in evaluating that company's technical and, therefore, environmental solvency, the accredited solvency of each subcontracted company shall also be taken into account for the part that it will carry out.

There follow some considerations on how the key aspects in relation to this process need to be applied.

3.1 Needs analysis

Each existing contract responds to an initial need but needs change over time. In the previous stage, of designing the contract, we need to regularly study the real demand without thinking about the products or services we “have” but, instead, in terms of functional needs and requirements. We also have to be aware of the existing supply, in other words, the availability of products and services on the market, which may have changed and offer alternatives not taken into account in the previous contract or discarded because they were not sufficiently developed, and which may now have achieved a satisfactory level of assurance and/or adapted to current needs. That is particularly important in certain areas where technological progress has speeded up, especially in the field of ICTs, both equipment and derived services. Attention also needs to be paid to developments in transport and mobility, especially with regard to e-vehicles. Likewise LED technology, which is revolutionising everything to do with lighting.

Rethinking these factors might lead to environmental improvements just as, or more important than, including criteria in “normal” purchasing, especially with regard to savings in natural resources, economic resources too, even immediate improvements when linked to consumption, particularly energy.

Various municipal bodies have begun processes in this direction or planned pilot tests, such as the partial replacement of motor vehicles or replacing printers by contracting printing services. The specifications for renting document printing, scanning and copying services for the Ciutat Vella and Les Corts districts of Barcelona City Council (2014) were based on a prior inventory of the existing machines. As a result, the contract switched from buying and replacing printers to renting printing, scanning and copying services. At the same time, the specifications substantially reduced the number of machines for municipal staff while improving the features and options available to them.

Some of the most useful instruments that may be considered in the preparatory stage are:

- Preliminary market consultations
- Using framework agreements
- Identifying the most significant environmental aspects (see Section 3.4).

- Considering life-cycle costs (LCC) or total ownership costs (TOC)
- Defining functional requirements related with performance

Preliminary market consultations¹³ are a way of finding out the availability level of possible environmental innovations. Different methods may be used, such as market studies, to identify the availability of products with ecolabels and other positive environmental characteristics, or dialogues with potential suppliers, which are a way of finding out the development level of possible environmental improvements, provided that transparency and non-discrimination are guaranteed.

*As part of the European SMART-SPP project, Barcelona City Council carried out innovative procurement pilot tests using the methods proposed by the project. Market consultation seminars were held with manufacturers and distributors to discover the latest technological developments on the market during the procurement processes for e-vehicle recharging stations and the installation of automatic vending machines*¹⁴.

According to the preamble of Directive 2014/24/EU, **framework agreements** are regarded as an efficient procurement technique throughout Europe. These agreements can favour the inclusion of environmental improvements by grouping the demand of various authorities together and they can also be an incentive for suppliers to supply environmentally better solutions because of the economies of scale¹⁵.

Barcelona City Council uses framework agreements and centralised procurement in three different ways, depending on the circumstances and needs of the moment. First, it has its own agreements, for example, the framework agreement for the supply of medium- and low-voltage electricity. Second, it belongs to the Central Buying System for Goods and Services run by the Catalan Government's Central Supply Committee (which incorporates green buying criteria into its framework agreements and centralised contracts). Third, the City Council is also involved in the central buying body of the Catalan Association of Municipalities, which has started a process of greening its framework agreements.

The consideration of total ownership costs (TCO) and definition of functional requirements in relation to performance are of particular importance in contracts where energy consumption in the use stage is one of the most important economic and environmental factors, as in the case of energy-consuming vehicles or machines, and especially in the case of new or renovated buildings, where the plans should contemplate and incorporate the consumption and subsequent maintenance costs throughout the building's useful life. The technical instructions for applying environmental criteria in works projects include these considerations

3.2 Defining the type and subject matter of the contract

The needs analysis can lead to changes in the type and subject matter of the contract. By way of example, instead of a contract to supply vehicles, the contracting body could opt for mobility services if the need detected consists of specific journeys that could be done by using different forms of transport.

Moreover, including the main environmental feature in the subject matter highlights and clarifies the focus for the bidders. A contract for the supply of "recycled" paper, for example, or electricity "from a renewable source" establishes the type of tender expected from bidders from the outset. In this case it must be borne in mind that the environmental aspect referred to cannot be left

¹³ Directive 2014/24/EU Art. 40

¹⁴ Market participation in public procurement for the development of sustainable solutions, 2011. http://www.smart-spp.eu/fileadmin/template/projects/smart_spp/files/Case_studies/SMART_SPP_Case_Studies_ES-www.pdf

¹⁵ http://ec.europa.eu/environment/gpp/pdf/handbook_2016_es.pdf

undefined; the technical specifications have to include a more precise definition. Only when such a definition is possible and included in the technical specifications will it be possible to incorporate it in the subject matter.

With the incorporation of selective waste collection in the building cleaning tasks, the title of the specifications document for the municipal buildings and premises cleaning service changed to the provision of a cleaning and selective waste collection service for municipal buildings and premises.

3.3 Environmental solvency clauses

Environmental solvency requirements refer to the company's experience (list of jobs), the work team (training), the means assigned (machinery, material and technical equipment) or to the work procedures, operations and environmental management measures. In the case of environmental management measures, bidders could be required to submit environmental management system certification (EMAS, ISO 14001 or equivalent standards)¹⁶, including Ecolabel certification that include environmental management criteria.

