

Road safety clauses in public tenders

Implementation guidance

National Road Safety Observatory

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If you are aware of any contracts that used a road safety social clause, please submit details to seguridad.laboral@dgt.es so that this guidance can be kept up-to-date in future versions.



1. INTRODUCTION

This guidance aims to provide assistance in the implementation of socially responsible public procurement associated with road safety, complementing *“Instruction ONSV-13 on the framework for the inclusion of road safety clauses in public tenders” of the Directorate-General for Traffic, dated 5 August 2025.*

Socially responsible public procurement is defined as that which integrates social criteria in public tendering in relation to information, accessibility, technical requirements, awarding or the performance of contracts as the most important aspects.

Specifically, the focus of this guidance is to provide direction and support to contracting authorities in selecting and integrating the most appropriate social criteria related to occupational road safety for each specific procurement process for works, services or supplies, in accordance with Law 9/2017 of 8 November on Public Sector Contracts, transposing Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014 into Spanish legislation. (hereinafter, LCSP).

The criteria directly applicable to other less common contracts (private, service concession and works concession contracts and those involving public assets) are not included in the scope of this guidance.

This guidance is without prejudice to the provisions of current contract laws. It is a non-binding document, which is not intended to create obligations for contracting authorities, but rather to reflect practices obtained from practical examples of implementation in tenders that were previously published - and, in some cases, executed - at either the Directorate-General for Traffic or other public institutions (Ministries or autonomous agencies, Autonomous Regions and Local Councils).

This document begins with a proposal to integrate the various road safety measures in the occupational context into the stages of procurement through a variety of mechanisms and subsequently proposes means of verifying compliance with such social terms.

The final part of the document presents case studies of socially responsible public procurement, in the Annex called *“Practical examples of implementation”*, relating to social clauses linked to road safety in public procurement.

2. INTEGRATING ROAD SAFETY IN THE PREPARATION OF THE CONTRACT

2.1. IN THE SUBJECT MATTER OF THE CONTRACT

Wherever a link can be established with the subject matter of the contract, it is advisable to include the road safety perspective in order to reduce occupational traffic accidents, either by fostering road safety in work-related travel by staff themselves, or in the leasing or procurement of external goods and/or services, provided that they are directly linked to improving road safety.

Article 1.3 of the LCSP sets out that *“social and environmental criteria shall be integrated in all public procurement contracts in a cross-cutting and mandatory manner, wherever they are related to the subject matter of the contract, in the firm belief that their inclusion provides better value for money in the contractual obligation, in addition to greater and better efficiency in the use of public funds.”*

2.2. AS TECHNICAL REQUIREMENTS

Technical requirements or specifications cover characteristics referring to the material, product, service or supply to be procured. These technical specifications are mandatory for all companies interested in participating in the public tender and they must satisfy a series of requirements (direct relationship with the subject matter of the contract, must be sufficiently precise, must not produce discriminatory effects and must not limit competition in a disproportionate manner). They shall be included in the technical specifications dossier (hereinafter, TSD).

This section could include measures related to road safety, such as:

- **Procurement of technical equipment that meets a series of requirements related to road safety.** Compliance shall be evidenced by submitting the required documentation (brochure or delivery note with the technical characteristics of the products, or certificate evidencing that a specific seal or label has been obtained) as part of the tenderer’s technical bid.



3. INTEGRATING ROAD SAFETY IN THE ADMISSION OF TENDERS

3.1. AS A TECHNICAL OR PROFESSIONAL CAPACITY CRITERION

This refers to the company's ability to perform the work that is the subject of the contract, ensuring the quality of the service to be provided. It determines which organisations can submit a bid in the procedure, having reached the minimum established.

However, technical and professional capacity should only be used when it is objective, proportionate and reasonable according to the character and content of the contract, that is, when experience and technical knowledge of a social nature are absolutely necessary for the proper performance of the contract.

Social criteria are technical capacity requirements for bidders when the subject matter of the contract requires that the successful tenderer has specific skills or proven experience in social issues and specific technical knowledge, or when the nature of the contract requires that the personnel assigned to the performance have particular experience or specific characteristics.

This section may include some of the following road safety measures:

- One way to guarantee that bidding companies foster and ensure the road safety of their operations and their workers is to require that they hold **ISO 39001 road safety management certification** as a technical capacity criterion.
- Another proposed technical capacity criterion is to have **personnel with road safety training** for the performance of the contract, but the academic or professional qualifications required to evidence that the bidding companies have such specific training shall be defined and justified. In accordance with the principle of proportionality, the requirement shall reflect the training that is strictly necessary to ensure proper performance, which shall be proportionate to the significance of road safety in the contract as a whole. This shall not be the sole criterion, and such qualifications cannot be assessed as award criteria if they are established as technical capacity criteria.
- Another option for determining technical capacity may be a requirement to have a **specific technical team and material** in place for the performance of the contract, which rewards companies that are tender-ready, provided that this is adequately defined in the technical specifications and leaves no room for doubt in compliance terms.

4. INTEGRATING ROAD SAFETY IN THE ASSESSMENT OF TENDERS

4.1. AS ASSESSMENT CRITERIA

These are the basis for performing a comparative evaluation of the quality of the bids and between candidates, which may include social aspects, in a manner that prioritises best value for money.

Award criteria of a social nature will only be applied to contracts with subject matter related to those criteria. In other words, when the subject matter of the contract refers to or includes the works, supplies or services to be provided in any respect and at any stage of their life cycle, including factors involved in the following processes:

- in the specific process of production, provision or trading of the works, supplies or services, as applicable, with special reference to environmentally and socially sustainable and fair modes of production, provision or trading;
- or in a specific process for another stage of their life cycle, even where such factors do not form part of their material substance.

Furthermore, they shall represent an improvement in the conditions of performance of the contract (better quality of the works, services and/or supplies provided). They shall also be specific and objectively quantifiable, and given an appropriate weighting depending on their purpose. Lastly, they shall be published in advance for the information of potential bidders and shall comply with the principles of EU law, in particular the principle of non-discrimination.

This section may include some of the following road safety measures:

- **Safe and Sustainable Mobility Plan**, with two mutually exclusive options for applications (one option must be chosen as an assessment criterion):
 - The bidder already has a Safe and Sustainable Mobility Plan in place at the company (assessment: YES/NO). In this case, the plan shall be submitted with the offer for assessment; it shall be a comprehensive plan for the entire company
 - The bidder undertakes to prepare it and submit it adjoined to the contract (assessment: YES/NO). In this case, a self-declaration shall be presented with the bid, and the plan shall be submitted within a maximum period of one month from the signing of the contract. A penalty will be included in the event of non-compliance or delay, set out in the PCAP [Administrative Terms and Conditions].

This mobility plan shall follow the format set out in the Model Plan for Safe and Sustainable Mobility¹. In option 1, the bid shall include a company-wide mobility plan drawn up in the last four years. A mobility plan analysing, setting out and describing the company's road safety and safe and sustainable mobility policies shall be submitted, integrating specific occupational road safety measures in relation to the personnel assigned to the performance of the contract, among others.

¹ [Plan Tipo de Movilidad Segura y Sostenible en la empresa](#) [Model Plan for Safe and Sustainable Mobility] (DGT, 2020)



- **Staff training in road safety**, two mutually exclusive options to request this criterion (one option must be chosen to establish the criterion).
 - through accredited academic qualifications in road safety held by the personnel assigned to the contract, provided that they are justified and relate to the subject matter of the contract. Criteria based on a formula, with a specific weighting, which can be awarded on a graduated basis up to a maximum of points, based on the people assigned to the performance of the contract who have road safety training.
 - An anonymised list shall be submitted of the academic qualifications in road safety held by the personnel to be assigned to the contract.

or as a commitment to future training during the performance of the contract, in specific road safety measures related to the subject matter of the contract (assessment YES/NO); a detailed training programme or plan shall be set out in the PCAP. The bid shall include a detailed plan outlining the specific actions to be taken and the most relevant aspects of the training (list of topics included, delivery period, duration of training, personnel involved, method for monitoring attendance and evaluation).
- **Supply/purchase of vehicles that meet a series of road safety requirements**, included as a formula-based criterion with a maximum score, depending on the number of road safety measures fitted in the vehicles. The tenderer shall submit a declaration in the bid, indicating the characteristics of the vehicles to be supplied with clear and specific details of the safety measures requested.
- **Promoting the use of safer vehicles** for the provision of the procured services (such as transport of people, conveyance of goods or performance of works), by awarding a higher score with a formula-based criterion, based on the percentage of vehicles used in such services that have a minimum number of road safety measures (in addition to those required under current legislation). The tenderer shall submit a declaration in the bid, indicating the characteristics of the vehicles to be used in the provision of the service, with clear and specific details of the safety measures indicated.
- Holding **ISO 39001 road safety management certification** can be an additional evaluation criterion that adds more points to the assessment of bids, provided that it is clearly related to the subject matter of the contract, that is, it refers to or includes the procured works, supplies or services in any respect and at any stage of their life cycle (not to the characteristics of the company) and is also proportional to the significance afforded to the subject matter of the contract. The bid shall include the ISO 39001 road safety management certification, or equivalent, issued by an entity accredited by ENAC [National Accreditation Agency] or a similar EU body.

5. INTEGRATING ROAD SAFETY IN THE PERFORMANCE OF THE CONTRACT

5.1. AS A SPECIAL CONDITION FOR PERFORMANCE

These are conditions, to be fulfilled by the successful tenderer, focusing on adherence to certain public objectives in environmental and social matters, which are included in the Administrative Terms and Conditions, inclusion of which in the contract must be justified.

There must be a clear link between the social clause to be introduced and the subject matter of the contract, with the recognition that this link may occur in any of the aspects and life cycle phases of the contracts. The connection can be direct or indirect, either due to the original nature of the subject matter of the contract, or because the relationship with mobility is maintained through some of the services necessary for the performance of the contract.

Compliance with legal and labour requirements cannot be a special condition for performance. These are actual binding clauses with penalties for breaches (which shall be regulated in the terms and conditions).

Social clauses as special conditions for performance may refer to employment fostering and quality measures, steps to encourage on-the-job training, actions to guarantee health and safety in the workplace or the development of work plans that include aspects relating to road safety management and monitoring.

It is recommended that special conditions for performance be included in contracts that describe repeated transport or goods conveyance services, roadside actions or on-site services involving the regular mobility of workers.

This section may include one or more of these measures:

- **Development of a Safe and Sustainable Mobility Plan** for the staff assigned to the performance of the contract, in which the bidding company undertakes to generate and implement said plan, which may follow the format set out in the DGT's Model Plan for Safe and Sustainable Mobility².
- **Commitment to road safety training for the staff who will perform the contract**, which shall be delivered:
 - either as part of the Safe and Sustainable Mobility Plan, if integrated, as an assessment criterion or as a special condition for performance.
 - or through a specific training programme outlined in the PCAP, including content, duration and method for monitoring attendance and evaluation.
- **Commitment by the company to provide vehicles that comply with a series of road safety measures**, beyond those set out in existing sectoral rules, indicating what percentage or specific number of vehicles to be used when performing the contract have particular characteristics (which shall be expressly stated in the proposal) and how these could be measures relating to accident detection and prevention or driver safety management, for example.

² [Plan Tipo de Movilidad Segura y Sostenible en la empresa](#) (DGT, 2020)



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- **Commitment to schedule and plan operations** taking staff road safety into account, determining the manner of performance of the contract.

6. MEANS OF VERIFYING COMPLIANCE

6.1. IN THE PROFESSIONAL OR TECHNICAL CAPACITY CRITERIA

Compliance with the technical capacity criteria is verified by the presentation of documentation adequately evidencing that this requirement is met.

This can comprise:

- submission of certification, such as in the case of the **ISO 39001 standard, or equivalent**.
- presentation of a supporting document, such as in the case of **training**, requiring the submission of academic or professional qualifications certifying that the professionals participating in the contract have received such training.
- or in the case of **technical material**, technical information documents that allow the technical requirements to be clearly identified.

These means of verification will be described in the administrative terms and conditions (hereinafter, PCAP).

6.2. IN THE ASSESSMENT CRITERIA

The method for verifying compliance with the bid assessment criteria will be defined in the administrative terms and conditions.

Specifically, the following means of verification have been proposed as examples for the measures defined above:

- **Safe and sustainable mobility plan:** This may be validated in various ways:
 - through presentation of the mobility plan (in the case of all-or-nothing evaluation).
 - through presentation of the mobility plan, with different scores awarded based on the information provided in the plan (taking into account the components of the Model Plan, such as diagnosis and analysis performed; specificity of objectives; quality of the planned measures; evaluation and monitoring system).

If the option of undertaking to draw up a plan is chosen, a self-declaration may be presented with the bid. Subsequently, the successful bidder shall submit the complete plan within the period indicated (within 1 month of signing).

- **Supply/purchase of vehicles that meet a series of road safety requirements:** bidders shall submit a self-declaration indicating the road safety measures included in the vehicles to be delivered.
- **Promoting the use of safer vehicles** for the provision of procured services: a self-declaration shall be submitted by the bidding companies, indicating how many vehicles



out of the total fleet that will provide the service meet the minimum road safety measure requirements.

- Holding **ISO 39001 road safety management certification, or equivalent**: the bidding company shall provide documentation evidencing that said certification has been obtained, in accordance with Article 128 of the LCSP and its implementation.

6.3. FOR THE SPECIAL CONDITIONS FOR PERFORMANCE

With regard to the special conditions for performance, the method for verifying compliance with these conditions during the performance of the contract by the successful bidder will be defined in the PCAP.

