



Public-Private Collaboration: public capacities to manage the model developed by the State Public Employment Service and Private Employment Agencies

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Abstract. This article addresses, in the context of governance, the competencies and capacities that public actors must assume in order to achieve success in the implementation of collaborative strategies, such as public-private collaboration. The need for a strong leader and effective management is a key in collaborative process, but for this it is necessary to detect the capabilities that guarantee the development of the model. This analysis is based on the study of the public-private partnership developed by the SEPE and the private agency in the intermediation service of employment policy. The analysis shows the importance of strengthening public capacities like an objective to guarantee the stability and transparency model and ensure the participation of stakeholders.

Keywords: governance, public-private collaboration, employment policy, employment public service, private employment agencies.

La Colaboración Público-Privada: capacidades públicas para la gestión del modelo desarrollado por el Servicio Público de Empleo Estatal y las Agencias Privadas de Colocación

Resumen. Este artículo aborda, en el contexto de la gobernanza, las competencias y capacidades que los actores públicos deben asumir para conseguir el éxito en la puesta en marcha de estrategias colaborativas como la colaboración público-privada. La necesidad de una administración fuerte, líder y eficaz es una cuestión clave en los procesos colaborativos, pero para ello es necesario detectar las capacidades que garantizan el funcionamiento del modelo. Este análisis parte del estudio del modelo de colaboración público-privada desarrollado entre el SEPE y las Agencias de Colocación, dentro de los servicios de intermediación laboral. El análisis arroja la importancia de reforzar las capacidades públicas como objetivo para garantizar la estabilidad y transparencia del modelo y asegurar la participación de los actores privados.

Palabras clave: gobernanza, colaboración público-privada, políticas de empleo, servicios públicos de empleo, agencias privadas de colocación.

Summary. 1. Introduction. 2. Collaborative governance: the theoretical basis for public-private collaboration. 3. Contextual and situational factors for public management of collaboration. 4. The governance and management capabilities of public actors in the collaboration structure: the PPP between SEPE and AACC. 5. Conclusions. Bibliography.

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1. Introduction

This article addresses the public characteristics that collaborative management of public services should include, resulting from the challenges involved in developing public-private partnership or collaboration models. The balance between the public and private sectors is a dynamic debate influenced by changes in the context (Albert Hirschman, in Radin, 2017) and with a high degree of uncertainty about what the role of the state is and should be.

The public sector's increasing dependence on the private sector for the provision of public services poses challenges in the design, planning, implementation, and evaluation of collaborative strategies. It also raises dilemmas about what the role and characteristics of the public actor should be in this framework of decision-making and action. In this regard, several questions arise, from how the state should exercise its authority in a network of interactions to how it should guarantee public and social values such as equality, equity, accountability, and transparency, among others. This adds greater complexity to collaboration strategies, since "the fact that the design is based on democratic governance mechanisms does not change the specific dilemmas of action, let alone organized action. Perhaps it even transforms it into an even more complex and intricate phenomenon" (Arellano, et al., 2014: 119).

The incorporation of collaborative strategies in a democratic context, both in decision-making and management, has introduced a different perspective into the normal functioning of public organizations, their services, and their relations with citizens. It is therefore necessary to understand the current changes, be aware of trends, and learn how to face new challenges. As Carles Ramió points out, "considering at a theoretical level what public administration should look like in the long term is an essential mechanism for making decisions in the present with a certain strategic orientation" (Ramió, 2016: 104). And in the present and future of public organizations and services, we will find private entities as necessary actors.

The hypothesis of this article is that establishing a collaborative model requires an active and effective role for public administration, which guarantees the implementation of public-private partnerships (PPPs) and ensures the participation of private actors. A "solid, consistent, strategic, and proactive public administration" (Ramió, 2016: 104) that faces the challenges posed by collaborative management, promoting "greater institutional solvency, eradicating corporate and business capture" (Ramió, 2016: 108). With this vision, proposed by Carles Ramió, talking about public-private partnerships, collaborations, or alliances not only means introducing changes in the formal instruments and content of contracting, but also incorporating a style of government and administration adapted to this collaborative strategy, which allows for the stability of the model and incorporates collaborative benefits or advantages with public value.

The article is structured in five sections. The first section defines the concept of collaborative governance and discusses the importance of identifying the layers of

roles of public actors in the governance of collaboration. In this sense, we will focus our analysis on public-private collaboration as one phase of a continuum in collaborative strategies. The second section addresses the characteristics of the context that influence the development of governance capacities. The third section presents the dimensions addressed by the literature on collaborative capacities. The fourth section analyzes these capacities in the illustrative case of the public-private collaboration model developed between SEPE and the Employment Agencies. Finally, we present our conclusions and future challenges.

2. Collaborative governance: The theoretical basis of public-private collaboration

There is no doubt at this point that governance presents a renewed vision of the state and the direction of society (Aguilar, 2014; Ansell and Gash, 2007; Arellano, et al., 2014; Bryson, et al., 2014; Kettl, 2000, 2015). Luis F. Aguilar defines it as a process in which "the direction of society is shaped and defined, and the social capacity to produce the public objectives that give meaning and value to the collective activity of society is created" (Aguilar, 2014: 17).

Governance aims to overcome the limitations of the current capacities of states by incorporating the capacities of "economic and civil society," with the aim of jointly defining the criteria for coexistence and development in our societies (Aguilar, 2006; 2008). This process involves a new style of government, in which the state acquires and manages new capacities and attitudes as a result of interactions with other actors.

The search for collaborative strategies that yield better results for solving complex problems has been one of the objectives set by both academia and professionals in public and private organizations. This has led some authors to use the term collaborative governance to emphasize this characteristic and establish it as a key component of governance. Authors such as Ansell and Gash (2007) define it as a type or model of governance in which public and private actors work collectively, using particular processes, to establish laws and rules for the provision of public goods. For these authors, collaborative governance refers to an explicit and formal strategy that incorporates multilateral interests and is subject to a consensus-oriented decision-making process (Ansell and Gash, 2007). Other authors point to collaborative governance as a formal activity involving joint activities, joint structures, and shared resources (Brown, et al., 2006; Conner, 2016).

To date, most of the academic literature has focused on the reasons or background for collaboration (Vangen and Huxham, 2003b; Bazzoli, et al, 1997), on the characteristics of collaboration structures and processes, and on understanding how adjustments are made in the decision-making and action framework of collaborative governance¹ (Ansell and Gash, 2007; Bovaird and Löffler, 2009; Brown, et

¹ We can define adjustment mechanisms or arrangements as those instruments or tools used to achieve a particular objective—in this case, creating and structuring collaborative arrangements—whose design has implications for performance (Siddiki, et al., 2015).

al., 2006; Bryson, et al. 2006, 2014; Calanni, et al., 2014; Gazley, 2017; Head and Alford, 2015; Ozawa, et al., 2017; Wang, et al., 2017; Yang, 2016). Consequently, the approach taken regarding the actors is explained in relation to their functionality within the collaboration. The various analyses indicate what elements both public and private actors must contribute to achieve the objective, goals, and results of the proposed collaboration. Hence, all institutional adjustments and arrangements seek to make the collaboration framework sustainable. As Lina B. Amsler points out, collaboration becomes both the means and the end (2016).

However, these collaborative strategies must coexist with competitive strategies, which emphasize the individual interests and benefits of each organization. Thus, horizontal structures are readapted and incorporated into preexisting hierarchical or vertical structures (Agranoff and McGuire, 1998), creating complex spaces for interrelation, but without abandoning particular objectives and goals. This space of interrelation, but also of autonomy for the actors, requires the state to create new governance capacities or adapt existing ones (Christensen, et al., 2016; Arellano, et al., 2014; Farazmand, 2009; Skelcher and Smith, 2015; Radin, 2017; Sedgwick, 2016). It is not enough to simply add up skills and recognize the limitations of each actor; it is necessary to find those capacities that will make collaborative strategies viable and guarantee their success. Defining these capabilities becomes even more essential when the mode of governance increasingly "involves a shift to more indirect forms of government, mediated by third parties or remote governments, in which governments are more formulators, decision-makers, and financiers of policies than direct executors or operators" (Aguilar and Bustelo, 2010: 2).

Despite the importance of performance and efficiency criteria, both for the collaborative structure and for individual actors in terms of their comparative advantage, these are not the only factors that influence the capabilities of public actors in collaborative governance (Bryson, et al., 2014, 2016; Klijn and Skelcher, 2007). The democratic component introduces a political factor, with the aim of achieving public goals and values, which implies a certain conditionality in the actions of the structures, processes, and actors that make up collaborative strategies. The willingness to participate under these conditions implies an interest on the part of the actors in the "process of democratic or multi-centered action in view of the need to coordinate and monitor each other." But it also means assuming not only the task of governing but also that of sharing the controls to which government organizations are subject (Arellano, et al., 2014: 124).