The contracting body must always include environmental solvency requirements in the specific administrative clauses, except when none of the following circumstances applies to delivering the subject matter of the contract:

- *"It is carried out in a zone or area regarded as sensitive for one environmental aspect or other.*
- *It could have an adverse effect on an important environmental aspect of the zone.*
- *It corresponds to managing a service where an environmental management system has been implemented or its implementation is part of the contract subject matter.*
- *It is carried out in a centre that has implemented an environmental management system and the interaction between this and the subject matter of the contract is important from an environmental point of view.*
- *It contains a significant number of environmental aspects.*
- *It involves handling dangerous products and generating dangerous waste.*
- *It requires the personnel performing the work to have a specific professional environmental qualification.*
- *It requires assigning material means with specific environmental characteristics to the execution of the contract."*

In accordance with the above, when none of those circumstances apply and the contracting body does not include environmental solvency clauses in the contract, a justification report will have to be drawn up and kept in the contract file.

In any event, the solvency requirements have to be linked to the contract subject matter and be proportionate to it.

The Barcelona sewerage system maintenance contract (2015-2022) requires the contract winner to adopt preventive measures based on good environmental practices, such as preventing liquid overflows, pollutant emissions or soil pollution, as well as proper management of waste and dangerous substances, among other aspects. Consequently, the capacity, aptitude and solvency requirements require bidders to submit accreditation certification that includes ISO 14001 or similar.

3.4 Technical specifications and evaluation criteria

The schedule of general administrative clauses issued by Barcelona City Council on 31 October, 2014, establishes that:

¹⁶ See as well Articles 58, 60 and 62 of Directive 2014/24/UE.



“The contracting body shall guarantee the application of environmental clauses that establish the various municipal standards and instructions, and evaluate the inclusion of environmental clauses regarded as options, depending on the environmental impacts associated with the subject matter of the contract. Specific environmental criteria shall be established in accordance with the contract subject matter.”

There are some key environmental criteria where it is easy to move forward when considered in a general and systematic way, and adapted to the specific characteristics of each contract.

These criteria refer to the main environmental aspects generated throughout the entire life cycle of a product or service and can be classified in two big groups:

- Consumption and associated emissions.
- Composition and materials used.

These two criteria can easily be applied to most procurement contracts, even in a very specific fashion because, in most cases, the municipal experts responsible for drawing up the technical specifications are totally familiar with the operations specific to the contract and the right quantities or amounts that need to be considered in each case.

Consumption and/or emissions

Reducing water and energy consumption, but also the consumption of products and materials, as well as atmospheric and noise emissions, are environmentally very important measures that can easily be incorporated into procurement.

This is really clear in the case of supply contracts but it needs to be understood that they can, and have to, be applied to consumption that flows from a series of specific operations or the total consumption of an activity or service in its entirety.

This can easily be done and is very easily understood when thinking in terms of a specific amount or quantity, the most relevant for each contract: fuel, electricity and water consumption, but also paper, ink, paint, etc. In every case, there are or may be techniques and operations that consume resources more or less efficiently. It is possible to proceed in a similar way with regard to any kind of emission: noise, CO₂ or electromagnetic radiation.

The Barcelona Fire Service (SPEIS) bought four urban fire engines for putting out fires in 2011 with a double foam system, CAF and AFFF/AR. The CAF (Compressed Air Foam) system enables greater distances to be covered using less foam and water, thus reducing the polluting effects, although the most important thing is it reduces foam and water consumption in putting out fires without reducing the effectiveness of fire-fighting operations.

The contract for maintaining public lighting installations in Barcelona (2016-2019) establishes that the contract winner has to analyse the electricity consumption of the installations and, if deviations or any kind of anomaly are detected, the cause must be located and corrected. The contract winner will also have to collaborate with the municipal technical services, and the external services contracted to that effect, in the energy audit of the installations and all the tasks that derive from that.

The environmental clauses that relate to consumption and emissions can be defined in different ways:

- As a technical specification, establishing a maximum benchmark value.
- As an evaluation criteria, so points are awarded in a weighted manner for less consumption and fewer emissions. In the latter case, the improvement bands and their scores need to be defined in the schedule.
- As a combination of both cases.

In each case a standard parameter or method for calculating consumption has to be set so the various tenders can be compared.



The Barcelona fountain maintenance contract (2016-2020) includes a technical specification that some of the vehicles used in the performance of the contract must be electric.

As regards other mobile machinery, the technical schedule must specify they comply with the Euro 6 emission standard (if they are not electric) and the best environmental characteristics will score up to 10 points, taking as a reference the order of priorities established in the vehicle technical instructions (since these instructions do not apply directly to this type of machinery) as follows: electric vehicles (10 points), plug-in hybrid vehicles (5 points), non-plug-in hybrid vehicles (2 points) and gas vehicles (2 points).

The acoustic pressure of moving non-electric vehicles will also be evaluated. The administrative schedule will also include the formulas that will be used for the evaluation.

Incorporating the “consumption” variable in procurement ensures that, in the case of two bids that are equal with regard to all other variables, the same needs are satisfied with a lower consumption of resources and optimal use of economic resources, as this will involve lower current costs.

Likewise with emissions: the same needs are met with a lower burden on the environment, which means the purchasing policy is aligned with prevention policies. If the emissions are generated in the workplace itself, lower consumption generates better occupational health and job quality.

The “emissions” variable can be an indirect way of ensuring lower consumption and current costs. For example, boilers with lower emissions are a result of performance improvements and, therefore, imply a reduction in fuel expenditure.

Evaluating consumption and emissions has to be based on standardised and approved procedures (standards and labelling systems), which the person in charge of the contract shall specify as soon as possible.

In some cases there are “standards” that include a number of variables in a single parameter, which simplifies drafting the technical specifications and their subsequent verification. For example, the Euro standard for vehicles includes emissions of various vehicle engine pollutants.

