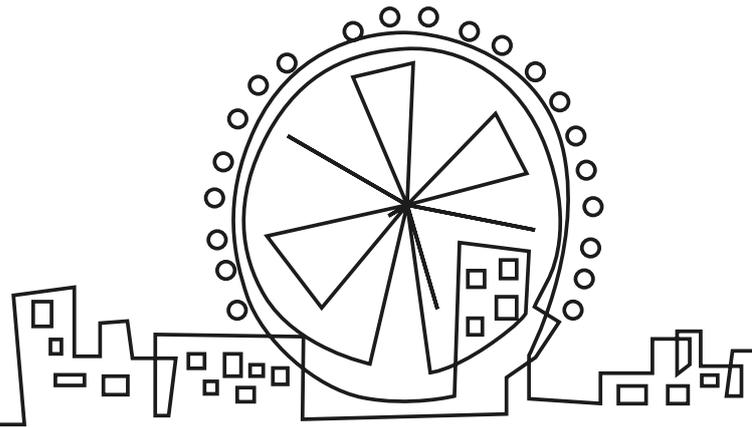


PROCURING SERVICES

REGULATION 20

PUBLIC CONTRACTS REGULATIONS 2015



INTRODUCTION

While most organisations are aware of social value legislation and how it affects public procurement, few organisations seem to know about how they can use their purchasing power to create direct opportunities for community social enterprises and to tackle disadvantage in local communities.

REGULATION 20 – RESERVE CONTRACTS

There are two ways in which procurers can use Regulation 20 to support community enterprises and tackle disadvantage.

Under Regulation 20 (1) (a) contractors can reserve the right to participate in public procurement procedures to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled or disadvantaged persons.

Under Regulation 20 (1) b) procurers can make provision for such contracts to be performed in the context of sheltered employment programmes, provided that at least 30% of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers.

In either of these two cases the call for competition shall make reference to Article 20 of the Public Contracts Directive.

WHAT CAN PROCURERS DO?

Firstly, under Regulation 20 (1) (a) procurers can limit procurement to organisations such as not for profit operatives whose main ethos is the integration of disabled persons and others who are disadvantaged in the labour market.

This can help to ensure that alternative methods of delivery are supported through the procurement

process by organisations that have both a social and economic mission and has huge potential for public procurers.

Secondly, and alternatively, procurers can make it a requirement that contracts can be performed in the context of sheltered employment programmes, provided that 30% of the employees are disabled or disadvantaged workers.

There is no EU definition of sheltered workshops and these provisions open up the opportunities for procurers to provide opportunities for supported employment programmes for those who require permanent employment and for others who require transitional support. They offer an innovative approach to supporting quality opportunities for disadvantaged people within local communities.

FURTHER INFORMATION

Aspire has provided advice to organisations that wish to use these provisions in the procurement process and is happy to provide further information on how such a system can be used by public authorities and other not for profit authorities in delivering innovative community employment programmes.

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