

Social and inclusive commissioning

Social Return on Investment and other Mainstreaming Tools in Public Procurement

Towards social commissioning for inclusive cities

- Decades of experience with social return on investment
- Repressive approach
- Preventative/pro-active approach

The focus on public procurement

- Public contracts account for 120 billion euros annually in the Netherlands.
- Nature of public contracts offers more opportunities than e.g. subsidies due to the use of award criteria.

Broad possibilities for the creation of social value

- Art. 3(3) TEU, art. 8 and 10 TFEU, sustainable development goals
- Directive 2014/24
- Dutch public procurement law

- Gender, lgbtiq+-community, low level of literacy, etc.

Tension between achieving social value and the principles of public procurement

- Equality, non-discrimination, transparency and proportionality
 - *Beentjes*, ECLI:EU:C:1988:422.
 - *Tim*, ECLI:EU:C:2020:58.

Tension between SROI and the principles of public procurement

- Local labour market
- Link to the subject-matter of the contract
- Social labels

Effectiveness of social return on investment

- Effectiveness *ex post*
 - How to measure 'social value'?
- Effectiveness *ex ante*
 - Testing the legality of instruments that create social value
- Cooperation with city of Amsterdam

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