

EXPANDED ABSTRACT

Responsible public procurement. Design of measurement indicators

The European Union recognizes the importance of public procurement as one of the instruments that must be used to achieve smart, sustainable and inclusive growth. In Spain, Law 9/2017, of November 8, on Public Sector Contracts, transposes the European Parliament and Council Directives 2014/23 / EU and 2014/24 / EU into the Spanish legal system. This law aims to incorporate transversally socially responsible criteria when preparing and executing public contracts. In addition, it obliges bidding companies to meet specific requirements on gender equality, fair labor conditions, fair trade consumption or energy efficiency. Specifically, the basic objectives pursued by the Law are; the impartiality and objectivity of procedures, greater transparency in public procurement and improving the quality-price ratio. All this means guaranteeing the correctness of the procedures, avoiding any hint of corruption and using public procurement in a strategic manner to implement, with the resources that are managed through the contracts, public policies at communitarian and national levels in the social, environmental, and development fields and the innovation and promotion of the participation of small and medium enterprises in public procurement. Faced with this situation, public administrations have begun to develop guidelines and approve instructions for the implementation of socially responsible clauses in their hiring. However, despite its importance, there is no specific measurement instrument that evaluates this type of behavior.

In this context, we propose this research with the aim of facilitating a tool, composed of a series of ethical and sustainable indicators, in line with the new Law, which allow comparative measurement and comparison of the responsible behavior of administrations in relation to their public contracts. In this way, the contracting bodies must present in their specifications concrete measures to guarantee, on the one hand, integrity in their contracting procedures and, on the other hand, the strategic use of their contracts. All this it will allow to implement, with the resources that are managed through contracts, national and international policies in social, environmental, promotion of innovation and of the participation of small and medium enterprises in public procurement.

The research has revealed the existence of numerous guides and publications for the implementation of social, ethical and environmental clauses in public procurement, as well as instructions or agreements on sustainable public procurement. Specifically, in Spain, there are many administrations that, in recent years, have published good practice guides for the inclusion of Social Responsibility clauses in their contracts. In addition, it has been observed the continued existing commitment of the Spanish public administrations with the Social Responsibility, through the approval of Agreements or Instructions. Indeed, since 2005, in which the Good Governance Code of the General State Administration was approved in Spain, and in 2009, when the Spanish Federation of Municipalities and Provinces appro-

ved its own Code of Good Governance, very significant steps have been taken in terms of Social Responsibility and sustainability. In the second stage of the study, a series of social and environmental indicators were created to evaluate and compare responsible practices in public procurement throughout the different phases of the contract (preparation, awarding, execution).

This first investigation has some limitations derived from the lack of quantitative data, however, like any exploratory study, it constitutes a hypothesis-generating element and serves as the basis for future investigations that allow evaluating the hiring of the entities that make up the public sector in relationship to social, environmental and ethical issues. At the same time, this proposal may favor focusing the practices and responsible policies to address the observed shortcomings, contributing to obtain economic and social environmental benefits, for the Administration and for the private sector and society in general.

According to the objectives formulated in this exploratory study, it has been proven that, increasingly and with a general nature, public administrations are aware and are concerned about the aspects that have to do with Transparency, Social Responsibility and sustainability. From the analysis of the current situation of sustainable public procurement, the important efforts of the initiatives, both national and international, aimed at strengthening a regulatory framework in this area are confirmed. Specifically, in Spain, it is observed that there are many administrations that adopt the commitment to be socially responsible in their hiring. However, the great task that remains to be done to adapt to the regulatory framework in these matters has been verified.

The importance of this work, because it is a pioneer, is that it has defined a series of indicators that serve to evaluate sustainability in public procurement. In addition, the proposed indicators allow to guide the implementation of good practices and can be used in future research as a basic methodological instrument to advance in the understanding and improvement of sustainable public procurement processes. All this will allow knowing the current situation of sustainable public procurement and being able to compare them over time, evaluate the impact of the approval of procurement laws in local administrations, determine good practices in public procurement, measure the effects of instructions or agreements on public procurement, identify if there are patterns of behavior among public administrations in relation to their responsible contracting and what could be the conditioning factors of sustainable practices in public procurement.

KEYWORDS: Sustainable Public Procurement, Indicators, Social Responsibility, Social and environmental clauses.