Specifically, the following means of verification have been proposed as examples for the measures defined above:

- **Safe and sustainable mobility plan for the staff assigned to the performance of the contract.** The company shall present the plan within one month of signing the contract.
- **Road safety training for the staff who will perform the contract:** after the contract has been formalised, the successful bidder shall submit a declaration with a list of the names of the workers assigned and the training courses to be conducted, stating the general characteristics of such courses (hours and training topics in accordance with the subject matter of the contract); and before the contract ends, and at a frequency to be determined, a document shall be submitted indicating the individual training courses undergone by the employees assigned to the contract, stating the topics included, the duration of the training and the method for monitoring attendance and evaluation, along with the attendance signing sheet. Verification shall be performed by the submission of attendance records, a list of trained staff and certificates issued by the entity providing the training.
- **Supplying vehicles that comply with a series of road safety measures:** a document shall be submitted specifying the characteristics and performance of the vehicles delivered, along with the safety enhancements they are fitted with (such as accident detection and prevention, and driver safety management).

7. PENALTIES

Penalties are an instrument to ensure effective compliance with social clauses related to road safety integrated in public contracts. By applying them it is possible to sanction total or partial non-compliance, or defective execution of the obligations taken on by the successful bidder in relation to such clauses, either during performance or as part of the special contract conditions.

Any penalties shall be established in the PCAP, in accordance with Articles 192 and 193 of the LCSP. The amount thereof shall be proportional to the seriousness of the breach, the amounts of each penalty shall not exceed 10 percent of the contract price, excluding VAT, and the total thereof shall not exceed 50 percent of the contract price.

7.1. GROUNDS FOR PENALTIES

Penalties may be imposed in the following cases related to road safety:

- Non-submission or late submission of the Safe and Sustainable Mobility Plan established as a special condition for performance.
- Non-performance or insufficient evidence of road safety training for personnel assigned to the contract.
- Defective supply or non-compliance with the technical characteristics required in vehicles, equipment or PPE related to road safety.
- Non-compliance with voluntary commitments presented as improvements in the bid, where they were assessed as award criteria.

7.2. EXAMPLES OF PENALTIES

Penalties such as the following have been applied according to the type of obligation breached:

- A percentage of the estimated contract value (between 3% and 10%) for delays in the submission of mobility plans.
- 5% of the contract award amount for non-performance of the required training.
- Penalty of 10% of the amount of the positively evaluated improvement for non-compliance with technical improvements related to road safety.
- Specific penalties (5% or 10%) for defects in the supply of PPE or road safety materials, or the contract may even be terminated in the event of repetitive and very serious breaches.

7.3. RECOMMENDATIONS FOR THE DEFINITION OF PENALTIES

The following is recommended to facilitate application:

- Set out the penalties associated with each obligation clearly and in detail in the PCAP.
- Establish deadlines for submitting evidence of compliance.
- Establish proportionality and accumulation criteria, according to the number or seriousness of the breaches.



- Ensure that penalties are not discriminatory and are applied objectively and transparently.

8. ANNEX: PRACTICAL EXAMPLES OF APPLICATION

This annex sets out various practical examples of the application of social clauses related to road safety, which can serve as a reference.

The examples provided are real clauses from existing contracts that have been reviewed by the State Legal Service and published on the State Procurement Platform, with the ensuing benefits for the safe processing of any contract.

However, it is not advisable to integrate such clauses in the terms and conditions automatically. Rather, it is necessary to perform an assessment of their connection to the subject matter of the contract and a weighting of the obligation or obligations in each case.

The examples have been divided according to the possible measures related to occupational road safety that were considered appropriate:

- Preparation and development of Safe and Sustainable Mobility Plans for the Company for commuting and travelling for work.
- Road safety training for staff.
- Obtaining ISO 39001 standard certification in road safety management.
- Characteristics of the vehicles (purchased or leased) for the provision of services.
- Preferential use of newer vehicles, which are generally safer.
- Procurement of road safety-related equipment (airbag helmets or vests, V-16 warning beacon, protective equipment, etc.) for staff.
- Improvement of road safety for in-house operations (roadside actions, services related to traffic management maintenance, etc.).

The type of social clause used is indicated for each measure, with the texts included in the terms and conditions shown in boxes, along with the means of verification envisaged (if necessary) and a link to the administrative and technical documents of the tender in question.



8.1. SAFE AND SUSTAINABLE MOBILITY PLAN

8.1.1. *PROCUREMENT OF A TRANSPORT SERVICE FOR EXAMINERS FROM THE PROVINCIAL TRAFFIC DEPARTMENT IN ASTURIAS, 2025.*

Type of contract	Land transport service involving rental of vehicles with drivers
Tender	https://contrataciondelestado.es/wps/portal/!ut/p/b0/04_Sj9CPykssy0xPLMnMz0vMAfjU1JTC3Iy87KtUIJLEnNyUuNzMpMzSxKTgQr0w_Wj9KMyU1zLcvQjjTzzVQ2KlrJTssK9wgpNgi2ryhIDCwJtbfULcnMdAQCLiY!/
DGT dossier	Dossier no. 2DGT1JP00010
Publication date of tender notice	May 2025
Type of social clause	<ul style="list-style-type: none"> • Special condition for performance

Justification

The Local Traffic Office in Gijón is responsible for conducting driving tests in Gijón itself, in addition to Avilés and Oviedo when necessary.

The subject matter of the contract is the use of a taxi service to take examiners to the test location in Avilés and Oviedo to meet the inescapable need to provide a service for driving test candidates in those cities.

Wherever possible, dates and times will be notified two days before the transport is needed. They may be modified and cancelled by the Local Traffic Office in Gijón not less than 24 hours in advance. If cancelled less than 24 hours in advance, 50% of the cost of the service will be billed.

Each day of service, the successful bidder shall provide the Local Traffic Office in Gijón with a vehicle, with at least 5 seating positions including the driver's seat, departing from Calle Llanes and returning to the same location.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (transport service for examiners and other officials and staff from the Provincial Office to the test centres) with the social dimension of road safety, in terms of both promoting employee safety in work-related travel and improving the scheduling of travel during the working day, thereby fostering work-life balance.

Procurement of a transport service for examiners from the Local Traffic Office in Gijón to Avilés and Oviedo.

Text used

The special conditions for performance in the PCAP include the presentation of a Safe and Sustainable Mobility Plan (one plan for each company if the successful bidder is a joint venture) and providing training on said plan, at least to the employees assigned to the contract during its performance.

In accordance with Article 202 of the LCSP, the option selected is a special condition for performance of the contract with a social focus, comprising "measures to prevent work-related accidents".

As one of the functions of the Directorate-General for Traffic, "The development and management of measures to improve work-related road safety, in collaboration with other Public Administrations and stakeholders" is an objective that must clearly be present in the actions of the Public Administration and, even more so, those of the autonomous Central Traffic Department.

As such, the following special condition for performance has been included in the Contract Particulars:

*The successful bidder shall submit a **Safe and Sustainable Mobility Plan for the Company** (one plan for each company if the successful bidder is a joint venture) during the first month of the contract period and provide training under said plan, at least to the employees assigned to the contract during its performance. Safe and Sustainable Mobility Plan for the Company model form <https://seguridadvial2030.dgt.es/practicas-deinteres/administraciones-empresas-y-organizaciones-seguras/Plan-Tipo-deMovilidad-Segura-y-Sostenible-en-laEmpresa/index.html>.*

Compliance with this special condition for performance shall be evidenced by submitting the Plan to the contract manager for approval before its delivery deadline, and presenting the staff attendance records for the aforementioned training upon completion of the first year of the contract. This special condition for performance is related to the subject matter of the contract, is not directly or indirectly discriminatory as it can be met by any economic operator and is compatible with EU law and with Article 202 of the LCSP.

As such, this principle is put into effect by including the special condition for performance set out in the Contract Particulars.

A document outlining the measures to prevent work-related accidents shall be submitted during the first month of the contract.

The TSD also identifies road safety aspects in the description of material resources

The successful bidder shall provide the transport service with a vehicle with at least 5 seating positions including the driver's seat, to provide the transport service that is the subject of this contract.

All vehicles shall comply with current regulations in accordance with the current General Vehicle Regulation.

It shall not be in arrears with the payment of all applicable taxes, it shall have passed the relevant periodic inspections and shall have fulfilled all obligations established by current regulations on passenger transport.

The vehicle shall always be in optimal condition to provide the service, particularly in terms of cleanliness, and shall be fitted with seat belts and air conditioning.



8.1.2. *SERVICE FOR THE ADOPTION OF SPECIAL REGULATION AND MANAGEMENT MEASURES TO INCREASE CAPACITY AND ROAD SAFETY ON VARIOUS ROADS IN THE AREA OF INFLUENCE OF THE SOUTH-WEST TRAFFIC MANAGEMENT CENTRE (SEVILLE), UNDER THE DIRECTORATE-GENERAL FOR TRAFFIC, 2024.*

Type of contract	Repair, maintenance and associated services related to roads and other equipment
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=UY72AEKscNvkY6rls5tG9A%3D%3D
DGT dossier	Dossier no. 1DGT2AP00019
Publication date of tender notice	January 2024
Type of social clause	<ul style="list-style-type: none">• Assessment criterion• Special conditions for performance

Justification

The autonomous Central Traffic Department is responsible for implementation of *"The regulation, organisation and management of traffic on interurban roads and stretches of major roads in urban areas, establishing for the latter formulas of cooperation or delegation with Local Authorities"*. As such, the following are priority objectives for traffic regulation, organisation, management, surveillance and enforcement at the South-West Traffic Management Centre (Seville), under the Directorate-General for Traffic:

- Increasing road safety and decreasing pollution caused by traffic.
- Ensuring adequate traffic conditions at all times and under all circumstances.
- Increasing the capacity of existing infrastructure by optimising use of the road network.
- Boosting the efficiency of traffic as a whole by establishing restrictions on certain vehicles.
- Preventing congestion and reducing its duration and length in the event of occurrence.
- Increasing road user comfort through information provided by variable message signs.

These traffic flow and safety-based management measures, which it is incumbent on the Directorate-General for Traffic to establish in accordance with the distribution of powers, are put into effect on roads by means of the procurement of a company to provide specialised staff, moveable plant and equipment for the installation of the relevant signage, markings and luminous elements, in accordance with current regulations.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (service to implement special regulation and management measures through the installation of markings and complementary signage) and the social dimension of road safety, since road safety must be considered in the performance of these works beyond the minimum legal requirement for employees under this contract. In addition, this procurement aims to improve road safety for drivers in the management of road traffic in extraordinary circumstances.

The subject matter of this contract is to provide a service to implement special regulation and management measures through the installation of markings and complementary signage on certain roads in the area of influence of the South-West Traffic Management Centre (CGT) (Seville), under the Directorate-General for Traffic (Provinces of Badajoz, Cádiz, Córdoba, Huelva, Las Palmas, Santa Cruz de Tenerife, Seville and the autonomous city of Ceuta), to increase their capacity, establish traffic diversions and traffic management and regulation measures in response to traffic circumstances or the needs of unfolding traffic flow, through the deployment of vertical signage, markings, horizontal signage and functional road safety elements.

Text used

The Contract Particulars in the PCAP include aspects related to occupational road safety in the performance of the work (section 12 of **Award criteria**), since credit is given to the submission of a report on the means of performance of the work, outlining the measures to ensure the road safety of employees and of the work performed.

4. AWARD CRITERIA

The evaluation criteria for bids are shown in the following table outlining the criteria tree for awarding the contract and the points for each criterion:

Criteria Tree for the evaluation of bids	
1. Automatically evaluated criteria (objectives):	Total Maximum Points
A. Price tender	35
B. Technical Bid (formula-based evaluation)	35
IMPROVEMENT 1. Number of Additional Bases for expansion of the geographical area of activity	15
IMPROVEMENT 2. Number of additional standard equipment units	10
IMPROVEMENT 3. Provision of low-emission vehicles	10
2. Qualitative evaluation criteria:	
C. Technical Proposal and service optimisation	10
D. Method statement with implementation and Road Safety arrangements for works	10
E. Improvement Proposal for effective implementation of the measures	10
TOTAL	100

12.2 – Qualitative evaluation criteria: up to 30 POINTS



D. Report on performance and Road Safety in the works.....10 points

Evaluated according to:

- *Level of understanding and knowledge of the issue put forward.*
- *Scope of work and detailed technical description of the bid, structure and systematisation, clarity, depth and detail in the project study based on the technical documentation provided.*

The following aspects of the contract:

- *Human resources, experience and technical qualifications, vehicles and functional elements (mandatory and offered) and their distribution thereof across bases to implement each of the measures and ensure their road safety.*
- *Presentation of the technical solutions for the functional or innovative elements (mandatory and offered) that provide added benefits, value and convenience in relation to the works defined in the Technical Specifications.*
- *Study of each and every one of the works to be undertaken, with specific and detailed consideration of traffic calming at the start and end sections affected by the measures, critical elements such as lane crossovers and response times for replacement or repositioning of functional elements or signage, where appropriate.*

With the following scale:

- *Unit of measurement: Points*
- *Direction: maximising*
- *Minimum threshold: 5 points*
- *Satisfactory threshold: 10 points.*

- Optimal Method Statement: Demonstrates a high level of understanding and knowledge of the service as defined in the Technical Specifications, providing a detailed description of the works to be undertaken.

The scope of the works and the technical description are addressed correctly and in depth, adding value to the delivery of the service (7-10 points).

- Satisfactory Method Statement: Addresses the requirements set out in the Technical Specifications with an acceptable proposal and a general description of the works to be undertaken.

The scope of the works and the technical description are appropriate for the delivery of the service (4-6 points).

- Insufficient Method Statement: Does not comply with the requirements set out in the Technical Specifications or addresses them incorrectly, providing no added value.