Composition and materials

The basic idea is very simple: environmentally better products and materials will be evaluated positively and toxic or harmful substances will be excluded. That might turn into an extremely complex exercise in some cases but there are also some key aspects which are easy to understand and simple to apply:

- Positive evaluation of “sustainable and ecological” material content, provided that the sustainable and ecological concept can be defined specifically for the type of material in question.

In such cases the specifications will have to avoid use of the generic concept (sustainable and ecological) and use the specific concept applicable in each case (see examples) which must always be accompanied by a definition or a reference where the definition can be found.

Specific concepts that have to be used include, for example, **recycled material content**, which can be applied to a broad range of products where we know there are partially or totally recycled items available (products made from paper or plastic but also lots of “technical” materials - see examples), **wood with sustainable forestry guarantees** (FSC, PEFC or equivalent certification), products that are **biodegradable and/or compostable** (according to the standard UNE-EN 13432:2001) for products that accompany or are managed with organic waste or **organic foods**, according to Regulation (CE) 834/2007.

The technical specifications for paving maintenance (2017-2020) specify a minimum content of 5% recycled materials in hot bituminous mixes, and up to 2% in type F mixes, as minimum values, and positively value the application of higher percentages. The companies awarded the contracts have to propose a specific percentage and demonstrate experience by, for example, submitting a list of jobs where they have applied this percentage. Certification of the recycled aggregate percentage used has to be described in the CE labelling of the mix.



Among other types of paving, the specification schedule also establishes the specific characteristics of photocatalytic materials (with the capacity to neutralise air pollutants), the EN standard that certifies them and the environmental certification it has.

- **Exclusion** of toxic substances where there is a general consensus and, in some specific cases, a sector regulation.

It would be impossible to establish the full spectrum of chemical substances but there are specific cases where exclusion can easily be introduced (see examples). Moreover, the approval and regular revision of the REACH¹⁷ (EC 1907/2006) regulations provides more and more information that is being incorporated into green procurement guides and handbooks.

Some of the more usual examples of excluding toxic substances include the **exclusion of heavy metals** in chemical products such as paints or inks, the **limits on volatile organic compounds** (VOC), such as the formaldehyde content of plywood furniture, or, more generically, **limits on ingredients included in the REACH regulation** in chemical products, such as cleaning products, and the gradual replacement of **very specific products** with chemical treatments for other more ecological products or methods as these become established (see example).

Barcelona City Council has started to eliminate the use of glyphosate as a herbicide in municipal gardens and use more ecological alternatives instead. It will be replaced gradually in ten neighbourhoods over the course of 2016, after which there will be a follow-up and evaluation process to decide which are the most effective treatments for each area.

The Ecology, Urban Planning and Mobility Commission unanimously approved this step at its meeting on 22 December, 2015, and means that, as of the same date in 2016, glyphosate will no longer be used in the city. The decision was taken after the World Health Organisation declared that glyphosate probably causes cancer in humans.

The positive evaluation of environmentally better products or materials and the exclusion of toxic or harmful substances may be included as technical specifications or award criteria. Especially when the positive evaluation is expressed in percentage terms, it is possible to proceed in the way described for consumption, by establishing a benchmark value as a technical specification and a weighting system for the improvement this value brings in the award criteria.

All these concepts have been defined in precise terms, so they can be included in the tender documents, in the various technical instructions (see Appendix 2).

Circular economy: durability, repairability, reuse

In addition to the key environmental criteria outlined above, the incorporation of the circular economy model is becoming particularly important for promoting the reduction in and efficient use of materials. In this regard, more complex concepts relating to product durability and repairability may be incorporated with the aim of extending a product's useful life.

These aspects may be specified in clauses linked to product guarantees, the availability of spare parts and the compatibility of different products, or clauses dealing with reuse that establish a reuse circuit for certain products to the end of their useful life, for example.

Faced with the evidence that advertising and publicity banners are short-life products made from very resistant materials, following years of successfully reusing them, and after comparing the possibilities offered by various materials, the specifications for producing, installing, monitoring and removing large publicity items now stipulate the use of single-material polypropylene banners and describe in detail how they should be handled once they are removed, giving priority to reusing

¹⁷ Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH).

them as raw material in the production of new products. The Communication Department coordinates the process of reusing the banners.

Ecodesign standards and ecolabelling

In the case of complex items and products, especially in services where design tasks are envisaged, it might be advisable to establish certain guidelines in the contract or positively value the fact that products have been designed according to certain **ecodesign standards**. The international benchmark ecodesign standard is ISO 14006, although there are also national reference standards and some specific sectoral ones, as well as applicable standards for life-cycle analyses to improve products environmentally. Either way, the reference standard or standards will have to be specified in each case in the specifications.

This is also a way of incorporating aspects that are difficult to evaluate specifically, such as durability or how easily complex products may be recycled, avoiding generic expressions such as “recyclable material”.

Barcelona City Council attended the Smart City Expo World Congress in 2015 with a stand showing its clear commitment to sustainability. The stand was designed according to ecodesign and energy-efficiency criteria using biodegradable materials, or materials with a low environmental impact and carbon-emission neutral, and adopting a “zero-waste” strategy.

Ecolabels are particularly useful in supply contracts, as well as service contracts where the contract winner has to provide the materials and products required for the performance of the contract.

These labels, for example, the EU Ecolabel and the Catalan Environmental Quality Label, are product certifications that generally include various environmental criteria from among those referred to above. They nearly always refer to composition but they are often linked to consumption and associated emissions, and aspects of durability and ecodesign as well. In some cases, ecolabels also certify services and, as such, will be applicable when contracting them.

