

# Gender Equality and Social Inclusion in Public Procurement: Qualitative Framework

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# Introduction

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The COVID 19 pandemic has exacerbated many inequalities, including the ability for SMEs, [women-led businesses](#) and [other underrepresented groups](#) to participate in public procurement. These groups already found it hard to provide products and services to governments and the pandemic has only made it harder. Research has revealed that many governments around the world are not aware of how inclusive procurement practices could benefit society as a whole, as well as elevate their country's profile on the international stage.<sup>1</sup> For example, as a UN Women report from 2017 found, women-owned SMEs are responsible for generating around 20% of the world's GDP.<sup>2</sup> Despite this, previous research carried out by Oxford Insights alongside the UK's Government Digital Service revealed that underrepresented groups are often unaware of the revenue public procurement could offer them. The resounding conclusion is that there is a clear need for further advocacy in this field.<sup>3</sup> It is therefore imperative that governments around the world:

- Look to understand and address the systemic obstacles that prevent these groups from participating in public procurement; and
- Examine the specific challenges brought about by COVID-19, to understand how emergency situations affect these groups in a procurement context.

Only then will governments be able to create better policies and mechanisms to allow underrepresented groups to more easily

participate in public procurement, as well as ways to measure these policies' impact and improve them.

Trying to convince governments to enact these new policies and mechanisms at a time when public expenditure is already stretched has the potential to be very difficult. Nonetheless, it is crucial to convince governments of the economic and social value of inclusive procurement initiatives. A large body of research (e.g. from the [OECD](#), [OCP](#), [UN Women](#) etc.) has already demonstrated the need to address these inequalities, creating some level of awareness amongst policymakers. As UN Women writes “due to structural inequalities and discrimination, women entrepreneurs from a variety of backgrounds – race, class, sexual orientation, ability, education, etc. – access less capital and fewer resources than their male counterparts in these complex value chains.”<sup>4</sup> If governments are to fully commit to creating an inclusive environment for public procurement, then they must first recognise these intersecting inequalities and how they can impact an individual's ability to start, develop and grow a business. This qualitative framework has been created to help governments assess how inclusive they are in their procurement law, policies, and practices. It also runs parallel to a [quantitative framework](#)<sup>5</sup> created by Oxford Insights which helps governments understand what data needs to be collected in order to make informed decisions and changes to public procurement to make it more inclusive.

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1 “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>

2 “The Power of Procurement: How to Source from Women-Owned Businesses”, UN Women, 2017. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/the-power-of-procurement-how-to-source-from-women-owned-businesses-en.pdf?la=en&vs=237>

3 “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>

4 “Gender Responsive Procurement”, Women's Empowerment Principles, 2020. [https://www.weeps.org/sites/default/files/2020-12/WEPS\\_GUIDANCE\\_Gender\\_responsive\\_procurement.pdf](https://www.weeps.org/sites/default/files/2020-12/WEPS_GUIDANCE_Gender_responsive_procurement.pdf)

5 While this framework focuses on ICT procurement, it can be more widely applied to all public procurement across governments.

When looking to use procurement as a lever to enact policies and practices that will benefit underrepresented groups it is important to remember that quantitative data can only show so much, especially when it comes to the lived realities of excluded groups. It is equally important to emphasise the more nuanced value of qualitative data, which “can reveal unexpected outcomes and intersecting inequalities.”<sup>6</sup> This is why this framework specifically focuses on the qualitative aspects of gender equality and social inclusion (GESI) in procurement practices and policies.

This framework will help governments to ask the right questions, and to properly assess successes and challenges of current and new policies and practices as they look to build an inclusive environment for public procurement. It will take an end-to-end approach to public procurement; looking at pre-market engagement all the way through to contract management and evaluation.

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<sup>6</sup> “Qualitative data is key to ensuring no one gets left behind by the coronavirus response”, UN Women, 2020.  
<https://data.unwomen.org/features/qualitative-data-key-ensuring-no-one-gets-left-behind-coronavirus-response>

# Purpose and Use of the Framework

The purpose of this framework is to provide a universal tool, along with the [quantitative framework](#), to assess how inclusive procurement practices, policies, regulations and laws are within a country. It is not a tool that should only be used once. Instead it should first be used to conduct a baseline analysis and to better understand what policies, regulations and laws need to be created and/or changed to increase inclusion in public procurement. It can then be used as a way to evaluate progress once these have been implemented. To determine how inclusive procurement is across government, assessors can look at the assessment criteria to identify if/how well each area is implemented, and then

make recommendations based on their findings. It is also recommended that this framework is used in conjunction with Oxford Insights' [quantitative framework \(and user guide\)](#).

This framework specifically focuses on GESI in public procurement but it has been designed with a country conducting Methodology for Assessing Procurement Systems (MAPS) assessment in mind. This enables any country using MAPS to assess their procurement system to easily add in the GESI framework. However, this framework along with the quantitative GESI framework can be used independently of MAPS.

# Understanding the context - Ways of Working

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The framework has been designed so that a country can independently undertake an assessment or work with external consultants. However, in the case of the latter approach, it is imperative that those involved in undertaking the assessment dedicate time to understanding the context in which they will be working. Things to think about include (but are not limited to);

- Is the procurement system centralised or decentralised?
- What is the culture of the government - i.e. is there an established culture of openness and transparency?
- What are the national policy objectives that relate to GESI that already exist (these may or may not relate to procurement)?
- Are there any current procurement reform programmes currently being carried out?

No matter who is carrying out the assessment it will be important to establish relationships across government and with other relevant stakeholders early on.

The result of the assessment should be published openly in order to encourage a culture of openness and transparency. This also acts as a benchmark for progress, allowing governments to demonstrate their progress further down the line.

The indicators and assessment criteria in the framework are designed to guide assessors through the areas relevant to GESI within a government's procurement system. Assessment criteria should be used as a basis for qualitative analysis to determine if a government is already carrying out procurement inclusively, or not. Based on this analysis, the framework recommends that assessors produce a narrative report, outlining what a government has already done, where the gaps are and proposing step by step guidance and a timeline for implementing the next steps that need to be taken.