No reference is made to the scope of the works or to a detailed technical description of the works to be undertaken and/or the methods to be used for delivery of the service. (0-3 points)

In addition, the TSD, referring in chapter V.1. Health and Safety to positive evaluation of the submission of a Health and Safety Study, states:

CHAPTER V.1. HEALTH AND SAFETY

In these Specifications, the contractor shall be obliged to comply with all the provisions of Law 31/95 of 8 November on Occupational Risk Prevention, Royal Decree 1627/1997 of 24 October on Health and Safety in works and subsequent amendments, and shall submit a Health and Safety Study, in accordance with the aforementioned

legislation in force, which shall be given credit in the Method Statement under the assessment criteria for this contract.

Section 17 of the Contract Particulars in the PCAP also includes a **Special Condition for Performance** with a social focus comprising “measures to prevent work-related accidents” and to “guarantee health and safety protection in the workplace”, provided that it is associated with the employees assigned to the contract.

As a function recently assigned to the Directorate-General for Traffic, "The development and management of measures to improve work-related road safety, in collaboration with other Public Administrations and stakeholders" is an objective that must clearly be present in the actions of the Public Administration and, even more so, those of the autonomous Central Traffic Department.

As such, this principle is put into effect by including the special condition for performance set out in section 17 of the contract particulars. The following special condition for performance with a social focus is established in accordance with Article 202 of the LCSP:

- **Presentation of a *Safe and Sustainable Mobility Plan for the Company*** (one plan for each company if the successful bidder is a joint venture) during the first half of the contract period and provision of **training on said plan**, at least to the employees assigned to the contract during its performance.

Means of verifying compliance envisaged

- **Award criterion**

For evaluation purposes, the tenderer shall submit a method statement, which will form the basis for setting out the content of the service to be provided.

- **Special condition for performance**

Compliance with this special condition for performance shall be evidenced by submitting the Plan to the contract manager, along with the staff attendance records for the aforementioned training upon completion of the first year of the contract.

Penalties

Section 15 of the Contract Particulars in the PCAP, on Penalties for partial, defective or delayed performance, refers to the penalty for delay in submission of the Safe and Sustainable Mobility Plan.

Delay in submission of the Safe and Sustainable Mobility Plan for the Company shall result in the following cumulative penalties:

- *If not submitted after 12 months of contract performance: 0.5% of the current contract value.*
- *If not submitted after 18 months of contract performance: 1% of the current contract value.*
- *If not submitted after 24 months of contract performance: 1.5% of the estimated contract value.*



If, upon completion of the first year of the contract, no evidence has been provided of the training of contract staff on the Safe and Sustainable Mobility Plan for the company(ies), a penalty of 2.5% of the contract award amount shall be imposed.

The same section contains a general reference to non-delivery of the improvements presented in the successful bid:

Likewise, the contracting authority shall impose the penalties referred to in Article 192 of the LCSP in the event of failure to deliver the improvements set out in clause 12 of these Contract Particulars, as well as in the case of defective delivery thereof, imposing on the contractor a penalty corresponding to the cost set by the Administration for the improvement not delivered, plus 15%. In accordance with Article 192 of the LCSP, the amount of the penalties shall not exceed 10% of the contract price

8.1.3. *COMPREHENSIVE MANAGEMENT SERVICE FOR THE PERFORMANCE OF TRAFFIC CONTROL AND SURVEILLANCE FUNCTIONS OF THE DIRECTORATE-GENERAL FOR TRAFFIC, 2022.*

Type of contract	Maintenance and repair services
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=Y97ygjsgG9qmq21uxhbaVQ%3D%3D
DGT dossier	<u>Dossier No.: 2DGT2CP00002</u>
Publication date of tender notice	April 2022
Type of social clause	<ul style="list-style-type: none"> • Special conditions for performance

Justification

The Directorate-General for Traffic is the body responsible at a national level for performing speed checks and alcohol and drug tests on interurban roads and stretches of major roads in urban areas, in territories where this power has not been devolved to the relevant regional bodies. The performance of such checks and tests requires the maintenance, servicing and metrological verification of equipment, the logistics associated with such equipment and the auxiliary and consumable materials necessary for effective performance of the tests and checks, in addition to logistics and laboratory analysis of samples.

In this case, the special condition for performance set out in the contract particulars is linked to “measures to prevent work-related accidents”, focusing on logistics movements of the equipment and materials associated with this contract.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (comprehensive management service for the performance of traffic control and surveillance functions of the Directorate-General for Traffic) and the social dimension of road safety, since the aim is to foster specific training on the Safe and Sustainable Mobility Plan to improve road safety on journeys during the working day.

The subject matter of this contract is the provision of a comprehensive management service for the performance of traffic control and surveillance functions. Delivery of the service requires the comprehensive maintenance of mobile speed cameras, breathalysers and drug detection equipment including the auxiliary material and consumables necessary for the proper functioning of the equipment, along with laboratory testing of saliva and blood to ascertain and quantify the presence of the substances listed.



Text used

The **special condition for performance** of the contract with a social, ethical or environmental focus is set out in section 17 of the Contract Particulars in the PCAP:

The following special condition for performance with a social focus is established in accordance with Article 202 of the LCSP:

- ***Providing training related to the Safe and Sustainable Mobility Plan during the first year of performance of the contract to all employees assigned to it, evidenced by certification of attendance.***

This special condition for performance is related to the subject matter of the contract, is not directly or indirectly discriminatory as it can be met by any economic operator, and is compatible with EU law and with Article 202 of the LCSP.

Failure to comply with the provisions of the previous section shall result in the imposition of penalties in accordance with section 15 of these Contract Particulars in the PCAP.

Means of verifying compliance:

Compliance with this special condition for performance shall be evidenced by submitting the staff attendance records for the training to the contract manager within 13 months of commencement of the contract.

Penalties

Section 15 of the Contract Particulars in the PCAP, Penalties for partial, defective or delayed performance, establishes a penalty for failure to provide evidence of the training of contract staff on the Safe and Sustainable Mobility Plan upon completion of the first year of the contract:

If, upon completion of the first year of the contract, no evidence has been provided of the training of contract staff on the Safe and Sustainable Mobility Plan for the company, a penalty of 2.5% of the contract award amount shall be imposed.

8.1.4. *SUPPLY AND INSTALLATION OF EQUIPMENT FOR THE IMPROVEMENT OF ROAD SAFETY UNDER THE ITS PLAN: 3 LOTS, 2021.*

Type of contract	Supplies - procurement
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=WF8zmZr5tsOXQV0WE7IYPw%3D%3D
DGT dossier	Dossier No.: 4DGT6A000002
Publication date of tender notice	December 2021
Type of social clause	<ul style="list-style-type: none"> • Special conditions for performance

Justification

The functions of the Directorate-General for Traffic include the development and management of measures to improve work-related road safety, in collaboration with other Public Administrations and stakeholders, driving the promotion of work-related road safety in DGT procurement. In this case, that includes the special condition for performance set out in the contract particulars.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (the supply and installation of equipment for the improvement of road safety under the ITS Plan) and the social dimension of road safety in the performance of the work, restricted to the employees associated with said contract.

The subject matter of this Contract is the supply and installation of equipment for the improvement of road safety under the ITS Plan throughout national territory on the roads over which the Directorate-General for Traffic (hereinafter, DGT) has authority in the regulation, organisation and management of traffic.

Text used

The following special condition for performance with a social focus is established in accordance with Article 202 of the LCSP:

*During the first 6 months of the contract, the company shall develop a **Safe and Sustainable Mobility Plan** for the company focusing on the employees assigned to the performance of this contract, in line with the current Model Plan³.*

This special condition for performance is related to the subject matter of the contract, is not directly or indirectly discriminatory as it can be met by any economic operator, and is compatible with EU law and with Article 202 of the LCSP.

³ [Plan Tipo de movilidad segura y sostenible en la empresa](#) (DGT, 2019)



Failure to comply with the provisions of the previous section shall result in the imposition of penalties in accordance with section 15 of these Contract Particulars in the PCAP.

Means of verifying compliance envisaged

Compliance with this special condition for performance shall be evidenced by submitting the aforementioned plan to the contract manager within 6 months of commencing the contract.

Penalties

Section 15 of the Contract Particulars in the PCAP indicates the penalties for partial, defective or delayed performance of the contract.

Delay in submission of the Safe and Sustainable Mobility Plan for the Company in relation to the performance of this contract results in the following cumulative penalties:

- *If not submitted after 6 months of contract performance: 0.5% of the current contract value.*
- *If not submitted after 12 months of contract performance: 1% of the current contract value.*
- *If not submitted after 18 months of contract performance: 1.5% of the estimated contract value.*
- *If not submitted by the end of the contract: 2% of the contract price.*

OTHER CONTRACTS WITH THIS CLAUSE IN THIS GUIDANCE:

. Technical roadside inspection service for industrial vehicles (3 Lots)

8.2. PERFORMANCE OF PREVENTIVE ACTIVITIES SUCH AS TRAINING

8.2.1. *FRAMEWORK AGREEMENT FOR THE CENTRALISED PROCUREMENT OF INSURANCE SERVICES TO COVER THE RISKS ARISING FROM THE USE OF VEHICLES IN THE FLEET OF THE AUTONOMOUS REGION OF THE BALEARIC ISLANDS, ITS PUBLIC SECTOR ENTITIES AND OTHER PARTICIPATING PUBLIC BODIES, 2022.*

Type of contract	Framework Agreement
Tender	https://www.caib.es/sites/centraldecontractacio/es/acuerdo_marco_seguro_de_vehiculos/
Publication date of tender notice	September 2022
Type of social clause	<ul style="list-style-type: none"> Assessment criterion

Justification

The aim of this Framework Agreement is the centralised procurement of insurance services to cover risks arising from the use of vehicles forming the vehicle fleet of the Autonomous Region of the Balearic Islands and public sector entities, given that all owners of motor vehicles normally based in Spain are required to enter into and maintain in force an insurance contract for each vehicle that they own.

A social criterion has been included in the bid evaluation criteria to achieve a socially responsible provision of the service. As such, this award criterion with a social focus refers to conducting a study or analysis of the main types of accidents and their causes, based on the historical and current data available, in order to undertake subsequently at least one preventive activity focusing on the drivers of the contracting public bodies, to combat and reduce accidents.

Subject matter of the contract

It is considered to be directly related to the subject matter of the contract, given that a reduction in road accidents would make it possible to obtain lower insurance premiums, in addition to a larger number of offers than would be obtained with a higher road accident rate.

*The purpose of the Framework Agreement is to establish the terms and conditions for the provision of **the insurance service to cover the risks arising from the use of the vehicles that form the vehicle fleet** of the Autonomous Region of the Balearic Islands, the vehicles of its public sector and the vehicles of the other public bodies that are parties to the Framework Agreement, in addition to determining the general conditions and the rights and obligations to which both contracting parties (Administration and companies) shall be subject.*

A further purpose of the Framework Agreement is to undertake actions to prevent and reduce accidents involving drivers of the vehicles mentioned in the preceding paragraph.



Text used

A road safety-related clause (clause 17.1, award criterion with a social focus) has been added to the administrative terms and conditions, requesting an analysis of the main accident types to undertake preventive actions to reduce road accidents, with 10 points awarded if the action is offered and zero points if it is not offered:

The companies awarded the Framework Agreement and the call-off contracts for any year, with respect to the relevant lot, shall conduct a study or analysis of the main types of accidents and their causes, or of the most common accidents that could occur based on vehicle type, in order to undertake subsequently at least one preventive activity focusing on CAIB [Autonomous Region of the Balearic Islands] drivers to combat and reduce accidents and, consequently, personal injury and material damage to themselves and third parties.

In addition, clause 17.2 mentions other aspects such as the submission of a historical series of accident data, the obligation to propose prevention activities based on the analysis of the main causes of accidents detected, and the possibility of organising and holding specific seminars:

*Credit will be given if the bidder offers, in the implementation phase of the Framework Agreement and for the year and lot awarded, to conduct a **study or analysis on the main causes of traffic accidents in recent years, primarily in the last year, taking into account the types of accidents in which the staff of the contracting administration have been involved** (to which end, bidders are provided with an Excel file with a summary of this accident information in Annex II to this document) as the main causes of accidents in general or the most common accidents that may occur based on vehicle type.*

*The bidder has to propose one or more **preventive activities based on an analysis of the main types of accidents and their causes**, both for the contracting administration and in general traffic scenarios (distraction, inappropriate speed, failure to comply with priority, fatigue or sleepiness, tailgating, pedestrians darting onto the road, illegal overtaking, incorrect turns, illness, state or condition of roads and types of accidents that affect the specific vehicle types in each lot).*

*These activities may consist of **the organisation and holding of specific seminars with the participation of experts in the field, safe driving courses, road safety education or accident prevention workshops**, training activities and awareness raising with simulators to practice risk situations (adverse weather conditions, dense traffic, alcohol and drug goggles, motorcycle simulators, etc.) geared towards the drivers of the contracting administration.*

*The **training activity** is targeted at 50 drivers for lot 1 or 25 drivers for each of lots 2 and 3, out of a total of more than 1,000, depending on the applications to register for the workshops or training actions proposed by the successful bidder. The drivers targeted by this activity are chauffeurs and administrative assistants and technical staff from various professions who fundamentally drive in cities or on interurban roads under normal driving conditions (the most common): driving mainly cars, motorcycles, vans and off-road vehicles during the day, without special equipment. However, there are groups of drivers who perform a specific type of driving, such as drivers on rural roads (around 300 IBANAT [Balearic Islands Nature Institute] drivers) and ambulance drivers (around 300 drivers).*

*One **prevention activity shall necessarily focus on so-called standard driving**, geared towards the bulk of drivers, notwithstanding the fact that the bidding company may also offer a preventive activity geared towards drivers in specific groups. In any event, the maximum number of participants in this prevention activity shall be 50 people in lot 1, 25 in lot 2 and 25 in lot 3. The company may organise the activity for groups of people of any size it considers appropriate (activities for groups of 10, 15, etc., up to the maximum number established for each lot). The courses, activities or workshops shall have a minimum duration of 4 hours.*

Means of verifying compliance

Credit will be given if the bidder offers (in the implementation phase of the Framework Agreement and for the year and lot awarded) to conduct a study or analysis on the main causes of traffic accidents in recent years, primarily in the last year, taking into account the types of accidents in which the staff of the contracting administration have been involved as the main causes of accidents in general or the most common accidents that may occur based on vehicle type.

