



Workshop

## **Sustainable Public Procurement in European Healthcare**

Bruxelles, 2<sup>nd</sup> October 2013



### ***Social Public Procurement: the Italian guide and its first applications in healthcare***

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In 2008, the Ministry of the Environment has adopted the **National Action Plan on Green Public Procurement – GPP NAP** (Decree n. 135/2008)

In 2013, the GPP NAP has been reviewed.

Main changes:

- **new product categories:** medical devices and products/services for healthcare
- **the integration of social criteria**, with reference to the **“Guide for the integration of social aspects in public procurement”**
- **new national target:** 50% of “sustainable contracts” as number and value of the total amount of contracts (European target)



## 2012: the Italian Ministry of the Environment has published the “Guide for the integration of social aspects in public procurement”

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**SOMMARIO**

LEGGI ED ALTRI ATTI NORMATIVI	DECRETI, DELIBERE E ORDINANZE MINISTERIALI
<p>Ministero delle politiche agricole alimentari e forestali</p> <p><b>DECRETO 20 serie 2012, n. 97</b></p> <p>Modifica ed integrazione del decreto ministeriale 6 aprile 2006, n. 174, recante «Regolamento per il funzionamento del sistema telematico delle Borse merci italiane, con riferimento ai prodotti agricoli, agroalimentari ed ittici». (126014) ..... Pag. 1</p>	<p>Ministero dell'Interno</p> <p><b>DECRETO 15 maggio 2012.</b></p> <p>Adozione delle graduatorie dei progetti presentati a valere del Fondo europeo per i rifugiati - Annuale 2011 e 2012. (1240739) ..... Pag. 9</p> <p><b>DECRETO 2 luglio 2012.</b></p> <p>Differimento del termine per la trasmissione della certificazione al bilancio di previsione per l'anno 2012 da parte degli enti locali. (1240734) ..... Pag. 10</p>

Decree of the Minister of the Environment, 6<sup>th</sup> June 2012  
Italian Official Bulletin - July 10<sup>th</sup> 2012 n. 159



It is the **official guide of the Italian Government** for the integration of social (ethical) criteria in public procurement activities for all the Italian Contracting Authorities.

The text is available in Italian on the website of the Ministry of the Environment:

[http://www.minambiente.it/export/sites/default/archivio/allegati/GPP/GUIDA\\_ASP\\_SOC.pdf\\_DMxAll.pdf](http://www.minambiente.it/export/sites/default/archivio/allegati/GPP/GUIDA_ASP_SOC.pdf_DMxAll.pdf)





The Guide has been developed by the Ministry of the Environment with the support of the Management Committee of the GPP National Action Plan (GPP NAP).

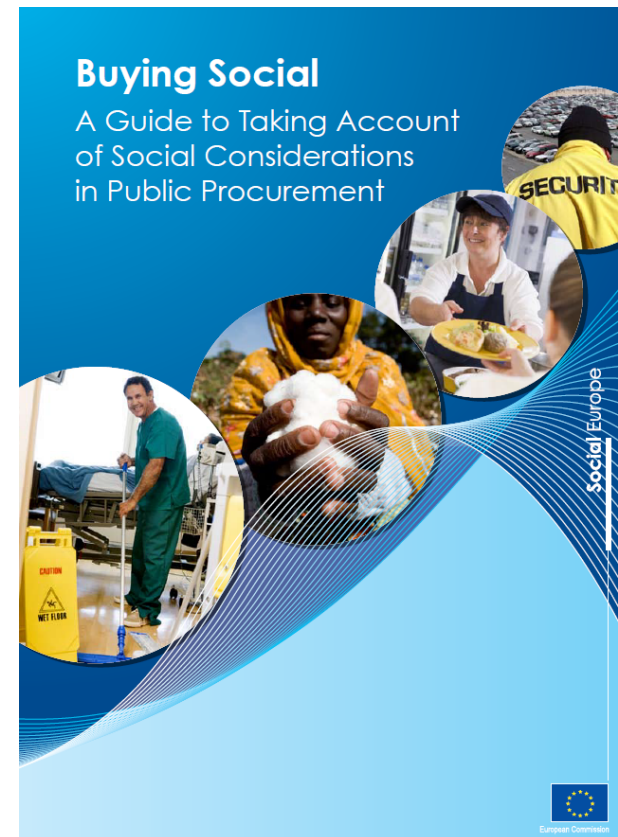
The Management Committee of the GPP National Action Plan (GPP NAP) participates to the **European Working Group for Ethical Public Procurement (EWGEPP)**, a loose network of organisations, public procurers and governmental bodies from several European countries





The **European Commission** has published in the early months of 2011 the guide: "**Buying social. A guide to taking account of social considerations in public procurement**".