Collaborative governance therefore involves two levels: a political level—decision-making—aimed at defining social problems through negotiation, deliberation, and consensus (Amsler, 2016), improving transparency in decision-making processes and accountability; and a management level—action—aimed at applying appropriate solutions to each policy context (Ansell and Gash, 2007; Siddiki, et al., 2015; Gazley, 2008). As can be seen in the table below, public-private collaboration involves a series of conceptual elements that give substance to each form of governance and delimit both the political and management levels.

Table 1: Characteristics contributed by the public actor in PPP

GOVERNANCE	PUBLIC-PRIVATE COLLABORATION	
	Decision	Action
Collaborative	Deliberation and consensus; aggregation of interests; Goals and objectives	Adaptive management Interrelation structures and processes Co-management and co-production of services Strategic and comprehensive management and planning (arenas and actors)
Democratic	Public authority Competencies Multilevel government Public values Participation Balance of power and conflict management Equity Transparency and accountability	Quality Citizen satisfaction Evaluation

Consequently, in the deployment of collaborative governance, the government has encountered new responsibilities, which it faces with capacities limited by the bureaucratic model. However, despite these transformations, citizens continue to maintain their expectations of the government, and public employees remain rooted in a past that no longer exists (Kettl, 2000: 488).

2.1. Concept of public-private collaboration and considerations for public management

The need to create "synergistic forms of deliberation, interaction, and association between government and society, between the public and private sectors" (Aguilar, 2008) has resulted in the development of collaborative governance solutions or strategies. Public-private partnerships, alliances, or collaborations are therefore a key element of collaborative governance in a democratic context (Bryson, et al., 2014; Hodge and Greve, 2005; Pastor, 2015).

The incorporation of a variety of actors (public, companies, associations, citizens), the interrelation of policies to respond to complex ("wicked") problems (Head and Alford, 2015) – the use of formal and informal instruments in the development of collaboration; these reasons have led many authors to talk about "public-private partnerships" (Kettl, 2015) or "cross-sector collaboration" (Bryson, et. al, 2006, Vangen et al., 2015). This demonstrates the range of alternatives covered by the concept of collaboration. Institutions such as the European Union have contributed to this

variety and momentum have been contributed by institutions such as the European Union, which includes under the concept of public-private collaboration "different forms of cooperation between public authorities and the business world"².

Most of the experiences developed and the most recent academic literature address this concept in a broad way³, as a "government strategy called collaborative governance" (Ansell and Gash, 2007: 543). In this sense, the concept of collaborative governance would imply a cyclical process of government and management that includes planning, policy formulation, administration, and evaluation.

Despite this broad terminology, actual practice has established specific concepts for certain specific models of collaboration (partnerships, joint ventures, public-private partnership contracts), aimed at providing certain services or performing certain tasks. In these, we can identify a series of elements that characterize their design, as well as a common body of concepts that identify them (Wang, et al., 2017). In this sense, public-private partnerships (PPPs) or public-private associations can be a model, typology, or stage within this strategy (Ansell and Gash, 2007; Bryson et al., 2014).

It is therefore necessary to identify the key elements for public-private collaboration within public activity: firstly, the existence of two or more actors, at least one of which is public (Peters, 1998); secondly, the voluntary and autonomous participation of public and private actors, as an individual exercise of their decision-making capacity and assumption of responsibilities; thirdly, the objective of achieving an advantage or benefit that involves generating greater public value; fourth, the existence of lasting and formal cooperation linked to the strategy of the service to be developed or produced (Vangen and Huxham, 2003b; Huxham, 2003; Peters, 1998), which implies normalizing and institutionalizing the exchange process⁴; fifthly, the introduction of "contractual coordination" with suppliers that favors the adaptation of public actors to specific activity environments (Wang et al, 2017); sixthly, the distribution of risk according to the characteristics of each organization (Ysa, 2009). Seventh, the strategic and cyclical vision combined with the dynamic environment will make negotiation, interaction, and adjustment a continuum throughout the collaboration process.

In this sense, this concept of collaboration focuses on the relationship between the public sector and private sector actors, that is, collaboration between organizations that participate in the construction of a collaborative institutional structure for the provision of services of public competence and responsibility.

² Green Paper on public-private partnerships and Community law on public procurement and concessions (COM 2004/327 final). Within the Spanish regulatory framework, a specific type of public-private partnership contract was incorporated into Law 30/2007 of October 30 on Public Sector Contracts (LCSP), but with little success. Proof of this is its disappearance in the new Contracts Law approved by the Congress of Deputies on Thursday, October 19, 2017.

³ For some authors, it is even ambiguous and misleading (Skelcher et al., 2012; Greve and Hodge, 2005, 2013; Teisman and Klijn, 2002; Gazley, 2008; Ghere, 2001), due to the deliberate use by some governments of a more appealing concept such as collaboration to carry out privatization processes.

⁴ Collaboration is the most integrated form of collaborative activity and includes comprehensive planning and, often, a collaborative governance structure that is distinct from the individual organizations that comprise it.

This consideration brings to the fore the relevant and irreplaceable role of public authority, unlike private actors, who, except in cases of exclusivity, can be removed without the structure and process disappearing.

Thus, the construction of collaborative governance in public spaces introduces the necessary consideration of the characteristics and guarantees provided by the public actor. In this sense, authors such as Bovaird and Löffler (2009) argue that collaborative partnerships cannot function in the absence of "good governance," which takes the form of accountability, responsiveness, transparency, equity, and participation.

For all these reasons, public capacities linked to collaborative management take on special significance in this context, as they promote and/or hinder the creation and continuity of a public-private collaboration structure. Capabilities such as public leadership, the ability to negotiate to overcome power imbalances, the management of interest aggregation, conflict management, and participation influence the legitimacy of the collaborative structure (Huxham, 2003; Farazmand, 2009; Conner, 2016).

This view is in line with neo-public currents (Denhardt and Denhardt, 2003; Aguilar, 2006) and the public value movement (Bryson, et al, 2014), which highlight the "democratic anchor" (Sorensen and Torfing, 2005) of collaborative governance. All this shapes a map of flexible capabilities and competencies that can be adapted to a political, administrative, and situational environment (Christensen, et al., 2016).

3. Contextual and situational factors for public management of collaboration

The initial challenge for politicians and public managers is to create the right conditions—a favorable environment—that facilitates discussion, the exchange of solutions, and decision-making in the arena of public policy (Bryson et al., 2006; Head and Alford, 2015). The dynamics of interaction allow actors to gain control in "arenas of uncertainty" (Arellano et al, 2014:127). This strengthens the degree of interdependence between actors involved in the development of public activity.

An analysis of the contextual conditions will make it possible to identify the capacities and competencies that public actors must assume in a public-private collaboration process. It will also identify the minimum capacities that the state must guarantee and assume to ensure a certain degree of success⁵ in the collaboration.

3.1. *Political, administrative, and situational context conditions*

- a) **Legal and institutional framework.** The legal and institutional framework establishes the general and formal rules of action. Collaborative management involves a new dialogue between administration, politics, and law.

⁵ Success is understood as the continuity of the collaborative strategy (structure, processes, and actors) and as performance.

As Lisa B. Amsler points out, "public law is an important variable that is often lost in governance collaboration" (2016: 700). Furthermore, the introduction of "contractual cooperation" (Wang, et al, 2017) in privatization and outsourcing processes eliminates or underutilizes the legal oversight provided by administrative law, threatening democratic values such as accountability and transparency. It also reduces the possibility of citizen participation in these service delivery models.

Therefore, it is necessary to highlight the value of the legal framework, as it allows public managers to perform their public functions, including monitoring, control, and inspection. But it also allows limits to be placed on negotiation processes, the resolution of imbalances, and conflicts of interest. In other words, it becomes a facilitating tool that makes the dynamics of exchange visible and dispels any possible suspicions of opportunism and illegality in actions⁶. This legal framework provides the rules for a formal structure that involves the actors and frames the informal rules that govern interactions. These rules, which shape the capacity framework, are articulated through different modalities, such as: "position rules, limit rules, choice rules, objective rules, aggregation rules, information rules, sanction or payment rules" (Siddiki, et al, 2015: 538)⁷.