These labels have always been a public procurement tool for verifying environmental criteria compliance. Directive 2014/24/EU has refined label standards so it will be possible to request specific labels and make explicit reference to them in the technical specifications, award criteria and/or performance criteria, as well as in verifying them.

In accordance with the above points, where ecolabels have been defined that are pertinent to the contract subject matter and the products or services it entails, the contracting body will include references to the corresponding ecolabels in the award criteria. When, as a result of previous tenders, the available market information allows it, the contracting body will include the corresponding criteria in the technical specifications.

The various technical instructions refer to the relevant ecolabels in each case, whether directly related to the subject of the instructions (such as wood, paper, textiles, computer equipment, food, vehicles and electricity) or indirectly in the case of products or items associated with the subject of the instructions (for example, cleaning products, rubbish bags, tyres, buildings, building material, furniture, etc.). However, with good knowledge of the ecolabels, they can be used in a lot more cases, for specific aspects of the contract, as in the following case.

The various ecodesign standards and a large part of the existing ecolabels are included in the technical instructions (see Appendix 2)

As part of the service criteria, the contract for maintaining public lighting installations in Barcelona (2016-2019) also considers environmental aspects of the vehicles that have to be used in performance of the tasks, as well as management of the vehicle fleet. With regard to the latter, it specifies that if fleet management is not included in the environmental management system, it can be done by presenting the Catalan Environmental Quality Label for vehicle fleets.

3.5 Performance conditions

In service contracts, apart from the criteria mentioned above, it is necessary to add the environmental criteria and impacts linked to service performance, such as those referring to waste prevention, reduction and management, or reducing service-related consumption.

The specifications for the cleaning and selective waste collection from municipal buildings and premises (2016) establish, among the contract winner's special performance conditions, that they must "carry out proper environmental management of their service, taking the necessary measures to minimise the impacts this might have (minimise the acoustic impact on the surroundings, manage waste and packaging properly, etc.) Specifically, for the purpose of saving energy, the contractor will have to switch off the lights in all the offices and spaces assigned to them (except when the works manager decides otherwise) and consume water responsibly".

The contract for maintaining public lighting installations in Barcelona for 2016-2019 establishes a whole series of good environmental practices in relation to, among other things, the execution of works on the public highway, waste management, work centres and managing the vehicle fleet.

The environmental clauses included in the contract execution conditions may refer to other relevant aspects, such as training, awareness-raising and operational control, for example, environmental training for staff assigned to execute the contract (efficient driving courses for drivers assigned to a contract), environmental communication campaigns targeted at service users (municipal staff and/or the general public) or the presentation of periodic reports with environmental data (on consumption, waste, etc.).

Criteria regarding good environmental management of the contract could either be included as compulsory technical specifications of the contract or as a company environmental solvency clause (see Section 3.3).

Contract execution conditions acquire a special importance when the contracting body has its own environmental management system. In this case, thought needs to be given to incorporating the system's procedures and requirements into the specification and administrative documents. The requirements may be included in the technical specifications as environmental obligations of the contract winner.

Barcelona City Council Mobility and Infrastructures, and Environment and Services management, have implemented an environmental management system in accordance with UNE-EN-ISO 14001 which considers the environmental impact of their own, directly executed activities, as well as outsourced activities carried out by the companies they have contracted.

In the public statement on their environmental policy they undertake to ensure all the internal and external activities of the sector fully comply with the environmental regulations, by applying the principle of preventing pollution and insisting that service contracts include improvements in their environmental behaviour.

All the big contracts (from an economic and an environmental point of view) of the aforementioned manager's offices specify in the contract documents that the contractor, in accordance with the aforementioned system, shall comply with this environmental policy and the communication, registration, operational control, non-conformity and other procedures established by the project management at the start of the contract.

Management system operational control includes, for example, registering the fuel consumption of vehicles used in delivering the service, plus the generation of different types of waste and their treatment.

Good practices introduced by contract winners as improvements may also be established as performance conditions in the following contract.

3.6 Contract follow-up and evaluation

In order to evaluate the above aspects, both the effectiveness of measures adopted and good practices, it is necessary to have a monitoring and follow-up system for green contracts that includes the environmental variables considered in the tender process. This enables:

In the specific terms of each contract: information to be gathered that guarantees this continuous improvement process.

With regard to suppliers and providers: show a clear, rigorous approach that makes the environmental benefits obvious and fosters the green economy.

Specific monitoring of the specific variables of each contract has to be done in each case and, as far as possible, incorporated into the regular monitoring tasks envisaged. This can be done by the contractor as another aspect of the regular reports, and even more so in shared IT environments. If it is considered opportune or necessary, this can occasionally be accompanied by random verifications.

Apart from analysing the information obtained, the municipal technical services could establish, in each case, the environmental aspect that has to serve as the objective indicator (the most relevant and contract-specific consumption or emission parameter) which will allow monitoring, even statistical monitoring, to be conducted and compliance verified.

It is also necessary to think about monitoring the environmental aspects of municipal procurement as a whole.

Barcelona City Council is currently defining an electronic procurement file monitoring system and the idea is that this system should include monitoring municipal greening. The More Sustainable City Council Programme will be in charge of this and, in this regard, has submitted a proposal to the Administrative Procurement Coordination Department to monitor the contracts contemplated and those not contemplated in the instructions. A proposal that of necessity, given the great variety of contract subject matter not contemplated in the instructions, is based on generally applicable concepts, as described in this chapter.

The proposal has been submitted in the form of a check-list which summarises most of the aspects covered in this guide.