The guide takes into account **different social aspects** related to the wide definition of "**socially responsible public procurement**" (SRPP) prepared by the Commission





The **Italian guide** refers to the experiences of integration of social criteria in public procurement being developed in **various European countries**, especially among the members of the **EWGEPP**.

These experiences have focused on **some of the social aspects** included in the definition of **SRPP**: the promotion of **'decent work'**, with particular attention to the main **working conditions along the entire supply chains**.

The **reason** of the focus: the globalization of supply chains can hide **violations of human rights and bad working conditions**.



The **Italian approach** is based on:

**A) “minimum social criteria”**

**B) “structured dialogue”**





**A) Definition of “**minimum social criteria**”:** criteria aimed at promoting the **application** of internationally recognized **standards** regarding **human rights** and **working conditions** along the **supply chain**, as well as:

- ILO “Core Conventions” on freedom of association (n. 87,98) forced labour (n. 29, 105), discrimination (n. 100, 111) child labour (n. 138,182);
- ILO Convention on Occupational health and safety (n. 155), working time (n. 1), minimum wage (n. 131) and social security (102)
- the Universal Declaration of Human Rights;
- art. n. 32 of the Convention on the Rights of the Child;
- the national laws in force in countries where stages of the supply chain are performed.



## B) The “structured dialogue” with the suppliers.

Contracting authority  Suppliers and sub-suppliers

### Objectives:

- improving **the knowledge** of working conditions along the supply chain
- putting **signals of attention** to social standards along the supply chain
- monitoring **the application** of social criteria of the contract along the chain
- activating eventual **corrective actions** in case of failure in meeting the standard



## The **phases** of the structured dialogue:

1. **Informing** the “suppliers community” about the social criteria
2. **Inclusion of contract clauses** relating to minimum social standards
3. Signing a "**Declaration of compliance with minimum social standards**" (annexed to the contract)
4. Filling a **questionnaire** to follow-up the compliance with minimum social standards (different versions for SME, etc.)
5. Requests for **information** to the supplier and **meetings** with him
6. **Social audits**, by contracting authority or third independent party (possible)
7. **Corrective actions** in case of no compliance with minimum social standards (possible)
8. **Penalties** (possible)



## **Some Public Authorities are carrying out the Italian approach of ethical criteria**

- **ARCA**, the **central purchasing body of Lombardy Region** (to be continued...)
- The **Italian Revenue Agency** (*Agenzia delle Entrate*) has introduced the “ethical contract clauses” in the contract for catering service. The Agency is going to send the self assessment questionnaire.





- **Intercent-ER** , the **central purchasing body of Emilia Romagna Region** (4,5 millions inhab.) is developing a project on ethical criteria with a strong engagement of the “suppliers' community” (meetings, guidelines, etc.). It has introduced ethical criteria in the call for tender for school furniture.
- The **Region of Tuscany** has introduced the “ethical contract clauses” in the toner cartridges procurement procedure (amount of the contract: 4 millions euro): the contractor has to develop a project on ethical aspects along its supply chain.



**ARCA**  
Agenzia Regionale Centrale Acquisti

[www.arca.regione.lombardia.it](http://www.arca.regione.lombardia.it)





**ARCA** - Agenzia Regionale Centrale Acquisti  
It is the Regional Procurement Agency of Lombardia Region  
(Lombardia Region has about 10 million inhabitants)

The Agency has the following mission:

- **central purchasing body**: support in the management of purchases of goods and services of Lombardy's public bodies through aggregated public tenders;
- **e-procurement**: development and promotion of e-procurement solutions for the management of online procurement processes

This initiative involves the Lombardy Region's central authority and every Public Entity with head-office in Lombardy, such as the **healthcare structures**, regional companies and local governmental bodies (about 1700 Public Entities).



**Green Public Procurement:** the Agency has introduced green criteria within its centralized tendering processes. Examples: paper for printers, copiers, electricity, travel agencies, stationery articles, local police uniforms.

**Social responsibility:** the Agency is progressively including "social criteria" in procurement activities. The approach adopted is based on the Italian **“Guide for the integration of social aspects in public procurement”**





The ARCA approach is based on:

- transparency and traceability along the supply chains;
- the construction of a “structured dialogue” between the Contracting Authorities and the suppliers.