In this sense, public-private partnerships put significant pressure on the legal system, as they must consider different points of view and manage the paradox between the public and private sectors, as follows:

Firstly, this regulatory framework appears to be a **space that facilitates and promotes** new actors and markets. The state, in its regulatory capacity, creates the appropriate regulatory conditions for the emergence of certain private markets. This allows us to understand this regulatory framework as a set of rules of the game, i.e., subject to negotiation and adaptable to the context.

Secondly, **it brings stability to the interrelationship system** by offering guarantees to private partners in safeguarding their interests, as they can assume the risk of collaboration in a transparent and reliable environment (Jamali, 2004). Although there is room for autonomy and "self-regulation" in collaboration, it is necessary to guarantee minimum consensus to enable the resolution of disputes. In this sense,

⁶ In this regard, it should be noted that in some interviews with political officials, they pointed out the difficulty of establishing round tables or working groups with private employment agencies and temporary employment agencies, due to the fear of being accused of corruption. In addition, they pointed out the lack of regulatory alternatives to this conflict: on the one hand, the need to meet with private actors—key players in this market—and, on the other hand, the need to establish mechanisms for collaboration in the planning of the public-private partnership model.

⁷ "1. Boundary rules identify the prerequisites (characteristics, skills, possessions) of individuals eligible to fill a position. 2. Position rules identify the roles that individuals must fill, as well as the absolute, minimum, or maximum number of individuals who can fill a given position. 3. Choice rules specify a set of permissible actions—what an actor must, must not, or may do. 4. Scope rules identify required, desired, or prohibited outcomes. 5. Aggregation rules refer to actions or decisions that require two or more individuals. 6. Information rules indicate which communication channels are permitted, required, or prohibited, how information flows, to whom, and when. 7. Payment rules assign external rewards or penalties to specific actors in relation to different actions (Carter et al. and Ostrom in Siddiki et al., 2015).

the government assumes the role of "watchdog of the network system with the ability to influence and provide incentives" (Arellano, et al., 2014: 125). This provides a stable and identifiable space that brings legal certainty to the system and the actors involved.

A robust legal system ensures the efficiency of the association's operations and its linkage to other policy objectives (Jamali, 2004; Hodge and Greve, 2007; Hodge, 2004). Conversely, a weak regulatory framework has a negative impact on conflict resolution and weakens the structure and processes of collaboration. Thirdly, this regulatory framework acts as **a basic protocol or set of basic rules for collaboration**, which are essential for legitimizing the process and establishing the parameters for participation in the network (inclusion/exclusion). This institutional framework, defined in formal and informal rules, guarantees minimum participation by all actors, with the aim of maintaining a balance between stakeholders (Ansell and Gash, 2007). If some stakeholders do not have the capacity, organization, status, or resources to participate, or to participate on equal terms with other stakeholders, the collaborative governance process will be prone to manipulation by stronger actors (Ansell and Gash, 2007; Ramió, 2016). Only groups that feel involved will feel committed and reinforce the legitimacy of the process. Thus, the type of forum, the degree of technical knowledge or lack thereof, among other issues, will generate an exclusionary structure, motivating the search for other alliances or networks with which to carry out individual agendas.

Fourthly, the institutional framework ensures **multilevel collaboration**, i.e., the participation of other political and administrative actors. The existence of different levels and degrees of collaboration demonstrates the interconnection of networks and hierarchies around a collaborative structure. In this regard, it is worth considering how the legal framework has adapted to collaborative governance (Amsler, 2016). An example of this is the PPP model between SEPE and employment agencies.

- b) Transparency framework.** This transparency framework operates on two levels. On the one hand, the existence of clear rules is key to the transparency of the process, as it makes the design and planning of the collaboration visible. This also influences the legitimacy of the process. On the other hand, this transparency means that PPPs cannot function without a thorough understanding of how each of the collaborating actors operates—their objectives, interests, aspirations, resources, and alliances (Hofmeister and Borchert, 2004).

In public-private partnerships, it is not only necessary for the state to take a directive approach to cooperation, but also to control the selfish and opportunistic behavior of private actors who may assume a position of privilege and dominate public activity. In this regard, it is necessary to introduce measures aimed at improving transparency and fairness to reduce external and transaction costs. This will be facilitated by the promotion of instruments for the supervision of projects and contracts, as well as the strengthening of performance monitoring, evaluation, and auditing of collaborative actions. Transparent management contributes to the fight against corruption and will attract investment (Neshkova and Kostadinova, 2012).

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- c) **Collaborative decision-making.** Collaborative decision-making reinforces the legitimacy of the decision-making process and increases the comparative advantage of public values⁸. This process of decision-making and action requires a government body to take on specific functions, such as "resolving or facilitating the resolution of the central problems of all collective action," in order to control conflict, but also opportunistic behavior (Aguilar and Bustelo, 2010: 12). However, "the specific, original, and unique contribution of government is to give public character to content co-produced in association with private actors. The fact that the legitimate public authority accepts the result of the joint deliberation and endorses the final agreement is what gives governance public value, makes it a public decision and, in this sense, makes it binding" (Aguilar and Bustelo, 2010: 13).

But is public acceptance enough? In this regard, PPPs in the provision of public services must also align participating organizations in terms of public values, objectives, and expected results, as reflected in the terms of the contract (Brown, et al, 2006). The shared management model for public services implies that, from the outset, the different actors will have a common or shared interest. Shared management requires a minimum of unity or compatibility regarding the objectives to be achieved, the reference frameworks, the value systems, as well as a common identity and vision that enhances expectations regarding the results to be achieved. Without this basic and initial unity, not only will it be impossible to capitalize on the different resources available, but conflicts or discrepancies between the different actors will likely arise, with no easy solution in the short term (Pastor and García, 2011).

Thus, the success of these experiences often depends on leadership, which reinforces the idea of fostering trust in the collaboration cycle through leadership, especially public leadership (Vangen and Huxham, 2003b; Bryson, 2006, 2014).

- d) **A strong administrative and management structure.** The reforms introduced by new public management and managerial trends have placed public administrations in a position of weakness, exacerbated by the hollowing out, disaggregation, segmentation, and outsourcing of their structure and management processes. Governance and neo-public trends propose introducing collaboration strategies into public management, which implies a strong administration capable of interpreting the environment, adapting

⁸ In Spain, the concept of collaboration is included, not in the sense of public-private collaboration but as a general principle in the relationship between public administrations (Article 3, Chapter I, Chapter II of Law 40/2015, of October 1, on the Legal Regime of the Public Sector. BOE, October 2, 2015). However, this spirit of collaboration between public administrations extends to private entities when referring to the regulation of agreements.

and managing it. Therefore, the existence of a strong administrative structure in the implementation of public policy and service (Jamali, 2004; Ramió, 2016) ensures the efficiency and effectiveness of collaboration.

But the government must not only redesign strategies to effectively manage public programs, it must also "build the capacity to do so" (Kettl, 2000: 495). Thus, to improve management capabilities in a collaborative environment, the government must first resolve the adaptation of traditional vertical and market systems to new horizontal processes; and second, improve management and organizational capacity in a transformed context, which requires new management and accountability strategies (Kettl, 2000; 2015). In this sense, this process pushes the capabilities of bureaucratic public administration to their limits.

However, addressing the complex problems of our societies requires public employees to create new ways of thinking, leading, managing, and organizing, to recognize the complexity of the problems, and to be able to demand accountability not only from their public institutions but also from other relevant private actors in the process (Head and Alford, 2015). In this context, some authors wonder how or what issues lead public employees to choose collaborative management as a management alternative. They point out that when "public administrators perceive a diseconomy of scale in the production or provision of independent services, they are more likely to use collaborative management tools to jointly implement programs, plans, or projects with other producers" (Scott and Thomas, 2017). In this circumstance, they take advantage of existing network structures, as they are less costly, involve building on prior relationships and knowledge, and provide public actors with privileged access (Bryson et al., 2006).

Given these characteristics of the situation, the question is what type of capacities the government can build and how it can build them to manage these collaborative structures.

3.2. Types of capacities and competencies in collaborative spaces

As we pointed out in the previous section, for collaborative and democratic governance to function properly, an effective administrative apparatus is needed, as well as a high level of trust in the government (Olsen, 2013).