It is important that the people in charge of each contract incorporate this list in the file and indicate which significant environmental aspect or aspects are included in the procurement documents

This list could even be useful in the preliminary stage of defining the contract, to identify the relevant environmental aspects and/or criteria associated with the contract that will be monitored.

List of possible environmental aspects

1- Indicate which, or which ones, have been included in the schedules:

- Energy savings / energy efficiency
- Renewable energies
- Water savings
- Reduction in / limits on noise
- Reduction in / limits on pollutant gas emissions
- Reduction in / limits on greenhouse gas emissions
- Reduction in / limits on toxic substances
- Recycled materials
- Compostable materials
- Materials from sustainable forestry sources
- Fair trade products
- Organic products
- Reduction in / reuse of materials and/or other waste prevention measures
- Selective waste collection
- Prior staff environmental knowledge / training / experience
- Organisation of environmental training courses for staff
- Presentation of periodic reports with environmental data (on consumption, waste, etc.)
- Company ethical commitment (compliance with basic labour rights)



- *Company environmental management system*
- *Environmental communication campaigns targeting service users*
- *Other sustainability criteria*

2- For monitoring and follow-up, and depending on each specific aspect, the person in charge of the contract shall define:

- *The type of checks: meter readings, product certification, statements by third parties, delivery documents, etc.*
- *The frequency with which the contract winner has to fulfil the requirement: monthly, quarterly, annually, etc.*

Appendix 1 List of areas and departments involved in drawing up the technical instructions

Administrative Procurement Coordination Department

Resources and Management Control Department at the Manager's Office for Urban Ecology
(Technical-Legal Secretariat Services Department)

Barcelona Municipal Institute of Education (IMEB)

Social Rights Area (Health Services Department)

Barcelona Public Health Agency

Manager's Office for Enterprise, Culture and Innovation

Barcelona Energy Agency

Resources Management (General Services Directorate)

Communication and Participation Services Department at the Manager's Office for Urban Ecology

Communication Department at the Manager's Office for Resources

Barcelona Municipal Institute of Information Technology

Barcelona d'Infraestructures Municipals, SA (BIMSA)

Barcelona Gestió Urbanística, SA (BAGURSA)

Urban Model Department at the Manager's Office for Urban Ecology

Urban Ecology Project Services Directorate (Urban Projects Department)

Manager's Office for Security and Prevention

Public Space Services and Permits Directorate (Works and Maintenance Departments) Districts

Deputy Manager's Office for Urban Planning at the Manager's Office for Urban Ecology

Deputy Manager's Office for Mobility and Infrastructure at the Manager's Office for Urban Ecology

Barcelona Municipal Housing Trust

Barcelona Regional, Urban Development Agency

Deputy Manager's Office for Environment and Urban Services at the Manager's Office for Urban Ecology (Biodiversity and Green Spaces Directorate, Energy and Environmental Quality Services Directorate, and Cleaning Services and Human Resources Directorate)

Barcelona Municipal Parks and Gardens Institute

Barcelona de Serveis Municipals, SA

Municipal Institute of Urban Landscape and Quality of Life

Central Purchasing Department

Barcelona Cicle de l'Aigua, SA

Barcelona Institute of Culture (ICUB).

Barcelona Municipal Sports Institute

Manager's Office for Citizens' Rights, Participation and Transparency

Barcelona Activa SAU SPM

Manager's Office for Presidency and Economy

Manager's Office for Enterprise, Culture and Innovation



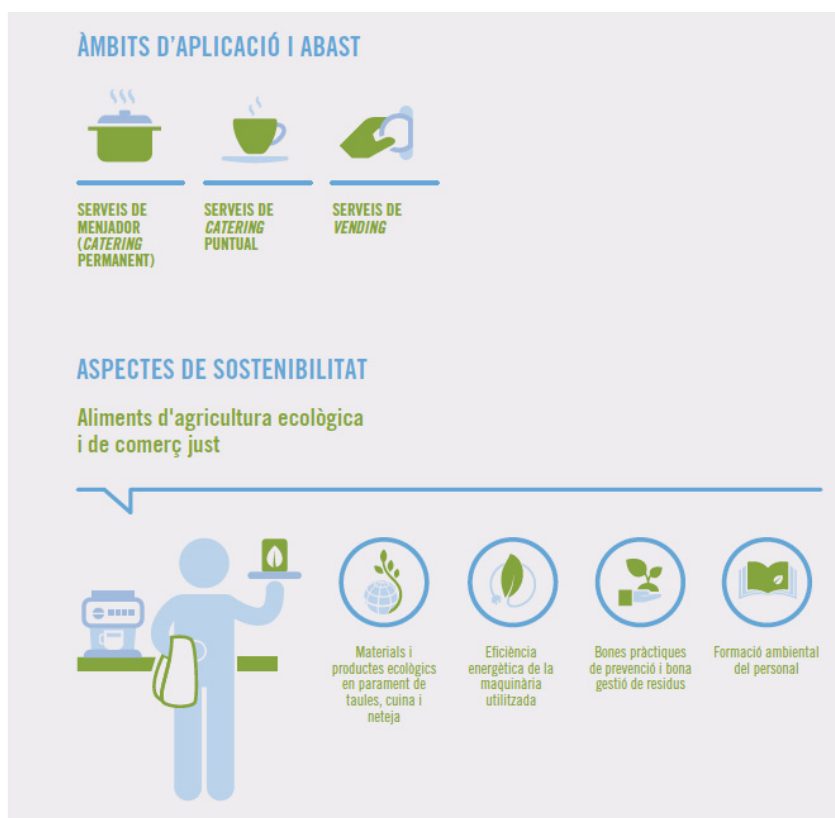
Appendix 2 Technical instructions that stem from the Decree on Responsible Procurement