ARCA has adopted a **two phase** approach:

1. **information and confrontation** with the economic operators interested about the definition of social criteria that will be integrated into the ARCA procurement procedures.
2. **use of contractual tools:** contract clauses, follow-up questionnaires (self-declarations), audits and eventual sanctions



In 2011 ARCA started the adoption of the “**structured dialogue**” by:

1. **Publication of the information** regarding the approach about “social criteria” on the internet website

The screenshot shows the ARCA website interface. At the top left is the ARCA logo (AGENZIA REGIONALE CENTRALE ACQUISTI). Below it is a banner image of a modern glass skyscraper with the text 'AGENZIA REGIONALE CENTRALE ACQUISTI'. The main content area features a navigation menu on the left and two main sections: 'Acquisti Sostenibili' and 'Acquisti Verdi'. The 'Acquisti Verdi' section includes a green leaf icon and text about promoting 'Green Public Procurement'. The 'Responsabilità Sociale' section mentions social responsibility in public procurement.

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### Acquisti Sostenibili

#### Acquisti Verdi

ARCA è attiva nel promuovere nell'ambito delle numerose iniziative strategiche avviate dalla Regione Lombardia il *Green Public Procurement* favorendo la diffusione nell'intero sistema lombardo della cultura e dell'utilizzo di prodotti "verdi"...

#### Responsabilità Sociale

ARCA prosegue il programma avviato dalla Centrale Acquisti teso alla tutela ed al rafforzamento dell'applicazione della responsabilità sociale all'interno del sistema impresa con la graduale introduzione negli appalti pubblici di regole per il raggiungimento di finalità sociali...



2. **Sending a questionnaire** to the economic operators aimed to have information about the way they manage social issues into their supply chains.

The questionnaire is divided in three parts:

- general information about the supplier
- their knowledge of “corporate social responsibility”
- their management of social issues along the supply chain



## Some results of the questionnaires:

**41** economic operators **filled in** the questionnaires:

- 10 from healthcare sector
- 31 from other sector

**31 of the 41 (76%)** economic operators **know the suppliers and sub-suppliers** involved in the supply chains

- 23 of 31 (9 of 10 healthcare institutions) has identified the phase of the supply where there is **highest risk** of violation of social criteria





**24 of 41** (41%) economic operators have a “**Code of Conduct**” for the implementation of social issues into the supply chain:

- **17 of 24** make references to the **eight ILO Core Convention** in the “Code of Conduct” and in the contracts with the suppliers;
- **24 of 24** have dedicated **human resources** to the monitoring of the application of the Codes
- **10 of 24** use **third party** verification of the application of the Codes

**10 of 41** ask for the adoption of a **decent wage** along the supply chain

**1 of 41** provides **economic benefits to the staff** for the integration of social criteria in the contracts



ARCA has introduced **social criteria as contract clauses from 2012.**

**Eight procedures** contain now “social contract clauses” (**four** are products/services of **healthcare** sector).

Some of them are already awarded.

Total amount: more than **1.1 billion of euros**, the majority is coming from **healthcare sector** (993,3 millions of euros)



Goods/services	Amount (millions of euros)
<b><u>Pharmaceutical products</u></b>	<b><u>800</u></b>
<b><u>Vaccine</u></b>	<b><u>37</u></b>
<b><u>Incontinent pads</u></b>	<b><u>153</u></b>
Electricity	116
<b><u>Flu vaccine</u></b>	<b><u>5,3</u></b>
Service of vending machine	6,5
Hosting services for the e-procurement platform of ARCA	2
Stationery articles and copy paper	8





ARCA has received the “**self assessment questionnaire**” from the supplier of the **vaccine** and is **now** doing the **assessment of the questionnaire**.

Some of the answers to the questionnaires need some **investigations** (e.g. whenever the suppliers have not identified the phase of the supply chain involving highest risk of violation)





## Some reflections

**Healthcare** sector is one of the most interesting sector to investigate about the respect of human rights and decent working conditions

A lot of **expectations** from the **new EU Directive** on public procurement

The opportunity to include also **other social criteria** in public procurement, like promoting employment opportunities, social inclusion and SMEs.

The opportunity to introduce **social criteria** in **all the procurement procedure**, especially in the **qualification phase** (we need to select the supplier for its capability to manage ethical aspects along its supply chains)



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