In this regard, a clear definition of roles can be important (Ansell and Gash, 2007), especially when some collaboration and partnership processes may involve a mixing of roles among partners, from policy definition to implementation or resource provision (Head and Alford, 2015), at different levels and stages. Different authors have described this new role of the state. Aguilar describes that the role of government in collaborative partnerships is that of "convener, activator, debater, catalyst, authorizer or enabler, facilitator, regulator, motivator, coordinator, supporter of collective effort, arbitrator, and conciliator of the public sphere" (Aguilar, 2008: 27). Other authors focus their analysis on the facilitating role, which involves ensuring integrity by overseeing the construction of consensus building and playing, as a public actor, a non-intrusive role in the dynamics of collaboration and in its relationship with stakeholders. Some authors emphasize the active role of balancing forces, coordinating and bringing society together, which implies "neither letting private initiative run its course nor playing a rigid role of superiority" (Aguilar and Bustelo, 2010).

These roles reflect the strategies that public actors must adopt to address complex problems through collaboration and coordination structures. In this regard, Kettl (2003) introduces the concept of "contingent coordination" to address the need for flexible government capacity to handle new and complex problems. But these capacities must also confront the "paradoxes of collaboration"⁹ (Sedgwick, 2016).

Understanding the organizational structures and various arrangements produced in collaborative structures will help us to identify the characteristics of governance capacity (Christensen, et al., 2016). This governance capacity includes formal, structural, and process features, but also informal ones, i.e., those adaptations incorporated into actual practice. In this way, the cultural characteristics of each organization and of the collaborative structure and the typology of key processes, which must be guaranteed by the government, will make it possible to define the core capacities for each policy and/or service.

Furthermore, bearing in mind that this type of collaborative structure seeks greater performance than traditional processes, and in the same way that private entities seek their own benefit and interest, public organizations must determine their collaborative, public, and social advantage, which acts on two levels: that of the autonomous organization (objectives of public organizations) and that of the organizational structure (goals of collaboration). All of this will influence the legitimacy of government authorities and management outcomes. In an attempt to specify capabilities, authors such as Lodge and Wegrich (in Christensen, et al., 2016) distinguish four types of governance capabilities: coordination capability, analytical capability, regulatory capability, and crisis management capability. Other authors have focused their analysis on specific capacities and their relevance in the collaborative structure, such as managerial-leadership capacity (Ansell and Gash, 2007; McGuire and Chris, 2009; Huxham, 2003) or strategic capacity (Guy Peters in Zurbriggen, 2011).

Taking into account collaborative paradoxes, the existence of complex problems, and the characteristics of the context (political, administrative, and situational), we will describe some of the public capacities necessary for public-private collaboration:

- a) **Legal capacity.** The legal capacity of the public actor involves regulating the characteristics of services, the regulatory characteristics of PPPs, the forms of participation of public and private actors, and the control of processes and their results. Therefore, legitimacy

⁹ The author points out three types of tensions: first, between organizational identity and collaborative identity; maximizing the power to create collaborative advantage while minimizing power differences to build trust among partners (Vangen and Huxham, 2003a, 2003b); and a third key challenge for collaboration management is balancing the role of leadership with the role of collective decision-making (Ansell and Gash, 2007).

It is not only linked to effectiveness, but participation, impartiality, and the rules of the collaborative process influence the reputation and legitimacy of the collaborative model. Some instruments may be efficient in terms of the resources used and the speed with which results are achieved, but "unsatisfactory from the perspective of stakeholder inclusion and legitimacy" (Christensen, et al., 2016: 894). Systematically applied rules assure stakeholders that the process is fair, equitable, and open¹⁰. This legal capacity is particularly relevant in contractual instruments and in the management of incentives/penalties for actors. Thus, in the execution of contracts, the use of formal and informal control mechanisms places the public actor in a significant position. The use of informal mechanisms will generate links with the project (e.g., the promise of continuity, reputation, access to information) which, combined with discretion in the use of sanctions or rewards (Girth, 2017), will allow for better positioning of the government and public employees in the execution of PPPs.

Legal capacity gives the State responsibility for the legal certainty and transparency of the collaborative model, not only vis-à-vis service providers but above all vis-à-vis citizens, who are the users of the service developed under this management model. The design of quality criteria, evaluation indicators, and their analysis reinforces accountability and allows responsibilities to be assigned for the performance of the collaborative structure.

- b) Deliberative capacity for aggregating interests and assigning responsibilities.** Collaboration also implies that stakeholders, not only state actors, will have real responsibility for policy outcomes and will therefore have to participate directly in decision-making. In this sense, "collaborative governance refers to an explicit and formal strategy of incorporating multilateral interests and a consensus-oriented decision-making process" (Ansell and Gash, 2007). This capacity must also be subject to transparency criteria that demonstrate the holding of "real" negotiations and do not merely serve as a justification for previously made agreements. Therefore, the public actor must establish certain standards of collaboration for all actors, which allow for participation in the decision, and not merely consultation, but also integrate them into the action.

- c) Organizational and coordination capacity.** Coordination capacity means that individual actions lead to joint actions. This coordination capacity stems from the individual characteristics of each organization, which, as a result of interrelationships with other actors, are transformed and adapted to a collaborative institutional framework. It is therefore necessary to strengthen this capacity to enable the coordination of resources.

¹⁰ All parties affected by a decision have structures and processes in place to exert their influence on the negotiations that take place.

public resources at stake, decision-making systems, and governance instruments, emphasizing the importance of legitimacy, which will be influenced by the perceptions, attitudes, and trust of other actors (Christensen, et al., 2016; Calanni, et al., 2014).

- d) Analytical and technical capacity.** Capacity for information, communication, and specialized knowledge of the sector in which the public activity is located. This analytical and technical knowledge capacity makes it possible to define the minimum elements necessary for the provision of the service¹¹. It also helps to define the distinctive characteristics contributed by each private actor and facilitates the identification of a greater or lesser degree of innovation.
- c) Management capacity.** In a public-private partnership, ultimate authority will rest with the public actor, who must assume the role of leader in the partnership structure (Ansell and Gash, 2007), while facilitating the participation of stakeholders in the decision-making process. This capacity is discussed in more detail in section 3.3.
- f) Strategic capacity.** Integrating PPC into a collaborative strategy involves introducing strategic capacities into the public sector in order to achieve collective objectives, mobilize resources, and incorporate influential partners in society (Peters in Zurbriggen, 2011). Strategic capacity involves looking to the future and a greater capacity for transformation, which develops over a longer period of time.

The development of these capabilities, in each of the facets discussed, allows for a different positioning of the public actor in the collaboration, enabling them to act in different roles simultaneously. Increased governance capacities will improve collaborative management, performance, and the legitimacy of collaboration. Ultimately, "adaptive management" (Head and Alford, 2015) is required to respond flexibly to changing contexts and social and institutional challenges.

3.3. *Management capacity: public roles and leadership building in the PPP*

Collaborative strategies, including public-private partnerships, project new roles onto the actors in the network. This is reflected in the degree of adaptation that those responsible for each organization must make to the processes and structures of each political arena, contributing to the resolution of the paradoxes of collaboration ¹²(Head and Alford, 2015).

Special attention should be paid to the roles that public actors will assume in the collaborative framework. Authors such as Scott and Thomas (2017) identify three roles that public actors can play in collaborative governance: leaders, who convene and direct collaborative management initiatives; enablers, who provide

¹¹ In addition, it involves having the necessary knowledge and managing the specific tools that enable both participation in technical negotiations and the ability to develop the action.

¹² Horizontal and vertical structures; common goals and individual interests; collaboration and leadership.

human, financial, or technical resources to accelerate or support collaborative governance; and/or followers, who join collaborative governance efforts convened or encouraged by others. In the same way as other governance capacities, these three roles are not mutually exclusive, as structural and strategic factors will motivate their change and adaptation over time. Thus, the qualities required may depend on each political, administrative, and situational context. Collaborative governance will require a multitude of leadership styles that will be specific to each facet or context of policy and management.

With regard to the role of leader, Lasker and Weiss (2001) argue that collaborative leaders must have certain skills to: promote active participation; ensure broad influence and control; facilitate the development of group dynamics; and broaden the scope of the collaborative process. Most authors present adaptability and agility as necessary traits of government leadership, which will allow working with different actors and interests in order to seek new approaches (a facilitating role) (Sandfort and Milward, 2008; Vangen and Huxham, 2003a). Crosby and Bryson (2005) talk about leadership as a necessary driver for collaboration. These changes in the processes and attitudes of public organizations may require rebuilding public sector capacities, through debate and continuous adjustment of interests (Head and Alford, 2015). In short, an entrepreneurial and dynamic role that fosters and consolidates alliances in various fields and with actors from the market and civil society; and a receptive role that captures "new demands with the aim of continuing to provide new and better public services" (Pastor and García, 2011). From the perspective of who exercises this leadership, it is not clear in the literature on collaboration whether it is carried out by individuals or a group in the abstract. Thus, Vangen and Huxham (2003a) use a broad meaning of leadership to minimize the role of individuals and instead argue that leadership encompasses structures, processes, participants, and activities. Thus, many academics define leadership as a "collective achievement" (Crosby and Bryson, 2010). But finding the balance between those who take control and those who participate and express their opinions is one of the characteristics of problematic characteristics of collaboration.