The full text of all these instructions can be read on the website of the More Sustainable City Council Programme (www.barcelona.cat/ajsostenible)¹⁸

■ Technical Instructions for the Application of Sustainability Criteria to Food Services

INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN ELS

SERVEIS
D'ALIMENTACIÓ



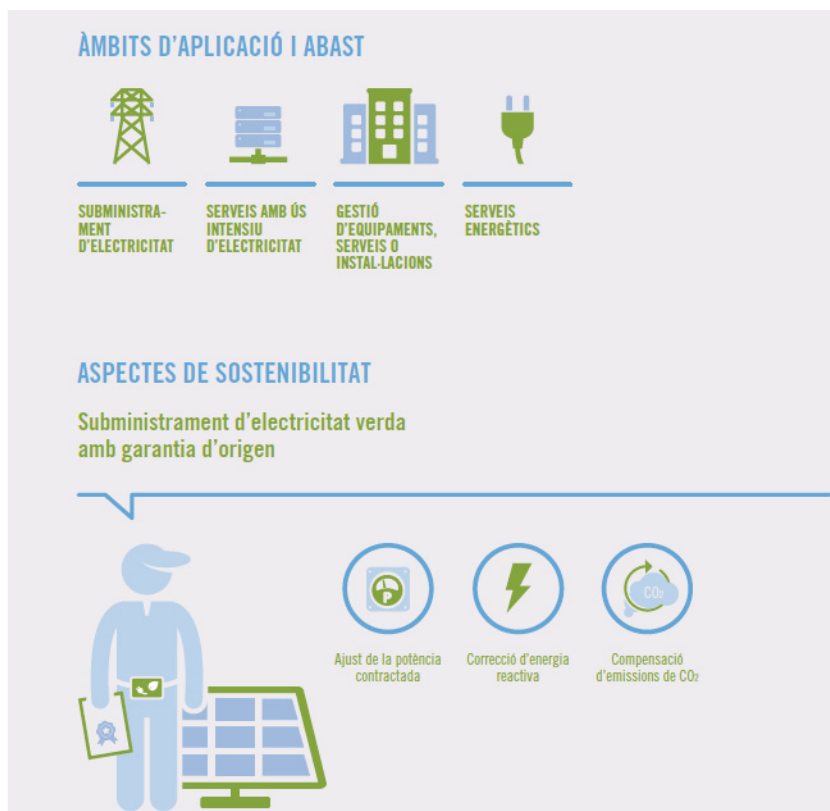
¹⁸ http://www.ajsosteniblebcn.cat/ca/instruccions-t%C3%A8cniques_59437



- Technical Instructions for the Application of Sustainability Criteria to Electricity Supplies

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN EL**

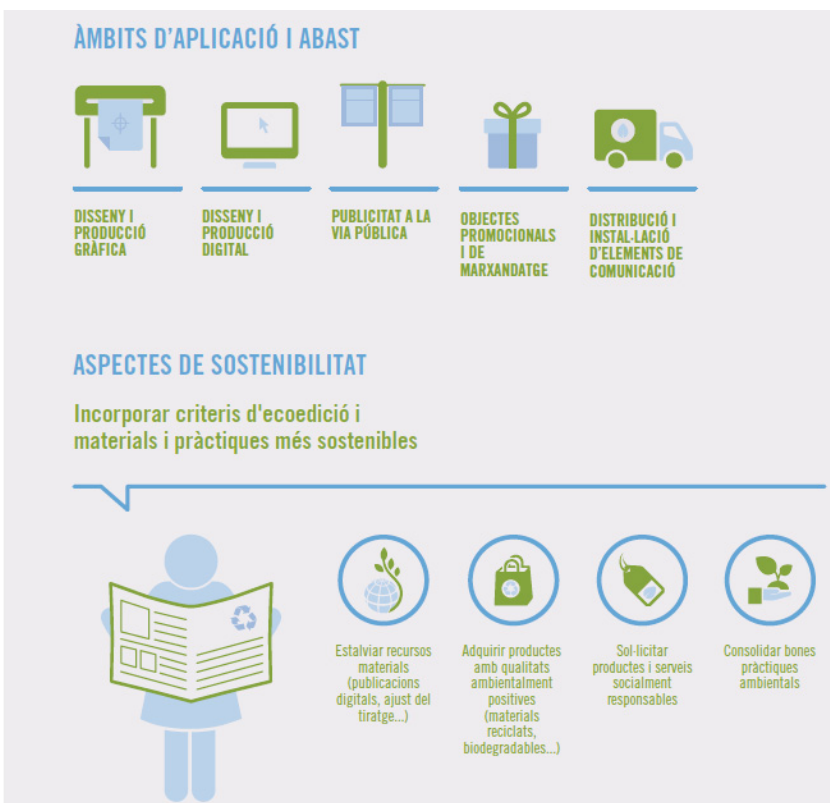
**SUBMINISTRAMENT
D'ELECTRICITAT**



- Technical Instructions for the Application of Sustainability Criteria to Communication Elements

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN ELS**

**ELEMENTS DE
COMUNICACIÓ**





■ Technical Instructions for the Application of Sustainability Criteria to Computer Equipment

INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN ELS

EQUIPS
INFORMÀTICS



ÀMBITS D'APLICACIÓ I ABAST



EQUIPS
MULTIFUNCIÓ



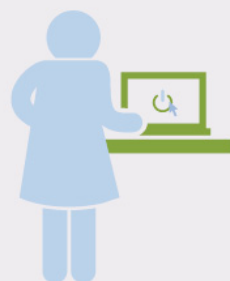
ESTACIONS DE
TREBALL



EQUIPS
PORTÀTILS

ASPECTES DE SOSTENIBILITAT

Reduir el consum
d'energia dels equips



Reduir les
emissions (sonores,
electromagnètiques
, de substàncies
nocives...)



