

Guidance: Gender in the MAPS framework

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INTRODUCTION

Public procurement is increasingly viewed as a key tool for governments in their work on sustainable development. This means that policy areas that have not traditionally been considered within public procurement or even public financial management are becoming more and more relevant. These policy areas include combatting climate change, fostering gender equality, promoting socially inclusive economies and many more.

PURPOSE

This guidance note deals with the issue of **gender equality** in public procurement and is meant to support users or prospective users of the MAPS framework in integrating gender considerations into their assessments.

I. Relevance of gender considerations in public procurement

Public procurement is a forceful tool in any government's arsenal for engendering societal change. This is both because government behaviour, including its behaviour as a consumer, often sets the standard for society at large, and because government expenditure on procurement can in many cases be market moving consumption.

As inequality affects societies adversely at all levels, gender equality remains a crucial policy priority for countries across the globe. However, there is still a long way to go, especially when it comes to gender equality in economic terms. According to the World Economic Forum's *Global Gender Gap Report 2021*, achieving gender parity in economic participation and opportunity is still 268 years away with current policies in place.¹

Public procurement is not isolated from contributing to the perpetuation of inequalities. Despite trillions of dollars being spent on procurement by governments and private companies alike, less than 1 percent of women-owned companies participate in procurement markets and are awarded contracts.²

Gender-responsive public procurement is the integration of gender equality and diversity considerations throughout the procurement cycle. It means for buyers to ask themselves questions such as:

- Does what we intend to buy have different implications for different genders?
- Do different genders have different needs in relation to what we are buying?
- Which social and labour laws and collective agreements that promote gender equality at work are applicable to the contract?



¹ World Economic Forum, Global Gender Gap Report 2021, March 2021.

² UN Women, <u>Gender Responsive Procurement</u>, 2019.

As such, gender-responsive public procurement is about more than buying products made by women or by women-owned businesses. It is about ensuring that the outcomes and impact generated by public procurement support and promote gender equality.

There are many reasons why gender-responsive public procurement ought to be a priority for governments.³ Gender-responsive public procurement can:

- Contribute to sustainable and inclusive growth by increasing the production base through higher participation rates and by increasing value for money through an enlarged supplier base
- Contribute to closing the gender pay gap and creating inclusive jobs, particularly by ensuring proper wages and contractual conditions for women workers
- Contribute to the institutionalisation of gender equality considerations by making them a key factor in public sector operations

II. Gender as a core sustainability issue within the MAPS framework

In the MAPS framework, sustainability is defined as a three-dimensional process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy whilst minimizing damage to the environment. As such, the three dimensions of sustainability are economic, social and environmental.

Gender equality is mainly related to the social dimension. However, as seen above, gender-responsive public procurement can also work to further economic sustainability and even environmental sustainability, as there are more often than not synergies between social and environmental sustainability considerations (for example, both can support decreasing the life cycle cost of goods and services⁴).

From the viewpoint of the Sustainable Development Goals (SDGs), MAPS is related directly to two of them:

- SDG Target 12.7: "Promote public procurement practices that are sustainable, in accordance with national policies and priorities"
- SDG Target 16.6: "Develop effective, accountable and transparent institutions at all levels"

However, public procurement is indirectly essential for many more. Health and well-being, quality education, clean energy, food systems and infrastructure, to name but a few aspects of the SDGs, are all dependent on public procurement for realising the goals in practice. This is also true for achieving gender equality (SDG 5).

Being a universal tool for analysing public procurement systems in a holistic manner, the MAPS framework enables the integration of any horizontal policy objective into the assessment depending on the needs and ambitions of the country in question. In the case of gender equality, the integration is done through the sustainability considerations in the core MAPS framework, and, in more detail, in the Supplementary MAPS Module on Sustainable Public Procurement (SPP).

⁴ European Institute for Gender Equality, <u>Gender-responsive public procurement</u>, 2022.



³ European Institute for Gender Equality, Gender-responsive public procurement, 2022.

As such, while MAPS does not evaluate the gender-specific outcomes of procurement policy and operations, it can be used to assess how the procurement system as a whole enables and supports procurement regulations, policies and practices that promote gender equality.

Gender considerations should be one of the aspects that the assessment team should study when analysing SPP. The core MAPS framework has a number of sub-indicators that directly relate to SPP, for which elements of gender-responsiveness would serve to substantiate the assessment:

- Sub-indicator 3(a), dedicated exclusively to sustainability, assesses:
 - Whether a national SPP strategy is in place
 - Whether the legal framework allows for sustainability considerations
 - Whether tools are in place to operationalize SPP
- Sub-indicators 9(a)-9(c) looks at whether procurement practices achieves objectives, including in a number of aspects relevant to SPP, e.g.:
 - o Whether sustainability criteria a used in a balanced manner
 - Whether contract clauses include sustainability considerations where appropriate

III. Gender and the MAPS Sustainable Public Procurement module

It has 12 indicators and 29 sub-indicators analysing SPP in depth, including SPP-specific quantitative indicators (6 minimum and 29 recommended). As gender considerations are a part of the concept of sustainability as understood in the framework, MAPS SPP can be tailored to look specifically for gender aspects if this corresponds to the needs and ambitions of the assessed country. Making this explicit is something the assessment team should include at the planning stage, and thus in the concept note, in close dialogue with the assessment steering committee.

