



Subject:

Framework for the inclusion of road
safety clauses in public tenders

Instruction ONSV 2025/13

1. Background

The vision of the Road Safety Strategy 2030 is to “consolidate a culture of safe mobility that drives us forward to achieve the goal of zero fatalities or serious injuries in traffic accidents”. In 2022, the number of fatalities in work-related traffic accidents reached its highest level in recent years with 236 victim fatalities, a 9.25% increase compared to the previous year. Traffic accident casualties account for 27.31% of all occupational accident fatalities.

The strategic area “Safe administrations, companies and organisations” of the Road Safety Strategy 2030 focuses on measures that companies, public authorities and other entities can implement to reduce road safety risks in their activities and services. This includes the safety of workers as well as their suppliers and contractors, through mobility plans and risk assessments.

Road safety should be fully integrated in the safety culture of all types of organisations, both public and private, and be reflected in their personnel policies, social responsibility and throughout the value chain of their activities for the benefit of their workforce, customers, contractors, visitors, and the whole of society in general.

The fifth line of action of this strategic area is “*introducing road safety in public and private purchases, contracts and concessions*”. In the public sector, the best way to incorporate road safety requirements, such as social clauses, criteria or conditions, in public tenders is analysed.

2. Purpose

The purpose of this instruction is to offer guidance on the incorporation of the most appropriate social aspects in the public procurement of works, goods and services, promoting enhanced road safety and safe and sustainable mobility, thus helping reduce the rate of occupational road accidents.

3. Normative justification

Public procurement accounts for between 15% and 20% of gross domestic product in many developed European countries, including Spain¹. This makes public tendering an effective tool for incorporating social clauses that may correct negative externalities² in the production process. Occupational traffic accidents are one example of a negative externality, as without the internalisation of the social costs incurred by occupational traffic accidents in the cost structure of a company or body, these figures could be higher.

The public sector may include clauses to minimise the probability of accidents and their social repercussions when procuring goods and services. Institutions such as the United Nations³ and the World Bank⁴ have promoted the use of public tenders to reduce social and labour inequalities.

The European Commission, through Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council⁵ of 26 February 2014 on public procurement, establishes the inclusion of social clauses in public procurement by promoting “*socially responsible public procurement*”. It also published the Notice⁶ on buying social in public procurement in 2021.

“Socially responsible public procurement” encompasses a range of specific social policy objectives, such as the promotion of the employment of people experiencing or at risk of social exclusion, the social integration and employment of people with physical and/or intellectual disabilities, design and accessibility for all, the promotion of effective equality between men and women, the social responsibility of economic operators, employment stability and quality, measures to improve work-life balance, improvement of occupational safety and health, and fair trade and ethical public procurement criteria.

In Spain, the inclusion of social and labour clauses in public sector contracts is enshrined in article 40 of the Spanish Constitution⁷. Such clauses are a means to pursue social objectives such as improving road safety in work travel; environmental conservation; gender equality in the workplace; reconciliation of personal, family and working life; and working conditions, among others.

Article 1.3 of Law 9/2017 of 8 November on public sector contracts⁸, transposing into Spanish law Directives 2014/23/EU and 2014/24/EU of 26 February 2014 (hereinafter the LCSP), establishes the mainstreaming of social and environmental criteria in public procurement, provided that they are related to the subject-matter of the contract, out of the conviction that their inclusion enhances the price-quality ratio of the deliverable and ensures greater and better efficiency in the use of public funds.

¹ [Guide to recommendations for the inclusion of aspects related to Road Safety in Public Administration tenders](#) (DGT, 2022)

² A negative externality arises in the production of a specific good or service when it generates social costs that are not included or internalised in the cost structure of a company or body.

