GENDER LINKS
FOR EQUALITY AND JUSTICE

A HANDBOOK ON

GENDER-RESPONSIVE PUBLIC PROCUREMENT FOR LOCAL AUTHORITIES

IN ZIMBABWE



To ensure that women-owned enterprises have access to council procurement including tenders

SUPPORTED BY
Sweden
Sverige

Gender Links (GL) is committed to an inclusive, equal and just society in which women and girls in all their diversities exercise their **voice and choice** in accordance with the Southern African Development Community (SADC) Protocol on Gender and Development and related regional, continental and global instruments.

A handbook on gender-responsive public procurement for local authorities in Zimbabwe. To ensure that women-owned enterprises have access to council procurement opportunities.
© Copyright 2024 Gender Links.
ISBN:

Gender Links Zimbabwe
30 Samora Machel Avenue
Harare
Phone: +263 242 798600
Email: zimmanager@genderlinks.org.za
Website: www.genderlinks.org.za

Foreword: Minister of Local Government and Public Works, Honourable Daniel Garwe
Editors: Priscilla Maposa and Colleen Lowe Morna
Authors: Josephine Ncube, Tapiwa Zvaraya and Loverage Nhamoyebonde

Cover photo: Facilitating access to information on public procurement *by Procurement Regulatory Authority of Zimbabwe*

This report has been produced with financial assistance from the Embassy of Sweden in Zimbabwe. The views expressed herein are those of Gender Links and can therefore in no way be taken to reflect the official opinion of the Embassy of Sweden in Zimbabwe.

Design/Layout: Debi Lee Designs

July 2024

Table of Contents

Foreword: Honourable Daniel Garwe 1

1. OVERVIEW 3
   - Key components of the programme 4
   - What you will find in each chapter 7
2. INTRODUCTION 8
3. DEFINING PUBLIC PROCUREMENT 14
   - Why focus on Public Procurement in Local Authorities? 15
   - The Legal and Regulatory Framework 15
   - Constitutional Basis for Women's Economic Empowerment 16
   - The Public Procurement and Disposal of Assets Act, Chapter 22:23. 16
4. BARRIERS TO PUBLIC PROCUREMENT 19
5. THE ROLE OF LOCAL AUTHORITIES IN PUBLIC PROCUREMENT 24
   - Developing a Gender-Responsive Procurement Policy 25
   - Publication of the Annual Procurement Plan 25
   - Benefits of Gender Responsive Procurement to Local authorities 29
6. THE ROLE OF DEVELOPMENT PARTNERS IN PROMOTING GENDER-RESPONSIVE PROCUREMENT 33
7. THE ROLE OF WOMEN ENTREPRENUERS IN PROCUREMENT PROCESSES 35
8. DEVELOPING A GENDER-RESPONSIVE PROCUREMENT POLICY FOR LOCAL AUTHORITIES 40

ANNEX 1: RECOMMENDATIONS FOR STRENGTHENING GENDER RESPONSIVE PROCUREMENT 43
- Legal recommendations
- Recommendations for Local authorities
- Recommendations for development partners
- Recommendations for women-owned enterprises
- Other recommendations

References 44

Foreword



As the Minister of Local Government and Public Works, it is my great pleasure to introduce this Gender Responsive Public Procurement Handbook, a vital tool designed to assist Local Authorities in Zimbabwe to integrate gender responsiveness in their public procurement processes. This handbook is a crucial step towards promoting gender equality in line with our national goals, regional and international commitments.

Public procurement plays a significant role in local economic development, and it is essential that we recognise the gender dynamics at play in this process. The handbook encourages local authorities to promote gender inclusive procurement mechanisms and ensure that women are central to procurement processes.

By implementing gender-responsive public procurement, local authorities can promote the participation of women and women-controlled entities in public procurement, contributing to gender responsive procurement. This approach will have both economic and social impacts on women in various business sectors, enhancing their opportunities and empowerment.

This handbook is a timely resource, as the Government of Zimbabwe recently introduced the Local Authorities Blueprint which is a call to service delivery. Expanding local authorities revenue sources is one of the key pillars of the blueprint. Local authorities are key in the accomplishment of gender responsive public procurement. Gender-responsive public procurement will elevate these efforts, ensuring that women are not only included but also supported in the procurement process.

The handbook provides practical guidelines for local authorities to understand the importance of gender-responsive public procurement, learn implementation strategies and appreciate the gender dynamics of public procurement. It also offers suggestions for legislative changes and a checklist for a gender-responsive policy.

I commend the compilation team and the reviewers for their dedication to producing this valuable resource. I urge all local authorities to embrace this handbook and make gender-responsive public procurement a priority, aligning with our national goals of promoting gender equality and empowering women.

Together, let us harness the potential of public procurement to drive inclusive economic growth and social development, creating a brighter future for all.

Honourable Daniel Garwe
Minister of Local Government and Public Works

OVERVIEW 1



Bulawayo City Council Entrepreneurs explaining their business model during entrepreneurship training. Photo: Loverage Nhamoyebonde

Gender Links (GL) is a Southern African NGO founded in March 2001 with offices in Johannesburg, Mauritius (Francophone base), and Botswana (headquarters of the Southern African Development Community) as well as three other countries (Lesotho, Madagascar, and Zimbabwe). GL is committed to an inclusive, equal and just society in which women and girls in all their diversities exercise their voice and choice in accordance with the Southern African Development Community (SADC) Protocol on Gender and Development and related regional, continental and global instruments.

GL has worked with over 400 local authorities in ten SADC countries to mainstream gender in local government based on the targets of the SADC Gender Protocol. Local economic development is an integral component of the gender action plan that each local authority or Centre of Excellence (COE) adopts as part of the gender mainstreaming initiative. Over the past 12 years, Gender Links Zimbabwe (GLZ), in partnership with the Ministry of Local Government and Public Works (MLGPW), has worked to implement the COE programme in all the 92 local authorities in Zimbabwe. Declared the "programme of choice" for gender mainstreaming by the Ministry of Local Government and Public Works, the COE programme has grown organically with high-level buy-in across government departments.

Drawing from the successes and lessons learnt from the programme, GLZ in partnership with the Embassy of Sweden has embarked on the **"Promoting gender inclusive Local Economic Development"** (LED) programme running from 2023 to 2025. The programme seeks to enhance and sustain LED initiatives through the Centres of Excellence for Gender in Local Government (COE) "hub" and "spoke" programme.