# Definitions of terms in the Framework

In order to ensure clarity and make sure all assessors are on the same page, definitions of key terms used within this framework have been included below. However, many procurement terms have not been defined in order to keep this section brief. It is therefore recommended that assessors use standard definitions such as those produced by the [Open Contracting Partnership](#) and/or [MAPS](#).

## Gender Equality and Social Inclusion

“**Gender equality** is about transforming the distribution of opportunities, choices and resources available to women and men so that they have equal power to shape their lives and participate in the process. **Social inclusion** refers to the process of improving the conditions of disadvantaged individuals and groups - such as migrants, indigenous peoples, or other minorities.”<sup>7</sup>

## GESI in Procurement

“Ensuring gender and social inclusion in procurement can be broadly divided into two categories;

**1 Enacting GESI practices/policies throughout the procurement process:** GESI policies need to be implemented throughout the procurement process so that all through the procurement life cycle buyers and suppliers are actively being sensitive to GESI issues. This includes looking at a supplier’s supply chain. In practice, examples

could include, hiring a diverse procurement team on the buyer’s side, employing the use of quotas to enable women-owned businesses to more easily win tenders, requiring bidders to demonstrate commitment to GESI principles within their own organisations as well as in their supply chain, etc.<sup>8</sup>

**2 Procuring products and services which adhere to GESI standards:** this means these products or services need to be accessible to all. Examples of what this would look like in practice include, ensuring computers have all the accessibility requirements for users, online services can be used by all, including users with low literacy rates or dyslexia, buildings are wheelchair accessible, etc.”<sup>9</sup>

By nature, gender and social inclusion is a broad area to cover, since it encompasses a range of intersections between different identities and lived experiences. As such, it is crucially important to define key terms to ensure clarity when working in this space. The following terms are used recurrently throughout the framework and to ensure all involved in the assessment are clear and agree on each term, they have been defined here:

### Gender

Within this framework gender is defined as “social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable.”<sup>10</sup>

<sup>7</sup> “World Bank Group gender strategy (FY16-23): gender equality, poverty reduction and inclusive growth”. World Bank Group, 2015. <https://documents1.worldbank.org/curated/en/820851467992505410/pdf/102114-REVISED-PUBLIC-WBG-Gender-Strategy.pdf>

<sup>8</sup> “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>

<sup>9</sup> *Ibid.*

<sup>10</sup> “Concepts and definitions”, OSAGI Gender Mainstreaming, UN Women. <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>



### Sexual Orientation and Gender Identity (SOGI)

“Sexual orientation refers to the capacity of each human being for affection, attraction and relationship with people of the same gender, the opposite gender or multiple genders.<sup>11</sup> Gender identity refers to: ‘a person’s deeply felt individual experience of gender, which may or may not correspond with the sex assigned at birth, and includes the personal sense of the body and other expressions of gender (that is, “gender expression”) such as dress, speech and mannerisms.’<sup>12</sup> The term SOGI is used by organisations such as the Council of Europe and the United Nations to recognise the ways in which sexual orientation and gender identity are fluid, evolving and may resist categorisation. Equally, the term SOGI is used for international contexts as opposed to the English ‘LGBT(Q+)’ phrasing: words such as ‘gay’, ‘lesbian’ and ‘bisexual’ may signify different things in different (cultural) contexts.”<sup>13</sup>

### Race/ethnicity

These are terms that do not currently have an internationally accepted definition. However, within this framework “some of the criteria by which ethnic groups are identified are ethnic nationality (i.e., country or area of origin, as distinct from citizenship or country of legal nationality), race, colour, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.”<sup>14 15</sup>

### Disability

Disability is defined by the UN as “those who have long-term physical, mental, intellectual or

sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”<sup>16</sup> Another aspect of disability which the framework touches on is **neurodiversity**: “the idea that neurological variations amongst people are an important and valuable part of human life.”<sup>17</sup> Conditions such as autism and dyslexia should be understood as less common and classified as ‘neurodivergent’, rather than less ‘normal’.”<sup>18</sup>

### Minority

The UN defines minorities as “more or less distinct groups, living within a State, which are dominated by other groups.”<sup>19</sup>

### Beneficial ownership

The framework refers to Open Ownership for its definition of beneficial ownership;

“A beneficial owner is a natural person b who has the right to some share or enjoyment of a legal entity’s income or assets (ownership c ) or the right to direct or influence the entity’s activities (control c ). Ownership and control can be exerted either directly or indirectly.”<sup>20</sup>

### Small and medium-sized enterprises (SMEs)

The OECD defines SMEs as:

“non-subsidiary, independent firms which employ fewer than a given number of employees. This number varies across countries. The most frequent upper limit designating an SME is 250 employees... Small firms are generally those with fewer than 50 employees, while micro-enterprises have at most 10, or in some cases 5, workers.”<sup>21</sup>

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- <sup>11</sup> This definition does not touch on asexuality, however, this framework includes those who identify as asexual as part of the SOGI definition.
- <sup>12</sup> Sexual Orientation and Gender Identity (SOGI)”, Council of Europe, [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680481ed5\\_p\\_2](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680481ed5_p_2).
- <sup>13</sup> “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>
- <sup>14</sup> “Ethnocultural characteristics”, UNSTATs. <https://unstats.un.org/unsd/demographic/sconcerns/popchar/popchamethods.htm#E>
- <sup>15</sup> See also [ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](https://ohchr.org/Documents/Publications/MinorityRights_en.pdf) for further information of how race and ethnicity can be understood.
- <sup>16</sup> “Article 1”, UN Department of Economic and Social Affairs <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-1-purpose.html>
- <sup>17</sup> “Clearing Up Some Misconceptions about Neurodiversity”, Scientific American, 2019. <https://blogs.scientificamerican.com/observations/clearing-up-some-misconceptions-about-neurodiversity/>
- <sup>18</sup> “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>
- <sup>19</sup> Definitions and Descriptions of ‘Minority’ in UN Entities
- <sup>20</sup> Additional detail to this definition can be found here: <https://www.openownership.org/uploads/definitions-briefing.pdf>
- <sup>21</sup> “Glossary of Statistical Terms”, OECD, <https://stats.oecd.org/glossary/detail.asp?ID=3123>



It is this definition that will be used within the framework.