³ [Transforming our world: the 2030 Agenda for Sustainable Development](#) (UN, 2015)

⁴ [Environmental and Social Framework](#) (World Bank, 2018)

⁵ [Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC](#) (Official State Gazette (BOE), 2014)

⁶ Notice C (2021) 3573 final on [Buying Social – A guide to taking account of social considerations in public procurement – Second edition](#) (European Commission, 2021)

⁷ [Spanish Constitution](#) (BOE, 1978)

⁸ [Law 9/2017 of 8 November on public sector contracts](#) (BOE, 2017)

On 12 April 2019, the Council of Ministers approved the “*Plan to promote socially responsible public procurement within the framework of Law 9/2017 of 8 November on public sector contracts*”⁹ in order to incentivise the use by procurement bodies of all measures outlined in the LCSP when drafting the terms of reference, conducting the tendering procedure and during the contract performance phase.

The Directorate-General for Traffic should be a model for good practice in occupational road safety, both for its employees and for external personnel on public contracts.

The inclusion of these social clauses (either in the special performance conditions, the evaluation criteria for awarding contracts, the technical expertise criteria and/or the subject-matter of the contract, including the technical specifications) promotes road safety culture and can be used as a benchmark for other administrations.

4. Social criteria and road safety

The LCSP establishes the statutory obligation to incorporate, in a cross-cutting and mandatory manner, social criteria related to the subject-matter of the contract.

This table shows the social criteria identified, with possible social measures that could be included, highlighting the area of work in which occupational road safety would fit.

Specifically, it would centre on section 3 “*Protection of workplace health and safety*” and its social measures, given its direct link to occupational road safety when discharging work duties.

SOCIAL CRITERIA	SOCIAL MEASURES
1. Social integration and employment of persons with disabilities and disadvantaged groups	1.1 Integration of disadvantaged groups or groups at risk of social exclusion 1.2 Integration of persons with disabilities 1.3 Integration of long-term unemployed people 1.4 Integration of unemployed people aged over 45 1.5 Integration of unemployed and inexperienced young people 1.6 Recruitment of more persons with disabilities than required by national law 1.7 Subcontracting of Special Employment Centres or job placement companies
2. Equality between men and women	2.1 Formulation of social equality plans 2.2 Promotion of female recruitment
3. Protection of workplace health and safety	3.1 Measures to prevent occupational accidents 3.2 Training on prevention 3.3 Obtaining safety certificates
4. Capacity-building and professional development	4.1 Training

⁹ [Order PCI/566/2019 of 21 May, publishing the Decision of the Council of Ministers of 12 April 2019, approving the Plan to promote socially responsible public procurement within the framework of Law 9/2017](#) (BOE, 2019)

5. Promotion of employment and the fight against unemployment	5.1 Recruitment of more people to execute the contract 5.2 Employment stability 5.3 Maintenance of the workforce performing the contract
6. Fair trade	6.1 Fair Trade labels 6.2 Fair trade
7. Legality, ethics and social responsibility	7.1 Respect for basic labour rights
8. Better pay and working conditions	8.1 Better pay
9. Reconciliation of personal, family and working life	9.1 Better reconciliation of personal, family and working life

Table 1. Grouping of social criteria and the associated measures

5. Scope of application

The scope of application of this instruction centres on Directorate-General for Traffic contracts to which the social criteria associated with occupational road safety could be applied, owing to their direct link to the following purposes:

- preventive training in the workplace
- protection of workplace health and safety
- and prevention of occupational accidents.

Specifically, it could be limited to procurement of the following goods and services:

- provision of goods and services related to safe mobility
- provision of goods and services related to occupational road safety
- vehicle rental/purchase
- services related to traffic control maintenance
- services involving the provision of mobility/or transport
- services for the repeat transport/transfer of goods
- provision of on-site services involving the regular transport of staff, particularly those required to provide on-site services.

Even where the original subject-matter of the contract is unrelated to mobility, the link to mobility must be maintained through some of the services necessary to perform the contract.

6. Conditions for incorporation into the procurement process

Social clauses linked to occupational road safety could be incorporated under a set of specific conditions, depending on the nature and characteristics of the contract, at the following points in the procurement procedure:

- a) In the **PREPARATION OF THE CONTRACT**:
 - There must be a clear link between the social clause related to the adoption of measures for training and promotion of occupational health

and safety in the context of mobility and the subject-matter of the contract, on the understanding that such a link could arise in any aspect of public procurement.