The bidder has to propose one or more preventive activities based on an analysis of the main types of accidents and their causes, both for the contracting administration and in general traffic scenarios.

If the organisation and undertaking of training activities is offered as an improvement, the contracting administration will arrange the content of the training with the company selected as the successful bidder for the call-off contracts for each year, in order to avoid repeating content from the previous year. In addition, each training activity shall be adapted to the Order of the Regional Minister of the Interior of 20 July 2001 establishing the recognition process, through the EBAP [Balearic Islands School of Public Administration], of training actions conducted by CAIB staff (BOIB [Official Gazette of the Balearic Islands] no. 90, de 28/07/2001) or superseding legislation.

Penalties

Point 44.4 of section 44, on Non-performance, defective performance and penalties that may be imposed in the execution of call-off contracts under the Framework Agreement, sets out the types of shortcomings or non-compliance and the penalties imposed:

44.4. Where indicated in this clause, a penalty for very serious, serious or minor non-performance is imposed in the amounts indicated below or the specific penalty established is imposed.

The penalties that shall be applied are 3% of the call-off contract price in the case of a very serious shortcoming; 2% of the call-off contract price in the case of a serious shortcoming, and 1% of the call-off contract price in the case of a minor shortcoming, with a total limit of 50% of the call-off contract price, excluding VAT.

The following shall be taken into consideration to classify a shortcoming or non-compliance as minor, serious or very serious:

- a) In general terms, the detriment, the consequences and the severity of the negative outcome caused by non-compliance or defective compliance with the obligations established in the terms and conditions.*
- b) The extent of the non-compliance or defective compliance in affected elements, duration of the non-compliance and of its effects, repetition of the non-compliance, persons and departments affected, damage to the image of the contracting administration, as well as to the services or functions of the affected or compromised bodies of the Administration, and impossibility of performance or inefficient or defective performance of the functions and powers of the contracting administration.*

Penalties in call-off contracts:

2. Non-performance or defective performance of the service in general and, in particular, of the bid in relation to the award criteria of the Framework Agreement results in the imposition of a penalty depending on the severity. This expressly includes non-compliance with legal obligations in the social, employment and environmental protection spheres (very serious, serious or minor).

7. Failure to meet the deadlines of one working day for submission of the insurance policy (clause 10(a) of the TSD), six months for preparation of the semi-annual accident report (clause 10(e) of the TSD) and one working day for



expert intervention in the event of an accident (clause 10(g) of the TSD) result in the imposition of a penalty of €50/day up to a period of seven working days from the day after the deadline to complete these formalities.

OTHER CONTRACTS WITH THIS CLAUSE IN THIS GUIDANCE:

- . Service for the adoption of special regulation and management measures to increase capacity and road safety on various roads in the area of influence of the South-West Traffic Management Centre (Seville), under the Directorate-General for Traffic, 2024.
- . Technical roadside inspection service for industrial vehicles (3 Lots), 2023. Technical roadside inspection service for industrial vehicles (3 Lots), 2023.

8.3. ISO 39001 CERTIFICATION

8.3.1. *TECHNICAL ASSISTANCE SERVICE IN THE FIELD OF HEALTH AND SAFETY IN MAINTENANCE CONTRACTS FOR ITS EQUIPMENT AND FACILITIES MANAGED BY THE DGT AND ROADSIDE ACTIONS FOR TRAFFIC REGULATION AND ROAD SAFETY: 8 LOTS, 2023.*

Type of contract	Health and safety consulting services
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=wVqTSyc92hDIGlsa0Wad%2Bw%3D%3D
DGT dossier	DOSSIER No. 3DGT6AP00013
Publication date of tender notice	November 2023
Type of social clause	<ul style="list-style-type: none"> • Assessment criteria

Justification

The Directorate-General for Traffic is responsible through the Subdirectorate General for Mobility Management and Technology for, among other tasks, the management and administration of projects undertaken with its powers of implementation, maintenance and operation of the necessary intelligent transport modes and systems, in addition to proposals for improving road safety to reduce accidents.

It also has advisory functions in relation to the measures necessary to implement the current regulations on occupational risk prevention in works performed by in-house Directorate-General for Traffic staff in the maintenance and operation of facilities and all other Health and Safety services that may be required under the aforementioned regulations.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (procurement of a technical assistance service in the field of health and safety in maintenance contracts for ITS equipment and facilities managed by the Directorate-General for Traffic and roadside actions for traffic regulation and road safety) and the social dimension of road safety, given that it focuses on ensuring that the execution of all roadside works and actions not only complies with the legislation on occupational risk prevention, but also goes beyond legal standards.

The main subject matter of the contract is the performance of health and safety coordination tasks, as set out in Article 9 of Royal Decree 1627/1997 of 24 October, during the execution of all types of roadside works and actions undertaken by the Directorate-General for Traffic within its area of competence.



Text used

Road safety was considered in several aspects of the services requested in said contract:

- Establishing appropriate procedures to ensure compliance with current prevention legislation by the successful contractors, subcontractors and self-employed workers.
- Establishing appropriate procedures to ensure compliance with the obligations corresponding to the Health and Safety Coordinator, laying down minimum health and safety requirements for construction works
- Providing health and safety advice to maintenance services at the Directorate-General for Traffic in all cases where they so require, including in relation to in-house Directorate-General for Traffic staff.

As such, the successful bidder shall provide advice and technical assistance to the Directorate-General for Traffic on the management of occupational risks in maintenance and conservation functions on DGT infrastructure and equipment that Directorate-General for Traffic staff are required to perform on roads. In addition, the Directorate-General for Traffic may require the successful bidder to produce Technical Advice reports on Occupational Risk Prevention and Health and Safety Coordination, which may include visits and on-site testing.

These services are reflected in the **award criteria** set out in the PCAP, as these requests are integrated in these evaluation criteria, in section 12 of the Contract Particulars in the PCAP:

12.1. Automatically evaluated criteria (objectives): Up to 79 points

2. Project team and experience. Up to 17 points.

2.3. Credit will be given for a Legal Advice commitment to the Directorate-General for Traffic and its technical staff in prevention matters (5 points).

*3. Credit will be given for the presentation of the following **certifications: ISO 9001, ISO 14001, ISO 45001 and ISO 39001**, or their equivalents, with 1 point per certification (up to 4 points). This evidences the engagement and commitment of the bidder in the protection of its workers, both in the performance of their duties and in work-related travel.*

12.2. Qualitative evaluation criteria: Up to 21 points

Technical proposal and methodology. Up to 21 points. In particular, credit will be given to:

- *Road safety improvements for Health and Safety Coordinators (up to 5 points).*

Means of verifying compliance:

Compliance with these award criteria is verified through:

- Legal advice commitment: the bidder will need to provide a letter of undertaking linked to this contract, signed by the lawyer or law firm.
- Presentation of ISO 39001 certification: presentation of said certification, or equivalent.

Penalties

Section 15 of the Contract Particulars in the PCAP, on Penalties for partial, defective or delayed performance, states that:

The following deductions shall be applied for partial or defective performance under Articles 192 and 193 of the LCSP:

- *For failure to deliver the legal advice improvement offered: a deduction of 10% shall be applied to the monthly invoice amount.*

OTHER CONTRACTS WITH THIS CLAUSE IN THIS GUIDANCE:

. Technical roadside inspection service for industrial vehicles (3 Lots)



8.4. VEHICLE CHARACTERISTICS

8.4.1. *CONTRACT FOR THE RENTAL OF SIX VEHICLES FOR PAMPLONA MUNICIPAL POLICE BY PAMPLONA COUNCIL, 2023.*

Type of contract	Supply
Tender	https://hacienda.navarra.es/sicportal/mtoAnunciosModalidad.aspx?Cod=23062410301433A342BE
Publication date of tender notice	June 2023
Type of social clause	<ul style="list-style-type: none"> Assessment criteria

Justification

There is no justification report outlining the need and appropriateness of acquiring such vehicles through a leasing arrangement; however, given the high volume of use of the vehicles, it is necessary to have vehicles that not only meet minimum technical characteristics, but are safe and sustainable.

Subject matter of the contract

The subject matter of the contract is linked to the inclusion of these road safety measures, since the intention is to obtain information for the Council to operate them, which can be obtained from the safety system fitted in the vehicle.

Contract for the rental of six van-type vehicles for the Pamplona Municipal Police to cover transport needs in the exercise of their functions for a period of four years.

Text used

This supply contract for the leasing of 6 vehicles includes additional safety measures for the vehicles supplied, as one of the qualitative evaluation criteria.

These technical road safety improvements may be worth a maximum of 4 points, specifically in these two areas:

- Accident detection and prediction functionalities (up to a maximum of 2 points).
- Driver safety management systems (up to a maximum of 2 points).

Award criteria: description of the award criteria and, where applicable, sub-criteria, and their weighting:

The bids will be assessed and awarded points in four sections:

1. *Technical Proposal: maximum 30 points.*
2. *Technical and Safety Improvements: maximum 10 points.*
3. *Social Criteria: maximum 10 points.*
4. *Financial Offer: maximum 50 points.*

Point 2, Safety and technical improvements (up to a maximum of 10 points), includes:

2.1. Accident detection and prediction functionalities (up to a maximum of 2 points).

- *Vehicle in front distance alert.*
- *Vehicle in front collision alert. Calculation of time to collision.*
- *Pedestrian and cyclist collision alert.*
- *Lane-keeping*
- *Blind spot monitoring.*
- *Street-level speed alert.*
- *Other.*

2.2. Driver safety management systems (up to a maximum of 2 points).

- *Monitoring and reporting for operational use of data associated with each driver on:*
- *Accelerating abruptly.*
- *Braking sharply.*
- *Abrupt turns.*
- *Driving very close to other vehicles.*
- *Abrupt lane changes.*
- *Street-level speeding.*
- *Others related to safety and/or energy-efficient driving.*

Scores will be based on an analysis of the number of functionalities offered, integrated into a safety system for operational use, and the quality of such functionalities.

Means of verifying compliance

No specific means of verifying compliance is defined, except where indicated in the proposal under the qualitative criteria, accompanied by any graphical documentation that may support the proposed description.

Penalties

No specific penalty is included for these additional road safety measures as this is an award criterion, meaning that if it is not included in the bid by the bidder, it is not taken into account when the bid is assessed.



8.4.2. *PROCUREMENT OF TYRES FOR FOUR-WHEELED VEHICLES AT THE CIVIL GUARD TRAFFIC SCHOOL, 2022.*

Type of contract	Supply
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=UK1flklp5DJ7h85%2Fpmmfw%3D%3D
DGT dossier	Dossier no. 1DGT2B000047
Publication date of tender notice	August 2022
Type of social clause	<ul style="list-style-type: none"> • Technical specifications

Justification

Due to its functions and characteristics, the Civil Guard Traffic Group's vehicle fleet includes a wide variety of types (cars, off-road vehicles, SUVs, minivans, light vans, vans, industrial vehicles, motorcycles, etc.) and various brands.

The vehicles procured by the Directorate-General for Traffic for the Traffic Group are fitted, as standard, with specific tyres, the brands and specifications of which are determined by the manufacturers in type approval.

Law 15/2014 of 16 September on Public Sector rationalisation and other administrative reform measures, in Additional Provision Thirteen on Energy Efficiency in procurement by Public Administrations within the State Public Sector and in the ANNEX⁴: Energy efficiency requirements for the procurement of goods, services and buildings by Central Public Administrations, paragraph (d), states that public administrations may only procure tyres that comply with the highest energy efficiency classes under the European Tyre Label⁵.

The European Tyre Label defines parameters for:

- Energy Efficiency, measured through Rolling Resistance, which affects the vehicle's fuel consumption and associated CO2 emissions.
- Road Safety, measured through wet Braking Distance.
- External rolling noise.

⁴ Corresponding to the obligation on the part of the Spanish State to transpose into its legislation Article 6 and Annex III of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency.

⁵ Defined in Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (procurement of tyres for four-wheeled vehicles at the Civil Guard Traffic School) and the social dimension of road safety, given that the transposition of European regulations requires the procurement of tyres that comply with the European tyre label, one of the essential parameters of which is road safety, measured through wet braking distance.

The subject matter of the contract is the procurement of tyres for four-wheeled vehicles at the Civil Guard Traffic School.

The Traffic School has a significant number of four-wheeled vehicles that are necessary for it to operate under normal conditions and undertake its training activities, including driving practice, which is part of the teaching programme offered in the various courses conducted there.

For the aforementioned vehicles to be operated, tyres that wear out due to the distance or amount of time driven need to be replaced with new ones with the same characteristics.

Text used

Section 3.2 of the technical specifications indicates that the tyres offered for each brand shall meet the minimum levels in the **Wet Grip parameter for the European Tyre Label**:

- *The tyres offered shall be rated **class "C" or higher** in the Wet Grip parameter for the European Label, governed by REGULATION (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009. This requirement shall be met **by more than 85% of the units**.*
- *The tyres in **items 1, 2, 3, 4, 5 and 6** shall be rated class "A" in the Wet Grip parameter for the European Label, regulated by REGULATION (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009.*

Means of verifying compliance

Bidding companies shall provide a certificate issued by representatives of each of the tyre brands they bid on, evidencing compliance with the characteristics described above.