### Women/Minority Owned Businesses

A woman and/or minority owned business is one that is at least 51% owned or stocks are held by at least 51% by an individual or a group who are considered a woman and or minority.<sup>22</sup> This can include indigenous people, LGBTQ+, women, trans women, etc. While there are many minorities that cross borders, it is important to define what minority groups are within a given country or area so that governments may determine how they will use preferential treatment to support these businesses.

### Women/Minority run and/or led businesses

Women/minority run and/or led businesses may be understood as any businesses in which the senior leadership positions are held by women and/or minorities. Similar to Women/Minority Owned business, definitions relating to women/minority led businesses state that these groups need to hold at least 51% of senior leadership positions. This is distinct from a women/minority owned business.<sup>23</sup>

### Preferential treatment

The European Institute for Gender Equality defines “preferential treatment as regards women and men requires the adoption of specific measures not considered discriminatory and involving explicit benefits (preferences) for one of the sexes. Such measures are intended to address disadvantaged situations and remove barriers to gender equality.”<sup>24</sup> This definition may also be used in relation to preferential treatment of minorities.

### Intersectionality

Intersectionality was first coined by Kimberlé Crenshaw in 1989 in order to demonstrate “how race, class, gender, and other individual characteristics “intersect” with one another and

overlap.”<sup>25</sup> This framework endeavours to take an intersectional approach, acknowledging the way that inequalities so often coexist. Nonetheless, the framework recognises that it would be impossible to identify every possible intersectional identity within a document intended to be used internationally. Therefore, there is an assumption that experts within each country will seek to define these identities within their national contexts when carrying out the assessment, taking particular care to recognise those groups who have been systematically marginalized by the state.

### Equity

“Equity is a term that is largely starting to replace ‘equality’ in social justice parlance. While equality implies ‘sameness’ in terms of needs, methodology, and outcome, equity is seen as acknowledging that differences in needs and methodology might be required to bring about equal outcomes. In this report, we opt for the term ‘equality’ in line with mainstream literature, but suggest keeping in mind differentiated needs in procurement policies.”<sup>26</sup>

### Mainstreaming

“Mainstreaming is defined by the UN as a strategy or approach for achieving equality that involves including GESI perspectives in all activities, and making the goals of gender equality and social inclusion integral to any definitions of successful projects.”<sup>27</sup>

### Procurement lifecycle

“Procurement lifecycle refers to the cyclical process of buying goods and services, from commissioning to planning (defining needs), through to approaching the market, evaluating suppliers, and managing the delivery.”<sup>28</sup>

### Gender inclusive language

“Using gender-inclusive language means speaking and writing in a way that does not

<sup>22</sup> A good example of a definition of a minority own business which also provides a clear understanding of the minority groups is the one provided by the National Minority Supplier Development Council: <https://nmsdc.org/mbes/what-is-an-mbe/>.

<sup>23</sup> For further reading on women led businesses see: <https://www.open-contracting.org/wp-content/uploads/2020/07/OCP2020-Gender-Responsive-Procurement-1.pdf>

<sup>24</sup> “Preferential treatment”, European Institute of Gender Equality, <https://eige.europa.eu/thesaurus/terms/1325>

<sup>25</sup> “The Intersectionality Wars”, Vox, 2019. <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

<sup>26</sup> “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid*. For more information see page 7 of the report.

discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes. Given the key role of language in shaping cultural and social attitudes, using gender-inclusive language is a powerful way to promote gender equality and eradicate gender bias.”<sup>29</sup>

### **Structural discrimination**

“Direct and indirect discrimination is sometimes complemented with the terms “structural discrimination”, “institutional discrimination” or “systemic discrimination”. These terms are used to describe the exclusion and discrimination suffered by entire groups of persons sharing the same characteristics or grounds for discrimination. “Structural discrimination” refers to rules, norms, routines, patterns of attitudes and behaviour in institutions and other societal structures that, consciously or unconsciously, present obstacles to groups or individuals in accessing the same rights and opportunities as others and that contribute to less favourable outcomes for them than for the majority of the population.”<sup>30</sup>

### **Civil society**

“The multitude of associations around which society voluntarily organises itself and which represent a wide range of interests and ties. These can include community-based organisations, indigenous people’s organisations and non government organisations.”<sup>31</sup>

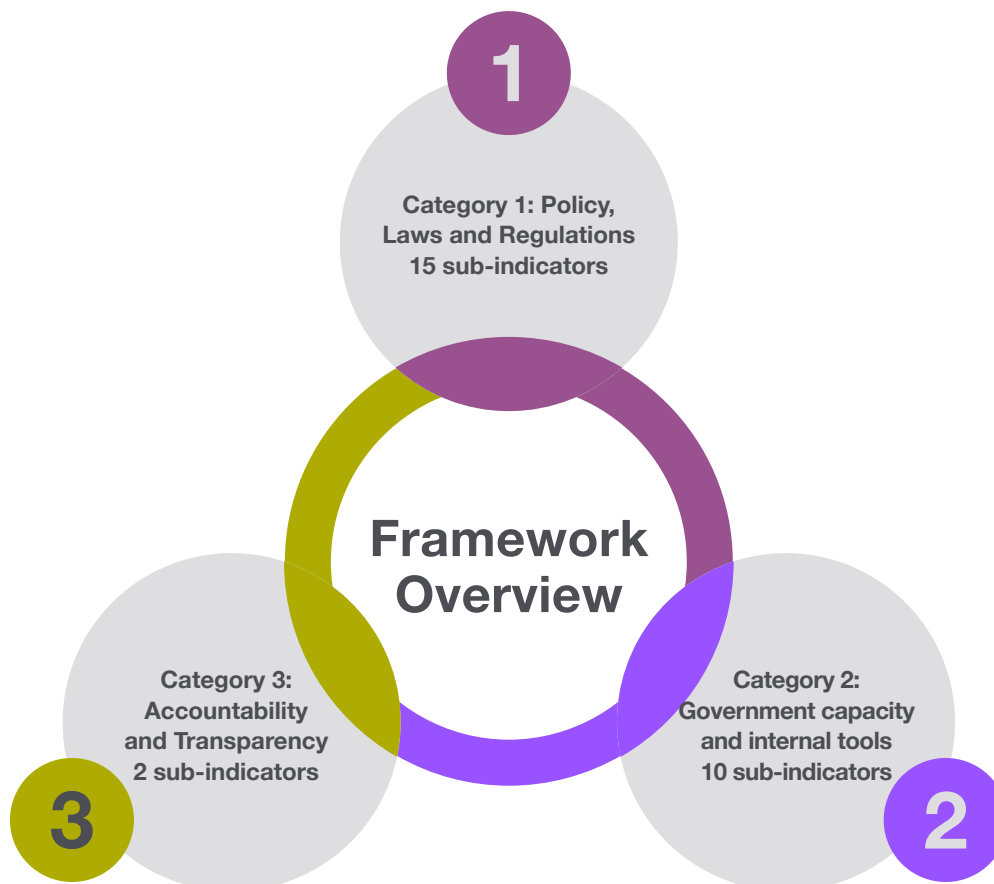
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**29** See here for the UN’s *Toolbox for using gender-inclusive language* (the tool box is provided in all UN languages with specific tips for gender inclusive language in Spanish, French, Russian, Arabic and Chinese) - <https://www.un.org/en/gender-inclusive-language/toolbox.shtml>.

