

# EU PUBLIC PROCUREMENT

A Toolkit For Fair
Trade And Other Social Enterprises







We have co-created this toolkit with and for our engaged members to help making it easier to engage in public procurement and applying for tenders. It presents a variety of resources for Fair Trade and Social Enterprises to strengthen their capacities for applying for public tenders and otherwise engaging in public procurement. The European Commission has recognised public procurement as a significant vehicle for the Green Transition, and WFTO-Europe strongly agrees that governments and local authorities hold tremendous leverage to contribute directly to several the SDG's through their public procurement.

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#### INTRODUCTION

# WHY THIS TOOLKIT

EU public buyers (e.g. municipalities, regions, public service companies, schools, universities, hospitals, care homes, etc) spend 14% of the EU's gross domestic product [1]. Through their purchasing power, they have the possibility to contribute to sustainable consumption and production patterns by influencing the demand of sustainable products and services, as well as to start and/or deepen a dialogue with those companies and other relevant stakeholders that strives to make consumption and production patterns sustainable.

With the adoption of the **2014 EU Public Procurement Directive**, and its transposition in all the EU Member States, the role of public purchases to foster sustainable development has gained relevance among Fair Trade and social enterprises. In 2015, the 2030 Agenda and its Sustainable Development Goals (in particular the SDG 12.7) also further highlighted how public procurement can be a powerful tool for local authorities to achieve positive social, environmental, and economic outcomes. This key role was also acknowledged in the recent 2019 Guidance on the participation of third-country bidders and goods in the procurement market.

With this toolkit, the European Office of the World Fair Trade Organization (WFTO), in cooperation with the Fair Trade Advocacy Office (FTAO), aims to support Fair Trade enterprises and other social enterprises to access the public procurement market. Building on existing publications gathering good practices in the field of sustainable public procurement and the experience of the Fair Trade movement, the toolkit aims to provide strategic guidance to those enterprises that want to provide their products and services to public authorities. We also want to encourage them to look at public procurement as a hook to start and/or deepen the dialogue with public authorities on how to boost sustainable development.

Fair Trade and social enterprises can be key partners for procurers to tackle social and environmental concerns in their purchases. They can also help them create more coherence between sustainable public procurement strategies and other policies and initiatives that have an impact on consumption and production patterns (e.g. development cooperation, local economic development, and awareness raising initiatives). However, their participation in the public procurement process is still very low [2].

We believe that improved access to public procurement markets will help Fair Trade enterprises to increase their trading activity, as well as their brand awareness. Moreover, supplying public authorities, be it via small purchases or larger contracts, can be a useful strategy for them to raise awareness and promote a fairer and greener economy while strengthening alliances with key stakeholders, such as public authorities, Civil Society Organisations (CSOs), universities, and commercial partners.

# WHO SHOULD READ IT

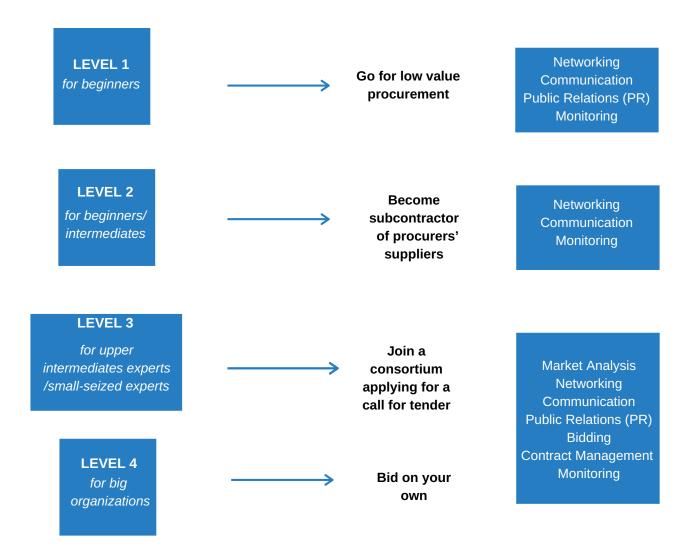
The toolkit mainly targets Fair Trade enterprises, especially WFTO-Europe Members, as well as other social enterprises. The publication wants to help them seize the opportunities that the EU public procurement market can offer after the adoption of the 2014 Directive on Public Procurement. We hope that it will be useful for experienced bidders as well as those new to the topic.