Penalties

No specific penalty is determined for non-compliance with the particular characteristics of the tyres requested, but a general penalty is applied:

The contracting authority shall impose penalties in the event of defective performance of the service in question or delayed performance or in the case of breach of the undertakings or special conditions for performance of the contract set out under clause 16.3 of the PCAP, paragraph 2 of Article 76 and paragraph 1 of Article 202 of the LCSP.

These penalties shall be proportional to the seriousness of the breach, the amounts of each penalty shall not exceed 10 percent of the contract price, excluding VAT, and the total thereof shall not exceed 50 percent of the contract price.



8.4.3. *FRAMEWORK AGREEMENT 18/2021 FOR THE SUPPLY OF LIGHT COMMERCIAL VEHICLES OF THE DIRECTORATE GENERAL FOR RATIONALISATION AND CENTRALISATION OF PROCUREMENT OF THE MINISTRY OF FINANCE, 2021.*

Type of contract	Framework agreement
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=u%2Bh3Tnr2zL0SugstABGr5A%3D%3D
Dossier	Dossier no. 19/2021
Publication date of tender notice	September 2021
Type of social clause	<ul style="list-style-type: none"> • Technical specifications

Justification

The beneficiary public entities require for their operation light commercial vehicles for goods and passenger transport and mixed use. The specific functionalities to be met by these vehicles frequently require the fitting of certain equipment that does not amount to a full-scale conversion of the commercially available vehicle, and the promotion of alternative energy systems and infrastructures in transport is also prioritised.

Subject matter of the contract

The subject matter of the contract is related to road safety, due to the technical characteristics requested for said vehicles, giving consideration not only to environmental aspects, but also to systems and technologies associated with improving road safety.

The subject matter of this framework agreement is the supply of light commercial vehicles with a technically permissible maximum mass not exceeding 3,500 kg, divided into 8 lots corresponding to different types of vehicles, depending on the requirements (for the transport of people, for the transport of goods and for the introduction of transport boxes).

Text used

The TSD sets out the equipment deemed optional, including road safety features (rear view camera, parking distance control, blind spot monitoring system, cruise control and speed limiter) which, in some cases, was not yet legally required to be fitted in new vehicles; in addition, consideration is given to "Safety Packs" including the Advanced Emergency Braking System (AEBS), Lane Keeping Assist (LKA), Intelligent Speed Assistance (ISA) and Drowsiness Distraction Alert.

All the vehicles bid for will be acquired at no additional cost with the mandatory equipment corresponding to each lot and with that fitted in the vehicle as standard, in any one of three basic colours: white, black or grey, to be determined by the procuring entity.

The vehicles may be procured with any type of optional equipment at a price lower than or equal to the bid price, which shall not in any event exceed the price ceiling set out in the Administrative Terms and Conditions (PCAP).

OPTIONAL EQUIPMENT	LOT 1 - COMPACT PASSENGER VAN	LOT 2 - MID-SIZE PASSENGER VAN	LOT 3 - LONG-WHEELBASE PASSENGER VAN	LOT 4 - COMPACT PANEL VAN	LOT 5 - MID-SIZE PASSENGER VAN	LOT 6 - LONG-WHEELBASE PASSENGER VAN	LOT 7 - AMBULANCE CHASSIS CAB	LOT 8 - LONG-WHEELBASE CHASSIS CAB
Curtain airbag on both sides	x	x	x	x	x		x	x
Front side airbags on both sides	x	x	x	x	x	x	x	x
Rear side airbags on both sides	x	x	x	N/A	N/A	N/A	N/A	N/A
Heated seat - unit	x	x	x	x	x		x	x
Height-adjustable passenger seat	mandatory	mandatory	mandatory	x	x		x	x
Lumbar-adjustable passenger seat	mandatory	mandatory	mandatory	x	x		x	x
Rear-view camera	x	x	x	x	x		x	x
Automatic lowhigh beam switching	x	x	x	x	x		x	x
Climate control	mandatory	mandatory	mandatory	mandatory	mandatory	mandatory	x	x
Parking distance control	mandatory	mandatory	mandatory	mandatory	mandatory	mandatory	x	x
Cargo cover	x	x	x	x	x		x	x
Tinted windows per unit	x	x	x	x	x		x	x
LED Headlights	x	x	x	x	x		x	x
Xenon Headlights	x	x	x	x	x		x	x
Metallic Paint	x	x	x	x	x		x	x
Rear glazed tailgate with wiper	mandatory	mandatory	mandatory	x	x		N/A	N/A
Additional sliding side door	mandatory	mandatory	mandatory	x	x		N/A	N/A
Heated door mirrors	x	x	x	x	x		x	x
Matching spare wheel and rim	x	x	x	x	x		x	x
Tow bar system	x	x	x	x	x		x	x
Navigation system	x	x	x	x	x		x	x
Blind spot detection system	x	x	x	x	x		x	x
Tyre pressure monitoring system (TPMS)	mandatory	mandatory	mandatory	x	x		x	x
Reversing detection system	mandatory	mandatory	mandatory	x	x		x	x
Emergency braking signal	mandatory	mandatory	mandatory	x	x		x	x
Cruise control with speed limiter	mandatory	mandatory	mandatory	x	x		x	x
Safety Pack **	mandatory	mandatory	mandatory	x	x		x	x
Automatic gearbox *	x	x	x	x	x		x	x
4WD system	N/A	N/A	N/A				N/A	N/A
High roof	N/A	N/A	N/A				N/A	N/A
Flatbed	N/A	N/A	N/A				x	x
Enclosed body	N/A	N/A	N/A				x	x
Tipper Body	N/A	N/A	N/A				x	x

Means of verifying compliance

Different delivery conditions and guarantees have been established for each of the various vehicle types with the various kits, which may be expressed jointly as submission of a certificate of compliance with the applicable regulations, manufacturer's instruction manual and maintenance operation guidelines, and a guarantee certificate and certificate of conformity.

Penalties

Call-off contracts tendered under the framework agreement shall be subject to the system of penalties set out in Articles 192, 193 and 194 of the LCSP. The imposition of penalties will follow the procedures established in the applicable contractual laws and the instructions issued in the framework agreement.



OTHER CONTRACTS WITH THIS CLAUSE IN THIS GUIDANCE:

- . Technical roadside inspection service for industrial vehicles (3 Lots)
- . Procurement of a transport service for examiners from the Provincial Traffic Department in Asturias, 2025.
- . Procurement of a transport service for examiners from the Provincial Traffic Department in Córdoba, 2024.
- . Procurement of a transport service for examiners from the Provincial Traffic Department in Cantabria, 2024.



8.5. PREFERENTIAL USE OF NEWER VEHICLES

8.5.1. *PROCUREMENT OF A TRANSPORT SERVICE FOR EXAMINERS FROM THE PROVINCIAL TRAFFIC DEPARTMENT IN CÓRDOBA, 2024.*

Type of contract	Land transport service involving rental of buses or coaches with drivers
Tender	https://contrataciondelestado.es/wps/portal/!ut/p/b0/04_Sj9CPykssy0xPLMnMz0vMAfjU1JTC3Iy87KtUIJLEnNyUuNzMpMzSxKTgQr0w_Wj9KMyU1zLcvQji4xc8k0zw7XLDErCck2CLavKEgMLAm1t9Qtycx0B2d9LBw!!/
DGT dossier	Dossier no. 2DGT1JP00004
Publication date of tender notice	December 2024
Type of social clause	<ul style="list-style-type: none"> Award criteria

Justification

The administration of theory and practical driving tests, conducted by the Provincial Traffic Department in Córdoba, requires examiners to travel to the municipalities of Pozoblanco and Puente Genil to cover the demand for tests throughout the province of Córdoba.

Given that examiners cannot undertake these journeys by their own means, it is necessary to use a bus rental service, which also makes it possible to optimise travel times within the working day.

Procurement of this service, to be performed with a bus with 17 seating positions, would result in:

- Lower stress levels among the group of examiners.
- A reduction in travel costs.
- Savings in maintenance expenses for the vehicles used, as these would be borne by the successful bidder.
- An improvement in road safety, as only one vehicle would be on the road.

Subject matter of the contract

The subject matter of this contract is a transport service for examiners and other designated officials and personnel from the Provincial Traffic Department in Córdoba to the test centres in Pozoblanco and Puente Genil.

There is a direct relationship between the subject matter of the contract (transport service for examiners and other officials and staff from the Provincial Office to the test centres) with the social dimension of road safety, in terms of both promoting employee safety in work-related

travel and improving the scheduling of travel during the working day, thereby fostering work-life balance.

The subject matter of this contract, as set out and described in section one of the Technical Specifications, is a transport service for examiners and other designated officials and personnel from the Provincial Traffic Department in Córdoba to the test centres in Pozoblanco and Puente Genil.

Text used

Section 7.4 of the PCAP contains a number of commitments that shall be met by both the drivers providing the services and the vehicles used. Drivers shall hold the licences required to drive the vehicles and the buses shall be fitted with certain safety equipment and meet the specified age requirement, as newer vehicles are generally safer.

7.4. Commitment to allocate human or material resources. In accordance with Article 76.2 of the LCSP, this contract requires that bidders submit a self-declaration (using the model form provided in Annex 4 of the PCAP) undertaking to allocate the resources set out in sections 2 and 3 of the Technical Specifications. In specific terms:

*- **Human Resources:** A primary driver shall be made available to the Department, in addition to any reserve drivers required to ensure that the service is performed on each day scheduled with a 100% guarantee. Both the main driver and any possible reserves shall have all the licences required to drive the vehicles which are made available for the performance of this contract.*

*- **Material resources:** A coach with 17 seating positions, seat belts and a maximum age of 10 years shall be made available to the Department, in compliance with current rules under the General Vehicle Regulation, approved by Royal Decree 2822/1998 of 23 December. In addition, the bidder shall have spare vehicles available to resolve any issues arising during the service (such as air conditioning and mechanical failures)*

Award criteria

Section 12 of the Contract Particulars in the Administrative Terms and Conditions, Contract award criteria and weighting thereof, sets out a number of particulars relating to the environment or vehicle age.

2. Technical bid. (formula-based evaluation) Up to 40 points.

a) Commitment to allow rescheduling of the service or cancellation with at least 24 hours' prior notice, without any impact on the price 15 points.

b) Passenger pick-up and drop-off at more than one stop: 10 points.

*c) **Assigning vehicles to this contract with an age of:***

- Up to 5 years: 10 points*
- Over 5 years and less than 10 years: 5 points.*

*d) **Assigning environment-friendly vehicles to this contract, classified by the DGT as "ZERO EMISSIONS" or "ECO":** 5 points.*



8.5.2. *PROCUREMENT OF A TRANSPORT SERVICE FOR EXAMINERS FROM THE PROVINCIAL TRAFFIC DEPARTMENT IN CANTABRIA, 2024.*

Type of contract	Land transport service involving rental of vehicles with drivers
Tender	https://contrataciondelestado.es/wps/portal/!ut/p/b0/04_Sj9CPyKssy0xPLMnMz0vMAfjU1JTC3ly87KtUIJLEnNyUuNzMpMzSxKTgQrOw_Wj9KMyU1zLcvQjPSwDogK1c_MCzLy9U8PCQ5lsg5Pz021t9Qtycx0BQfmQlg!!/
DGT dossier	Dossier no. 2DGT1JP00002
Publication date of tender notice	August 2024
Type of social clause	<ul style="list-style-type: none"> Award criteria

Justification

The Provincial Traffic Department in Cantabria is responsible for organising and administering all theory and practical driving tests in the province. The various tests are assessed by the examining staff assigned to the Department in Cantabria. In order to perform these functions in other towns in the province, the examining staff need to travel from their office in Santander to the municipalities with decentralised test centres - Herrera de Camargo, Torrelavega and Laredo.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (transport service for examiners and other officials and staff from the Provincial Office to the test centres) with the social dimension of road safety, in terms of both promoting employee safety in work-related travel and improving the scheduling of travel during the working day, thereby fostering work-life balance.

Contract for a service to transport examiners from the Provincial Traffic Department in Cantabria to the test centres in Herrera de Camargo, Torrelavega and Laredo.

Text used

The TSD includes specific characteristics that the vehicles are required to meet, most notably they shall have been registered after 1 January 2015 and shall meet all the technical requirements stipulated. The reason is that newer vehicles are generally safer.

The vehicles shall have no taxes or technical checks outstanding, shall have mandatory insurance and shall be kept in optimal conditions of cleanliness and in full working order. All maintenance, inspection and repair costs shall be borne by the successful bidder.

4.3 Material resources

The successful bidder shall have at least 2 vehicles available for each type of service, vehicles with a minimum of 9 seating positions, including the driver's seat, to provide the transport service that is the subject of this contract. In any event, the vehicles used must remain in compliance with the requirements set out in these technical specifications for the provision of the services. **All vehicles shall have been registered after 1 January 2015.**

The successful tenderer shall include in its bid a list of vehicles with such characteristics, which it makes available for this contract. Vehicles providing services under this contract shall not be in arrears with the payment of all applicable taxes, shall have passed the relevant periodic inspections and shall have fulfilled all obligations established by current regulations on passenger transport. In addition, the vehicles shall always be in optimal condition to present the service, particularly in terms of cleanliness.

Moreover, the successful bidder shall comply with the provisions of Law 8/2004 on Civil Liability and Insurance in the Use of Motor Vehicles and shall have professional risk indemnity insurance, in addition to the provisions of Royal Legislative Decree 6/2015 approving the consolidated text of the Law on Traffic, Use of Motor Vehicles and Road Safety.