**30** “EU Human Rights Guidelines on Non-discrimination in External Action”, Council of the European Council, 2019. <https://data.consilium.europa.eu/doc/document/ST-6337-2019-INIT/en/pdf>

**31** OECD MAPS Initiative Glossary <https://www.mapsinitiative.org/methodology/MAPS-glossary.pdf>

# Framework Overview



## Category 1: Policy, Laws and Regulations

**Sub-Indicator 1:** The government mentions GESI factors in their procurement law

**Sub-Indicator 2:** The government has laws that protect against discrimination

**Sub-Indicator 3:** The government has anti-discrimination laws that specifically focus on GESI (i.e. disability, gender, SOGI, race/ethnicity) and business.

**Sub-Indicator 4:** Data is collected on women and minority owned businesses

**Sub-Indicator 5:** Tenders require suppliers to demonstrate commitment to the local community

**Sub-Indicator 6:** Tenders require bidders to demonstrate commitment to GESI in their projects

**Sub-Indicator 7:** GESI policies and practices are embedded throughout the delivery of the project

**Sub-Indicator 8:** Mechanisms for feedback have been implemented throughout the project

**Sub-Indicator 9:** An evaluation of the current marketplace has been / is being conducted

**Sub-Indicator 10:** The government actively procures for GESI-friendly goods/services

**Sub-Indicator 11:** Certification models are used

**Sub-Indicator 12:** Training programmes are created and implemented by the government to enable women and minority owned businesses to more easily apply to tenders

**Sub-Indicator 13:** There are reserved procurement opportunities for companies that have been certified as women and/or minority owned

**Sub-Indicator 14:** There are reserved procurement opportunities for SMEs

**Sub-Indicator 15:** There are financing programmes aimed at increasing the number of women and minority owned businesses within the country

## Category 2: Government capacity and internal tools

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**Sub-Indicator 16:** GESI terms are defined within the context of procurement

**Sub-Indicator 17:** Equality criteria for suppliers are specified and published in the tender notice

**Sub-Indicator 18:** The criteria for preferential treatment have been determined

**Sub-Indicator 19:** The government holds pre-market engagement events

**Sub-Indicator 20:** There is a procurement strategy which mainstreams GESI

**Sub-Indicator 21:** The government evaluates the success of GESI based procurement laws/policies/practices

**Sub-indicator 22:** GESI practices and policies are used in hiring practices for procurement and assessment teams

**Sub-Indicator 23:** Training is provided to procurement teams on GESI practices and policies

**Sub-Indicator 24:** Cross-governmental working groups exist that relate to GESI practices

**Sub-Indicator 25:** GESI is considered throughout the procurement lifecycle

## Category 3: Policy, Laws and Regulations

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**Sub-Indicator 26:** Data collected through the quantitative and qualitative reports is published openly by the government

**Sub-Indicator 27:** Civil society supports GESI procurement and is engaged with government

# Category 1: Policy, Laws and Regulations

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This category highlights the policy ecosystem, laws and regulations. It explores general GESI policies, laws and regulations, procurement policies, and others that are relevant to GESI-responsive procurement. This helps assessors to gain insight into these areas that could either be useful for or may serve as a barrier to implementing GESI-responsive procurement practices.

## Sub-Indicator 1: The government mentions GESI factors in their procurement law

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### Skills needed:

- Qualitative data analysis

Any laws that pertain to procurement should also include points that specifically focus on gender equality and social inclusion. If they do not specifically focus on these areas they should at least have an anti-discrimination aspect to them. While general anti-discrimination procurement legislation is good, it is important for these laws to more specifically mainstream gender equality and social inclusion to ensure traditionally excluded groups are not discriminated against through the procurement process.

### Assessment criteria:

- Procurement laws specifically focus on areas related to gender equality and social inclusion
- There is evidence that these laws are implemented
- These laws use gender inclusive language

## Sub-Indicator 2: The government has laws that protect against discrimination

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### Skills needed:

- Qualitative data analysis

Anti-discrimination laws exist within the country and have been implemented. These are important to assess as they are pieces of legislation that procurement practitioners and suppliers can use to ensure they are being treated fairly/have implemented fair, non-discriminatory policies and practices.

### Assessment criteria:

- Anti-discrimination laws are part of national or regional legislature
- There is evidence that these laws are implemented
- These laws use gender-inclusive language

### **Sub-Indicator 3: The government has anti-discrimination laws that specifically focus on GESI (i.e. disability, gender, SOGI, race/ethnicity) and business.**

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#### **Skills needed:**

- Qualitative data analysis

The World Bank reported that “Only 38 out of 141 economies covered in the [Women, Business and the Law](#) database set out equal legal rights for women and men in key areas such as opening a bank account, getting a job without permission from their spouse, and owning and managing property.”<sup>32</sup> Therefore in order to ensure that women and minority owned businesses can actually apply for a tender, legislature needs to be examined to ensure that it explicitly provides the equal right to all people to set up a business, bank account, access to financing, owning property, etc.