The publication provides relevant information to different type of enterprises, according to their public procuement expertise, as well as their seize.

Since there are differences among the public procurement procedures across EU countries, the toolkit is designed to provide general hints and tips rather than a prescriptive set of rules. the detailed as processes are defined at national level.

#### HOW IS THE DOCUMENT STRUCTURED

Public procurement is a journey. According to their level of expertise and capacity, Fair Trade and other social enterprises can opt for different options. In particular, in the toolkit, we propose a step-by-step approach, which allows Fair Trade enterprises to start or continue their public procurement journey taking into account their expertise and size



# A TOOL TO PROMOTE SUSTAINABLE DEVELOPMENT

Through procurement, public authorities can set a positive example and encourage the private sector to improve practices in the management, production and provision of sustainable products and services in several sectors, such as food and catering, textile, ICT, office supply, cleaning, etc[3]. Public procurement is a tool for them to partner up with other stakeholders for the promotion of sustainable production and consumption patterns (SDG12) [4] and global partnerships for sustainable development (SDG17) [5].

Engaging social enterprises in public procurement is part of the policy strategies of an increasing number of local, regional, and national public authorities. There is a growing number of initiatives public bodies are taking to partner up with companies and social enterprises: boot camps, fairs, learning workshops, and pilot projects.

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and social enterprises: boot camps, fairs, learning workshops, and pilot projects. More and more public authorities are also joining initiatives such as the Fair Trade Town Campaign, the Fair Trade School Campaign, and other relevant initiatives of the Fair Trade movement.

These opportunities can be a powerful way for Fair Trade enterprises to start or deepen the dialogue with policymakers and advocate for policy environment and financial resources in support of the social economy.

Several examples of good practice are included in relevant EU publications, such as **Buying for Social Impact**[6] and **Making Socially Responsible Public Procurement Work**[7], and websites, such as the **EC Green Public Procurement Portal**. More information is also available on WFTO-Europe and FTAO website.

<u>InternationalFair Trade Towns Campaign</u>, which started in Garstang, UK, in 2001, has spread to the five continents and counts more than 2.000 towns. All national Fair Trade Town campaigns share five founding core goals that ensure that many different groups and organisations are involved in a campaign:

- 1. Local council passes a resolution supporting Fair Trade and agrees to serve Fair Trade products
  - 2. A range of Fair Trade products is available locally
- 3. Schools, workplaces, places of worship and community organisations support Fair Trade and use Fair Trade products whenever possible
- 4. Media coverage and events raise awareness and understanding of Fair Trade across the community
- 5. A Fair Trade steering group representing different sectors is formed to co-ordinate action around the goals and develop them over the years

The Fair Trade Towns Campaign is an opportunity for Fair Trade enterprises to strengthen the relationship (including the commercial one) with public authorities.

- [3] Check the publications 'Localising the Sustainable Development Goals (SDGs) through Fair Trade' and 'From local to EU level: Scaling Up Fair Trade' for more information on how local authorities can benefit from Fair Trade to achieve sustainable development objectives.
  [4] SDG12.7 Promote public procurement practices that are sustainable, in accordance with national policies and priorities.
- [5] SDG17.17 Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.
- [6] The guide includes a Fair Trade best practice (pages 35-36), and it also includes other examples of how social enterprises can be involved in public procurement.
- [7] The guide includes a Fair Trade best practice (pages 35-36), and it also includes other examples of how social enterprises can be involved in public procurement. Among them, 10 studies refer to Fair Trade (Falun Borlaenge Regionen (SE), Salamanca (SP), Oslo (NO), Valladoid (SP), London (UK), Bonn (DE), Pamplona (SP), Ghent (BE), Madrid (SP), and Bremen(DE).

# THE EU LEGAL FRAMEWORK

With the adoption of the **2014 EU Directive on Public Procurement** and its transposition in the different EU Member States, <u>public buyers can:</u>

- engage the market and relevant stakeholders to prepare the tender process (Art. 40)
- restrict some tendering procedures for all types of work, services and supplies to sheltered workshops and economic operators whose main aim is the social and professional integration persons with disabilities and other disadvantaged persons (Art 20);
- use mechanisms to ensure compliance with environmental, social and labour obligations (recital 37);
- choose which quality requirements to introduce in the tender documents (recital 94);
- include Fair Trade criteria in the award criteria (recital 97) [8];
- award contracts based on the Best Price-Quality Ratio and life-cycle costing (recital 89).
- award contracts in the form of separate lots to support small-sized bidders' participation (Art. 46);