The successful bidder shall be responsible for technical inspections, repairs, maintenance costs and any other costs arising from the use of the vehicles included in the bid and for the basic maintenance of such vehicles.

The successful bidder shall have at least one office in the Autonomous Region of Cantabria which shall have appropriate facilities to undertake the work that is the subject of the contract, including sufficient space to park the vehicles included in the bid and perform basic maintenance on them.

Award criteria

Section 12 of the Contract Particulars in the Administrative Terms and Conditions, Contract award criteria and weighting thereof, sets out a number of particulars relating to the environment or vehicle age.

2.3 Environment friendly vehicles available*, based on a total of six vehicles - two vehicles for each of the three routes - classified by the DGT as "0 EMISSIONS" or "ECO".

Up to 10 points will be awarded according to the following scale:

- Up to 2 vehicles: 3 points
- Between 3 and 4 vehicles: 6 points
- 5 vehicles or more: 10 points

2.4 Vehicles available with an age* not exceeding 5 years, based on a total of six vehicles - two vehicles for each of the three routes.

Up to 5 points will be awarded according to the following scale:

- Up to 2 vehicles: 1 point
- Between 3 and 4 vehicles: 2.5 points
- 5 vehicles or more: 5 points More than 5 years and less than 10 years: 0 points

*Registration plate numbers shall be provided



8.6. PURCHASE OF SAFETY EQUIPMENT

8.6.1. SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT FOR DIRECTORATE-GENERAL FOR TRAFFIC STAFF (6 LOTS), 2024.

Type of contract	Procurement of supplies
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetallelicitacion&idEvl=z4hT%2FbfWkG8eC9GJQOEBkQ%3D%3D
DGT dossier	Dossier no. 1DGT2AP00022
Publication date of tender notice	May 2024
Type of social clause	<ul style="list-style-type: none"> Technical specifications

Justification

The main justification for this procurement stems from Article 17.2 of Law 31/1995 of 8 November on Occupational Risk Prevention, setting out the obligation on the part of the employer to provide employees with appropriate Personal Protective Equipment (PPE) to perform the functions assigned to them and to ensure that it is used effectively.

The Prevention Service at the Directorate-General for Traffic has identified the necessary PPE in accordance with the description in the occupational risk assessment established for each of the professional roles at said Autonomous Agency that require it.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (the supply of personal protective equipment (PPE) for DGT employees) and the social dimension of road safety, given that this factor is of vital importance for effective performance of the work.

The subject matter of this contract is the supply of the Personal Protective Equipment provided by the Directorate-General for Traffic to employees of said Autonomous Agency which is necessary in accordance with the description in the occupational risk assessment established for each of the professional roles that require it.

In addition, this contract will include any expenses arising from distribution, transport and delivery, as well as costs associated with managing shipments and returning the material.

Text used

Point 4 of the TSD, List of PPE and basic and technical characteristics thereof, [sets out] the following technical particulars of the equipment procured, in addition to the certificates and markings required:

All PPE to be supplied and distributed under this contract shall comply with the regulations applicable to them as regards both their manufacture and marketing in the European Union, specifically, where appropriate, in respect of Safety, CE Marking, EU Declaration of Conformity, legally required labelling and submission of the relevant Instruction Manual and/or Information Leaflet in Spanish, issued by the manufacturer, together with the PPE, as set out in REGULATION (EU) 2016/425.

Any PPE that may be exempted from the scope of the European Regulation on marketing PPE (EU) 2016/425, such as that designed to protect the head, face or eyes of motorcycle and moped riders, shall comply with any applicable international regulations.


All PPE shall be delivered in fully usable condition and suitably packed, with the technical specifications and printed with the corporate logo.



The basic and technical characteristics of the PPE to be supplied are those set out in ANNEX II: DESCRIPTION OF TECHNICAL CHARACTERISTICS OF THE PPE TO BE SUPPLIED.

These characteristics shall be regarded as minimum requirements, meaning that any technical proposal that equals or exceeds the performance indicated shall be accepted as valid, provided that the financial offer submitted does not exceed the maximum unit price indicated for each product.

As such, proposals that do not meet the minimum requirements specified in this document will not be accepted. This shall be considered grounds for excluding the bid from the evaluation process.

Annex II outlines the minimum technical characteristics that shall be met by the PPE to be supplied, in addition to certification and marking. Two examples are provided below:

LOT 1: SAFETY FOOTWEAR						
DGT INTERNAL CODE	ARTICLE	PHOTO	BASIC AND TECHNICAL SPECIFICATIONS	REGULATIONS AND STANDARDS	PRINTED	SIZES
1	S3 SRC SAFETY FOOTWEAR		<p>Double braided polyamide, polyurethane and polyester fabric or full-grain leather with water-repellent treatment.</p> <p>Ultra-lightweight.</p> <p>Lace-up fastening.</p> <p>Ergonomic fit and suitable for orthopaedic insoles.</p> <p>Maximum abrasion resistance, waterproof and breathable.</p> <p>Impact and compression resistant toe cap</p> <p>Anatomical, antistatic and puncture-resistant insole</p> <p>Dual-density PU/PU outsole, high-density injection-moulded SRC slip-resistant sole, oil-resistant with shock absorption in the heel area</p>	EN ISO 20345	NO	EU size 36 to 45

LOT 5: MOTORCYCLIST EQUIPMENT						
DGT INTERNAL CODE	ARTICLE	PHOTO	BASIC AND TECHNICAL SPECIFICATIONS	REGULATIONS AND STANDARDS	PRINTED	SIZES
8.1	MOTORCYCLE HELMET		<p>Modular helmet with composite fibre shell (fibreglass, carbon and organic fibres)</p> <p>Micrometric safety closure in stainless steel.</p> <p>Detachable chin guard and nose guard.</p> <p>Sun visor system.</p> <p>Pinlock anti-fog system.</p> <p>Stainless steel buckle.</p> <p>Front air intake with two holes and removable insect filter.</p> <p>Intercom <u>system-ready</u>.</p>	P/J certification. 22.06 standard.	NO	Each size adjustable with central padding and three side padding pieces, with personalised fit system.
8.2	INTEGRATED INTERCOM SYSTEM		<p>Integrated intercom system compatible with modular helmet.</p> <p>Bluetooth technology.</p> <p>Communication range up to 1.6 km.</p> <p>Communication with up to 4 bikes.</p> <p>Universal intercom channel.</p> <p>2 intercom channels.</p> <p>2 multimedia device communication channels (smartphone – GFS).</p> <p>Voice control.</p> <p>Water-resistant.</p> <p>Updatable firmware.</p> <p>10 hours of battery life.</p>			



Means of verifying compliance envisaged

To verify compliance, the successful bidder is required to submit the basic and technical specifications documents for each of the products to be supplied.

Penalties

Section 15 of the Contract Particulars in the PCAP indicates the penalties for partial, defective or delayed performance of the contract.

The following shall be considered a serious breach:

III. Delivery of PPE with manufacturing errors such as unravelled seams, stitching flaws, defects in buttons, zips or printing, shoes with defective soles or stitching flaws, poorly fitted reflective strips, etc.

The penalty for a breach of this obligation by the contractor in the performance of the supply, where deemed serious, shall be a financial fine equivalent to 5% of the total invoice amount of the order delivered.

The breach shall be deemed repetitive and serious when the successful bidder has received at least four warnings within a period of one year as a result of breaches classified as minor.

The following shall be considered very serious breaches:

IV. Submission of PPE that does not meet the basic, technical and regulatory characteristics set out in the Technical Specifications.

V. The breach of obligations is manifestly fraudulent and malicious.

The breach shall also be deemed repetitive and very serious when the successful bidder has received at least four fines within a period of one year as a result of breaches classified as serious.

The penalty for a breach of any of these obligations by the contractor in the performance of the supply, where deemed very serious, shall be a financial fine equivalent to 10% of the total invoice amount of the order delivered.

In the event of repetitive breaches, the Administration may, stating reasons, impose monetary fines of up to 20% of the invoice amount of the order delivered, depending on the severity of the non-compliance.

Repetitive breaches classified as very serious may result in termination of the contract.

8.6.2. *SUPPLY OF ELECTRONICALLY ACTIVATED AIRBAG VESTS FOR CIVIL GUARD TRAFFIC GROUP PERSONNEL, 2023.*

Type of contract	Supplies
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=Ar1l1T5xhZgSugstABGr5A%3D%3D
DGT dossier	Dossier no. 4DGT6B000103
Publication date of tender notice	January 2023
Type of social clause	<ul style="list-style-type: none"> Assessment criteria

Justification

As the primary force in the protection and monitoring of Spanish roads, the Civil Guard Traffic Group (ATGC) is a key factor in road safety, and this is also clearly perceived by civil society.

The development of safety features, both active and passive, fitted on motorcycles and mandatory for motorcyclists, has been ongoing since their introduction. In spite of this, the statistics on traffic accidents, and on fatalities among ATGC officers, show that there is still much to be done. As such, it is essential to incorporate and implement new safety measures to improve safety for ATGC motorcycle officers and these measures, in effect, include the use of an airbag system to protect motorcyclists.

In addition, the National Road Safety Observatory at the Directorate-General for Traffic indicates that the percentage of spinal injuries in motorcycle accidents was lower in riders wearing an airbag jacket (14%) compared to those who only wore standard protective clothing (27%) and the latter were three times more likely to suffer serious spinal injuries.

The procurement need stems from the lack of a garment with similar characteristics to that possessed by other national or foreign police forces, who have standard-issue personal protective equipment comprising an airbag system.

The DGT conducted a preliminary market consultation⁶, making it possible to test the different airbag systems on the market at various ATGC operational units (various Detachments and Sub-Sectors and the Mérida Traffic School). As a result of the market survey in said Preliminary Consultation, an electronically activated airbag system for ATGC motorcycle officers was considered optimal for provision of the service.

⁶ On 15 February 2021, a “preliminary market consultation was conducted for the project analysis, design, development, data for technical specifications and supply of clothing necessary for Civil Guard Traffic Group personnel to perform their tasks”.



This airbag vest must conform to the specific characteristics of the service provided by ATGC motorcycle officers. As such, two key features should be highlighted:

- an autonomous activation system without the need for wires, and
- the weight of the airbag vest as a whole should be manageable, that is, it should not be too heavy for motorcyclists to wear while on duty, forcing them to dispense with this safety measure, and it should also be worn on top of the motorcycle officer's jacket and be in keeping with the look of the clothing used by the Traffic Group.

Subject matter of the contract

There is a direct relationship between the subject matter of the contract (the supply and provision of an electronically activated airbag system for ATGC motorcycle personnel) and the social dimension of road safety, for two reasons: firstly, to boost the safety of the employees themselves, and secondly, to serve as an example of the use of this type of advanced protection for the motorcyclist community in civil society.

The subject matter of this contract is the supply and provision of an electronically activated airbag system for Traffic Group (hereinafter, ATGC) motorcycle personnel, due to the use of motorcycles as an essential component of road monitoring.

Text used

Clause 12 of the Contract Particulars in the PCAP contains criteria to ensure a higher quality provision with the specific characteristics:

- **Improvements in the technical specifications of fabrics:** the improvements in fabrics provided by the bidders are assessed with the parameters of mass per unit area, tensile strength and puncture resistance, for both the main fabric (green) and the fluorescent fabric (yellow). These are the outer fabrics of the airbag vest. The properties of such fabrics shall include being more resistant and durable than the inner fabrics. For a vest of this type, it is important that these fabrics offer high puncture and friction resistance and tensile strength as it is an outer garment that will protect the motorcyclist in the event of a fall. Credit will also be given to the garment with the lowest possible weight.

12.1.2. *Technical bid. (Formula-based evaluation) Up to 29 points.*

12.1.2.1. *Improvements in the technical specifications of the fabrics. Up to 24 points. Credit will be given to improvements in the technical specifications of the fabrics as shown in the following table:*

Technical fabric specifications	Points obtained
Main fabric (green)	
Mass per unit area below 300 g/m ²	4 points
Tensile strength above 1000 N	4 points
Puncture resistance greater than 1000 N	4 points
Fluorescent fabric (yellow)	
Mass per unit area below 300 g/m ²	4 points
Tensile strength above 1000 N	4 points
Puncture resistance greater than 1000 N	4 points

For assessment purposes, the points specified for each of the parameters are assigned automatically and directly, in accordance with the values shown in the table in point 12.1.2.1 of the contract particulars.

Means of verifying compliance envisaged

The Technical Annex sets out minimum values for these parameters (mass per unit area, tensile strength and puncture resistance) and priority will be given to bids that present values offering a clear improvement in lightness and strength.

They will be assessed objectively, given that the values for the parameters and dimensions to be evaluated shall be those provided by the Quartermaster Material Supply Centre and Depot, as a textile testing laboratory accredited by ENAC, where the necessary tests will be conducted.

Penalties

There is no specific penalty for non-compliance with the technical specifications, but reference is made to non-compliance with the improvements proposed in the PCAP:

Likewise, the contracting authority will impose the penalties referred to in Article 192 of the LCSP in the event of failure to deliver the improvements set out in clause 12 of these Contract Particulars, as well as in the case of defective delivery thereof, imposing on the contractor a penalty corresponding to the cost set by the Administration for the improvement not delivered, plus 10%. In accordance with Article 192 of the LCSP, the amount of the penalties shall not exceed 10% of the contract price



8.6.3. *FRAMEWORK AGREEMENT PME 2/2020 FOR A GEOLOCATION SERVICE FOR THE VEHICLES IN THE FLEET OF THE AUTONOMOUS STATE VEHICLE POOL IN MADRID, 2020.*

Type of contract	Repair, maintenance and associated services for vehicles and related equipment
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=o3eyBEu96Bp7h85%2Fpmmsfw%3D%3D
Dossier	Dossier no. 2833/2020
Publication date of tender notice	November 2020
Type of social clause	<ul style="list-style-type: none">• Technical specifications

Justification

The State Vehicle Pool has made significant efforts in recent years to modernise its management, deploying the information systems required to support such management.