Overall objective of the programme

The programme's overall objective is to reduce poverty and enhance livelihoods through gender-responsive and inclusive local economic development in 12 Centres of Excellence for gender in local government.

Specific objectives

To develop and cost 12 gender-responsive local economic development plans.

- To ensure that women-owned enterprises have access to council procurement including tenders.
- To "walk the talk" by establishing viable LED flagship enterprises in 12 local authorities that create jobs in non-traditional areas for women and buttress entrepreneurship training.
- To create a sustainable model for training and supporting women entrepreneurs in 12 local authorities.
- To enhance women and youth's1 access to finance, markets, and joint ventures through women LED networks; learning and sharing platforms.

The training contributes to Zimbabwe Vision 2030, National Development Strategy 1 (2021 to 2025, Micro, Small and Medium Enterprises (MSME) Policy 2020-2024, National Financial Inclusion Strategy (NFIS) is set to run from 2022 to 2026. The targets the SADC Protocol on Gender and Development.

Participant selection criteria

To participate in the course, women, youths and men need to be:

- 18 years or older.
- A resident in a participating local authority.
- Interested in starting or growing own business.
- Functionally literate, be able to write and count.

Key components of the programme

GL will train women (50%), youths (30%) and men (20%) on life skills and entrepreneurship (personal financial management and enterprise development) in 12 councils in Zimbabwe. Through the entrepreneurship training, GL will promote Gender Responsive Local Economic Development.

The training will focus on a combination of:

- Life skills including confidence building; writing; public speaking; decision making.
- Entrepreneurship skills such as the development of business plans, business management, marketing, personal financial management and enterprise development.
- Women-led networks for learning and sharing; facilitating partnerships, joint ventures and access to markets.
- Procurement guidelines and affirmative action to ensure that women-owned enterprises have access to council procurement including tenders.

The training is divided into three phases including the standalone procurement training:

- The inception phase introduces participants to life skills and entrepreneurship.
- Phase two then provides more in-depth knowledge and information on personal financial management and options for raising business financing.
- Phase three focuses on enterprise development. The procurement training focuses on creating gender-sensitive procurement guidelines and affirmative action by local authorities to ensure that women owned enterprises have access to council procurement including tenders.

The table below provides a detailed outline of the Procurement training.

Procurement training

Day One: Defining Public Procurement
- To know public procurement in Local Authorities
- To know the legal and regulatory framework

Constitutional Basis for Economic Participation by Women
- To know the constitution of Zimbabwe

The Public Procurement and Disposal of Assets Act, Chapter 22:23.
- To know major provisions of the Procurement Act
- To know the Procurement Regulatory Authority of Zimbabwe (PRAZ)'s role.
- To know other provisions of the Procurement Act

Challenges faced by Women in Public Procurement
- To know the challenges faced by women in Public Procurement.

The role of Local Authorities and stakeholders
- To know the role of Local Authorities in public procurement.
- To know the role of development partners.
- To know the role of women

Day Two: Gender Considerations for Each Step of the Procurement Process
- To know the procurement planning

Gender Responsive Procurement Benefits to the Local Authorities
- To know the benefits of Gender Responsive Procurement to Local Authorities.

Recommendations for Amendments to Public Procurement Legislation
- To know how to advocate for amendments to Public Procurement Legislation.
- To know how to use the checklist for Gender Responsive Procurement Policy for Local Authorities

Purpose of the Handbook

The purpose of this handbook is to provide guidance and support to Local Authorities in Zimbabwe, as procuring entities, to integrate gender responsiveness in their public procurement processes. The handbook aims to assist Local Authorities in:

- **Developing gender-responsive policies:** To create policies that promote gender equality and empower women in public procurement.
- **Developing gender action plans:** To develop plans that address gender disparities in procurement processes.
- **Establishing gender-sensitive procurement guidelines:** To develop guidelines that ensure equal opportunities for women and women-controlled entities in public procurement.

By achieving the above objectives, this handbook seeks to:

- Promote gender equality and empower women in the economic sphere.
- Increase the participation of women and women-controlled entities in public procurement.
- Enhance the economic and social impacts of public procurement on women in various business sectors.
- Support Local Authorities in implementing gender mainstreaming activities in public procurement.
- Contribute to the achievement of national and international gender equality commitments.

This handbook is a vital tool for Local Authorities to prioritise gender responsiveness in public procurement, fostering inclusive economic growth and social development.

In addition to highlighting relevant legal provisions, the handbook encourages local authorities to look at the procurement process with a gender lens to appreciate that it is not gender-neutral and then take steps to address the inequalities which are inherent in the system.

This will enable local authorities to encourage and support the participation of women and women-controlled entities in public procurement.

This handbook comes at a time when local authorities are implementing various programmes in local economic development to help women participate in the economic sphere as part of gender mainstreaming activities.

Gender-responsive public procurement will take these efforts to a higher level and will have both economic and social impacts on women in various business sectors.

This handbook is not a summary of the law and practice of public procurement. It provides general guidelines for how local authorities can be gender responsive in public procurement within the confines of the law.

The handbook will help Local Authorities:

- To understand the importance of public procurement in local economic development and why local authorities should implement gender responsive public procurement.
- To learn how they can implement gender responsive procurement;
- To appreciate how women entrepreneurs can successfully participate in public procurement;
- Discuss suggestions for further legislative changes to support gender responsive procurement;
- To review a checklist for a gender responsive policy for local authorities.

Each section will deal with an area of public procurement and will give reflective questions for discussion. Case studies will also be included to help Local Authorities to appreciate the challenges faced by women in public procurement and how the challenges can be addressed.

What you will find in each chapter

The manual has been carefully crafted to encourage active participation and utilize Zimbabwe's public procurement sector's legal knowledge, experiences, observations, and expertise. Instead of providing direct instructions, the manual aims to stimulate critical thinking by posing questions and offering guidance on effectively implementing gender-sensitive public procurement. To enhance understanding, the following symbols have been used throughout the text:



Definitions - The meaning of key terms.



Discuss - Discussion questions engage readers in an interactive learning process, promoting a deeper understanding of gender-sensitive public procurement and encouraging practical applications of gender-responsive approaches.



Quick facts - Set the tone, establish a factual foundation for the handbook and underscore the need for gender-responsive public procurement practices.



Gender considerations - Gender considerations were placed in every chapter to highlight gender dynamics and illustrate how gender influences public procurement processes and outcomes. The sections also help to identify gender gaps and reveal areas where gender disparities exist in public procurement. Additionally, they will provide gender-sensitive solutions, offer practical suggestions to address gender gaps and promote gender equality.