#### **Assessment criteria:**

- Anti-discrimination laws are part of national or regional legislature AND specifically mention GESI
- There is evidence that these laws are implemented
- These laws use gender inclusive language

### **Sub-Indicator 4: Data is collected on women and minority owned businesses**

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#### **Skills needed:**

- Quantitative data analysis

Data is crucial to demonstrating that there is a need for preferential treatment and other GESI friendly policies in public procurement. However, procurement systems often do not ask suppliers to provide this data when they sign up to frameworks or when they apply for bids. It is therefore important for governments to collect this information from suppliers in order to track which suppliers are women/minority owned and once policies and practices are implemented to track progress. The [quantitative framework](#) and [user guide](#) developed by Oxford Insights (which has been previously mentioned in this framework) is a useful tool for governments to know what data should be collected.

#### **Assessment criteria:**

- GESI data is collected as it relates to suppliers
- There is evidence that this data is used to inform policy decisions
- The data is reviewed at least every two years to track progress and adjust policy and practices as needed

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<sup>32</sup> “Female Entrepreneurship Resource Point - Introduction and Module 1: Why Gender Matters”, The World Bank. <https://www.worldbank.org/en/topic/gender/publication/female-entrepreneurship-resource-point-introduction-and-module-1-why-gender-matters>

### Sub-Indicator 5: Tenders require suppliers to demonstrate commitment to the local community

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#### Skills needed:

- Qualitative data analysis

Procuring entities should specify criteria that ensure suppliers demonstrate their commitment to the local community in the bidding process. These criteria can be locally or centrally determined and should focus on working with organisations whether third or private sector who are from the local community in which the project is taking place. For example if it is an infrastructure project this could include consulting local organisations before starting the project or ensuring that if suppliers (especially internationally based suppliers) use external contractors a certain percentage of them are locally based.

#### Assessment criteria:

- A clear definition of what commitment to the local community looks like is provided by either the central or local government. These definitions can be provided either within individual tenders or more broadly within government documents that related to procurement (however it is important to ensure these are easily accessible to buyers as well as suppliers)
- Mechanisms exist by which to ensure that these commitments are actually implemented
- Mechanisms by which to penalise those suppliers who win bids but do not carry out their commitments exist and are effective (i.e. such suppliers are banned from bidding for a certain amount of time)

### Sub-Indicator 6: Tenders require bidders to demonstrate commitment to GESI in their projects

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#### Skills needed:

- Qualitative data analysis

Similar to the previous sub-indicator, procuring entities should specify criteria that ensure suppliers demonstrate their commitment to gender equality and social inclusion. These criteria can be locally or centrally determined and should focus on those groups which have been structurally discriminated against. The criteria could include ensuring that a certain number of women are employed in managerial roles (this is likely not needed if it is a women owned business), indigenous populations are consulted when projects are taking place on indigenous land, etc. They can also include targets around subcontracting like “Firms awarded contracts over a certain dollar threshold must submit plans to procurement officials establishing targets for participation by women-owned businesses in their supply chains and their strategies for achieving those targets.”<sup>33</sup>

#### Assessment criteria:

- A clear definition of what commitment to GESI looks like is provided by either the central or local government. These definitions can be provided either within individual tenders or more broadly within government documents that relate to

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<sup>33</sup> “Empowering Women through Public Procurement”, International Trade Centre, 2014. <https://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/Women%20procurement%20guide-final-web.pdf>



procurement (however it is important to ensure these are easily accessible to buyers as well as suppliers)

- Mechanisms exist by which to ensure that these commitments are actually implemented
- Mechanisms by which to penalise those suppliers who win bids but do not carry out their commitments exist and are effective (i.e. such suppliers are banned from bidding for a certain amount of time)

### **Sub-Indicator 7: GESI policies and practices are embedded throughout the delivery of the project**

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#### **Skills needed:**

- Qualitative data analysis

Suppliers should not only demonstrate how they will commit to GESI at the beginning of the project, this commitment needs to be embedded throughout the delivery. The procuring entity should ensure to set up check-ins with the supplier that specifically focuses on GESI aspects of the project. While it is important to specifically focus on GESI, it is important to remember that this should not be seen as separate to the entire project. Instead, GESI aspects should be mainstreamed across the work. This expectation should be set in the tender by the buyers and then specifically outlined in the contact with the winning bidder.

#### **Assessment criteria:**

- Clear commitments are made and agreed upon within the terms of reference by the supplier/s and the procuring entity
- Formal check-ins are held throughout the project to ensure that suppliers are delivering on their GESI commitments
- Reporting mechanisms are in place which enable suppliers to easily demonstrate how they have delivered on their commitments

### **Sub-Indicator 8: Mechanisms for feedback have been implemented throughout the project**

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#### **Skills needed:**

- Qualitative data analysis

This sub-indicator refers to the ability of suppliers to be able to provide the buying department with feedback throughout the contract period as well as final feedback once the project has been completed. This provides suppliers the opportunity to flag any issues they are facing when it comes to delivering their product or service. This is particularly important for companies that are women- or minority-owned as they often face more barriers to delivery. It should be the responsibility of the purchasing department to ensure that suppliers are given every opportunity to succeed.

Feedback from the procuring entity is also crucial after the project has been completed. Suppliers should be able to provide feedback on what went well, what challenges they faced and have the opportunity to make any recommendations they have for similar contracts in the future.

In addition to creating feedback channels whilst a contract is in progress, detailed feedback should also be given to unsuccessful bidders so that they know where they can improve in the future. Women and minorities owned businesses often do not have the training nor the money to afford training. It is therefore important to show where these businesses can improve so that in the future they can win government contracts.

**Assessment criteria:**

- Unsuccessful bidders receive detailed feedback
- Formal feedback is provided to contractors throughout the project, including at completion

**Sub-Indicator 9: An evaluation of the current marketplace has been / is being conducted**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis
- User research
- Data analysis

Before creating specific criteria for the preferential treatment of minority suppliers (such as using quotas), it is important to understand the landscape of the current marketplace. While governments may want to drastically increase the number of suppliers they are working with who are women and/or minority owned, this is only possible if businesses exist. “If there are very few women-owned businesses i.e. where a woman or women hold 51% of the shares, it may be worth still providing preferential treatment to organisations where women hold only 30% of shares for instance.”<sup>34</sup>

While the marketplace may be small to begin with, it will be important for governments to help grow the “database of women and minority owned businesses, so that the percentage can be increased over time. This can be done through outreach and training programmes as well as reserving financial resources to support the creation of these businesses.”<sup>35</sup> Often these suppliers lack access to funding, it is therefore important that governments create initiatives which empower them to successfully compete for a tender.<sup>36</sup>

It is also important to determine the sectors in which the majority of these businesses are operating. Women for example are more likely to operate within the retail and service sectors, according to data from World Bank.<sup>37</sup> If the majority of women owned businesses are working within these areas within a country, yet struggling to succeed in other fields, it is important to develop programmes that focus on providing women with the skills and knowledge to create businesses in other sectors, such as IT, where women are often underrepresented.