Instal·lar equips
amb les
configuracions
d'estalvi energètic i
impressió a doble
cara per defecte



Assegurar el
compromís de
transparència i de
compliment de les
convencions
bàsiques de la
Organització
Internacional del
Treball (OIT) per
part dels proveïdors



Minimitzar l'impacte
associat als residus:
foment de
consumibles
remanufacturats,
foment de la donació
dels equips vells a
organitzacions sense
ànim de lucre...

■ Technical Instructions for the Application of Sustainability Criteria to Timber

INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN LA

FUSTA



ÀMBITS D'APLICACIÓ I ABAST



REDACCIÓ DE
PROJECTES
D'EDIFICACIÓ O
URBANITZACIÓ



EXECUCIÓ
D'OBRES
D'EDIFICACIÓ O
URBANITZACIÓ



ADQUISICIÓ DE
MOBILIARI URBÀ
I ALTRES
ELEMENTS
URBANS

ASPECTES DE SOSTENIBILITAT

Fusta d'explotacions forestals sostenibles
(certificat FSC, PEFC o equivalent)



Fusta tropical amb
garanties de
legalitat



Fusta reciclada amb
certificació



Foment de la fusta
com a material de
construcció
sostenible i
renovable



Foment de la
diversificació
d'espècies i de la
fusta autòctona de
gestió forestal
sostenible



■ **Technical Instructions for the Application of Sustainability Criteria to Office Furniture**

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN EL
MOBILIARI
D'OFICINA**



ÀMBITS D'APLICACIÓ I ABAST



MOBILIARI D'ALTA
DIRECCIÓ, NIVELL
ALT I NIVELL
BÀSIC



CADIRES D'ALTA
DIRECCIÓ I
GENERAL, SOFAS
I BUTAQUES



MOBILIARI DE
COL·LECTIVITAT,
SALES D'ESPERA I
SALES DE REUNIÓ



MOBILIARI
AUXILIAR I
COMPLEMENTES DE
MOBILIARI

ASPECTES DE SOSTENIBILITAT

Elements de fusta d'explotacions forestals sostenibles.
Productes ecodissenyats o ecoetiquetats: amb matèries primeres
recicladetes o sostenibles, sense substàncies tòxiques, durables, etc



Augment de la
garantia, temps
d'oferta i existència
de recanvis del
producte



Ús d'embalatges
recicladetes



Altres bones
pràctiques
ambientals en el
subministrament

■ **Technical Instructions for the Application of Sustainability Criteria to Public Works**

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN
PROJECTES
D'OBRES**



ÀMBITS D'APLICACIÓ I ABAST



REDACCIÓ DE
PROJECTES
D'URBANITZACIÓ
O INFRAESTRUC-
TURES



REDACCIÓ DE PROJECTES
D'EDIFICACIÓ, DE NOVA CONSTRUCCIÓ,
DE REFORMA O DE REHABILITACIÓ



EXECUCIÓ
D'OBRES
D'URBANITZACIÓ
O EDIFICACIÓ

ASPECTES DE SOSTENIBILITAT

Autosuficiència energètica i ambiental (aigua, verd urbà, biodiversitat, materials i residus)



Decret d'Alcaldia
per a l'ambientali-
tzació d'obres



Pla del verd i de la
biodiversitat



Fusta d'explotacions
forestals
sostenibles



Principis de
l'economia circular i
foment de materials
amb mínim impacte



Certi ficació
energètica d'edi fici-
cació mínim lletra B



Calcul del cost total
de propietat



Criteris espec-
ifics d'eficiència energètica,
confort i manteniment



■ **Technical Instructions for the Application of Sustainability Criteria to Events**

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT EN
ESDEVENIMENTS**



ÀMBITS D'APLICACIÓ I ABAST



GESTIÓ
GENERAL DE
L'ESDEVENIMENT



ELEMENTS DE
COMUNICACIÓ,
DIFUSIÓ I
MARXANDATGE



NETEJA I
RECOLLIDA DE
RESIDUS



SERVEIS DE
CATERING



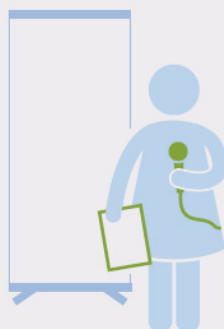
MOBILITAT



INSTAL·LACIONS
DE
L'ESDEVENIMENT
I ALLOTJAMENTS

ASPECTES DE SOSTENIBILITAT

Elaborar un pla d'ambientalització i un informe de sostenibilitat



Ús de noves tecnologies i
estalvi de recursos en la
difusió



Bones pràctiques ambientals
en la neteja, la prevenció i la
gestió de residus



Foment d'aliments
d'agricultura ecològica i
de comerç just



Mesures ambientals als
espais de l'esdeveniment i als
allotjaments dels participants



Mobilitat sostenible i
vehicles de baixes
emissions



Sensibilització ambiental
dels assistents i formació
ambiental del personal

■ **Technical Instructions for the Application of Sustainability Criteria to Paper**

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN EL
PAPER**



ÀMBITS D'APLICACIÓ I ABAST



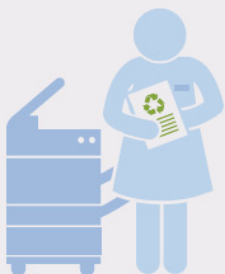
SUBMINISTRA-
MENT I
COMANDES DE
PAPER D'ÚS
GENERAL