Case studies - The handbook provides practical and relatable examples, helping readers to better understand and implement gender-sensitive public procurement practices.

2 INTRODUCTION



Minister of Local Government and Public Works, Honourable Daniel Garwe, touring the Makoni RDC - Masvosva Horticulture Cooperative being implemented under the Promoting Gender Inclusive Local Economic Development programme in Zimbabwe. Photo: Loverage Nhamoyebonde

Objectives

- Contextualise public procurement and provide an overview of the significance of public procurement globally and in Zimbabwe.
- Highlight gender disparities and shed light on the limited participation of women-owned enterprises in public procurement.
- Emphasize gender equality and stress the importance of gender equality in public procurement, aligning with Zimbabwe's constitutional values and SDG 5.
- Reemphasise the handbook's purpose and explain how the handbook aims to promote gender-responsive procurement at the local government level.
- Showcase the Promoting Gender Inclusive Local Economic Development programme, its objectives and achievements in the public procurement sector.
- Highlight the positive impact of gender-responsive procurement on women's economic empowerment and employment.
- Prepare readers for the practical guidance and tools provided in the handbook to implement gender-responsive procurement practices.

Public procurement generates business which is worth millions of dollars each year in Zimbabwe. The trend is the same throughout the world where public procurement is estimated to be 15% of the Gross Domestic Product (GDP) in developed countries and up to 30% in developing countries. *(African Development Bank)*

Companies that participate in public procurement get huge economic gains and can grow their businesses and realise both economic and social benefits. Studies have shown that despite the fact that women entrepreneurs control 30% of small to medium enterprises, they only benefit less than 1% of the business in public procurement.



It is against this background that the calls for gender equality in public procurement have become louder in recent years. Gender equality is a fundamental value enshrined in the Constitution of Zimbabwe. Gender equality in the economic sphere therefore requires that women should also participate on an equal basis in the lucrative area of public procurement. This also applies to public procurement at the central government level as well as at local government level.

This handbook seeks to strengthen gender responsive procurement at the local government level to encourage the full participation of women in public procurement as part of local economic development. This will enable women entrepreneurs to draw benefits from public procurement and grow their businesses.

Women contribute significantly to the income of households in Zimbabwe. The social and economic benefits of their participation in public procurement will therefore not only fulfil the constitutional requirements but also many Sustainable Development Goals (SDGs) and in particular, SDG 5 on gender equality.

Gender Links is working with all local authorities in Zimbabwe to mainstream gender in line with the provisions of the SADC Protocol on Gender and Development and the Sustainable Development Goals.

Local economic development is an integral component of the gender action plans that are developed by local authorities under the Centre of Excellence (COE) programme on gender mainstreaming. Public procurement at the local government level can play a strategic role in enhancing women's participation in the economic sphere.

The challenges faced by women in entering public procurement must therefore be understood within the legal and policy frameworks governing public procurement.



Earth moving machine at work at the LED project site in Kariba. Photo: Loverage Nhamoyebonde

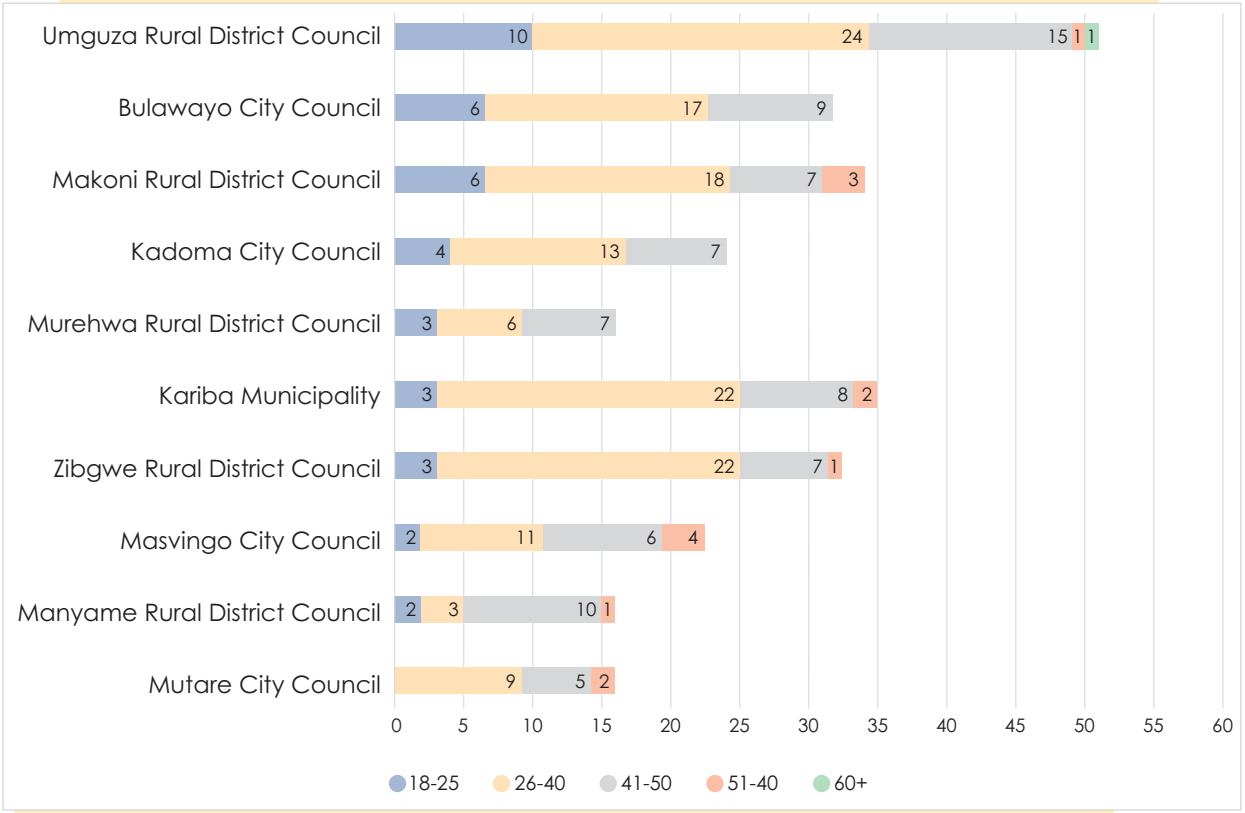
Promoting Gender inclusive procurement in Zimbabwe

Gender Links, with the support of the Embassy of Sweden (Sida), is currently implementing the *Promoting Gender Inclusive Local Economic Development in Zimbabwe*. One of the objectives of the programme is to ensure that women -owned enterprises have access to council procurement including tenders.