**Assessment criteria:**

- An evaluation of the current marketplace is carried out by assessors to determine what businesses are women and/or minority owned businesses
- Preferential treatment criteria, such as quotas, are defined using the current market analysis
- Market analysis is carried out at least every five years and preferential treatment criteria are updated to reflect the current marketplace

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<sup>35</sup> *Ibid.*

<sup>36</sup> For more information on financing see *Sub-Indicator: there are financing programmes aimed at increasing the number of women and minority owned businesses within the country.*

### Sub-Indicator 10: The government actively procures for GESI-friendly goods/services

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis

This sub-indicator refers to the types of goods and services that the government purchases. These goods and services need to be accessible to all, whether someone has a disability or they do not have access to the internet. For example when a service is digitised it is important to make sure that the website can be used by all users, including those with sight disabilities. This could mean making sure the website is usable on tablet and phone devices, or that the colours used are easy to read.

#### Assessment criteria:

- Research is carried out by the government to determine who the end user of a service is and how they will use it (the [UK Government Service Manual](#) provides step-by-step guidance on how to determine a user)
- User research is carried out by the government with everyone who is likely to use a service to ensure all user needs are met<sup>38</sup>
- Data is collected using the quantitative framework to carry out a baseline study and track improvements

### Sub-Indicator 11: Certification models are used

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis

Governments need to ensure that they are truly working with women and/or minority owned businesses. A common way to establish this is to use certification. Governments can either work with organisations (private or third sector) who are paid by businesses to certify them or they can develop their own certification programmes. Whichever model is used, its important for the government to set the definition of what a woman and/or minority owned business is.<sup>39</sup>

It is also important to ensure that these businesses are recertified after a certain period of time. Ownership can change over time which is why governments need to set a time limit for certification. This process also helps combat issues of beneficial ownership.<sup>40</sup> [Open Ownership](#) provides tools and advice on how to better track beneficial ownership data. Often women/minority owned businesses will have limited access to liquid assets. It is therefore important to ensure that these certification programmes are accessible to all, either through a free access model or a financial assistance scheme.

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<sup>38</sup> The UK Government have created a service manual which includes a detailed breakdown of how to carry out user research ensuring to put the users first, see: <https://www.gov.uk/service-manual/user-research>

<sup>39</sup> Refer to the definitions section of this framework for the most commonly used definition.

<sup>40</sup> "Empowering Women through Public Procurement", International Trade Centre, 2014. <https://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/Women%20procurement%20guide-final-web.pdf>

**Assessment criteria:**

- The government uses one clear definition for women and minority owned businesses
- Certification models have been created for women and minority owned businesses
- Beneficial ownership data is collected using the [quantitative framework](#)
- Funding is provided to organisations who need it in order to become certified, or the certification programme used is free for suppliers
- A threshold for financial assistance is determined. For example this could be determined on profits in the most recent financial year

### **Sub-Indicator 12: Training programmes are created and implemented by the government to enable women and minority owned businesses to more easily apply to tenders**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis
- User research
- Ability to build training material

Women/minority owned businesses often lack the experience and skills to successfully apply for government tenders. It is therefore important for the government to create training programmes specifically focused on helping these businesses compete for tenders. [UN Women and WeConnect provide a list of different training](#) they provide to women owned businesses to help them succeed and more easily participate in procurement opportunities. This can act as a useful guide for governments on the types of training that can be offered to women and minority owned businesses.

**Assessment criteria:**

- Training programmes have been created that help women/minority owned businesses build the skills to more easily and successfully apply for government tenders, or the government signposts businesses to external training resources
- Data is recorded that provides evidence that women/minority owned businesses *actually* attend the training programmes
- An increase in women/minority owned businesses participating in bids is recorded over time using the [quantitative framework](#)

### **Sub-Indicator 13: There are reserved procurement opportunities for companies that have been certified as women and/or minority owned**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis

One way to ensure women/minority owned businesses win tenders and are employed by the government is by reserving procurement opportunities for these companies. This is usually done through the use of quotas (for example 10% of all government contracts need to be filled using a women/minority owned business). It is important to ensure that the increase in these suppliers winning bids is tracked over time using the [quantitative](#)

[framework](#). However, while this kind of preferential treatment can be useful, it cannot be the only tactic the government uses to increase participation of these suppliers. For example it is important to refer back to sub-indicators on training and marketplace evaluation. It is important to employ qualitative methods alongside quantitative to reflect the lived realities of suppliers.<sup>41</sup>

#### Assessment criteria:

- The quantitative framework is used to track progress.
- If quotas are used, these are not the only tool the government uses to increase participation of women/minority owned businesses (other tools like training, certifications and a marketplace evaluation are used).
- Reserved opportunities are set aside by the government for women/minority owned businesses

### Sub-Indicator 14: There are reserved procurement opportunities for SMEs

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis

As previously evidenced, women and minority owned businesses often find it hard to grow beyond the size of an SME.<sup>42</sup> This is why as part of creating a GESI friendly procurement system it is important to also reserve opportunities for SMEs.

#### Assessment criteria:

- The [quantitative framework](#) is used to track progress.
- If quotas are used, these are not the only tool the government uses to increase participation of women/minority owned SMEs (other tools like training, certifications and a marketplace evaluation are used).

### Sub-Indicator 15: There are financing programmes aimed at increasing the number of women and minority owned businesses within the country

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis
- User research

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<sup>41</sup> Quotas can be controversial, especially when they are used to discriminate against certain parties, such as women/minority owned foreign businesses. However, they are a useful tool to increase the participation of these businesses, procurement entities should be aware of the errors that can be made when setting quotas and perform proper user research first to determine how to best set them.

