

# Slovak experience in sustainable public procurement

# Legislation

- Resolution of the government No. 357
- Resolution of the government No. 277
- Act No. 343/2015 Coll. on Public Procurement (Public Procurement Act)
- Act No. 112/2018 on social economy and social enterprises

# **Resolution of the government No. 357 dated 24th august 2016**

Office for Public Procurement

- to provide support for the less developed regions of Slovakia in the area of public procurement with the use of a social aspect

# **Resolution of the government No. 277 dated 7th June 2017**

## Office for Public Procurement

- to prepare an amendment to the Act No. 343/2015 Coll. on Public Procurement (Public Procurement Act) so that the social aspect is easier to apply for the contracting authorities

# Public Procurement Act

- New exceptions
- Reserved contracts
- Quota

# New exceptions

The Public Procurement Act does not apply to below the threshold public contract on supply and service and public contract of a low value on supply and service in case the contract is awarded

1. to a registered social enterprise,
2. to a person with disabilities who operates or carries out self-employment at a sheltered workplace, or
3. to a sheltered workshop, provided that at least 30% of employees of sheltered workshops or employees of sheltered employment programs are persons with disabilities or otherwise disadvantaged persons.

# New exceptions

The Public Procurement Act does not apply to public works contract of a low value in case the contract is awarded

1. to a registered social enterprise,
2. to a person with disabilities who operates or carries out self-employment at a sheltered workplace, or
3. to a sheltered workshop, provided that at least 30% of employees of sheltered workshops or employees of sheltered employment programs are persons with disabilities or otherwise disadvantaged persons.

# National threshold amounts

Below the threshold contract

- supply and service contracts  $\leq 70\ 000$  eur
- works contracts  $\leq 180\ 000$  eur

Contract of a low value

- supply, works and service contracts  $\leq 5\ 000$  eur



# Social enterprises

- Act No. 112/2018 on social economy and social enterprises
- Social enterprise that fulfills the conditions for registration is recognized as a registered social enterprise.
- Based on the focus of the activity, a social enterprise may be registered as
  - (a) social integration enterprise,
  - (b) housing social enterprise,
  - (c) other registered social enterprise.

# Registered social integration enterprise

Registered social integration enterprise employs

- a) at least 30% of the disadvantaged persons out of the total number of employees,
- b) at least 30% of vulnerable persons out of the total number of employees or
- c) at least 40% of disadvantaged people and vulnerable people out of the total number of employees.

# Reserved contracts

When awarding above the threshold contract, the contracting authority and the contracting entity may reserve the right to participate in the procurement procedure only for registered social enterprises, sheltered workshops, natural persons with disabilities who operate or carry out self-employment at a sheltered workplace, or may reserve the execution of a contract under sheltered employment programs provided that at least 30% of employees of registered integration social enterprises, employees working in sheltered workshops or employees of sheltered employment programs are persons with disabilities or otherwise disadvantaged persons.

# Reserved contracts

When awarding below the threshold contract, the contracting authority may reserve the right to participate in the procurement procedure only for

- registered social integration enterprises,
- natural persons with disabilities who operate or carry out self-employment at a sheltered workplace, or
- sheltered workshops, or may reserve the execution of a contract under sheltered employment programs provided that at least 30% of employees working in sheltered workshops or employees of sheltered employment programs are persons with disabilities or otherwise disadvantaged persons.

# Quota - 1st January 2020

The quota requires that the contracting authorities and the contracting entity shall apply a social aspect in at least 6 percent of contracts in case they award at least 10 above the threshold contracts and/ or below the threshold contracts in a year.

The social aspect can be applied as the criterion for the evaluation of tenders, contract condition or in the description of the subject matter of the contract.

# Social aspect

It is defined as an aspect related to the subject-matter of a contract which may lead to a positive social impact on the performance of the contract, in particular to create or promote employment opportunities, decent, fair and satisfactory working conditions beyond the statutory obligation, the inclusion of disadvantaged, vulnerable or excluded persons and groups of people in social relations and simplifying their access to the labour market, to increase accessibility and usability of goods, services and works for disabled people, ethical and fair trade, securing the growth of a knowledge-based economy and innovation, resource sustainability and social and territorial cohesion, to increase the responsibility of suppliers in relation to the interests of the society, in particular by integrating socially beneficial activities into the activities of the supplier and by cooperating with its activities by the parties concerned or by mitigating the consequences of the economic and social lagging of the least developed regions.

# Office for Public Procurement

- Institute of Public Procurement
- New methodology – handbook for contracting authorities and contracting entities
- Chamber – public procurement consultants
- National and international cooperation

Thank you.

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