Contractors employed 280 people as service providers in the various infrastructure developments across the 12 local authorities. Of these 96 (34%) were women and 184 (66%) were men. Umguza (45%) employed the highest proportion of women, followed by Makoni (44%), Mutare (44%), Masvingo (43%), Kadoma (38%), Kariba (34%), Murewa (31%), and Zibagwe (18%). Bulawayo, (6% women, 94% men) employed the lowest proportion of women.

The demographics indicate that more men than women were employed. This could be an indication that the work was labour-intensive. Other reasons could be that women had to balance their productive roles as mothers, or an unwillingness to get employment thus their few numbers. For example, in Bulawayo, the service provider as part of his contractual agreement was required to source raw materials for making the products from rural grassroots women, who are experienced in gathering the raw materials (ilala/palm). Normally these women would not have met the requirements of the procurement process especially collateral, registration and other requirements. The deliberate effort was aimed at economically empowering rural was women. Makoni RDC project beneficiaries were contracted to provide casual employment and raised an amount of USD$2,000 which they ploughed back into the business. All these efforts were meant to increase income levels of the beneficiaries.

Demographics and location of people employed by service providers



Over half of the people employed in these projects were from rural local authorities. The employment of women during infrastructure construction was critical to support their economic empowerment, increasing disposable income for food security and enterprise investment.

The people who were employed by the service providers ranged from 18 to 60+ years. The 26-40 age group had the highest number of employees (145), with Umguza employing 24 people. Kariba and Zibagwe employed 22 people each, while Bulawayo and Makoni employed 17 and 18 people respectively. Manyame employed the least number of people in this category. This age group consists of the most productive people in any society.

In the 41-50 age group, 81 people were employed, with Umguza employing 15 people, Manyame 10, Bulawayo nine, Kariba eight, and Makoni, Kadoma, Murewa, and Zibagwe seven.

The 18-25 age group had the third highest number of employees (39). Umguza RDC employed the highest number with ten people. Bulawayo and Makoni employed six people each, while Kadoma, Murewa, Kariba, Masvingo, and Manyame employed between 2 to 4 people. Mutare did not employ anyone in this age group. 14 people in the 51-60 age group were employed by service providers. No one above 60 was employed in the infrastructure development in all the local authorities. After 60 years normally people are at their age of retirement and less productive.

Average earnings for women, men, youth, and people with disabilities

An analysis of the average earnings of women, men, youth and people with disabilities contracted by service providers was analysed to ascertain their support, particularly for the marginalized groups. The average earnings for women was USD$ 8,525, while men earned USD$ 9,857. Average earnings for the youth were USD$ 4,776 and for persons with disabilities USD$ 641. These small but significant contributions will empower women and youths to realize financial independence. The gender wage gap between women's and men's earnings is **14%** skewed towards men. Infrastructure development was prioritised to provide women with economic opportunities as business owners, suppliers of goods to the value chain and employees of businesses. This programme will build the capacity of local authorities to mainstream gender into their procurement processes so that they promote women-owned businesses. Local authorities are expected to commit at least 10% of their procurement budget to women-owned enterprises.

In the same vein the programme beneficiaries will be trained on public procurement processes so that they participate in such. To date local authorities like Masvingo City Council have facilitated registration of business enterprises for project beneficiaries. This will be replicated in all local authorities.

Capacity building of project beneficiaries and access to infrastructure

Other key sustainability measures were the ability of service providers to build the capacity of project beneficiaries during construction and the extent to which the infrastructure is accessible. However, in Zibagwe and Manyame, infrastructure accessibility was prioritised over capacity building. Makoni, Kadoma, and Bulawayo prioritised accessibility while Umguza, Murewa, Mutare, Kariba and Masvingo prioritised both components. The transfer of knowledge during the development of infrastructure is key to ownership and a sustainable infrastructure.

Discuss

1. In what ways did GL challenge gender stereotypes and barriers in this case study?

2. What challenges remain?

3. What percentage of the National Budget of Zimbabwe is applied towards public procurement, and how much of that percentage is allocated to contracts with women-owned businesses or businesses that promote gender equality, as part of the government's efforts to promote gender-inclusive procurement practices?

4. What percentage of your Council's budget goes to public procurement, and what initiatives has the Council implemented to ensure that women-owned businesses or businesses with gender-diverse supply chains have equal opportunities to bid and participate in public procurement processes, aligning with gender-inclusive procurement principles?

Quick facts

The statistics provided in the case study above indicate a higher representation of women compared to national averages in Zimbabwe:

- The percentage of women employed by service providers stands at 36%, which is higher than the national average of women's participation in the economy, which is 30%. This indicates that service providers are making significant efforts to promote gender equality and provide employment opportunities for women. By surpassing the national average, these service providers are contributing to the empowerment and economic inclusion of women, ultimately leading to a more balanced and diverse workforce.
- The percentage of female Directors in service providers' companies ranges from 50% to 100%, which is significantly higher compared to the national average of 20-30% of women in similar leadership positions. This disparity highlights the progress made during the infrastructure set-up by Gender Links towards gender equality in leadership roles, while also shedding light on the ongoing challenges

faced in achieving gender balance across all sectors. The higher representation of women in Director positions within service providers' companies may indicate a more inclusive and diverse work environment, potentially leading to better decision-making and overall company performance.

- On average, female Directors in the companies contracted during the infrastructure set-up by Gender Links make up 51% of the total, which is significantly higher compared to the national average of 25-30% for women in directorship positions. The higher representation of female Directors suggests that companies are recognising the value and expertise that women bring to the table, and are actively working towards creating a more inclusive and diverse workforce. This shift not only promotes gender balance but also fosters a more inclusive and innovative decision-making process.

The criteria used in gender responsive procurement led to:



1. Increased women's participation: The programme's emphasis on gender equality has led to a higher proportion of women being employed and appointed in leadership positions.
2. Challenging gender stereotypes: The achievements of women-owned businesses and female directors defy conventional gender stereotypes and demonstrate that women are just as capable in business leadership roles.
3. Role models and inspiration: The presence of female directors and women-owned enterprises serves as an inspiration and role model for other women, encouraging them to pursue leadership positions and start their own businesses.
4. Economic empowerment: The increased participation of women in the economy and leadership positions contributes to their economic empowerment, which has a positive impact on their families and communities.

