



# **BILATERAL MEETING**

## **Chapter 05- PUBLIC PROCUREMENT**

**Country Session: The Republic of TURKEY**  
**28 November 2005**



## **SCREENING CHAPTER 05 PUBLIC PROCUREMENT**

### **AGENDA ITEM VIII: SOCIAL ASPECTS OF PUBLIC PROCUREMENT**

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## Provisions on social aspects of public procurement;

- ✓ **evaluation of tenders**
- ✓ **exceptions**
- ✓ **phase of execution of contracts**
- ✓ **national legislation**



## Submitting Documents Proving Qualification Criteria

Contracting authority may request submission of documents proving;

✓ experience, quality, organisational structure, professional characteristics of executive and technical personnel, technical equipment, quality control system, certificate of occupational health and safety management systems



## **Tenderer is excluded, who;**

- ✓ is bankrupt or being wound-up**
- ✓ has not fulfilled obligations related to social security contributions or tax payment**
- ✓ has been convicted of an offence concerning his professional conduct by a judgement of a court**
- ✓ are established, to be involved in misconducts that are against the work ethics or professional ethics during a work he carried out for the contracting entity,**
- ✓ has been prohibited from professional activity by the chamber where he is registered**



# Exceptions

**On the basis of social purposes;**

- ✓ procurements of agriculture and livestock products directly from the producer**
- ✓ service procurements to be made from development cooperatives of forest villages and from villagers shall not be governed by PPL**



**Also, procurements of goods and services produced by;**

- ✓ **workplaces for detention houses and penalty and execution institutions**
- ✓ **public rest homes and orphanages**
- ✓ **schools and centres involving production**
- ✓ **institutes and breeding stations**

**shall not be governed by PPL**



## **Phase of Execution of Contracts**

**General specifications, as integral part of tender documents, contains provisions on social aspects**

**Some provisions are set forth regarding rights of employees and working conditions at the phase of execution of contract.**





## **Within the scope of rights of employees and working conditions;**

- ✓ supervision official shall ensure that there is no employee in the workplace who are not paid**
- ✓ contractor has to provide employees with the wage rates and working conditions similar to those of comparable working areas and employees**



## **Related to health of workers;**

- ✓ contractors have to take all necessary measures to protect health of workers**



- ✓ contractor is responsible for taking all necessary measures to prevent any accidents arising from implementation of the work
- ✓ in case of accidents in the workplaces, contractor is responsible for covering all medical treatment expenses and for paying compensation if it is necessary to do so



- ✓ contractor has to take necessary measures to meet food and beverage needs of workers
- ✓ contractor has to refrain from preventing workers from obtaining food and beverage from places as they wish



## Legal Framework

**Legislation includes elements reflecting social considerations which also affect public procurements.**

**Firstly, the Constitution of Republic of Turkey contains arrangements (from Article 49 to Article 55) on the subject.**



**Contractor, while executing the contract, has to comply with the laws and regulations related to working life and social security.**



**Labour Law No 4857 also covers rules with social purposes.**

**These rules are binding for the parties of the public procurement contracts.**



# Principle of Equal Treatment

**Workers can not be treated differently on the basis of language, religion, race, gender, political view, philosophical belief.**





## Also Labour Law states;

✓ in the workplaces, where equal to or more than fifty workers are employed, employers are required to employ disabled, ex-prisoners and terror victims, at a definite proportion

✓ 50 % of social security contributions of employees who employ disabled, ex-prisoners and terror victims, in a number more than the definite proportion, is to be met by Government



**According to the Labour Law, minimum wages are determined by The Commission of Determination of Minimum Wage, which is composed of representatives of public institutions, trade unions and employer unions.**



**The Law also regulates rules on leave of absence of women workers related to birth and breastfeeding.**



**Employers have to take necessary measures to protect health and safety at work.**

**They are also bound to establish a board on health and safety at work, if the conditions in the Law are met.**



**Employers, under certain circumstances, are under legal obligation to employ workplace doctor and to form a health unit.**



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