



# Regulatory and legal framework for public procurement (PP) and specifically for co-production in public-private partnerships (PPP) with agents of the social and solidarity economy, Portugal

## MedTOWN Project

Co-production of social policies with social and solidarity economy actors to fight poverty, inequality and social exclusion.



Community of Practice:



## QUESTIONNAIRE PROJECTS PHASES AND LOCAL PARTNERS. MEDTOWN PROJECT. 3rd LOT.

**DEMONSTRATIVE ACTION. Name:** Agroforestry of Bela Flor and Time Bank of Campolide **MUNICIPALITY, REGION AND COUNTRY ACTION:**  
**Campolide – Lisbon - Portugal**

### BRIEF DESCRIPTION OF CONTEXT:

The Parish of Campolide is located in the City of Lisbon, in the central-western area, bordering a vast forested area, the Monsanto Park, which is Lisbon's main "lungs". It encompasses a heterogeneous territory, with middle and upper-middle class areas and Municipal Housing neighborhoods, where the most disadvantaged populations live. The neighborhood where Agroforestry is located is precisely a Municipal Housing neighborhood and there is also a Housing Cooperative.

With Time Bank, the aim is precisely to encompass people from different social classes, interconnecting them through its services. Offered and demanded.

### ARRAY TO BE FILLED IN:

Nº	ASPECTS TO BE REPORTED	ACTIONS	OTHER ACTIONS/ DISCLAIMERS	OTHER DISCLAIMERS
1 <sup>1</sup>	<b>Existing applicable legislation governing PP and PPPs</b>	There is a Public Procurement Code (Decree-Law n.º 18/2008) ( <b>ELI:</b> <a href="https://data.dre.pt/eli/dec-lei/18/2008/p/cons/20210721/pt/html">https://data.dre.pt/eli/dec-lei/18/2008/p/cons/20210721/pt/html</a> ), but it is not specific to Social and Solidarity Economy organisations or to PPP with agents of the SSE. But they must		

<sup>1</sup> Especially related to the Social Solidarity Economy (SSE).

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	also respect it, in their actions with the State.		
2 <b>Purpose of the regulation</b>	<p>“Establishes the discipline applicable to public procurement and the substantive regime for public contracts that are in the nature of an administrative contract.” (preamble of the Decree-Law)</p> <p>“This decree-law establishes the discipline of public procurement applicable to the formation of public contracts covered by the provisions of paragraph b) of paragraph 1 and paragraph 2 of article 296 of the Treaty on the European Community.” (In art. 5 of the Decree-Law)</p>		
3 <sup>2</sup> <b>Consideration-Theoretical Definition PP (According to regulation)</b>	“Public contracts are contracts concluded by the Public Administration, whether regulated by administrative law or by private law, which the law submits to a special training procedure.”		
4 <b>Scope of application of PP legislation</b>	National	Public and Public-Private	“Pursuant to subparagraph a) of paragraph 1 of article 198 of the Constitution” (preamble of the Decree-Law)
5 <b>Stakeholders Involved PP</b>	Administrations, Companies, NGOs, Associations, Cooperatives, Mutual Societies, Foundations and all types of	Administrations, Companies, NGOs, Associations, Cooperatives, Mutual Societies, Foundations and all types of SSE organisations	

<sup>2</sup> Necessary for making comparative terms of equivalent concepts

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	SSE organisations.		
6 <b>Administration - competent legislative body PP</b>	The Government and the Parliament.	To national area.	
7 <b>Administration - competent executive body PP</b>	The various Ministries, local authorities and all public services.	To national and local areas.	
8 <b>Measures promoting or encouraging PP and PPPs</b>	There are no specific measures to promote PP and PPP	There are no specific measures to promote PP and PPP	
9 <b>Other PP and PPP related legislation</b>	There are no other PP and PPP related legislation, concerning SSE organisations.	There are no other PP and PPP related legislation, concerning SSE organisations.	
10 <b>Possibility of creating new PP and PPP legislation</b>	It would be important to create new PP and PPP legislation, taking into account the new perspectives and challenges arising from the Solidarity Economy. For this, it would be necessary to mobilise the RedPES - Portuguese Solidarity Economy Network, some (left-wing) parties and/or some local authorities.	At national and local levels.	
11 <b>Possibility to amend existing legislation PP and PPP</b>	It requires a proposal, with support from political parties, and approval in Parliament, which is not easy.	At national level.	
12 <b>Problem Identification/Regulatory implementation PP and PPPs</b>	The biggest problem is the recognition of the Solidarity Economy as specific and different from the Social Economy, and therefore the move to a legal and	The problem is that the big Social Economy lobbies do not want to accept the novelty and specificity of the Solidarity Economy	