Generally speaking, for any MAPS assessment, assessors should strive to make their analysis as granular as possible. This enables the formulation of recommendations with greater specificity, which in turn makes the recommendations easier to act on and get implemented. For MAPS SPP, this means that the presence or absence of particular aspects of sustainability, such as gender considerations, is an important part of the assessment, because it allows for tailoring recommendations to the specific strengths and weaknesses of the assessed country. This is particularly important when the evaluation of gender-responsive procurement is one the assessment's objectives.

In practice, all indicators in the MAPS SPP module can accommodate the assessment of gender considerations. The tables below offer suggestions for what factors the assessment team can look at:

Pilla	Pillar I – Legal, Regulatory, and Policy Framework			
1	The public procurement legal framework covers sustainable procurement principles			
	1(a) – Coverage of sustainability criteria	Gender considerations constitute important evidence for 1.a.b. that the social dimension of sustainability is covered.		



	1(b) – Procurement methods	Any specific policies reserving contracts with reference to gender considerations could be analysed in the assessment of 1.b.b.	
	1(c) – Rules on participation	The specific application of any gender-related qualification or exclusion criteria could be analysed for all criteria.	
	1(d) – Procurement documentation and specifications	Gender-related criteria or specification would constitute evidence for 1.d.a.	
	1(e) – Evaluation and award criteria	Any gender-related attributes and quantifications of them could be evaluated for all criteria.	
	1(f) – Contract management	Gender considerations would constitute important evidence for assessing 1.f.c.	
2	Implementing regulations and tools support SPP		
	2(a) – Implementing regulations to define sustainable procurement processes and procedures	Specific regulations relating to gender considerations and how they work could be analysed in the assessment of all criteria.	
	2(b) – Model documents for sustainable procurement and standard contract conditions	The presence of gender considerations in model documents and/or standard contract conditions, and the existence of gender-specific standard clauses could be included in the assessment of all criteria.	
	2(c) – Tool kit to support sustainable procurement	Tool kits related specifically to gender considerations can be part of an overall tool kit and should be listed as evidence, even if an overall tool kit does not exist.	
	2(d) – Sustainable Procurement Manual	The presence of gender considerations in the manual is important evidence to include in the assessment of all criteria.	
3	Policy and strategy provide an enabling	ng framework for implementing sustainable procurement	
	3(a) – Sustainable procurement policy	Explicit mention of gender considerations in a general SPP policy could be included in the assessment. If a general SPP policy does not exist, gender related policies can constitute evidence of partial compliance.	
	3(b) – Sustainable procurement strategic action plan	Specific gender-related action plans, objectives, measures etc., can be evidence of partial compliance even if a general SPP action plan is not present, and constitute substantiating evidence of compliance.	



Pilla	Pillar II – Institutional Framework and Management Capacity				
4	Sustainable procurement is mainstreamed and well integrated into the public financial management system				
	4(a) – Budget laws and accounting procedures	The existence of frameworks for gender-related accounting systems could be considered in 4.a.b.			
5	The country has institutions in charge of SPP				
	5(a) – Responsibilities, funding and staffing of normative/regulatory function	If the responsibility for general SPP is not centralised, and there are institution(s) responsible for gender considerations in procurement, these should be analysed.			
	5(b) – Certification function	The presence of gender-specific certifications would be important evidence in the assessment of 5.b.a and 5.b.c.			
6	Procuring entities' policies and strategies embrace SPP				
	6(a) – Procuring entities' sustainable procurement strategy	The existence of gender-specific strategies and initiatives at the entity-level is substantiating evidence of (partial) compliance.			
	6(b) – Centralised procurement body	Gender considerations made by any CPB in the country would be important evidence to include to substantiate the assessment of all criteria.			
7	Sustainable procurement is embedded in an effective information system				
	7(a) – Publication of information on sustainable procurement	The collection and publication of gender-related information would be substantiating evidence of (partial) compliance.			
	7(b) – Use of e-Procurement to support sustainability	The presence of gender-related aspects (features, data etc.) would be substantiating evidence of (partial) compliance.			
8	The public procurement system has a strong capacity to develop and accelerate the shift to more sustainable public procurement				
	8(a) – Training, advice and assistance on sustainable procurement	The existence of training programmes and advisory services related to gender, and/or to gender-specific procurement tools and policies, would be substantiating evidence of (partial) compliance.			
	8(b) – Monitoring of sustainable procurement	If gender considerations are an explicit part of SPP monitoring, e.g. if gender-specific measures and targets			