By setting gender-responsive criteria, the "Promoting Gender Inclusive Local Economic Development programme in Zimbabwe has created a more inclusive environment, addressing gender disparities and promoting gender equality in the economic sphere.

Breaking Barriers: Women in Non-Traditional Fields



Meet Loveness Makusha, a resident of Zibagwe RDC, who dared to challenge traditional gender roles by pursuing a career in construction. As a female assistant mason, she played a crucial role in building biogas digesters, overcoming initial doubts and intimidation.



Loveness Makusha, LED participant from Zibagwe RDC.
Photo: Loverage Nhamoyebonde

With determination and passion, she acquired new skills like plan reading, bricklaying, and plastering, discovering a sense of pride and accomplishment. Her journey shows that with zeal and hard work, women can excel in non-traditional fields, breaking down barriers and stereotypes.

Makusha's story is a testament to the power of gender-responsive programming, inspiring other women to pursue careers in construction and other male-dominated fields. Through embracing challenges and believing in their abilities, women can achieve remarkable things, proving that they are just as capable as men in any profession. As Makusha says, "Let us break barriers and prove that women are just as capable in any profession." Her story is a beacon of hope, encouraging women to seize opportunities, pursue their passions, and contribute to fields traditionally dominated by men.

- Loveness Makusha LED programme participant from Zibagwe RDC

3 DEFINING PUBLIC PROCUREMENT



Former Minister of Local Government Hon Winston Chitando receiving hand-made crafts from Bulawayo Arts and Crafts value chain participants. Photo: Loverage Nhamoyebonde

Objectives

- To define public procurement.
- To understand the role of local authorities in public procurement.
- To get an understanding of the public procurement regulatory framework.

This section defines public procurement and gives a general outlook of the legal framework that guides public procurement in Zimbabwe.

Definitions

Public procurement is the activity of government, and government-related entities, purchasing goods and services needed to perform their functions. It refers to procurement planning, awarding of contracts and contract management or administration.

Within local authorities, these goods and services vary from pens, detergents and uniforms to computers, motor vehicles, earth-moving equipment and highly technical electronic equipment.

Services, on the other hand, vary from cleaning and catering services to big engineering and construction contracts. The range of goods and services is wide and covers all economic sectors.

Why focus on Public Procurement in Local Authorities?

Public procurement is the cornerstone for effective service delivery by local authorities. Unless the supply chain is working efficiently, services cannot be provided effectively. Local authorities are the level of governance which is closest to the people. It therefore appears desirable to start with the participation of women at the local level where they live and work.

There are 92 local authorities in Zimbabwe (60 rural and 32 Urban). The volume of procurement activities in local authorities accounts for millions of dollars annually and is thus a major source of business for companies and entities which participate. Public procurement in local authorities therefore provides an opportunity for women to participate in economic activities and grow their businesses. This will have significant economic and social impacts throughout Zimbabwe.

The Legal and Regulatory Framework

Public procurement is strictly regulated in Zimbabwe. The laws are intended to ensure that the process is transparent, fair, competitive, and gives the local authority value for money.

The law also contains provisions which prevent corruption and curtail other abuses of the procurement system.

Compliance with the laws and regulations in public procurement is not a barrier to women's participation, or for local authorities to develop and implement gender-responsive procurement policies. The strict legal provisions provide public accountability as well as ensure value for money through the stiff competition among bidders.



Discuss

1. What five areas of service delivery are most affected by supply chain challenges, and how do these challenges disproportionately impact women and girls, particularly in sectors like healthcare and education, where gender-sensitive procurement practices could help address these disparities?

2. Do you know the percentage of women-controlled entities versus men-controlled entities that participate in public procurement in your local authority, and what initiatives are being implemented to increase the participation of women-owned businesses and promote gender equality in the procurement process, aligning with gender-inclusive procurement principles?



Constitutional Basis for Women's Economic Empowerment

The **Constitution of Zimbabwe Amendment (No. 20) Act, 2013** is the highest law in the land. All other laws and regulations must not conflict with the Constitution. Section 315 of the Constitution provides that an Act of Parliament must prescribe procedures for the procurement of goods and services by State institutions at all levels.

Furthermore, Section 56 (2) of the Constitution provides that:
"Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres."

Subsection (6) further calls upon the State to take positive measures to correct previous discrimination and achieve equality.

Section 56 (6) *"The State must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and -------"*

Public procurement is one such area which falls within the economic sphere and women are a class of people who have been disadvantaged.

The Constitution of Zimbabwe therefore lays the foundation for women to participate on an equal basis with men in the economic sphere.



Discuss

What are the areas of local authority activities that can give substance to the constitutional provisions on gender equality in the economic sphere?

The Public Procurement and Disposal of Assets Act, Chapter 22:23.

The Public Procurement and Disposal of Assets Act, Chapter 22:23 (the Procurement Act) is the law that prescribes how public procurement should be carried out, and it provides the various procurement methods and sets monetary thresholds or limits for the different procurement methods. It also provides how procuring entities officials should conduct themselves and sets sanctions for non-compliance.

(a) **Major Provisions of the Procurement Act**

A clear understanding of some major provisions of the Procurement Act and regulations made under the Act will assist in appreciating how local authorities can develop gender-responsive procurement systems.

(i) **The Procurement Regulatory Authority of Zimbabwe (PRAZ)**

The Procurement Act establishes the Procurement Regulatory Authority of Zimbabwe under Section 5.

The Authority does not carry out procurement on behalf of local authorities or any other procuring entities. It is a regulatory authority which exercises oversight over the procurement process and ensures compliance with the law.

Functions of PRAZ include:

- Giving technical instructions and guidelines to procuring entities;
- Supervising procuring entities to ensure that the procurement is carried out in compliance with the Act;
- Developing electronic tools for procurement and developing a public website and statistical databases containing information on public procurement in Zimbabwe;
- To refer any contraventions of the Act to appropriate enforcement or disciplinary authorities.

(ii) **Procuring Entities**

The Procurement Act defines a procuring entity to include local authorities, government ministries, parastatals and other state-related companies or entities.

All procuring entities are obliged to comply with the provisions of the Act and any regulations made under the Act, and circulars or guidelines issued by PRAZ.