- The fundamental principles of procurement (that it should not be discriminatory or hinder competition) must also be respected.

It is possible to incorporate social conditions into the contract's **technical specifications**, provided that they are linked to training on and/or promotion of workplace health and safety. Such technical specifications or prescriptions refer to the material, product, service or provision to be procured (art. 125.1 of the LCSP).

With respect to supply or services contracts, a technical specification is defined as *“a specification in a document defining the required characteristics of a product or a service, such as quality levels, environmental and climate performance levels, design for all requirements (including universal accessibility and universal design or design for all persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods at any stage of the life cycle of the supply or service and conformity assessment procedures”* (art. 125.1 (b) of the LCSP).

Regarding works contracts, technical prescriptions refer, *inter alia*, to *“quality assurance procedures; the social, occupational, environmental and climate impact of such materials, products or activities carried out during their production or use; design for all needs (including universal accessibility and universal design or design for all persons); terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions and production processes and methods at any stage of the life cycle of the works [...]”* (art. 125.1 (a) of the LCSP).

- No unjustified obstacles to free competition among tenderers may be created. Therefore, unless justified by the subject-matter of the contract, technical specifications may not refer to a specific make or source, or a particular process which characterises the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain undertakings or certain products.
- They may refer to a specific process or method of production or provision of the works, supplies or services or to a specific process for another stage of its life cycle even where such factors do not form part of their material substance provided that they are linked to the subject-matter of the contract and are proportionate.

- The technical specifications may require a specific label¹⁰ as means of proof that the works, services or supplies correspond to the required characteristics, according to specific criteria (art. 127.2 of the LCSP).
- b) In the **ACCEPTANCE OF TENDERS**, social aspects can be included as part of **technical or professional expertise criteria** for tenderers. Technical expertise refers to the company's capacity to undertake the work subject to the contract, ensuring the quality of the service to be provided, and is used to determine which organisations may submit a tender in that procedure by meeting the established minimum requirements. Social criteria can be included as technical expertise requirements, provided that:
- they are linked to the subject-matter of the contract
 - they are proportionate (to the importance attached to the social aspect in the performance of the contract)
 - the company is required to have specialised skills, specific technical knowledge or proven experience in that social issue
 - or it is necessary for staff assigned to performing the contract to have specific experience, characteristics or technical knowledge associated with that social aspect.
- c) In the **EVALUATION OF THE TENDERS**, social aspects may be incorporated as **evaluation criteria**, which form the basis for a comparative assessment of the quality of the proposals and the candidates, provided that:
- They are linked to the subject-matter of the contract; in other words, when there is a clear connection with the deliverable, the criterion affects all or part of the provision of the deliverable, any of its aspects and any stage of its life cycle, including factors involved in:
 - the specific process of production, provision or marketing of the works, supplies or services, as applicable, with special reference to the environmentally and socially sustainable and fair means of production, delivery or marketing
 - or the specific process of another stage of its life cycle, even where such factors are not part of its material substance.
 - The criteria are objective and relate directly and exclusively to the nature of the tenders and the intrinsic qualities of a product or service (not to the tenderers' capacity or the nature of the company).
 - They improve the conditions for performing the contract (better quality of the work carried out, services provided and/or supply delivered).
 - They allow, through a comparative assessment of the quality of the tenders, a higher level of performance of the contract, its subject-matter or the quality of performance to be identified, weighted and classified accordingly.

¹⁰ "Label" means any document, certificate or attestation confirming that the works, products, services, processes or procedures in question meet certain requirements (art. 127.1 of the LCSP).