SERVEIS QUE
INCLOGUIN EL
LLIURAMENT DE
DOCUMENTS DE
TREBALL O
INFORMES

ASPECTES DE SOSTENIBILITAT

Paper 100% reciclat



En casos justificats,
paper no reciclat
d'explotacions
forestals
sostenibles



Durabilitat de més
de 100 anys



Idoneïtat tècnica
per a impressió i
fotocòpia



Exclusió o limitació
de substàncies
químiques



- Technical Instructions for the Application of Sustainability Criteria to Cleaning and Selective Waste Collection in Buildings

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN LA**

**NETEJA I
RECOLLIDA
SELECTIVA
DE RESIDUS
D'EDIFICIS**



ÀMBITS D'APLICACIÓ I ABAST



SERVEIS DE
NETEJA I
RETIRADA DE
RESIDUS
D'EDIFICIS
ADMINISTRATius
O ASSIMILABLES



ALTRES SERVEIS
QUE INCORPORIN
TASQUES DE
NETEJA O
RETIRADA DE
RESIDUS

ASPECTES DE SOSTENIBILITAT

Productes de neteja amb menys càrrega contaminant
i recollida selectiva de residus



Paper higiènic i
eixugamans 100%
reciclat



Ajust dels horaris
del servei per
millorar l'eficiència
energètica i
l'aprofitament de
la llum natural



Bones pràctiques
ambientals en
l'execució del
servei



Formació
ambiental del
personal

- Technical Instructions for the Application of Sustainability Criteria to Textile Products

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN ELS**

**PRODUCTES
TÈXTILS**



ÀMBITS D'APLICACIÓ I ABAST



SUBMINISTRA-
MENT DE
VESTUARI O ROBA
DE TREBALL



ADQUISICIÓ
D'ALTRES
PRODUCTES
TÈXTILS
(MARXANDATGE)



SERVEIS QUE
REQUEREIXIN
VESTUARI AMB LA
IMATGE
CORPORATIVA DE
L'AJUNTAMENT

ASPECTES DE SOSTENIBILITAT

Limitació de substàncies tòxiques dels principals teixits i certificació de
productes finals. Compromís ètic de l'empresa i dels seus proveïdors



Articles de fibres
sintètiques
reciclares



Articles de fibres
naturals
d'agricultura
ecològica o de
comerç just

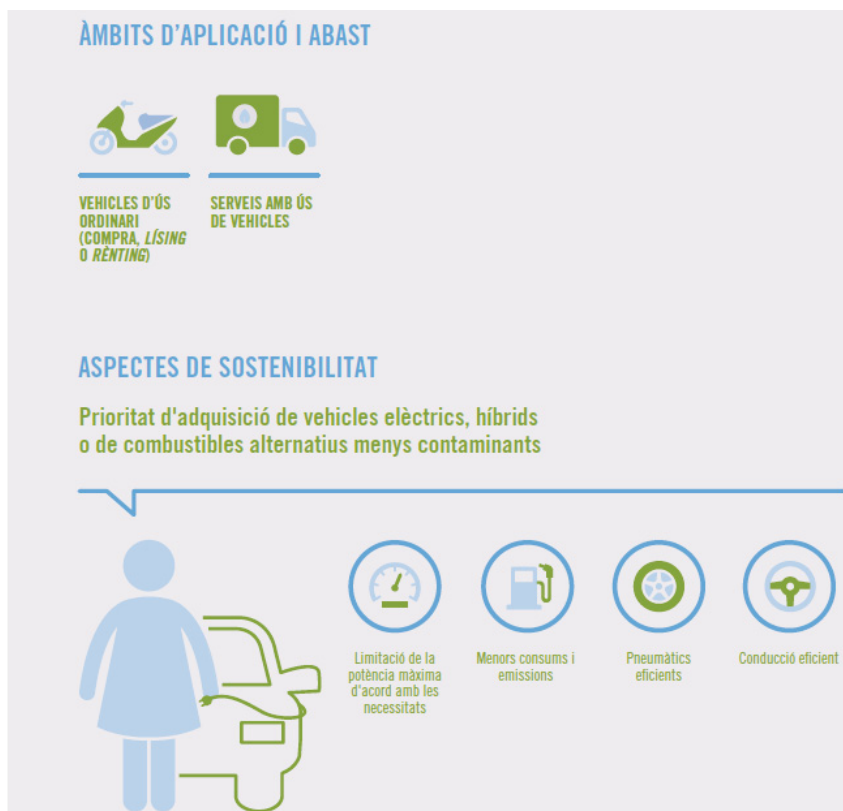


Gestió ambiental
de les peces de
roba en desús i
reducció
d'embalatges



- Technical Instructions for the Application of Sustainability Criteria to Vehicles

**INSTRUCCIÓ TÈCNICA
PER A L'APLICACIÓ
DE CRITERIS DE
SOSTENIBILITAT
EN ELS
VEHICLES**



INFORMATIVE NOTE ON ANNEXES I AND II OF THE DECREE

The English version of this Mayor's Decree contains de normative provision and Annex I (corresponding to the Social and Environmental Public Procurement Guidelines) of the original version in Catalan. Even so, the original version contains two additional annexes on monitoring data of social and environmental measures that have not been translated into English and, therefore, should be consulted in the Catalan version, published in the Municipal Gazette of the Barcelona City Council on April 28, 2017: <https://w123.bcn.cat/APPS/egaset/cercaAvancada.do?reqCode=search&cerca=1>