Once these roles have been identified, it is worth considering public leadership capacity, a critical factor in the creation and continuity of collaborative experiences (O'Leary, et al., 2009; Vangen and Huxham, 2003a, 2003b).

In the public collaborative management model, the government and its administration must assume a clear leadership role, because among the participating actors "responsibilities are not symmetrical" (Ramió, 2009: 20). This requires the public actor to take control of the agenda, as it is part of *the core* of its organization, although it establishes the necessary rules for the aggregation of interests in its configuration. Along the same lines, Vangen and Huxham (2003a) argue that, in order to advance collaboration, leaders must often intervene in a more directive manner, shaping the agenda and directing adjustments to the collaboration process.

Several elements are critical to forging public leadership: first, assuming a moderating or mediating role in relationship and decision-making processes; second, the responsibility to articulate the basic criteria and values to be shared by actors who are part of or aspire to join the collaborative framework; third, directing strategic design

strategic design and planning of the policy and service to be implemented, ensuring the minimum necessary for its development, including basic citizen-oriented guarantees; fourth, facilitating the incorporation of innovative elements that exist outside the network and that each actor can contribute (Pastor and García, 2011).

These characteristics are oriented towards at least two functionalities of leadership capabilities:

- On the one hand, the existence of effective collaborative leadership. This effectiveness is based on several elements: first, proper management of the collaboration process; second, the technical credibility of the leader; and third, the existence of credible and sustained results. Hence the importance of effective leadership, since its absence can limit the effectiveness of collaboration (Ansell and Gash, 2007). In this regard, it is necessary to verify how this leadership affects performance by analyzing the performance of the collaborative structure, the products, and the results achieved.
- On the other hand, collaborative leadership aims to balance power asymmetries, leading to "empowering and representing weaker stakeholders" (Ansell and Gash, 2007). In this sense, when incentives to participate are weak, power and resources are distributed asymmetrically, and antagonisms prior to collaboration are high, leadership becomes even more important. Thus, when stakeholders distrust each other, leadership must assume the role of mediator or intermediary.
- The institutional context becomes a precise factor in determining what qualities should be attributed to public leadership. There will be distinctive roles and responsibilities for political leaders, but also for public employees in promoting and guiding collaboration processes, overcoming bureaucratic inertia.

4. The governance and management capacities of public actors in collaborative structures: the PPP between SEPE and AACC¹³

In recent years, we have witnessed an increase in collaborative experiences at different levels of government and in almost all political arenas. In this regard, Spain has experienced steady growth in the number of projects ¹⁴alongside other countries such as the United Kingdom, Australia, Portugal, and the Netherlands (Wang, et al., 2017).

¹³ The regulatory framework for private employment agencies, both for-profit and non-profit, recognizes the existence of two types of relationships: on the one hand, agencies that have signed agreements with public employment services, whose relationship is referred to as collaboration; and, on the other hand, the rest of the agencies, which are authorized as such—in the same way as the former—but have not signed a collaboration agreement and therefore have a relationship of coordination with public employment services. This article focuses on private employment agencies that collaborate with public services.

¹⁴ Although PPPs, translated as public-private partnerships, have specific characteristics for some authors, we use the concept of PPC (public-private collaboration) synonymously, as we do not consider PPC to be merely a specific contractual title, but rather a set of structures, processes, and actors that form part of a process of collaborative leadership and management.

Proof of this is the wide variety of academic literature that, from different approaches and perspectives, attempts to construct a theory of collaboration (Bryson, et al., 2014; Ansell and Gash, 2007; Huxham, 2003) and its tools (Scott and Thomas, 2017). However, despite these experiences, which demonstrate a process of experimentation, adaptation, and continuous learning by organizations participating in collaborative structures and processes, all of them show a government facing a space of uncertainty. Understanding and managing the uncertainty of collaborative strategies confronts public administrations with their capabilities, possibilities, and limitations.

In this section, based on the study of the PPP between the State Public Employment Service (SEPE) and the Employment Agencies (AACC) that collaborate with public services, we will address how the public capacities necessary for the development of a collaborative strategy have been built and adapted.

4.1. *Methodology*

Having analyzed the theoretical framework on public capacities in collaboration processes in the first part of this article, it is appropriate to introduce the methodology used in this section.

The objective was to determine whether the structures and processes designed facilitate the emergence of new collaboration capacities in the SEPE, what the key capacities are, and whether they have ultimately been developed.

This objective arises from a previous study¹⁵ aimed at identifying and analyzing the characteristics that define the public-private partnership model in labor intermediation services in the period 2010-2016. This analysis examines two cases through which this collaboration model is articulated, specifically between SEPE and several AACC¹⁶. As a result of this study and its subsequent comparison, concerns arise about the capacities and limitations of public actors in the development of these alternative forms of service management and their success or failure.

To address the objective set out in this article, the types of capacities outlined above by various authors are used as dimensions of analysis, which become dimensions that shape the capacity for governance in a collaborative context. Based on these dimensions, the public-private partnership model implemented between SEPE and AACC for the development of labor intermediation services is analyzed, starting from the study of the two cases analyzed in the aforementioned work.

With regard to data collection techniques, documentary and qualitative techniques have been used. In relation to documentary techniques,

¹⁵ This article is a continuation of the doctoral thesis entitled *Public-private collaboration in the management of labor intermediation services. The case of SEPE and employment agencies*, defended on March 14, 2017, and supervised by Blanca Ollas de Lima Gete and Jaime Ferri Durá. This article is based on the analysis and reflections made in the doctoral thesis and seeks to develop some of the lines of research proposed therein.

¹⁶ Specifically, it analyzes contract no. 1 between SEPE and two private employment agencies, Adalid Inmark and Ibecom 2003; contract no. 2 between SEPE and two private employment agencies, Adecco and Eulen-Flexiplan.

a review of academic publications was carried out. Regulations and various official documents were reviewed, some of which were unpublished: laws, regulations, the Framework Agreement, technical and administrative specifications for procurement processes, technical reports and minutes of meetings of the AACC Working Group, and the protocol for the portfolio of intermediation services, among others.

Secondly, a total of 20 semi-structured interviews were conducted between 2015 and 2016. These interviews were conducted with key actors from SEPE (with whom several interviews were held), heads of the Public Employment Services of the Autonomous Communities of Madrid and Castilla La Mancha, AACC executives, heads of employers' associations in the sector, major trade unions, employment counselors, and experts. The analysis of their statements made it possible to specify aspects of some analytical dimensions that were difficult to extract solely from the documentary analysis.

4.2. *Background and description of the case study*¹⁷

The emergence of the PPP in Spanish employment policy arose as an alternative to public employment services. The incorporation of private for-profit employment agencies¹⁸ into the labor intermediation model in 2010, the intense labor market reforms since 2012, the introduction of collaboration proposals in the European and Spanish employment strategy, and the devastating criticism¹⁹ leveled for many years at the functioning of public employment services created a favorable context for PEE. Alongside this, and in a situation of economic and financial crisis, the image of efficiency associated with private initiative, combined with aggressive rhetoric against public employment services—with trade unions having virtually disappeared—was welcomed by the government and developed as a political strategy.

The design of the PPP revolves around two elements: firstly, the National Employment System, understood as a political governance structure; and secondly, the Framework Agreement and technical specifications, instruments that define the collaboration model. To these two components, which define the structure and processes of the public-private partnership model, two others should be added to complete the strategic design of the partnership, namely: the Service Portfolio and the Public Employment Services Information System (SISPE)²¹. The former is understood as an instrument that describes the catalog and basic characteristics of public employment services, and the latter as an instrument for information and evaluation of the labor market.

In this collaboration-oriented environment, the public-private partnership model was implemented in employment intermediation services between 2013 and 2017.

¹⁷ This doctoral thesis addresses in detail the preconditions for the start of public-private collaboration

¹⁸ Along with numerous labor market reforms that began in the late 1980s and had created an environment favorable to private initiative, reducing the resources and means available to employment offices.

¹⁹ This came not only from the private sector but also from governments and public administrations.

