



## Monitoring inclusion of social clauses in Poland



Public Procurement Principle: **Balance, Evaluation**



Procurement Stage: **Post-award**



Audience: **Policy maker, Procuring entity, CPBs**

### Description

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Poland's National Action Plan on Sustainable Public Procurement for 2013-2016 (NAP SPP) addresses green public procurement and socially responsible public procurement. Implementation of much of the plan by contracting authorities is voluntary, with some elements being mandatory, including obligations to:

- consider application of social clauses (such as the reserved contract clause, employment clause and labour clause) in procurement procedures, particularly when purchasing education and training services and others
- exclude economic operators from tender processes if they are in arrears with payment of taxes, charges, social insurance or health insurance premiums, or have been validly sentenced
- clarify abnormally low contract prices in relation to labour costs and subcontracting
- include social aspects regarding needs of all persons and disabled persons in the description of the subject matter of the contract.

The action plan included the goal to ensure that 10% of contracts were socially responsible by the end of 2016. Poland then measured levels of green public procurement and socially responsible public procurement on an annual basis.

Poland based the methodology for the NAP SPP on the analysis of contract notices placed in the national Public Procurement Bulletin (for procurements below EU thresholds) and the European TED database (for procurements above EU thresholds). From each source, a random sample of 4% of contract notices for works, supplies and services was selected,

based on the date of their publication. To ensure that the selection was a random cross-section, Microsoft Excel's random number generator was used.

The following elements were subject to analysis:

- The subject matter of the contract (including a title and short description)
- Selection criteria used
- Contract award criteria
- Contract performance requirements

For 2015, 4.08% of contract award procedures by the Polish contracting authorities included social aspects.

*Source:* OECD (2019), [Public Procurement in Germany: Strategic Dimensions for Well-being and Growth](#), OECD Publishing, Paris