<sup>42</sup> "Gender Responsive Procurement", Women's Empowerment Principles. [https://www.weps.org/sites/default/files/2020-12/WEPs\\_GUIDANCE\\_Gender\\_responsive\\_procurement.pdf](https://www.weps.org/sites/default/files/2020-12/WEPs_GUIDANCE_Gender_responsive_procurement.pdf)

Women owned businesses often struggle to access financing in order to grow their businesses. The World Bank says, “Access to finance is often cited as a main constraint to the growth of female-owned enterprises.”<sup>43</sup> There can be a number of reasons for this, including laws that prohibit women owning property (as mentioned above). Property is often used as collateral for financing options, meaning women lose out on this opportunity. Governments therefore need to not only examine their laws but also look to create financing opportunities through government programmes specifically aimed at these groups.

When creating financing opportunities for women and minority owned businesses government should:

- 1 Speak to women and minorities to understand what blockers are preventing them from accessing financing.
- 2 Create a programme that meets their needs and is not punitive if conditions are not met (for more information on why see this article by [Ladysmith on conditional cash transfers](#)).
- 3 Reach out to communities across the country in order to spread awareness through a number of means (i.e. newsletters (both online and in print), discussion groups, conducting meetings at schools, etc.).

[The World Bank](#) also provides a useful resource on creating access to finance programmes.

#### **Assessment criteria:**

- Financing options are created that *truly*<sup>44</sup> work for women and minority owned businesses (this can be determined by seeking out feedback from these businesses)
- Programmes are not punitive (this can be determined by seeking out feedback from these businesses and adjusting as needed)
- Laws actively promote the rights of women and minorities to own property, have financial credit options, etc.

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<sup>43</sup> “Female Entrepreneurship Resource Point - Introduction and Module 1: Why Gender Matters”, The World Bank. <https://www.worldbank.org/en/topic/gender/publication/female-entrepreneurship-resource-point-introduction-and-module-1-why-gender-matters>

<sup>44</sup> This can be determined by speaking with the groups to better understand their needs.

# Category 2: Government capacity and internal tools

This category examines the tools that governments can employ to ensure GESI is mainstreamed across the procurement lifecycle and to make sure that procurement professionals are empowered to participate in this process.

## Sub-Indicator 16: GESI terms are defined within the context of procurement

### Skills needed:

- Qualitative data analysis

It is important to ensure that GESI terms have not only been defined and understood across government in general but definitions are created that specifically pertain to the procurement context. This ensures that procurement practitioners and suppliers are clear on how GESI relates to procurement and it helps procurement practitioners understand better who their users are and what groups they should be looking to empower through inclusive procurement practices and policies. For example the below definition was created by Oxford Insights to demonstrate what GESI in ICT procurement means;

#### **“Enacting GESI practices/policies throughout the procurement lifecycle:**

GESI policies and practices need to be implemented throughout the ICT procurement lifecycle, so that buyers and suppliers are actively incorporating GESI in decision making. This includes looking at a contractor’s supply chain and ownership structure. In practice, examples could include: ensuring diversity within procurement teams on the buyers’ side; gathering and reporting diversity data; the use of quotas to enable women and minority-owned businesses to more easily win tenders; reviewing existing processes to encourage tenders from a diverse range of companies; requiring bidders to demonstrate a commitment to GESI principles within their own organisations and supply chains; and reducing internal inequalities in government service teams.

#### **Procuring ICT products and services which adhere to GESI standards:**

This means these products or services need to be accessible to all. Examples of what this would look like in practice include: ensuring computers have all the accessibility requirements for a variety of users; online services are built to be used by all, including users with low literacy rates, dyslexia and other forms of neurodiversity; and users with other types of disabilities such as reduced mobility, partial sight and hearing loss.”<sup>45</sup>

The definition is split into two; one pertains to the procurement lifecycle while the other focuses on ICT products. This kind of definition can help ensure that procurement practitioners understand how GESI relates to their work and ensure everyone is on the same page, preventing misunderstandings.

<sup>45</sup> “Gender Equality and Social Inclusion in ICT Procurement: Discovery Report”, Oxford Insights, 2020. <https://www.oxfordinsights.com/gender-equality-and-social-inclusion-in-public-procurement>



**Assessment criteria:**

- Clear definitions that pertain to GESI in procurement have been created by government using best practice definitions (such as those provided by the UN) and are understood by procurement professionals

**Sub-Indicator 17: Equality criteria for suppliers is specified and published in the tender notice**

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**Skills needed:**

- Qualitative data analysis
- User research

Government procurement departments need to clearly define the equality criteria they will use during tenders. This not only needs to be clearly defined internally but they also need to be published externally across the tendering process. This could be done by asking suppliers to adhere to these criteria when they apply to be on a framework or during the bidding process. The criteria could include things like, “that suppliers must adhere to the organisation’s equality legislation and have an up to date equal opportunities/equality policy, and complete a detailed equalities questionnaire as part of pre-qualification.”<sup>46</sup>

**Assessment criteria:**

- Equality criteria have been created, are clearly presented on tenders and are understood by suppliers

**Sub-Indicator 18: The criteria for preferential treatment have been determined**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis
- User research

In order to determine which groups should benefit from preferential treatment it is important to first conduct research into which groups have a historical/current disadvantage in the country. Once this has been determined, it is necessary to then develop the ways in which these groups will receive preferential treatment. This can be done through the use of;

- Quotas
- Increasing the points given to a bid based on preferential treatment criteria (for example giving additional points to women owned businesses)
- Increasing the points given to non-preferred businesses (for example non-women/minority owned businesses), awarding the bid that has the lowest points

**Assessment criteria:**

- The criteria on which preferential treatment is based is clear and published openly
- The way in which preferential treatment is given is clear

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<sup>46</sup> *Ibid*, page 22.

- Preferential treatment criteria and their means of implementation are evaluated on a consistent basis and changes are implemented based on data

### Sub-Indicator 19: The government holds pre-market engagement events

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis
- User research

It is important for the government to engage with current and potential suppliers. This helps to create an environment of collaboration and ensures buyers are aware of what the market can provide and it helps them understand the needs of their potential suppliers. Some businesses may not know about all the avenues they could potentially use to supply to government. It is important that procurement entities share this information, actively seek out new suppliers and help provide them with the skills they need to successfully supply to government (read more about this in the sub-indicator on training).