(iii) **Responsibility for Procurement**

Every local authority is responsible for managing its procurement in line with the Procurement Act. The person accountable for all procurement is the accounting officer. For the local authority, the Town Clerk, Town Secretary or the Chief Executive Officer is the Accounting officer.

The Accounting Officer carries out the procurement functions through officers who occupy relevant positions and the teams of other employees tasked with these functions. The Accounting Officer must, however, ensure that all activities are carried out in accordance with the law. He or she is accountable for total compliance.

Preference for Women and Local Suppliers in Public Procurement

(iv) Section 29 of the Procurement Act provides for preference for women and women owned businesses in public procurement. It also provides for preference for local manufacturers and suppliers in awarding of some tenders.

29. When evaluating bids, a procuring entity may give preference to bids from Zimbabwean or local suppliers and manufacturers and shall -

(a) take into account the extent to which Zimbabwean or local suppliers and manufacturers must participate in such bid, or be subcontracted to supply bidded goods, construction works or services, in accordance with the provisions of the Indigenisation and Economic Empowerment Act [Chapter 14: 33]; and

(b) take into account the extent to which suppliers and manufactures who are women or entities controlled predominantly by women must participate in such a bid, or be subcontracted to supply the bidded goods, construction works or services; and

(c) procure technological, engineering and industrial designs, solutions or applications that are or may be the subject of registration as intellectual property, and that originate from a Zimbabwean university, polytechnic, college or research institution:

Provided that any preference shall be:

(i) stated clearly in the bidding documents; and

(ii) applied strictly in accordance with such procedures and criteria as may be stated in circulars issued by the Authority."

The law therefore expects and encourages gender-sensitive procurement policies to be developed and implemented in order to fulfil the constitutional provisions on women's participation in the economic sphere. It also expects preference for local suppliers and manufacturers and for industrial designs and solutions from Zimbabwean institutions of higher learning.

However, unless procuring entities in general and local authorities in particular, apply these provisions, they cannot change the lives of women.

(v) **Other Provisions of the Procurement Act**

The Act further provides details of the various procurement methods and how they should be carried out (sections 30-34). It also sets out the conduct expected of procurement officers, bidders, and contractors. It further sets out the sanctions for failure to comply with the set standards of conduct. There are also provisions which provide remedies for bidders who wish to challenge procurement proceedings on reasonable grounds.

In addition to the Act, there are regulations which further provide guidelines on the implementation of the procurement laws. Additional guidelines are issued by PRAZ from time to time as necessary. Currently, the *Public Procurement and Disposal of Public Assets Regulations, SI 5 of 2018*, are the major regulations in force.

According to UN Women, while legislation is important in supporting gender-responsive procurement, it remains insufficient if it is not coupled with adequate frameworks, strategies and capacity-building programmes.

We therefore need to look at the actions which can be taken by local authorities in this regard. However, an understanding of the challenges and barriers faced by women in public procurement will put those actions into perspective.



Discuss

1. In what way does the Public Procurement and Disposal of Assets Act [Chapter 22:23] give procuring entities discretion to plan and implement their procurement activities?

2. Is there any area you feel could be improved to strengthen the discretion?

3. Draft a subcontracting provision giving preference to women for a bid to supply uniforms and protective gear. Include information on how you would monitor compliance.

BARRIERS TO PUBLIC PROCUREMENT 4



Norton Fish Farming project management committee leading Norton Council officials and Gender Links staff during the tour of the fish farming project site.
Photo: Loverage Nhamoyebonde

Objectives

- To understand the challenges faced by women in public procurement.
- To develop strategies for promoting women-owned enterprises.

Kenyan Women bid for success in Public Procurement



The Legal Framework: Kenya has introduced the Access to Government Procurement Opportunities (AGPO) program to increase the share of public procurement spending going to women, youth and persons with disabilities to 30% of all public spending. Under the program, Ann Mwanila who owns a thriving business supplying stationery and construction services had completed 100 contracts by 2023. She launched her company in 2017 after leaving her formal job. From the proceeds of her business, she has managed to educate her 3 children and build two houses in Nairobi, one for herself and the other for her family. She acknowledges that the AGPO program has been critical to the success of her company. The impact of the program has been limited and success stories are rare. Though 50% of entrepreneurs are women, only 2% have benefitted, including Ann Mwanila.

An assessment of the impact of the AGPO program has helped to identify reasons why it appears to be failing to unlock the potential of public procurement to boost women's empowerment through public procurement.

Some of the **barriers to women's access** to public procurement in Kenya include:

- None enforcement of the legal requirement to reserve at least 30% of their procurement budgets for targeted companies by procurement entities.
- Procurement entities that advertise tenders through AGPO list low value contracts due to a misconception that women owned businesses are less able to handle large contracts.
- Banks are reluctant to advance loans for public procurement projects due to public institutions reputation for not paying their suppliers and contractors on time.

"If payment is supposed to be in 90 days, it should be 90 days, not 3 years." Women-owned businesses are in debt due to late payment.

- Ruth Gitu who is in the printing business and registered under AGPO complains of corruption. She has not had much success in bidding for tenders because of requests for kickbacks from procuring officers. She also reported of women walking away from potentially lucrative tenders due to expectations of sexual favours in exchange for contracts.
- Exploitation of the program by men registering businesses in the name of their wives or female relatives.
- Lack of awareness and misinformation as some women reported that they heard that registering with the AGPO was expensive and cumbersome and yet the registering is free.
- Need for capacity building of women entrepreneurs is also clear from the challenge to access funding and technical support.

Success Requires Concerted Efforts: Despite the existence of legislation, the barriers faced by women are both individual and systemic and therefore require a concerted effort to remove them. Procuring entities also have a key role to play in the successful implementation of the legislation.

Source: Kenyan Women bid for Success in Public Procurement- IRDC- CRDI Research Paper February 2024



Discuss

1. What are the main barriers that women-owned businesses face in accessing public procurement opportunities in Kenya, and how can they be addressed?

2. How can procuring entities be held accountable for enforcing the legal requirement to reserve 30% of their procurement budgets for targeted companies, and what consequences should they face for non-compliance?

3. What role can banks play in supporting women-owned businesses in accessing public procurement projects, and how can they be incentivised to advance loans despite the risk of late payment by public institutions?

4. How can corruption and exploitation of the AGPO programme be prevented, and what measures can be taken to ensure that women-owned businesses have a fair chance of bidding for tenders without facing requests for kickbacks or sexual favours?

