

Social and Environmental Considerations

Statements:

1. Social and Environmental Considerations adulterate the principle of competition.

Grounds:

Efficiency oriented competition is the fight for the best product/for the best service. It is not the fight for features which lie „beside“ the product or service.

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2. Social and Environmental Considerations can be misused to choose the „wanted“ supplier.

Grounds:

Social and Environmental Criterias can be set up in a way that the contracting authority will get the tenderer it has in mind in advance.

It is the invitation for manipulation.

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3. Social and Environmental Considerations may reduce number of bidders.

Grounds:

A possible tenderer may not be able or may not want to fulfill social and environmental criterias.

In any case, a tenderer will not change its production line tools expecting a public contract.

This would be completely uneconomical.

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4. Social and Environmental Considerations diminish the legal protection.

Grounds:

Social and Environmental Considerations can be established in such a vague manner that no court can rule against those criterias.

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5. Social and Environmental Considerations invite politicians to make politics through public tendering.

Grounds:

A politician can hardly resist if he has the opportunity to demand in a public tender the use of „clean“ electricity, if his supporters produce such an energy or to give preference to a supplier which creates jobs for handicaped people if those are his supporters.

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Conclusion:

A contracting authority should be well aware that by using social and environmental considerations it may not get the best product and the best supplier.

Therefore, a contracting authority should only choose environmental criterias which are linked directly with the product.

Therefore, a contracting authority should voluntarily refrain from using other social and environmental considerations.