²⁰ Initially, 14 of the 17 autonomous communities signed up to the Framework Agreement. However, other autonomous communities, such as Castile-La Mancha, have subsequently withdrawn.

both at the state level and in some Autonomous Communities (CCAA)²². In 2013, after a long process of adjustment and modification of the Framework Agreement²³, 80 Employment Agencies were selected; in 2014 and 2015, state tenders were launched, which will end in 2015²⁴. From that date onwards, the model will be implemented, which will include a renewal of the Agreement and contracts in 2016²⁵.

One of the characteristics of the PPC process initiated in labor intermediation services is its high complexity, which stems from the problem of unemployment (its definition, its causes, its interaction with other policies). This complexity is increased by the involvement of multiple private actors, who usually operate in all areas of employment (information, training, and general and specialized job placement) and who also represent employers in formal employment forums. In other words, they are actors involved in both policy and management.

However, despite the favorable environment, complexity makes it necessary to build trust, create alliances, and manage asymmetries. This is even more so when the implementation of the model has been characterized by a certain degree of conflict, which undermined initial trust and reoriented the initial agreements. In general terms, the model is characterized by a lack of definition of the comprehensive employment system, conflicts of interest with entrenched positions between public-private and private-private, a lack of planning for collaboration and the integration of actors into structures, processes, and instruments, undefined inclusion/exclusion criteria, difficult control and monitoring of results due to the "black box" model and the existence of partial failures in the implementation of the model, all of which has undermined the expectations that the actors had with the PPP. Even so, it is revealing because it brings to light and provides guidance on the most significant governmental capacities in the development of collaborative strategies, the existence or absence of which tilts the model toward a traditional outsourcing process or a collaborative strategy.

4.3. Analysis of the PPP's governance capabilities

As we have pointed out above, in order to address the network's governance capacities, we start from the results of the research completed in

²¹ These issues are not addressed in this article because they exceed its scope.

²² Fourteen of the 17 autonomous communities signed up, and some of them initiated their own tendering processes. On the other hand, autonomous communities such as Catalonia, despite not signing up to the Framework Agreement, implemented the PPP model through a subsidy line, with the aim of consolidating the collaborative model with the employment agencies located in Catalonia.

²³ Some sources indicate 18 and others 23 versions of the Framework Agreement.

²⁴ The first tender (contract no. 1) was divided into six lots grouped by autonomous community and aimed at the PREPARA program group; the second tender (contract no. 2) was divided into four lots for the whole country (except Ceuta and Melilla) and aimed at the rest of the unemployed, including participants in the PAE program.

²⁵ This renewal was not based on a prior evaluation.

²⁶ There is a clash of interests between employability and economic performance, positions that could initially have been negotiated but which, as the conflict evolved, entrenched the actors in their respective positions. In addition, the concept of employability was interpreted as the easiest to achieve and valued within the Framework Agreement: the process of improving the employability of the job seeker vs. integration.

²⁷ What matters are the results (integration); how we achieved them is secondary.

2016 on public-private collaboration in labor intermediation services in Spain.

The interviews conducted and the data collected revealed a problem with the definition and management of collaboration, linked to the capacities and competencies of both public and private actors. In this regard, it is worth asking how the capacities mentioned above have been developed and what issues are key to an adequate redefinition of the public-private collaboration model.

a) Legal capacity

The legal capacity of the public actor is reflected in the development of regulatory instruments and operating rules. These rules design an institutional framework for managing collaboration, which is reflected in: first, establishing the characteristics of the public-private collaboration model (objectives, risks, and exchange of resources); second, the forms of access to the public activity space, describing the ways in which actors participate and their exchanges; and third, the criteria for controlling processes and their results.

In this sense, the Framework Agreement and the content of the two tenders demonstrate the legal capacity of SEPE in the design of the public-private partnership model. After adjustments and negotiations between the government, the Association of Employment Agencies and Temporary Work Companies (ASEMPLEO) and the main Temporary Work Companies (ETTs), it is the State that makes the final decision, giving it legal guarantee and public value. Both instruments establish the criteria for access and delimitation of the collaboration structure, influencing the type of private actors, as well as the forms of participation and interaction of these with the public actor.

Firstly, Royal Legislative Decree 3/2015 of October 23, approving the revised text of the Employment Law²⁹ and Royal Decree 1796/2010, regulating employment agencies³⁰, regulate the reforms carried out in the labor market and in private operators, as well as establishing a political governance structure with the design of the National Employment System³¹. The regulatory framework defines and establishes specific characteristics for the private labor intermediation market and its relationship with public administrations. Thus, private operators may act in coordination or collaboration with public actors. All agencies coordinate with public employment services, but only those selected through the Framework Agreement and subsequent tenders collaborate.

Secondly, the Framework Agreement established an initial group of 80 companies, selected as Employment Agencies that would collaborate with public administrations. Subsequently, government tenders will restrict participation with the intention of creating a specialized market.

²⁸ Even before this point, within the legal capacity, it would be worth assessing why these instruments were chosen to set up the public-private partnership model, but analyzing this goes beyond the scope of this article.

²⁹ Royal Legislative Decree 3/2015, of October 23, approving the revised text of the Employment Law (BOE, October 24, 2015). <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11431>.

³⁰ Royal Decree 1796/2010, of December 30, regulating Employment Agencies (BOE, December 31, 2010). https://www.sistemanacionalempleo.es/pdf/boe_agencias.pdf

³¹ Included in Title I of the Employment Act.

specific, controlled, and stable³². Thus, in contract no. 1⁽³³⁾ the selected employment agencies are mostly from the training sector³⁴, while contract no. 2 focuses on the main temporary employment agencies, which have become private employment agencies. The initial configuration and the final result produce a redistribution of operators between the two contracts, with numerous small employment agencies, employment agencies more closely linked to the territory of each autonomous community, and agencies seeking greater profitability in the model (as in the English Work Programme model) being left out of the process and deciding not to participate. Thirdly, this legal capacity takes on particular importance in an open model – the "black box" of the AACC – with the use of public contracts and the management of incentives/penalties (micromanagement). The micromanagement established by the Framework Agreement and tenders regulates both the costs and incentives of the intermediation activity—linked to employability and integration results—and the documentary monitoring of the activity.

The model establishes an initial preparatory document, follow-up reports, and a final report. However, these documents, in addition to being presented in a unidirectional manner from SEPE to the employment agencies, do not serve as a tool for establishing the minimum characteristics of the service, due to this black box model and lack of definition. In addition, evaluation and monitoring criteria are established through reports and/or memos, but without a specific format or content, beyond the quantitative data contemplated in the Framework Agreement³⁵.

In this PPP experience, conflict resolution and technical adjustments are a positive feature that reinforces the legal capacity and standardization of model management³⁶, reinforced by the systematic application of informal rules. This not only gives an image of uniformity to all actors, who behave in the same way, but also makes the process appear fair, open, and transparent. These rules of the game have mainly fallen to the technicians of the Subdirector General for Active Employment Policies (SGPAE) for the resolution of management conflicts. This unit has resolved conflicts without formal protocols or instructions, but rather through informal instruments and responses that are ⁽³⁷⁾ consistent for all actors.

However, the contentious bidding process, interpretations of the types of contracts accepted or not accepted by the agencies for payment, and the uncontrolled effects of the regulatory design of the collaboration model have meant that

³² They are seeking a "natural selection" of companies that can truly participate in this market.

³³ Contract No. 1 has a more open approach to the tender process, inviting more than 40 companies to bid, of which 33 ultimately submitted bids. However, due to numerous appeals to the Central Administrative Court for Contract Appeals (TRARC), the next tender and numerous tenders by autonomous communities, given what had happened at the state level, will reduce the access criteria and make use of the additional provision of the Public Sector Contracts Law.

³⁴ Linked to the ASDACE business association.

³⁵ 15 indicators, including monthly and total numbers of people assisted; number of people receiving benefits; number of people belonging to groups facing difficulties in finding employment; number of job offers received; number of positions filled; number of job offers and positions filled.

³⁶ Protocols, instructions, forms, informal agreements.

³⁷ As some interviewees point out (Ibecom 2003, Adalid Inmark, Eulen), SGPAE technicians have resolved doubts and provided clarifications or interpretations by telephone (never in writing) in order to resolve problems in the development of contracts. However, as they point out, there are limits to this.