5. What capacity-building initiatives and technical support can be provided to women entrepreneurs to enhance their competitiveness in public procurement, and how can awareness be raised about the benefits and registration process of the AGPO programme?

Understanding the challenges faced by women entrepreneurs in participating in public procurement will help local authorities to develop strategies designed to address these challenges. Studies carried out in Zimbabwe and in other developing countries have documented the following challenges:

- Lack of awareness and access to information regarding local government bids and tender procedures.
- Most women entrepreneurs are not familiar with the language used in tendering and therefore face challenges in preparing tender documents.
- Lack of sufficient financial resources to enable women entrepreneurs to serve large contracts and deliver quality goods and services within the set time frames. Most women entrepreneurs are therefore unable to bid for large contracts.
- Women entrepreneurs find it difficult to break through into public procurement because local authorities and other procuring entities set qualifying requirements which favour bidders who have been in the public procurement arena for long periods making it difficult for new entrants who cannot give any references of previous performance to participate.
- Some small to medium entities led by women lack the managerial and technical competencies required to undertake the contract or may not have the necessary equipment and physical facilities.

- As a result, they will not pass the inspection carried out as part of the bid evaluation processes.
- Women entrepreneurs are sometimes discouraged from participating in public tenders because of complex procedures and the costs involved, e.g. bid security and compliance costs.

The above list is not exhaustive but demonstrates that women are not competing with men on an equal basis in the area of public procurement as well as other areas in the economic sphere.

This therefore requires that action be taken at all levels to bring women and the entities they lead to the same level as men.

Striving to achieve equality in public procurement does not result in compromising on quality or other requirements but rather in extending the pool of bidders for the benefit of the local authorities and the women entrepreneurs themselves.

Consider the provisions of Section 29 of the Public Procurement and Disposal of Assets Act [Chapter 22:23]



Discuss

How often does your local authority apply the provisions giving preference to?

(a) Suppliers and manufacturers who are women or entities predominantly controlled by women?

(b) Local Zimbabwean suppliers and manufacturers?

(c) Procure technological engineering and industrial designs from Zimbabwean institutions of higher learning?

(d) Sub-contracting to women-controlled entities?

What, in your view, can assist local authorities in applying these provisions?

Quick facts

Gender Dimensions in Barriers to Public Procurement

The gender dimensions in barriers to public procurement are complex and multi-faceted. Let's delve deeper into each of the challenges faced by women-owned businesses:

Lack of access to information and networks

- Limited awareness of public procurement opportunities.
- Difficulty in accessing tender documents and requirements.
- Exclusion from industry events and networking platforms.
- Limited connections with decision-makers and influencers.

Limited business experience and capacity

- Limited experience in bidding for public contracts.
- Inadequate infrastructure and equipment.
- Insufficient staff and human resources.
- Difficulty in meeting quality and quantity standards.

Difficulty in meeting collateral requirements

- High collateral requirements for bid bonds and performance guarantees.
- Limited access to assets for collateral.
- Difficulty in meeting cash flow requirements.

Limited access to finance and credit

- Limited access to loans and credit facilities.
- High interest rates and unfavourable repayment terms.
- Lack of financial literacy and management skills.

Gender Bias and Stereotypes

- Unconscious bias in evaluation criteria and scoring.
- Stereotyping of women as less capable or less committed.
- Limited representation on evaluation committees.

Limited Technical Expertise and Skills

- Limited access to training and capacity-building programs.
- Difficulty in meeting technical specifications and standards.
- Limited experience in working with government agencies.

Caregiving Responsibilities and Gender Roles

- Unpaid care work and family responsibilities.
- Limited flexibility and mobility.
- Expectations of traditional gender roles.

Limited Access to Mentorship and Support

- Limited access to mentors and role models.
- Limited access to business development services.
- Limited access to support networks and communities.

Discrimination and Harassment

- Discrimination based on gender, race, or ethnicity.
- Harassment and intimidation in the workplace.
- Limited reporting mechanisms and support systems.

Through understanding these challenges, we can develop targeted strategies to address them and promote gender equality in public procurement. These barriers prevent women from participating fully and equally in public procurement processes, limiting their ability to compete for contracts and grow their businesses. Addressing these gender-specific barriers is essential to promote gender equality and women's economic empowerment in public procurement.



5 THE ROLE OF LOCAL AUTHORITIES IN PUBLIC PROCUREMENT



Minister of Local Government and Public Works, Hon. Daniel Garwe commissioning the Eastern Mushroom Production Cooperative being implemented under the Promoting Gender Inclusive Local Economic Development programme in Zimbabwe. Photo: Tapiwa Zvaraya

Objectives

- To understand the role of local authorities in public procurement.
- To understand the processes undertaken by local authorities during public procurement.
- To understand how local authorities can support women to be part of the public procurement process.
- To explore the benefits of gender-responsive procurement in local authorities.

Local authorities are strategically positioned to take the lead in promoting and encouraging the participation of women in public procurement. As procuring entities, they are empowered to initiate procurement in a manner which fulfils the constitutional aspirations of equality as guided by the relevant laws and regulations.

This is only possible if the local authorities understand the challenges and barriers which women face in the public procurement arena and then develop strategies which address those challenges. Some of the strategies include the following:

Developing a Gender-Responsive Procurement Policy

Every local authority should develop a gender-responsive procurement policy in addition to having a Gender Policy. Developing a gender-responsive procurement policy for the local authority is an important step which shows commitment to the empowerment of women and clearly sets out the policy guidelines to ensure consistent application of gender-responsive procurement. The policy will also provide how evaluation will be carried out to ascertain the success and effectiveness of the policy. It will further indicate how regular reports will be made to the policy makers to enable the assessment of the impact of the policy and assist in policy reviews.

Publication of the Annual Procurement Plan

Access to information on goods and services to be procured by the local authority in any year is important. Section 22 of the Procurement Act makes it mandatory for a procuring entity to prepare a procurement plan for the ensuing year and publish in summary form, the list of goods, construction works and services which are in the entity's annual procurement plan.

This is an important requirement which enables potential bidders and suppliers, including women, to plan for their participation in the procurement process. Bidders can decide, before the commencement of the procurement process, the goods and services they wish to bid for.

The Procurement plan is published by Public Procurement Regulatory Authority of Zimbabwe (PRAZ) on its website. The local authority can assist and encourage women to participate in procurement by publishing the Annual Procurement Plan widely in local publications which are accessible to women in the local authority area. These include:

- Local authority notice boards in its various district offices, clinics and markets;
- Local newspapers circulating in the local authority area;
- The local authority's website;
- The local authority's newsletters and other publications, including social media. Effective dissemination of information will motivate women to plan and prepare to participate in the procurement process.