		exist, this could be included as substantiating evidence in				
		the assessment of all criteria.				
Pilla	Pillar III – Public Procurement Operations and Market Practices					
9	Sustainable procurement practices achieve stated objectives					
	9(a) – Sustainability considerations during the planning stage 9(b) – Sustainability considerations during the selection and contracting stage	The presence of gender-specific considerations at all stages can be taken as evidence in the analysis of the sample of procurement cases (files) that are mandatory for the assessment of all three sub-indicators.				
	9(c) – Sustainability considerations during the contract management stage					
10	The private sector contributes to a more sustainable procurement market					
	10(a) – Dialogue and partnerships between public and private sector 10(b) – Private sector's organisation and access to the sustainable procurement market 10(c) – Key sectors and sector strategies to improve sustainability	Gender-specific considerations taken by governments in their private sector engagement, e.g. initiatives for engagement of traditionally women-dominated sectors, should be taken as evidence in the assessment of all subindicators.				
Pilla	Pillar IV – Accountability, Integrity and Transparency of the Public Procurement System					
11	Transparency and civil society engage	ment foster sustainability in procurement				
	11(a) – Civil society supports sustainability in procurement	Government initiatives to engage civil society specifically on the topic of gender responsiveness in procurement should be taken into account in the assessment, as should evidence that shows the government taking into account input received from civil society specifically on gender-related issues in procurement.				
12	The country has effective control and audit systems that cover sustainability in procurement					
	12(a) –Audit framework for sustainable procurement	Evaluations of gender considerations, or the presence of gender considerations in general SPP evaluations, should be included in the assessment, particularly of 12.a.e.				



IV. Practical examples of gender considerations in MAPS SPP

This section presents some examples of gender-responsive procurement from across the world and how assessors should capture them when applying the MAPS SPP framework.⁵

While these situations present examples where gender-responsive procurement policies were implemented, assessment teams should be aware that policies, regulations and procurement contracts that do not seem directly related to gender considerations may have a major impact on gender equality. This may arise when studying the following areas:

- SME and micro-enterprise inclusion
- Infrastructure, mobility and communication systems
- Food and health care systems

This is because women are often affected to higher degrees by poverty, hunger, unemployment, violence and harassment.

- A. **A manual for gender-responsive procurement.** The government in a country has recently released a manual and checklist on gender-responsive public procurement, which includes guidance on how:
 - Entities should conduct a gender-based needs assessment
 - How public institutions can promote gender equality during the planning and implementation of public procurement.
 - How contractors fulfilling procurement calls can respond to potential gender differences in the process

This manual and checklist would constitute important evidence for the assessment of sub-indicators 2(c) and 2(d) in the MAPS SPP module.

- B. Gender in impact assessments. In an assessed country, the following is in place:
 - Major investment or procurement contracts must include a mandatory impact assessment on gender equality
 - A centrally placed ministry provides guidance and assistance
 - Evaluations of the actual impacts must be done within five years and reported to parliament

Such evidence could be cited in the assessment of sub-indicators 1(a), 3(b), 7(a) and 8(b) in the MAPS SPP module.

- C. **Targeted training and engagement for gender equality**. The major central purchasing body (CPB) in a country has introduced:
 - A programme to promote the participation of women-led companies in the public procurement market
 - Training and mentorship programmes for women
 - Guidelines to help officials incorporating gender-specific evaluation criteria

⁵ The examples are adapted from OECD (2021), <u>"Promoting gender equality through public procurement: Challenges and good practices"</u>, *OECD Public Governance Policy Papers*, No. 09, OECD Publishing, Paris.



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• A certification system for "female enterprises" (sole proprietors)

This would be important evidence to include in the assessment of sub-indicators 5(b), 6(b) and 8(a) in the MAPS SPP module.

- D. **Equal pay qualification criteria.** The public procurement act in a country requires equal pay as a prerequisite (qualification criteria) for awarding contracts.
 - Companies with at least 50 employees are obliged to verify their compliance with equal pay
 - Two centrally placed institutions provide companies with information on how wage equality is measured
 - They also have put in place a helpline

This could be cited as evidence in the assessment of sub-indicators 1(c) in the MAPS SPP module.

V. Further reading on gender-responsive public procurement

The following resources are invaluable for assessment teams or governments seeking to know more about gender-responsive public procurement:

- <u>UN Women's guidance note on gender responsive procurement</u>
- UN SGD practice note on gender responsive procurement
- The European Commission's guidance on gender responsive public procurement
- The European Commission's toolkit for gender responsive public procurement
- Gender-mainstreaming considerations by the World Bank
- Gender responsive public procurement toolkit by the Inter-American Development Bank (in Spanish)
- Manual for gender responsive public procurement by the Institute for Equality between Women and Men
- Promoting gender equality through public procurement at the African Development Bank
- <u>E-Procurement as a vehicle for gender inclusion in Argentina a research paper by the Inter-</u> American Development Bank
- Policy brief on empowering women through public procurement by UN Women and the Open Contracting Partnership
- A qualitative framework for gender equality and social inclusion in public procurement by Oxford Insights and the Open Contracting Partnership