#### Moreover:

- In a call of bids, it is possible to 'require a specific label as means of proof that the works, services or supplies correspond to the required characteristics' when some conditions are respected:
  - 1. there is a link to the subject of the contract;
- 2. there are objective, verifiable, set by a third party and non-discriminatory criteria;
- 3. there is an open and transparent procedure where all the stakeholders can participate; and labels are accessible to all interested parties (Art 43);
- contract performance conditions 'might also be intended to favour the implementation of measures for the promotion of equality of women and men at work, the increased participation of women in the labour market and the reconciliation of work and private life, the protection of the environment or animal welfare and, to comply in substance with fundamental International Labour Organisation (ILO) Conventions and to recruit more disadvantaged persons than are required under national legislation.' (Recital 98).

Below the thresholds, Member States have different national purchasing procedures. However, there are very similar standards. In particular, for purchases of very low value (thresholds vary from country to country), Member States may authorise purchasing without tendering procedure. Please liaise with your national public procurement agency (Annex 1) or consult with other possible partners for more details on your national rules and thresholds.

The Directive only applies to contracts above financial thresholds (Article 4) that are updated by European regulations on the first of January every even year[9]. For more information, please visit the Commission public procurement website

The EU Directive has been transposed at national level. Please <u>click here</u> to check the status of the transposition of the Directive in the EU Member States.

# STRATEGISE FIRST

### which approach is best for your organisation?

Participating in public procurement takes time, expertise and skills. It is important for a Fair Trade enterprise to have a strategic approach to it. In this toolkit, we propose a **step-by-step approach** which takes into account enterprises' expertise and size.

1

# **First step (for beginners)**

#### start with low value procurements

As explained in the previous chapter, for purchases of very low value, Member States may authorise purchasing without tendering procedure. Therefore, we suggest enterprises to start from low value procurements (opportunities under the threshold). This option helps create the foundation for competing for bigger sales in the future.

This option can help you:

- · slowly increase your sales without any investment in bidding
- · start/develop a dialogue with public authorities
- raise their awareness on Fair Trade and sustainable development.

It requires actions in the field of communication, PR, and monitoring (pages 10, 11 and 13)

Start by preparing a list of your products and services for public procurers! Show them what you can offer them when organising an event, ordering the office supply, etc.

2

# Second step (for beginners / intermediates)

# propose yourself as subcontractor

A second step can be to look at companies who are already supplying public authorities and propose yourself as subcontractor.

This option can help you:

- slowly increase your sales without any investment in bidding
- · widen your partnerships with the private sector
- · raise awareness on Fair Trade

It requires actions in the field of networking, communication and monitoring (pages 9, 10 and 13).

Become a subcontractor! Many procurers' suppliers see social enterprises as potential partners to achieve Corporate Social Responsibility Goals. In some cases, they also foresee programmes to engage with social enterprises [10]. Explore what partnerships you can start with other companies. Find out which big companies get catering and other relevant large services public procurement contracts.

3

# Third and fourth step (for intermediates / experts)

### you can start bidding

Once you gather some expertise in public procurement, you can start bidding. If you have a small capacity or you are not so confident yet, you can opt to bid as part of a consortium. Otherwise, you can do it on your own.

Bidding can help you:

- more rapidly increase your sales
- further strengthen your collaboration with the public sector and eventually the private sector (if you bid as a consortium)

It requires actions in all the areas that are described in this toolkit (market analysis, networking, communication, PR, bidding, contract management, and monitoring

Create consortia with other social enterprises/companies!

Instead of competing with other social enterprises or companies, you can choose to bid together with them. This can help you show procurers that you can respond in a more integrated way to their needs and/or that you can deliver bigger volumes [11].

# MARKET ANALYSIS

# Check the public procurement opportunities



**TED (Tenders Electronic Daily)** is the online version of the 'Supplement to the Official Journal' of the EU, dedicated to European public procurement. It publishes 746 thousand procurement award notices a year, including 235 thousand calls for tenders which are worth approximately €545 billion.

It is the primary source of information on Commission calls for tenders above the <u>Public Procurement Directive Thresholds</u> and also gives access to tenders of other public authorities from the European Union, the European Economic Area and beyond. The portal allows to browse, search and sort procurement notices by country, region, business sector and more. Information about every procurement document is published in the 24 official EU languages. Warning: this is only for large contracts and therefore, for real public procurement pros!