Fleet geolocation is a key factor to improve management as it will make it possible to allocate services efficiently based on the real-time positioning of vehicles. In addition, it is essential that the new geolocation solution provides information on:

- Monitoring of vehicle movements, making it possible to analyse kilometrage and consumption.
- Monitoring of vehicle use, as a safety measure.
- Monitoring of refuelling events and charges, in the case of electric vehicles.
- Monitoring of speeding and driving styles.
- Monitoring engine conditions.
- Automated alerts.
- Ease of integration with the State Vehicle Pool management systems.

Subject matter of the contract

The subject matter of the contract is aligned with the social dimension of occupational road safety, since this geolocation service will provide relevant information for the implementation of actions focused on prevention and road safety improvements for employees travelling on official duty.

The subject matter of the contract is a geolocation service for the vehicles in the fleet of the State Vehicle Pool. The service includes the in-vehicle device, use of the software and geolocation-related services, in addition to the data telephone line associated with the device.

Text used

The TSD outlines the functional requirements stipulated for the information system:

4 FUNCTIONAL REQUIREMENTS OF THE INFORMATION SYSTEM

4.1 Geolocated information

The platform shall allow visualisation of the following information on a map, with up-to-date maps:

- *Real-time vehicle positioning*
- *Real-time vehicle speed*
- *Driver using the vehicle in real time*
- *Visualisation of traffic situation*
- *Visual reconstruction on the map of the historical routes taken by a particular vehicle*

The map display shall allow for easy searching and location of a specific vehicle or driver, or a group of them.

4.2 Reports

It is vital for the State Vehicle Pool to be able to analyse the information provided by the geolocation solution to use it as the basis for their strategic decisions on fleet renewal and reorganisation.

The information system shall provide at least the following reports:

- *Details of journeys made, including kilometrage, driver, start point and end point. It shall be possible to obtain this report by driver or by vehicle and between a start date and time and an end date and time.*
- *Fleet status: odometer, engine errors or fuel/battery status*
- *Activity summary: use of vehicles during authorised/unauthorised times; use of vehicles inside or outside specific areas. For example, outside Madrid. Distances by period; number of stops and duration of stops; speed profile; refuelling events; idle time details; daily working hours*

4.3 Alerts

The system shall make it possible to create automated alerts, which shall send personalised notifications by email to one or more different addresses when any of the following situations are detected:

- *Exceeding a predetermined speed value*
- *Speeding*
- *Vehicle usage times*
- *Non-use of seat belts*
- *Entering restricted areas, defined as polygons of any shape on a map*
- *Exiting selected areas, defined as polygons of any shape on a map*
- *Excessive idle time*
- *RPM threshold exceeded*
- *Accidents*
- *Device disconnection*
- *Battery level below a limit in the case of electric vehicles*
- *Engine failure*
- *Use of vehicles outside specified times*



Means of verifying compliance

Within 5 calendar days of the award of the first call-off contract, the successful bidder shall provide the contract manager at the State Motor Pool with the platform access credentials and make all documentation relating to the web platform and the integration interfaces available to said contract manager. This documentation shall include user manuals for the platform in Spanish.

Penalties

The framework agreement may be terminated in the event of non-compliance with the essential obligations identified as such in the clauses of the terms and conditions regulating it and in the cases set out in Articles 211 and 313 of the LCSP.

Clause 20. TERMINATION OF THE FRAMEWORK AGREEMENT

For the purposes of determining the grounds for termination set out in Article 211.1(f) of the LCSP, the following shall be considered a breach of an essential contractual obligation:

- *Non-compliance in the information system associated with the service with any of the functional, integration, technical or security requirements set out in the TSD.*

Clause 21. PENALTIES FOR NON-COMPLIANCE WITH THE FRAMEWORK AGREEMENT AND CALL-OFF CONTRACTS

5) Non-compliance with platform availability:

Non-compliance with the Service Level Agreement in respect of platform availability, set out in the TSD, shall result in a penalty of 1000 euros for each availability failure that exceeds the SLA.

8.7. PROGRAMMING AND PLANNING OF OPERATIONS

8.7.1. *IMPROVING ROAD SAFETY AND REORGANISING PEDESTRIAN TRAFFIC ON THE N-352 ROAD. SECTION FROM KILOMETRE POINT 2+100 TO 2+700 IN THE CITY OF CEUTA, MINISTRY OF TRANSPORT AND SUSTAINABLE MOBILITY - DIRECTORATE-GENERAL FOR ROADS, 2023.*

Type of contract	Construction, foundation and paving work on motorways and roads
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=8qYUSu4SuV5rSd8H4b2soA%3D%3D
Dossier	Dossier no. C54235531600
Publication date of tender notice	December 2023
Type of social clause	<ul style="list-style-type: none"> • Assessment criterion • Special conditions for performance

Justification

The Project Plan attached to the tender addresses the need to modify this section of road as it has a high rate of accidents, especially involving vulnerable users, and it is an area with a substantial presence of pedestrians and elevated traffic density, which is extremely high during the summer period due to Operation Straits Crossing. The objective of the action is defined as improving road safety and reorganising the pedestrian traffic in the area.

Subject matter of the contract

The subject matter of the contract is aligned with the social nature of road safety, involving both refurbishing and upgrading the stretch of road to promote the mobility of vulnerable users (pedestrians) and reducing vehicle speed and, moreover, fostering occupational safety for the employees assigned to said contract (and subcontractors).

Execution of project works: "Improving road safety and reorganising pedestrian traffic on the N-352 road. Section from kilometre point 2+100 to 2+700 in the city of Ceuta" financed by the European Union - Next Generation EU under the Recovery, Transformation and Resilience Plan, as part of the "Humanising stretches of major roads in urban areas" programme.

Text used

The Standard Administrative Terms and Conditions for the procurement of works by the Ministry of Transport set out the following definitions:



Assessment criterion: presentation of a “Health and Safety Report”

Qualitative evaluation criteria (Maximum points for each section: TC)	Maximum length (no. of pages)	SCALE		
		A	B	OTHER
1. Report, work programme and execution period	50	50	50	--
2. Quality plan	10	10	10	--
3. Environmental management programme	10	15	15	--
4. Health and safety report	10	5	5	--
5. Technology and R&D&i	10	5	10	--
6. User impact mitigation report	15	15	10	--

Clause 21. Envelope no. 2. TECHNICAL DOCUMENTATION QUALITATIVE EVALUATION CRITERIA

4. HEALTH AND SAFETY REPORT

A risk prevention and safety report shall be drawn up, outlining:

- *Organisation of prevention and safety on site: health and safety organisational chart, safety resources, functions, coordination with subcontractors and self-employed workers.*
- *Participation systems for the contractor's personnel and subcontractors.*
- *Training and information processes to be implemented.*
- *Analysis of potential emergency situations: measures to be adopted, relationships to be established with external services to ensure speed and effectiveness, etc.*
- *Analysis of the health and safety study for the project from the perspective of implementing it as a contractor, proposing any improvements deemed appropriate.*
- *Whether the work is to be undertaken under a prevention management framework in line with international, Spanish or European regulations.*

Special conditions for performance: at least one shall be required relating to innovation, of an environmental or social nature (Article 202.2 LCSP). Specifically, one such condition has been defined relating to occupational risk prevention for assigned employees, along with another relating to the European eco-label, both for upgrading urban environments and for road safety actions in relation to vulnerable users.

4. Performing the work in accordance with Clause 40.1 of this document, with regard to strict compliance with legislation on occupational risk prevention.

6. A special condition for performance shall comprise mandatory compliance with the obligations assumed in relation to eco-labelling and digital labelling and the mechanisms established to monitor them, in addition to mandatory compliance with the obligations assumed through application of the Do No Significant Harm (DNSH) principle

This dossier is categorised as follows in terms of eco and digital labelling (under Regulation (EU) 2021/241):

IMPROVEMENT MEASURES IN URBAN ENVIRONMENTS (STRETCHES OF MAJOR ROADS IN URBAN AREAS) ON THE STATE ROAD NETWORK. LINE 4

Eco-labelling				
Sub-measure ID	Sub-measure name	Contribution to climate and environmental objectives		
		Area of intervention (label)	Climate coefficient	Environment coefficient
C01.I01d	Improvement measures in urban environments (stretches of major roads in urban areas) on the State Road Network. Line 4	048	40%	100%

The project is located in an urban environment and includes humanisation and traffic calming measures for subsequent transfer to the City Council. The planned actions contribute to promoting the mobility of pedestrians, cyclists and scooters, with the aim of reducing both airborne emissions and noise pollution.

ROAD SAFETY MEASURES - REFURBISHMENT OF TUNNELS AND PROTECTION OF WILDLIFE AND VULNERABLE USERS

Eco-labelling				
Sub-measure ID	Sub-measure name	Contribution to climate and environmental objectives		
		Area of intervention (label)	Climate coefficient	Environment coefficient
C06.I02d	Road safety measures - Refurbishment of tunnels and protection of wildlife and vulnerable users	061	0%	0%

Means of verification

- **Assessment criterion: Health and safety report**

Submission of the “Health and Safety Study” based on the model form adjoined to the Project Plan (document no. 5). An annex shall be attached to this report containing certificates evidencing that an internal occupational safety system has been established for the bidder and the proposed subcontractors, and the contents thereof.

- **Special conditions for performance**

Compliance with the DNSH self-assessment questionnaire for contracts, as specified in the Standard Administrative Terms and Conditions, associated with the actions financed by the Recovery Plan.

Penalties

Penalties have been determined for non-compliance with the special conditions for performance

Clause 43: Penalties

As a general rule, the amount shall be 1% of the contract price, unless the contracting authority considers, stating reasons, that the breach is serious or very serious, in which case they may be up to 5% or up to the legal maximum of 10%, respectively. Repetitive breaches may be taken into account to assess severity. The total amount of penalties shall not exceed 50% of the contract price.

They shall be collected by deducting the amounts to be paid to the contractor, as total or partial payment, or from the performance bond, in accordance with Article 194.2 of the LCSP.



Compliance with the special conditions of performance on the part of the contractor may be verified by the contracting authority at any time during the performance of the contract and, in any event, shall be checked when the works are accepted.

Due to defective compliance [Article 192.1 LCSP]

Clause 43: Penalties

Penalties shall be imposed when, upon acceptance, the contracting authority finds that the works are not fit for acceptance due to causes attributable to the contractor [Article 243.2 LCSP].

They shall be imposed irrespective of the contractor's legal obligation to remedy such defects.

As a general rule, the amount shall be 1% of the contract price, unless the contracting authority considers, stating reasons, that the breach is serious or very serious, in which case they may be up to 5% or up to the legal maximum of 10%, respectively. Repetitive breaches may be taken into account to assess severity. The total amount of penalties shall not exceed 50% of the contract price.

Due to non-compliance with the award criteria [Article 145 LCSP]:

Clause 43: Penalties

For other commitments, if, after 50% of the score obtained by the contractor in the unmet award criterion is deducted, it is found that its bid would not have received the highest rating.

As a general rule, the amount shall be 1% of the contract price for each breach detected, unless the contracting authority considers, stating reasons, that the breach is serious or very serious, in which case it may be up to 5% or up to the legal maximum of 10%, respectively. Repetitive breaches may be taken into account to assess severity. The total amount of penalties shall not exceed 50% of the contract price.

Also for delayed submission of the health and safety plan

Clause 33: Occupational Health and Safety Plan

In any event, the maximum deadline for approval of the occupational health and safety plan shall be one month from the signing of the contract. If it is not possible to start the works upon receiving authorisation to begin them due to a failure on the part of the contractor to comply with the deadlines indicated in the preceding paragraph, the contractor shall not seek any extensions to the deadline for that reason. When so provided in the terms and conditions, such non-compliance shall result in the imposition of a daily penalty of 0.60 euros for every 1,000 euros of the contract price.

8.7.2. *TECHNICAL ROADSIDE INSPECTION SERVICE FOR INDUSTRIAL VEHICLES (3 LOTS), 2023.*

Type of contract	Technical inspection services for motor vehicles.
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=3ZZW%2FzEpsRB7h85%2Fpmm%3D%3D
DGT dossier	Dossier no. 1DGT2AP00015
Publication date of tender notice	May 2023
Type of social clause	<ul style="list-style-type: none"> • Assessment criterion • Special conditions for performance

Justification

In the interests of road safety, environmental protection and fair competition it is important to ensure that commercial vehicles in operation are properly maintained and inspected, so that they maintain their safe traffic performance when circulating within the European Union; and in order to achieve a more harmonised system and to avoid unequal treatment at technical roadside inspections, in view of the different regulatory models in Member States.

Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000, on the technical roadside inspection of the roadworthiness of commercial vehicles in service, set out that the annual roadworthiness test that such vehicles are required to undergo is not sufficient and the performance of targeted additional technical roadside inspections is an efficient and cost-effective measure.

It was subsequently amended by Directive 2017/47/EU, which was transposed into Spanish law by Royal Decree 563/2017 of 2 June regulating roadside technical inspections of commercial vehicles in service in Spanish territory.

It is necessary to perform such inspections not only to comply with European and Spanish legislation, but also because the number of vehicles in service with serious faults is relatively high, according to data from the pilot campaigns that were conducted (in 2010 and 2015-2016).

Subject matter of the contract

There is a direct relationship between the subject matter of the contract and the social nature of road safety, since it addresses the improvement of road safety for industrial vehicles in service and also allows information to be obtained to define awareness-raising policies.