Some employment agencies and employers' associations have criticized the model's lack of legal certainty, as its conditions generate uncertainty and undermine the confidence of the parties involved.

b) Capacity for coordination and organization of collaboration

The ability to coordinate and organize collaborative processes requires structures, processes, and tools that facilitate the development of this capacity. The Framework Agreement and contracts (1 and 2) do not formally establish a specific, autonomous structure (above individual entities) in which public and private actors meet regularly to facilitate decision-making. Nor does it incorporate coordinated processes for action on aspects of the labor intermediation service. In this regard, the Monitoring Committee, a possible space for channeling and strengthening this capacity of the public actor, did not appear until June 2016. The lack of content given to the Monitoring Committee and the existence of a formal network for evaluating the collaboration model undermines the institutionalisation of the model and the coordination and organisational capacity of the public actor.

Furthermore, the collaboration model is based on the criterion of complementarity between public intermediation services and employment agencies, rather than on the concept of collaboration. It is based not so much on the idea of interaction as on the "coupling" of the capacities of each actor. This initial approach has two effects. On the one hand, and related to legal capacity, characteristics of public services are transferred to private agencies (free service, non-discrimination in access, etc.). In this way, the state facilitates the creation of a network of intermediary actors to whom it can entrust the provision of services: "the deployment of such allies in civil society creates an intermediary layer on which the government can rely for the provision of services that it cannot achieve on its own" (Shi, 2017: 465).

But on the other hand, it means that each actor starts from different realities, an issue that is reflected in the terminological confusion used by both public and private actors. They even refer to the process as a classic service contract and/or consideration.

This circumstance is reflected in the absence of specific goals and values for the collaboration structure. Beyond the rhetorical use of the concept, some interviewees go so far as to point out that "we are not substitutes, we are complementary, we contribute different values."

This lack of definition of goals and public values in the collaborative structure will affect other capabilities, mainly leadership and strategy. Above all, when determining what comparative advantage or differentiated performance this type of structure generates compared to other management models. But it also affects the risk that private actors can and are willing to take, since, as some interviewees point out: "we can assume the risk of profitability, but not the risk of losses in the model." As can be seen, it is not only the prestige and position of private actors that is at risk.

³⁸ This idea is shared by both policymakers (Engracia Hidalgo, Secretary of State at the time) and AACC-ETT (Adecco and Randstad, among others).

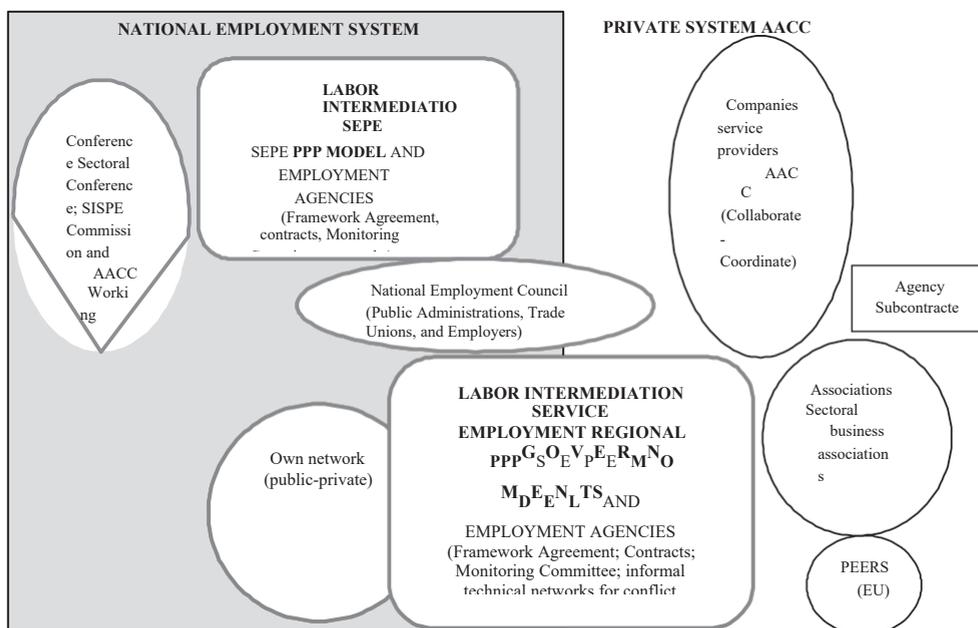
³⁹ Secretary General of Adecco.

It not only undermines the credibility of the collaboration model in one of its markets, but also attacks the credibility of the model itself. The absence of a comprehensive model for employment intermediation services that gives substance and continuity to public-private collaboration makes it difficult to design minimum criteria: goals, objectives, quality criteria, and basic elements required in the service.

Therefore, this dynamic has led private actors to strengthen their network outside the State, and other public actors to abandon the state model and develop their own, or maintain the one they already had.

Table 2 shows the existence of multiple hierarchies between public and private actors. This dense and complex network for which the State has not developed an adequate structure and processes hinders the development of the PPP's governance capacities, affecting the capacities of public actors and the performance of the collaboration model.

Table 2. Map of networks, alliances, and levels of the PPP in labor intermediation



Source: Own elaboration.

c) Technical capacity

Public-private collaboration in labor intermediation services is based on a technical and professional vision of private operators. Thus, their contributions are considered to be backed by the number of hires they achieve⁴⁰. Therefore, the model initially proposed is defined as a

⁴⁰ If temporary employment agencies place a greater number of people in jobs, it is because their knowledge of the market and their techniques for job guidance and placement are better than those available in the public sector.

space geared towards a technical market, made up of employment agencies that know the labor market ("they have the supply") and the unemployed. Employment agencies were expected to contribute technical knowledge to the model⁴¹. Therefore, the public actor does not at any time consider the technical characteristics of the labor intermediation service⁴².

In other words, it was hoped that employment agencies, mainly temporary employment agencies, would control the labor market supply, understand the profile of the unemployed⁴³ and have the technical knowledge to develop realistic employability pathways. However, the outcome of the tendering process will incorporate other business profiles, such as training companies, which will alter the purpose of the model. This circumstance, in addition to the discontent of the temporary employment agencies and the SEPE, will motivate a differentiated view of the objectives of this agreement, between integration and/or employability, as well as the weight of each one—related to the cost to the employment agency and the return it will obtain; and in the conditions and characteristics under which the service will be developed and the "black box" model.

This initial technical approach will determine what kind of technical capacity is expected of the public actor. This is reflected in several aspects:

- The first relates to information on the employment agency market. The type of information available at the time of the tenders, which serves as criteria for the selection of operators, highlights significant errors in processing and inspection (number of offices, number of contracts awarded). In this regard, the information provided by companies when registering as employment agencies, together with that submitted in the tender and its subsequent verification, revealed a lack of monitoring on the part of the SEPE. An example of this was the falsification of data provided by some companies that submitted bids and of which SEPE was aware⁴⁴. This issue is also linked to the undermining of legal capacity, as there are no penalties and no rapid response, which has a negative impact on the reputation with which the collaboration model is launched.
- A second aspect relates to the information on applicants for each contract. The territorial distribution that was made does not allow for adequate and differentiated treatment of the unemployed and their possible employability needs. In addition, there were discrepancies between the total number of applicants to be served in each batch and the actual number. This affected the final calculation and economic performance of the PPP.
- The third aspect is technical capacity in implementing the model. The technical criteria for service provision and citizen orientation are not

⁴¹ This issue is covered in the report that each Employment Agency will submit in the Framework Agreement tender.

⁴² Although the State had worked on the Service Portfolio and protocols, together with other public and private actors, these instruments run parallel to the public-private partnership model.

⁴³ One of the issues raised by temporary employment agencies is that they have a better database of unemployed people than employment offices and are familiar with the criteria needed to improve the employability of the unemployed. This allows them to better match supply and demand.

⁴⁴ This circumstance was confirmed by both employment agencies and public officials from other regional administrations.

are not reflected in any formal or informal document, as it is based on the "black box" model⁴⁵. In this regard, SEPE requested that at least two actions be carried out, lasting 30 minutes each, on different days, as a criterion for considering the assignment to have been completed. The type of activity to be carried out is left to the discretion and autonomy of the Agency.

- The fourth aspect is technical capacity in monitoring and results⁴⁶. In this regard, SISPE allows all the results of contracts under the Framework Agreement to be downloaded. It is a powerful system for analyzing and evaluating results, but it is not exploited or disseminated. There is hardly any published data, and what data there is cannot be compared.
- These technical limitations of SEPE in the area of labor intermediation also clash with the distribution of powers. Competences in labor intermediation are attributed to the autonomous communities, and each of them has deployed networks of collaborators (companies, NGOs, and city councils) and technical development of protocols for insertion, employability, etc. in their territories. Among them, Andalusia, Aragon, and Galicia stand out, among others.