Social enterprises are not always aware of the potential of public procurement or the role they can play. In order to gather information and knowledge on the opportunities it can offer, you can:

- check the website of your national public procurement agency [12]
- visit the EU and national public procurement portals

Similar platforms are also available at national level (e.g. **MEPA** in Italy, and **DTVP** in Germany). Take a look at the website of the national public procurement agency of your country for more details (see the list at the end of this publication).

# **NETWORKING**

### Build and strengthen your partnerships

LEVELS 2, 3 and 4

Public procurement is an important occasion to foster collaborations. Through partnerships, social enterprises can widen the range of products of services they can provide, as well as increase their social and environmental impact and visibility.

For example, the interest of public buyers to promote the circular economy through their purchases can be an opportunity for Fair Trade enterprises to partner up with circular companies that can help them extend their products' life through service interventions such as repair, refurbishment, and remanufacturing. This collaboration can also help Fair Trade actors improve the design of their products to make them even more sustainable.

In order to widen your network and alliances, you can:

- Check whether there is a Fair Trade Town Coordinator in your country and liaise with him/her:
- Participate in relevant networks of CSOs/ enterprise
- Partner up with universities;
- · Partner up with law firms;
- Partner up with procurers' sustainability coordinators, experts who support the procurement departments of public bodies (when appointed);
- Partner up with companies who are already supplying public authorities (as subcontractor).

**Madrid – Spanish Fair Trade Town** Existing Fair Trade Towns can be your allies. For examples, a few years ago, a procurer of Madrid, Fair Trade Town, trained the procurers of the municipality of Bilbao, another major Spanish city, on fair and sustainable public procurement.

<u>REAS – Red de Economia Social y Solidaria</u>: Social enterprises can find support among existing networks. For instance, the Spanish Social and Solidarity Economy Networks gathers stakeholders that are committed to sustainable public procurement. It provides them with guidance on how to include social and environmental concerns in calls for tenders.

The Fair Trade School and University Campaign: Campaigns can also support social enterprises participation in procurement. For example, the Fair Trade School Campaign, started in the UK in 2007, helps schools to procure sustainably. Nowadays, it involves about 2.000 schools across the EU. A similar campaign also engages a growing number of Fair Trade Universities, that can be not only enterprises' commercial partners, but also providers of expertise and knowledge.

**Law firms' pro-bono programmes:** Large law firms often have a pro-bono programme to offer free legal advice to not-for-profit organisations or for causes they support.

# COMMUNICATION

#### **Build your case**



The increased interest on sustainable public procurement can be an important occasion for Fair Trade enterprises to show how:

- they are contributing to sustainable development in the Global North and the Global South;
- · they are tackling climate change;
- they are contributing to more circular business models;
- · they are investing in their human capital;
- they can provide a wide range of traditional and innovative products and services.

Indeed, even if many Fair Trade enterprises are keeping on investing on sustainability, this work is not always visible and recognised.

In order to better benefit from public procurement, you need to

- build your case [13];
- make sure you are widely disseminating your case through social media, online campaigns and debates, publications, articles, meetings and workshops can also be other relevant communication tools;
- participate in relevant events and online initiatives (e.g. the #webuysocialeu social media campaign);
- · participate in procurers' preliminary market consultations.

#### **World Fair Trade Day**

The <u>World Fair Trade Day</u> is an annual opportunity for the Fair Trade movement to raise awareness on the work it is doing to contribute to sustainable development. It happens every second Saturday of May. It can be the occasion to show to procurers, as well as to other stakeholders, how Fair Trade is promoting:

- Local production;
- Environmental sustainability (see the press release on 'combining Fair Trade with the circular economy principles');
- Innovation (see the #FairTradeInnovates Campaign).