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	institutional approach to the Social and Solidarity Economy, and not only to the Social Economy.		
13 <b>PP, PPP and other regulations applicable to the Demonstration Action (Concrete Project)</b>	The Demonstrative Action involves a local authority, which relies on PP and PPP regulations for some actions, community dynamics, of an informal nature, which do not depend on PP and PPP regulations, and some partners from the Social and Solidarity Economy, which are framed generically by PP and PPP regulations, in some actions, but without specific implications.		
14 <b>Concession Regulations</b>	The State hands over the concession of some social services (in particular support to children, the elderly and people with disabilities) and education to Social Economy organizations (but does not recognize the specificities of the Solidarity Economy), through protocols, which define the PPP rules. In this way, the Social Economy cooperates with the State in the promotion and implementation of public policies, especially in the social and education areas.	In this way, the Social Economy assumes the provision of public services, by concession of the State, in the mentioned areas.	
15 <b>Regulations Regulation of aid and subsidies</b>	State support and subsidies to Social Economy organizations are defined by the protocols established for the	There is a variety of support, which may be provided for in the protocols established between the State and Social Economy	

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	<p>concessions in the different areas, corresponding to the various social and education services, object of the concessions established in the PPP</p>	<p>organizations (with the Solidarity Economy not being specifically recognized), but there are also national and European Union programs and awards to which these organizations can compete.</p>	
<p>16 <b>Regulating other possible forms of PPPs</b></p>	<p>It would be interesting to recognize and establish new PPPs with Solidarity Economy and also PPPs, involving the State (at national and local levels), SSE organizations and also companies, in a Social Responsibility logic. This type of PPP with three protagonists would correspond to a dynamic of Shared and Participatory Local Governance.</p>		
<p>17 <b>Examples of public procurement of co-production public policies with PPPs and SSE actors</b></p>	<p>One of the most interesting PPP experiences is the one that a Residents' Association (ATM - Associação Tempo de Mudar), linked to a Community Group and with a dynamics of Community Development, established with the Lisbon City Council. ATM took on an innovative socio-educational response, such as a day care center and kindergarten, continuing to have a Community Development Association logic.</p>	<p>One of the most interesting features of this experience is the fact that it is a Community Development Association, linked to a Community Group in one of the Municipal Housing Neighborhoods. These are success factors of this experience and also common points with the DA of this Project.</p>	
<p>18 <b>Other issues to highlight</b></p>	<p>Issues considered relevant to PP and PPP regulations: democratic management, energy options, gender policies, environmental criteria, policies</p>		

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	supporting the Commons (commoning the organisational, productive and management processes).		

**CHALLENGES & RECOMMENDATIONS:**

The main challenge is to make Solidarity Economy recognized in its own characteristics and specificities and in the innovations it brings, in comparison with Social Economy. Consequently, this recognition must be translated into legislation and PP and PPP regulations,, which includes Solidarity Economy.

It is recommended that the RedPES - Portuguese Solidarity Economy Network, together with the universities that research and teach in this area (mainly ISCTE-IUL and the Faculty of Economics of Coimbra University), promote initiatives so that there may be party proposals in this sense and so that there may be local authority policy measures that support Solidarity Economy.

**MEASURES TO BE IMPLEMENTED:**

The main measure to be taken is to adapt the legislation to the existence of the new reality, which is the Solidarity Economy. For this, it is necessary that some parties also assume this role.

In addition, it is necessary to reinforce the measures to support the financing of these organisations and initiatives, in more favourable conditions, and also the exceptional measures of tax and social security contribution reductions

**OTHER INTERESTING SUGGESTIONS/NOTES:**

It would be interesting to be in contact, as a collective Project, with the reflections, debates and initiatives of RIPESS - Europe (Intercontinental Network for the Promotion of Social and Solidarity Economy) and with XES - Catalan Network of Solidarity Economy, namely with its Annual Solidarity Economy Fair



**IDENTIFIED CONFLICTING ISSUES (if any):**

Nothing to point out.

**EXAMPLES OF ACTIONS DEVELOPED IN THE FIELD OF SSE IN THE COUNTRY, REFERENCES AND HOW THEY HAVE BEEN DEVELOPED (if any):**

There are several experiences of Solidarity Economy, linked to Permaculture and Synthropic Agriculture, in various rural regions, especially in the South (for example, Montemor-o-Novo, Herdade do Freixo do Meio and Terra Sintrópica). Despite the fact that all of them are undertaken in predominantly rural territories of the country, their experience is extremely valuable to us, given the objectives, the means of co-production and management and the partnerships they have developed with local public authorities.

There are also 25 experiences of Time Banks in Portugal, in several regions, all of which are framed and supported by GRAAL (Association of Social and Cultural character), with whom we are in permanent contact.