The subject matter of the contract is the provision of a mobile unit service to the DGT and the performance of roadside inspections of commercial vehicles.



Text used

Point 12 of the Contract Particulars in the PCAP, on **Criteria for Awarding the Contract**, establishes the “*Promotion of road safety policies*” and, specifically, having a Road Safety Management System in place, based on ISO 39001, as an evaluation criterion.

ASSESSMENT CRITERIA		POINTS		
		LOT 1	LOT 2	LOT 3
Automatically evaluated criteria (objectives)		100	100	100
1.	Price tender	70	70	70
	For inspection on mainland	70	70	60
	For inspection on islands	-	-	10
2.	Technical Bid	30	30	30
2.1	Mobile Units	16	16	16
	For additional mobile unit	4	4	4
	For up-skilling or qualification upgrading of inspection team per mobile unit	12	12	12
2.2	Start of operations	6	6	6
	- Bringing the activity start date forward	6	6	6
2.3	Additional services	5	5	5
	- Extending hours to Saturdays, Sundays and bank holidays	3	3	3
	- Conducting awareness raising campaigns	2	2	2
2.4	Promoting road safety policies	3	3	3

2.4. Promotion of road safety policies (maximum of 3 points)

- *Road Traffic Safety Management System ISO 39001 (providing certification valid on the date of submission of the bid): 3 points.*

In point 17 of the Contract Particulars in the PCAP, **Special conditions for performance**, the option selected is a special condition for the performance of the contract with a social focus, comprising "measures to prevent work-related accidents".

As a function recently assigned to the Directorate-General for Traffic, "The development and management of measures to improve work-related road safety, in collaboration with other Public Administrations and stakeholders" is an objective that must be present in the actions of the Public Administration and, even more so, through the autonomous Central Traffic Department.

*The company shall produce a **Company Road Safety Plan** during the first half of the contract period and, at the least, provide **training to the employees** assigned to the contract during its performance.*

As such, this principle is put into effect by including the special condition for performance set out in section 17 of the contract particulars. The following special condition for performance with a social focus is established in accordance with Article 202 of the LCSP:

As regards **inclusion of the special condition for performance associated with the production of a Company Road Safety Plan by the company**, a report on said clause was requested from the State Legal Service, which considered that it was unsatisfactory if express reference was not made to the need to link it to the employees assigned to performance of the contract and, as such, not the whole company workforce.

Reference was also made to the need to expressly define non-compliance with the special condition for performance set out in the PCAP, and the specific penalty in the event of such non-compliance by the successful bidder.

However, we consider that the special condition for performance required in the tender documents relating to the "production of a Company Road Safety Plan by the company during the first half of the contract period and, at the least, providing training to the employees assigned to the contract during the period thereof" should refer to the employees assigned to performance of the contract, specifically because of the necessary link to it, unless evidence is provided to the contrary.

Lastly, the effects of non-compliance with the special conditions for performance shall be expressly indicated in this section, notwithstanding the fact that in this specific case provision is made for penalties.

Means of verifying compliance

- **Assessment criteria**
 - *Road Traffic Safety Management System ISO 39001: providing certification valid on the date of submission of the bid.*
- **Special condition for performance**
 - *Company Road Safety Plan and training on the Plan: evidenced by presentation of the relevant document and the attendance records for said training.*

Penalties

Point 15 of the Contract Particulars in the PCAP, on Penalties for partial, defective or delayed performance, sets out a penalty associated with the special condition for performance, specifically for delay in submission of the Road Safety Plan and/or for failure to undertake road safety training.

Delay in submission of the Company Road Safety Plan results in the following penalties under Article 192 of the LCSP:

- *If not submitted after the first 12 months of contract performance: 5% of the current contract value.*
- *If not submitted after 18 months of contract performance: 7.5% of the current contract value.*
- *If not submitted by the end of the contract: 10% of the estimated contract value.*

In the event of non-compliance with the road safety training envisaged in the special conditions for performance in clause 17 of these Contract Particulars, a penalty of 2.5% of the estimated contract value shall be imposed under Article 192 of the LCSP.

They also include a general penalty for non-compliance with the improvements presented in the bid:

Likewise, the contracting authority will impose the penalties referred to in Article 192 of the LCSP in the event of failure to deliver the improvements set out in clause 12 of these Contract Particulars, as well as in the case of defective delivery thereof, imposing on the contractor a penalty corresponding to the cost set by the Administration for the improvement not delivered, plus 10%. In accordance with Article 192 of the LCSP, the amount of the penalties shall not exceed 10% of the contract price.



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8.7.3. *SERVICE FOR THE ADOPTION OF ROAD SAFETY MEASURES AND SUPPORT AT CIVIL GUARD TRAFFIC GROUP STOP CHECKS, 2023.*

Type of contract	Repair, maintenance and associated services related to roads and other equipment
Tender	https://contrataciondelestado.es/wps/poc?uri=deeplink%3Adetalle_licitacion&idEvl=wRKwZubpYnmrz3GQd5r6SQ%3D%3D
DGT dossier	Dossier no. 1DGT2AP00010
Publication date of tender notice	April 2023
Type of social clause	<ul style="list-style-type: none"> • Assessment criterion • Special conditions for performance

Justification

The powers conferred on the Central Traffic Department include actions that may require the establishment of road safety and traffic management measures in support of traffic monitoring and enforcement functions on all types of interurban roads and stretches of major roads in urban areas, in roadside technical inspections of commercial vehicles, in the performance of alcohol or drug tests on drivers and in other actions to ensure adequate traffic conditions or the adoption of measures for environmental reasons.

As such, the performance of such actions requires:

“The installation of markings and complementary signage on roads within the sphere of competence of the Directorate-General for Traffic, in order to maintain high levels of road safety for both road users and members of the Civil Guard Traffic Group itself and support staff in the performance of the tasks outlined for stop checks, technical inspection of vehicles and other actions.”

Subject matter of the contract

The subject matter of the contract is the procurement of a service for the adoption of road safety measures and support at Civil Guard Traffic Group stop checks.

Text used

- **Assessment criteria**

The evaluation criteria for bids include some associated with social criteria (backlit signboards) as well as environmental criteria (provision of low-emission vehicles), along with presentation of a method statement with the project and road safety implementation arrangements for the works, as shown in the following table outlining the criteria tree for awarding the contract and the points given:



Criteria Tree for the evaluation of bids	
12.1. Automatically evaluated criteria (objectives):	Total Maximum Points
A. Price tender	35
B. Technical Bid (formula-based evaluation)	30
IMPROVEMENT 1. Number of Additional Bases as expansion of the geographical area	8
IMPROVEMENT 2. Number of additional standard equipment units	6
IMPROVEMENT 3. Provision of low-emission vehicles	6
IMPROVEMENT 4. Backlit signboards.	2
IMPROVEMENT 5. Number of additional labourers per team	8
12.2. Qualitative evaluation criteria:	
C. Technical Proposal and service optimisation	15
D. Method statement with implementation and road safety arrangements for the works	20
TOTAL	100

IMPROVEMENT 3. Provision of low-emission vehicles. Up to 6 points.

Objective: Protecting the environment through the inclusion of low-emission vehicles in this contract, the use of which does not negatively affect sustainability as an objective for prevention and the protection of health from environmental pollution.

Evaluation: Performed in accordance with the ratings used in the vehicle registry of the Directorate-General for Traffic for vehicles offered that have a "0" emissions sticker and an "ECO" emissions sticker.

- For vehicles offered with low pollutant emissions and a "0" emissions sticker (maximum 4 points), according to the following formula:

$$\text{Number of points} = \frac{V^{0}o}{V^{0}max} \times Pmax$$

Where:

- $V^{0}o$: Number of vehicles offered with a "0" emissions sticker.
- $V^{0}max$: Maximum number of vehicles offered with a "0" emissions sticker.
- $Pmax$: Maximum points for the improvement for vehicles with a "0" emissions sticker.
- For vehicles offered with low pollutant emissions and an "ECO" emissions sticker (maximum 2 points), according to the following formula:

$$\text{Number of points} = \frac{V^{ECO}o}{V^{ECO}max} \times Pmax$$

Where:

- $V^{ECO}o$: Number of vehicles offered with an "ECO" emissions sticker.
- $V^{ECO}max$: Maximum number of vehicles offered with an "ECO" emissions sticker.
- $Pmax$: Maximum points for the improvement for vehicles with an "ECO" emissions sticker.

IMPROVEMENT 4. Backlit signboards. Up to 2 points.

Objective: Improving signage by supplementing that included in standard equipment.

The contractor shall supplement the standard signage equipment with single-sided backlit signboards of minimum size 1400x1400 mm with internal lighting using high-efficiency LED technology with 120 lm/W and graphical information using type 3 retro-reflective coloured transparent vinyl, making the sign visible even if the internal lighting stops working. The power supply system shall allow continuous operation for at least twelve hours.

Evaluation: This improvement will be evaluated according to the following formula:

$$\text{Number of points} = \frac{\text{PRo}}{\text{PRmax}} \times \text{Pmax}$$

Where:

- *PRo: Number of backlit signboards offered.*
- *PRmax: Maximum number of backlit signboards that a bidder undertakes to supply.*
- *Pmax: Maximum points for the improvement.*

D. Method statement with implementation and road safety arrangements for the works Up to 20 points.

Evaluated according to:

- *Level of understanding and knowledge of the issue put forward.*
- *Scope of work and detailed technical description of the bid, structure and systematisation, clarity, depth and detail in the study of the project based on the technical documentation provided.*

It shall contain the following aspects of the contract:

- *Human resources, experience and technical qualifications, vehicles and functional elements (mandatory and offered) and their distribution thereof across bases to implement each of the measures and ensure their road safety.*
- *Presentation of the technical solutions for the functional or innovative elements (mandatory and offered) that provide added benefits, value and convenience in relation to the works defined in the Technical Specifications.*
- *Study of each and every one of the works to be executed, diagrams or charts showing the typical arrangements that are the subject of the contract, specifying signage and markings, with specific details of traffic calming in the sections where measures are to be installed*
- *Procedures to ensure the confidentiality of the locations where the measures are to be installed.*

With the following scale:

- *Unit of measurement: Points*
- *Direction: maximising*
- *Minimum threshold: 10 points*
- *Maximum threshold: 20 points*
- *Optimal Method Statement: Demonstrates a high level of understanding and knowledge of the service as defined in the Technical Specifications, providing a detailed description of the works to be undertaken. The scope of the works and the technical description are addressed correctly and in depth, adding value to the delivery of the service (15-20 points).*
- *Satisfactory Method Statement: Addresses the requirements set out in the Technical Specifications with an acceptable proposal and a general description of the works to be undertaken. The scope of the works and the technical description are appropriate for the delivery of the service (10-14 points).*
- *Insufficient Method Statement: Does not comply with the requirements set out in the Technical Specifications or addresses them incorrectly, providing no added value. No reference is made to the scope of the works or to a detailed technical description of the works to be undertaken and/or the methods to be used for delivery of the service. (0-9 points)*



- **Special conditions for performance**

The special conditions for performance in the PCAP (Article 202 of the Law on Public Sector Contracts), which establish measures both “to prevent work-related accidents” and “to guarantee health and safety protection in the workplace” as possible special conditions, include clause 17, associated with “special conditions for performance”, which is linked to one of the functions of the Directorate-General for Traffic, namely “the development and management of measures to improve work-related road safety, in collaboration with other Public Administrations and stakeholders.”

“The following special condition for performance of a social nature is established:

- *During the first 6 months of the contract, the company shall develop a Safe and Sustainable Mobility Plan for the company focusing on the employees assigned to the performance of this contract and provide training for said employees during the first half of the contract period.*

This special condition for performance is related to the subject matter of the contract, is not directly or indirectly discriminatory as it can be met by any economic operator, and is compatible with EU law and with Article 202 of the LCSP.

Means of verifying compliance

- **Assessment criteria**

Improvement 3. Provision of low-emission vehicles

The bidder shall explicitly state, in accordance with the ratings used in the vehicle registry of the Directorate-General for Traffic, the number of vehicles capable of undertaking the various jobs with a “0” emissions sticker and with an “ECO” emissions sticker that it will provide for the contract.

Improvement 4. Backlit signboards.

The bidder shall explicitly state the number of backlit signboards provided for the contract.

Improvement D. Method statement with implementation and road safety arrangements for the works

For evaluation purposes, the tenderer shall submit a method statement, which will form the basis for setting out the content of the service to be provided.

- **Special conditions for performance**

Compliance with this special condition for performance shall be evidenced by submitting the Plan to the contract manager before its delivery deadline and presenting the staff attendance records for the aforementioned training upon completion of the first year of the contract.

Penalties

A specific penalty has been established for partial, defective or delayed performance (clause 15 of the Contract Particulars in the PCAP) in the case of presentation of the Mobility Plan, and a more general penalty in the case of the improvements presented in the bid:

“Delay in submission of the Safe and Sustainable Mobility Plan for the Company shall result in the following cumulative penalties:

- If not submitted after 12 months of contract performance: 0.5% of the current contract value.*
- If not submitted after 18 months of contract performance: 1% of the current contract value.*
- If not submitted after 24 months of contract performance: 1.5% of the estimated contract value.*

If, upon completion of the first year of the contract, no evidence has been provided of the training of contract staff on the Safe and Sustainable Mobility Plan for the company, a penalty of 2.5% of the contract award amount shall be imposed.”

Likewise, the contracting authority will impose the penalties referred to in Article 192 of the LCSP in the event of failure to deliver the improvements set out in clause 12 of these Contract Particulars, as well as in the case of defective delivery thereof, imposing on the contractor a penalty corresponding to the cost set by the Administration for the improvement not delivered, plus 15%. In accordance with Article 192 of the LCSP, the amount of the penalties shall not exceed 10% of the contract price.