[13] Please find below a list of relevant Fair Trade movement's publications that can support you on this:

- 1. WFTO work to promote Fair Trade in Northern countries
- 2.WFTO database of products and suppliers
- 3.FTAO publication 'From local to EU level: Scaling Up
- 4. Fair Trade in Europe'
- 5.FTAO publication 'Localising the Sustainable
- 6. Development Goals through Fair Trade'

# **PUBLIC RELATIONS (PR)**

# **Getting ready**



There are many barriers preventing procurers from engaging with sustainable public procurement:

- · Lack of political backing
- · Low interest in changing
- Lack of knowledge and awareness on sustainable development/ Fair Trade
- Fear to make mistakes while procuring
- · Lack of market intelligence

#### Before meeting procurers, make sure to:

- Look at the local social and environmental strategies the public authority has in place and can be implemented through public procurement too
- Gather publications and information that can help you show how including social and environmental considerations can help public authorities achieve other policy objectives too
- You can be supported (if needed) by Fair Trade Town Campaign Coordinator in your country/ another organisation and expert on public procurement

Do not hesitate to also benefit from the meeting to ask more details on:

- The upcoming calls for tenders
- Any preliminary market consultations they may organise
- Any capacity building activities they may organise to support social enterprises participate in their upcoming calls for tenders (e.g. digital platforms, fairs, workshops)

#### Also make sure you can reply to the following questions:

- 1. What are the benefits of sustainable procurement for your public authority? What other local policies can you support through sustainable public procurement? [14]
- 2. In which sector could the collaboration start (food and catering, workwear, etc)?
- 3. What list of products and services can you offer in this/these sector/s?

### Meet the procurers

Public procurers do not necessarily have opportunities to meet FT enterprises. Meeting procurers can help FT enterprises to show their strengths and solutions, as well as to raise awareness on sustainable consumption and production patterns. Therefore, it is important to invest on PR actions.

There are several opportunities you can seize to meet potential public buyers:

- Check whether there are Fair Trade Towns, Fair Trade Universities or Schools in your neighbourhood/ in your country that you can meet
- · Map any committed public authorities in your neighbourhood
- Arrange a meeting with your local authorities/ procurers or organise a Fair Trade Breakfast/ event with procurers
- Participate in relevant fairs and workshops to engage the private sector in public procurement
- Participate in **preliminary market consultations** organised by procurers [15]

<u>EU Cities for Fair and Ethical Trade Award</u> is an initiative to encourage towns in the EU to do more in support of Fair Trade. Its website and network of EU Cities for Fair and Ethical Trade can provide Fair Trade enterprises with useful contacts of committed local authorities. Other similar initiatives at EU, national and local level can help social enterprises identify potential public sector partners.

#### ESS2024 - the solidarity platform

Initiated jointly by Les Canaux and the Yunus Center, in collaboration with Paris 2024, La Solidéo and ESS2024, the solidarity platform is a tool to inform, mobilize and accompany social businesses in participating in the public tenders related to the Olympic and Paralympic Games. This tool is having the potential to engage with social enterprises, but also to foster cooperation between social enterprises and other companies and suppliers.

#### Procurex Ireland - The Irish Public Procurement Market Place

Procurex Ireland brings together over 1000 key decision-makers from across the public procurement marketplace. It is one of the major highlights within the annual Irish public procurement calendar, and it supports innovation, as well as new collaborations and capacity building opportunities.

# **BIDDING**

# Prepare a winning bid

Bidding requires time, skills, and expertise.

It is the most resource intensive option we propose.

In order to optimise your resources, when you decide to bid:

- · Read carefully all the call's requirements and deadlines;
- Make sure you comply with all the requirements the timetable is realistic;
- Engage your team and (if necessary)/ partners that can help you with the bid's preparation
- Make the most of the available advice (check what support national public procurement agencies, universities and other stakeholders can provide you with to prepare your bid);
- Attend any relevant info sessions/ consultations on the call;
- · Consider forming a consortium with other organisations to bid;
- Carefully draft your bid.

<u>PIANOo</u> - the Dutch Public Procurement Expertise Centre (The Netherlands) was set up to professionalise procurement and tendering in all government departments, to improve efficiency and compliance with the rules. Its website provides potential procurers' suppliers with capacity building tools and advice. Similar services are often provided by other national public procurement agencies (Annex 1).



# **CONTRACT MANAGEMENT**

#### **Cooperate with procurers**



If the bid is successful, the first step for the procurer's supplier/s is to build the cooperation with the procurer and to plan actions to monitor the contract's implementation with the procurer.

**Once you become a procurer's supplier**, sufficient resources need to be allocated to the contract management in order to:

- Check with the procurer any technical, financial, and reporting issues at the beginning of the contract;
- Brief your team on the work to be deliver and check any needs for adjustments;
- Keep in regular contact with the procurement during the contract's implementation to update with progress/ any new or emerging difficulties;
- Gather the procurer's feedback at the end of the contract.