It is important when holding these events that those suppliers that are most at risk of being excluded, such as women/minority owned businesses, are actively engaged by government. Those organising the events should look to understand the needs of these businesses when it comes to attending such events. This could include things like, ensuring events are held at a time that is convenient for the target audience, whether that is during the day or in the evening, they are accessible, they are advertised in ways that these businesses are likely to see (for example through social media, at schools, physical advertising such as leaflet campaigns, etc).

#### Assessment criteria:

- Pre-market events are held and used to understand the needs of suppliers
- Pre-market events are advertised in a number of ways and reach a wide variety of suppliers
- Women/minority owned businesses are actively included

### Sub-Indicator 20: There is a procurement strategy which mainstreams GESI

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis
- User research

No matter where a government is in their journey to creating more GESI friendly procurement practices it is important to have a strategy which mainstreams GESI strategies within procurement. GESI should be considered throughout the procurement lifecycle which should be detailed in a short and long term strategy. This ensures that all stakeholders are clear on how to implement GESI practices in procurement. Data that is collected through this framework and the [quantitative framework](#) should be used to inform the strategy.

**Assessment criteria:**

- Short and long term procurement strategies mainstream GESI throughout the procurement lifecycle
- Qualitative and quantitative data are used to inform these strategies
- Strategies are implemented and published openly

**Sub-Indicator 21: The government evaluates the success of GESI based procurement laws/policies/practices**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis
- User research

Assessments are carried out by governments to track the success of GESI procurement laws, policies and practices. These assessments use this framework and the [quantitative framework](#) to track progress at least every five years. These assessments can also be carried out in conjunction with a [MAPS Assessment](#).

**Assessment criteria:**

- Qualitative and quantitative data are used to track success
- Laws, policies and practices are adjusted as needed based on findings

**Sub-indicator 22: GESI practices and policies are used in hiring practices for procurement and assessment teams**

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**Skills needed:**

- Qualitative data analysis
- Quantitative data analysis

It is not only important to ensure that a diverse range of suppliers are able to successfully compete for tenders, it is also critical to hire a diverse team of procurement professionals. This allows different perspectives and experiences to be represented. The same applies to the teams carrying out a procurement assessment.

Assessors should also examine the roles that women and minorities hold within procurement, asking questions, like; what is their seniority, are there any women/minorities in leadership positions, and what GESI principles are used in hiring practices?

**Assessment criteria:**

- Women and minorities hold leadership positions within procurement teams
- Procurement teams are diverse across all areas (age, gender, SOGI, etc).
- GESI focused human resources practices and policies apply to procurement and assessment teams

### Sub-Indicator 23: Training is provided to procurement teams on GESI practices and policies

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#### Skills needed:

- Qualitative data analysis

Mainstreaming GESI practices and policies, and/or offering preferential treatment to GESI suppliers, can often be mistakenly perceived as providing an unfair advantage to women/minority groups. It is therefore important to ensure that those within government are aware of why this work is so important and understand the disadvantages that certain people face within government and as suppliers (as well as in the wider community). Training should also look to empower individuals to work towards being more inclusive and GESI friendly in their professional lives.

#### Assessment criteria:

- Expert training is provided across government to ensure everyone is aware of what GESI is and how they can be empowered to be more inclusive

### Sub-Indicator 24: Cross-governmental working groups exist that relate to GESI practices

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#### Skills needed:

- Qualitative data analysis

Working groups can be used to boost awareness of GESI in procurement and share best practice and learning. These kinds of groups can act as another tool to help people learn about the importance of GESI and how they can make a difference. These groups should not be limited to procurement professionals, but should be open to all government employees allowing them to learn from different ways in which GESI practices and policies can be implemented.

#### Assessment criteria:

- GESI focused cross-governmental groups exist
- The groups meet on a regular basis and share learnings and best practice

### Sub-Indicator 25: GESI is considered throughout the procurement lifecycle

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#### Skills needed:

- Qualitative data analysis
- Quantitative data analysis

GESI should be held in consideration throughout the end-to-end procurement process. This includes during the planning phase, when informing the market, evaluating and making the awards and when managing the delivery. This sub-indicator takes full view of all the other sub-indicators within this framework and evaluates everything as a whole, ensuring the entire procurement lifecycle mainstreams and implements GESI.

**Assessment criteria:**

- Assessors look to view the entire procurement lifecycle through a GESI lens, taking a whole view of the framework and making an assessment based on all the information collected during the assessment
- Qualitative and quantitative is recorded in order to track progress in the future

# Category 3: Accountability and Transparency

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There are a number of accountability mechanisms that are traditionally used in procurement, for example audits. However, this framework does not focus on these as there are other great tools such as [MAPS](#) that specifically examine these aspects of accountability and transparency in public procurement. Instead, this category focuses on the GESI aspects of accountability and transparency as related to this framework.

## **Sub-Indicator 26: Data collected through the quantitative and qualitative reports is published openly by the government**

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### **Skills needed:**

- Qualitative data analysis
- Quantitative data analysis

It is important to be transparent not just in procurement practices but also about the results of an assessment. Governments should publish the results of their GESI assessment in order to be open about the work they are doing and the progress they plan to make. This enables citizens and civil society to understand what the government is doing and how they could potentially be involved to improve the current situation.

### **Assessment criteria:**

- The results of the GESI assessments are published openly by the government
- A mechanism is created to enable citizens and civil society to provide feedback (i.e. an online forum or survey tool)

## **Sub-Indicator 27: Civil society supports GESI procurement and is engaged with government**

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### **Skills needed:**

- Qualitative data analysis
- Quantitative data analysis

Civil society can act as another safeguard against discriminatory practices in public procurement. These organisations can help keep governments accountable as well as inform them of the 'on the ground' situation of GESI within that country. They can be useful sources of the lived realities of many groups which have been historically and continue to be discriminated against. It is therefore important that while carrying out an assessment civil society is consulted.

### **Assessment criteria:**

- Civil society is consulted on matters relating to GESI procurement
- Civil society is consulted during the assessment process

This research was supported by the Open Contracting Partnership as part of the Action Research Program