The difficulty in developing technical capacity is not only the result of a lack of staff and leadership to meet the basic requirements of the *core* of the public organization, but also of a lack of technical knowledge of the sector. This technical capacity refers both to knowledge of the market and the profile of the placement agencies and to the techniques, tools, and methodologies of public and private actors, which are characterized by their dispersion and variety⁴⁷. Specialized knowledge makes it possible to define the minimum technical characteristics that the labor intermediation service must meet and, in this way, to adequately monitor and evaluate the model. In addition to detecting possible innovations.

d) Management and public leadership capacity

Most of the literature points to leadership as a cross-cutting capacity necessary for the success of collaboration models.

In the cases analyzed, the initial operating environment was favorable to the construction of the PPP model. In this regard, the impetus provided by the Ministry, the Secretary of State for Employment, and the Director General of SEPE was fundamental in overcoming the model's initial setbacks⁴⁸. However, as most of the interviewees point out, the conflictive process that arises with the number of appeals filed against the Framework Agreement and the two contracts causes SEPE's leadership to lose momentum and credibility. Thus, the

⁴⁵ In other words, companies do not disclose what they do or how they do it, as it is the results that matter. From the state's perspective, this approach increases transaction costs, makes it impossible to know who is achieving better results and why, and prevents government control and accountability. From the perspective of private agencies, it means that the state trusts their actions and places emphasis on results (number of placements), but not on process guarantees or user satisfaction.

⁴⁶ Agencies must submit Annex II of the specifications on a monthly basis to the SISPE's common telematic space (ETC); any other information requested on the activities carried out, people served; annual report addressed to the Framework Agreement Monitoring Committee; evaluation report or memorandum, which will begin to be prepared one month before the end of the contract.

⁴⁷ In addition to the priority they address in their design and application.

⁴⁸ The need to introduce amendments to the Public Sector Contracts Act, Employment Act, for the subsequent design of the Framework Agreement, among others.

effective collaboration has been limited by a lack of leadership (Ansell and Gash, 2007).

On the other hand, the absence of political leadership transfers the burden of management to the Subdirectorates General, although it has not been assumed by a single Subdiretorate General but has been shared. This leadership, which becomes the management of the model, despite being formally assigned to the SGPAE—supervision and management—the reality will be that other subdirectorates general will share the powers. The Subdiretorate General for Financial Management (SGFI) is responsible for tendering and financial matters, and the Subdiretorate General for Statistics and Information (SEGEI) is responsible for SISPE and, therefore, for the transfer of all data from collaboration contracts.

e) Deliberative capacity

Deliberative capacity involves participating in decision-making and taking responsibility for policy outcomes. The model was developed in informal meetings and using the formal spaces of the SEPE.

Although the initial stages of the PPP's design incorporated multilateral interests with the aim of reaching a consensus, the subsequent lack of transparency and adjustments to the model reduced the capacity for collaboration and trust among the actors.

Although contracts 1 and 2 began with a high degree of mistrust between private actors and between them and the public actor, throughout the development of the first contract, the successful bidders expressed a greater degree of mistrust, which allowed for greater consideration of the discrepancies and interests raised by the AACC-Training Companies⁴⁹. This is not the case in contract no. 2⁵⁰.

Reconstructing these dynamics would allow for greater credibility among the actors and help reduce the transaction costs of contracting (Scott and Thomas, 2017) by strengthening trust between the actors.

However, many of the conflicts arising from the design of the model and its implementation still have no forum for discussion: the economic configuration of the model (also related to legal capacity), the lack of detail in the typology of the unemployed to be served (technical capacity), and the employment model and the role of each actor (strategic capacity), among others.

f) Strategic capacity

Strategic capacity implies a longer-term collaboration plan with a comprehensive view of stakeholders and policies. Initially, the collaboration model revolves around the concept of integrating the unemployed, which connects with the general strategy of the National Employment System, the approach of the Framework Agreement, and the operation of contracts. It allows a social problem (unemployment) to be aligned with the interests of public actors,

⁴⁹ This is how the representatives of Adalid Inmark and Ibecom 2003 express it.

⁵⁰ At least with two of the four actors interviewed.

private actors and society (reducing unemployment figures and increasing hiring) through the use of a public-private partnership model, introduced as a public service management strategy (education, health, infrastructure, social services).

But it is also proposed as a common territorial model of public-private collaboration for the entire state, avoiding the existence of 17 different models of collaboration and labor intermediation. Hence the importance of the majority of the autonomous communities joining.

However, two factors hinder the strategic capacity of the model: first, the lack of a definition of comprehensive employment services; and second, the process of recentralization through amendments to the Employment Act without taking into account the proposals and complaints of the autonomous communities.

Table 3. Distribution of capacities in the PPP labor intermediation

CAPACITIES	PUBLIC ACTORS	PRIVATE ACTORS
Legal	Regulation of private actors; general organization of the model. Incentives and penalties.	Micro-regulation: protocols and dynamics of intermediation processes with citizens. citizens.
Leadership	Absence of public leadership; facilitator. Follower role	Proactive private leadership without representation.
Technique	SISPE: data on model performance Need for improvement in profile labor intermediation technician	Technical and advanced knowledge of the labor market and intermediation. Black box
Coordination	Absence of formal coordination structures	Coordination networks between AACC
Decision	Centralized model Hierarchy for asymmetries of power	Not integrated into decision- making
Strategic	Without defining an integrated model of Employment: multilevel and multi-actor	They act outside the collaboration network, generating other strategies and alliances with that reshape the PPP

Source: Own elaboration.

5. Conclusions

This article has provided an overview of the types and characteristics of the capacities of public actors in a public-private collaboration model. Many of these capacities are central to the normal activities of public administrations, although they take on a special meaning in horizontal and collaborative structures.

and collaborative structures. Above all, if the aim is to achieve the success of such structures and generate differentiated advantages over other management models. Following the academic literature on the subject, at least six key capabilities have been identified for public actors in the PPP: legal capacity, leadership capacity, technical capacity, capacity for coordination and organization of collaboration, capacity for deliberation and/or decision-making, and strategic capacity. These capabilities have helped us to organize our analysis of the PPP model developed in the labor intermediation service between SEPE and AACC. From this, we can draw some conclusions: First, it is important to note the degree of uncertainty faced by The public actor is part of a collaborative structure. This circumstance brings to light the capabilities, competencies, and limitations of each of the actors. This is even more so in a multilevel public structure that articulates a private network of actors.

Secondly, weak capacity building is influenced by an ill-defined structure and collaboration process, diluted leadership, and an absent strategic model for labor intermediation, which places the responsibility for the model's functionality on the technicians of the various subdirectorates and selected private employment agencies. As we have seen, the different subdirectorates will assume various responsibilities, although the SGPAE is formally assigned as the unit responsible for "management, inspection, and control." The technicians of this subdirectorate have resolved most of the technical conflicts arising from the execution of the contract, albeit informally. The lack of clear leadership from the SGPAE will also mean that other subdirectorates will occupy a space in the internal balance of power within the SEPE. This issue leads us to consider the key role played by public employees in the collaborative network. In this way, public managers have occupied a position of intermediaries in the network (Scott and Thomas, 2017), forming one aspect of collaborative governance, while the government actor acts as a follower. Without assuming leadership, allowing private actors to lead and defend PPP, but participating indirectly so as not to be left out of the model and providing economic resources, albeit with control only over results.

Thirdly, criticism of the ineffectiveness and inefficiency of government action and its bureaucracies is not diluted in collaborative models; on the contrary, it is amplified and undermines the objective of the PPP model. This has been the case. It is necessary to review the goals and objectives of employment services and improve the retraining and technical skills of public employees to enable them to understand the sector.

Fourthly, the introduction of private agents in the provision of public services is positive and enriching, but without a strong administration with clear capacities and competences, the legitimacy of the model and accountability are put at risk. This is even more so in a service aimed at satisfying citizens who are job seekers.

Fifth, the configuration of the capacities addressed, together with the design of the PPP structure and processes, has resulted in a model closer to "contractual coordination" than to collaboration. In this sense, vertical coordination is reaffirmed.

Sixthly, as seen throughout the PPP between SEPE and AACC, there is an interrelationship between capacities. Not only are these capacities not mutually exclusive, but they also reinforce and feed into each other.

In short, the implementation of collaborative strategies, including the PPP, requires not only the resources and contributions of private actors to make joint decisions, but also a clear and active role for the government and its administrations. This will ensure the participation, performance, and accountability of the model.

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