#### MONITORING

# **Check your progress**



Monitoring is a **key aspect** of every public procurement journey. It allows enterprises to check how the journey is going and whether it is the time to take new steps or take a step back.

As for the public procurement's monitoring:

- Make sure you prepare a short list of indicators to be monitored every 6/12 months. Indicators can
  include: the number of reached out procurers/ suppliers of public authorities, numbers of new contracts,
  volume of the sales to public bodies, number of new collaborations on sustainable public procurement,
  etc:
- Discuss your progress with your team;
- Plan regular meetings with the procurers you cooperate with to gather their feedback too;
- Check every year whether you are ready to make new steps.

# FINAL CONSIDERATIONS

# **USEFUL LINKS**

# LEGAL FRAMEWORK

- 2014 EU Directive on Public Procurement
- 2019 Guidance on the participation of third-country bidders and goods in the procurement market
- EU Thresholds
- <u>Transposition of the 2014 EU Public Procurement Directive in the EU Member</u> States

# **EU PORTALS**

- TED (Tenders Electronic Daily)
- European Commission's Public Procurement Website
- European Commission's Green Public Procurement Portal

# RELEVANT PUBLICATIONS

- Buying for Social Impact
- Making Socially Responsible Public Procurement Work
- Localising the Sustainable Development Goals (SDGs) through Fair Trade
- From local to EU level: Scaling Up Fair Trade

# ANNEX 1

# NATIONAL PUBLIC PROCUREMENT PORTALS

#### Austria

- The Austrian Federal Procurement Agency
- Central contact point for advice on procurement from the Austrian Federal Economic Chamber

#### **Belgium**

- Federal procurement portal
- Procurement portal of the Brussels region
- Procurement portal of Flanders
- Procurement portal of Wallonia and Wallonia-Brussels federation

#### Croatia

• Croation public procurement portal

#### **Cyprus**

• Cypriot public procurement portal

#### Estonia

• Estonian public procurement portal

#### Finland

- Procurement advisory unit
- Ministry of Economic Affairs and <u>Employment</u> (in English)

#### France

• Public procurement in France from the Ministry of Finance

#### Germany

• German public procurement portal

#### Greece

 Hellenic Single Public Procurement Authority

#### Italy

National anticorruption portal

#### Latvia

Procurement Monitoring Bureau

#### Lithuania

• Public Procurement Office

#### Luxembourg

<u>Luxembourg public procurement portal</u>

#### Malta

• Malta Department of Contracts

#### **Netherlands**

 PIANOo (Professional and Innovative Tendering,

Network for Government Contracting Authorities)

#### Poland

Polish Public Procurement Office

#### **Portugal**

• Base: public procurement portal

#### Romania

• Romanian National Agency for Public Procurement

#### Slovakia

• Slovak Office for Public Procurement

#### Slovenia

• Electronic system for public procurement

#### **Spain**

 Spanish platform for public sector contracting

#### Sweden

• Swedish Public Procurement Agency



#### CONCLUSION

Public procurement is a powerful tool which is still under-exploited by both procurers and Fair Trade and other social enterprises to achieve social, environmental, and economic objectives.

The participation should be seen by all social enterprises not only as a market opportunity but also as a tool to achieve greater strategic objectives, such as:

- · Raising awareness on Fair Trade
- Giving more visibility to the role of social enterprises in promoting sustainable development
- Raising awareness on the social and environmental impact of social enterprises
- Build market intelligence among public buyers on the wide range of products and services social enterprises can provide
- · Advocating for enabling policies for social enterprises
- Creating and/or strengthening cooperation with policymakers, enterprises, CSOs, universities and other stakeholders to both improve their social and environmental impact and to increase knowledge exchanges and communication activities on the topics and the values that are essential for the social economy and Fair Trade movement.

Having a dialogue with procurers, as well as with other potential suppliers, can lead to investing in a wide range of activities your social enterprise carry out in the field of advocacy, marketing, PR and communication. The benefit is that these actions targeting public procurers can also help Fair Trade and other social enterprises to position themselves towards consumers, citizens, and activists committed to sustainable development.

Therefore, we hope that this toolkit will be an important boost to sustainable consumption and production patterns, as well as to the creation of new partnerships, and therefore contribute to Agenda 2030 and the achievement of the Sustainable Development Goals.

Should you wish to share with us your experience with public procurement, do not hesitate to contact us at administration@wfto-europe.org.

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