- They do not grant the contracting authority unconditional freedom of discretion, given that the criteria must be objective, specific and quantifiable.
 - They respect the fundamental principles of European law (transparency, non-discrimination, proportionality and equal treatment) to safeguard competition.
 - They will be included in the procurement documents and will be published in advance in the contract notice, so that all tenderers have the same opportunity to submit a tender.
- d) In the **PERFORMANCE OF THE CONTRACT**, social aspects can be incorporated through **special conditions for performance**, which are mandatory conditions to be met by the successful tenderer, outlining certain public social objectives, including the Schedule of Specific Administrative Clauses (PCAP). Compliance with legal and labour obligations may not be a special condition for performance. These conditions must:
- not be discriminatory
 - be linked to the subject-matter of the contract
 - comply with European law
 - be outlined in the procurement documents and contract notice
 - be specified objectively.

Special conditions for performance must be appropriately evaluated in the contract design.

Below is a summary of where potential social clauses linked to different stages of the preparation and performance of a contract could be included:

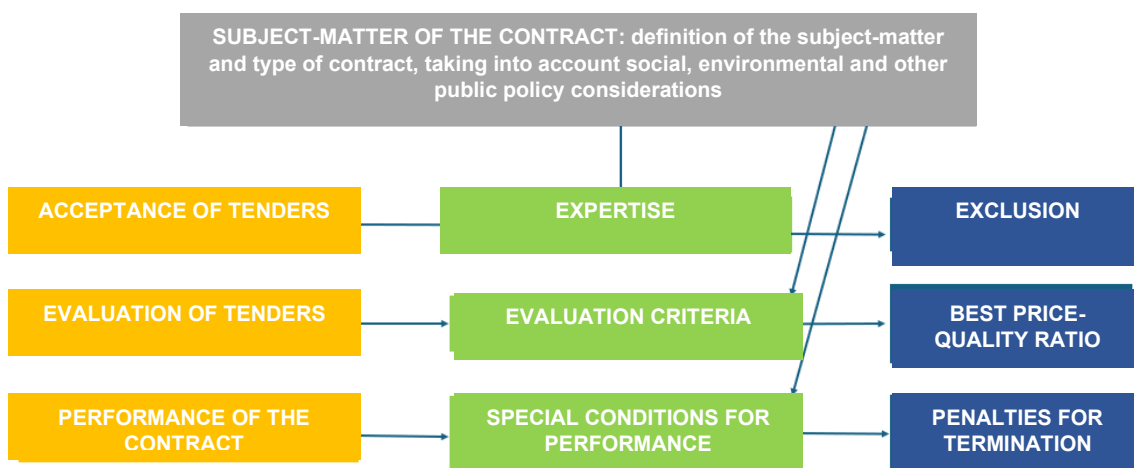


Illustration 1: Procedural stages

Source: *Practical guide for government procurement: criteria and instructions for the incorporation of social, environmental and other public policy clauses. Provincial Government of Bizkaia*

7. Proposed measures

Once the stages and mechanisms through which social clauses can be incorporated have been established, the following measures associated with occupational road safety are proposed for consideration:

- Preparation and development of safe and sustainable mobility in the company for commuting and business travel.
- Training on road safety for staff.
- ISO 39001 certification on road traffic safety management.
- Specifications for vehicles (hired or purchased) for providing services.
- Purchase of road safety equipment (airbags in helmets or jackets, V16 warning beacon lights, protective equipment, etc.) for staff.
- Improvement to road safety in internal operations (roadworks, services related to traffic control maintenance, etc.).
- Transport for staff carrying out their normal work duties.

8. Follow-up

The National Road Safety Observatory will be responsible for monitoring the introduction of clauses related to occupational road safety within the Directorate.

For statistical purposes, proponents should report the inclusion in procurement documents of any of the types of social clauses related to occupational road safety in the subject-matter of the contract, technical prescriptions, technical or professional expertise criteria, evaluation criteria and/or special conditions for performance to the following email address: seguridad.laboral@dgt.es.

A **guide** will be published on the body's intranet in order to assist in the implementation of socially responsible public procurement linked to road safety, giving practical examples of tenders already awarded by the Directorate-General for Traffic and other public institutions (ministries or autonomous community-level bodies, the autonomous communities and local councils).

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THE DIRECTOR-GENERAL FOR
TRAFFIC

Pere Navarro Olivella