Preference for women as suppliers or manufacturers

Local authorities are generally not applying legal provisions enabling preference for women suppliers. Section 29 of the Procurement Act empowers procuring entities to give preference to Zimbabwean local suppliers and manufacturers and in particular, to manufacturers and suppliers who are women or entities controlled predominantly by women.

Over the years, local authorities have not taken full advantage of these provisions. The local authority must take necessary steps to implement these provisions in compliance with the law. This requires the local authority as a procuring entity to:

- Prepare bidding documents which clearly state that women and women-controlled entities will be given preference in the evaluation of a particular tender. The bidding documents must also state the extent to which the preference will be given during the evaluation of the bids. Unless the local authority sets out these requirements in the bidding documents, it will not be able to exercise affirmative action.

- In complying with the legal requirements to include details of the preference of women in the bid documents, the local authority should ensure that information drawing attention to this fact is placed in a prominent place on the bid advertisement e.g. on the heading. This will make it visible to the women, or women controlled entities and encourage them to participate. If the information on the affirmative action is hidden in the body of the bid document the intended beneficiaries can miss it.

Preference for local suppliers and manufacturers

Legal provisions on preference for local manufacturers and suppliers should be sufficiently publicised to enable women entrepreneurs to participate when the tenders are invited.

Section 29 (a) of the Procurement Act, also mandates the procuring entity to give preference to local manufacturers and suppliers in domestic tenders. Local authorities should take advantage of these provisions and apply them. Women and women-owned entities will also benefit from such preference because they also qualify as local suppliers and manufacturers.

Information that preference will be given to local manufacturers and suppliers should also be prominently placed in the tender documents to ensure that it is not missed and also to encourage local suppliers and manufacturers to participate.

Subcontracting can benefit women

Subcontracting refers to the practice where the main contractor employs another company or person to carry out part of the obligations or tasks on behalf of the main contractor. Paragraph (b) of Section 29 of the Procurement Act empowers local authorities to give preference to women and women-controlled entities in awarding subcontracts. Local authority has the power to determine the type of contracts where such preference can be exercised. Once the decision has been made, the local authority should draft the bid documents indicating the conditions for subcontracting to women-controlled entities and also highlight this fact in the Tender Notice. Without monitoring and enforce-ment, main contractors can easily subvert such conditions. Local authority must therefore have a mechanism to approve subcontractors and assure that they are genuine women-controlled entities.

Subcontracting can act as a springboard for women entrepreneurs to grow their businesses to a level where they can financially and technically manage to compare with other bidders for bigger contracts and draw more economic benefits.

Publishing tender notices widely

Section 38 of the Procurement Act outlines how tenders or invitations to bid should be published. In addition to publication in the Government Gazette, the law also gives a wide range of additional methods and media for publication. These include publication in national newspapers with wide circulation, on radio and television, on the internet and on the PRAZ website. Section 38 makes it clear that the intention is to reach sufficient bidders to ensure effective competition. The provision also allows procuring entities to send the notice of bids directly to potential bidders, chambers of commerce and trade or professional associations. This is done in compliance with the conditions in subsection (4).

Local authorities should publish the notice to bid widely and include:
- Local authority notice boards in its various district offices and clinics.
- Local newspapers circulating in the local authority area.
- The local authority's website.

- The local authority's newsletters, including social media.

Extensive publication of the invitation to tender notice will ensure that women and the entities they control are aware of the notices and are motivated to participate. The Government Gazette is not within reach of most women. Some have not even seen a copy of the Government Gazette in their lives. Local authorities can use the provisions of section 38 of the Procurement Act to ensure extensive publication of the notice to tender.

Advertising for Competitive Quotations

Section 34 of the Procurement Act and Section 17 of the Regulations provide for procurement through competitive quotations. This is a procurement method which is used for purchases of items of low value. This is a procurement method which can enable new players in public procurement to participate without the formalities of public tender processes.

Local authorities can facilitate participation by women and the entities they control, by including them in the list or database of suppliers for the goods and services under this category. This also requires extensive dissemination of information.

Linking Gender Responsive Budgeting with Gender Responsive Procurement

Most local authorities have implemented gender budgeting as a gender mainstreaming strategy. Public procurement in the local authority is one of the highest expenditure areas in any budget cycle. Understanding procurement as part of the budgetary process will assist local authorities to better appreciate the need for gender-responsive procurement. It should therefore be considered during gender-responsive budgeting processes to complete the cycle.

Helping women understand the procurement requirements

When local authorities as procurement entities publish notices of tenders, they always include contact numbers for any further information which bidders may require. Local authorities should ensure that the staff manning the desk for such inquiries is manned by persons who can interact with women who may ask questions which may appear basic. This will help to improve the women's understanding of the public procurement system and give them the confidence to participate.

Gender awareness for staff working in procurement departments

Local authorities in Zimbabwe have undertaken some level of gender awareness training as part of gender mainstreaming. However, gender-responsive public procurement is a new area for most local authorities. Targeted gender awareness training should be carried out for all staff dealing with public procurement. This will give staff a deeper understanding of the gender dimensions of public procurement and equip them to properly implement the gender-responsive procurement strategies and policy of the council.

Creation and maintenance of databases

There is a lack of information and data on the participation of women in public procurement in Zimbabwe. Local authorities can facilitate and take the lead in this regard. Information on the level of participation of women and entities they control, and their rate of success in public procurement, will help policy makers and the legislature understand the challenges and barriers which should be addressed in order to achieve gender equality in public procurement. The information will also assist local authorities in evaluating and reviewing their own procurement policies.



Sensitising Councillors and Management on Gender Responsive Public Procurement

Although local economic development programmes have been implemented by local authorities for a considerable period, gender-responsive public procurement is a fairly new area in local authorities. Each local authority should therefore undertake awareness programmes to assist policy makers and management to understand and appreciate gender-responsive public procurement.



Discuss

1. What media channels do you use to publish tenders, and are they accessible and inclusive for women-owned businesses and female entrepreneurs?

2. Are there alternative advertising options that are legally acceptable and gender-sensitive that local authorities can use to reach a more diverse pool of potential bidders, including women and non-traditional suppliers?

Gender Considerations for Each Step of the Procurement Process



Local authorities carry out public procurement through professionals who are trained to do so. The following gender considerations at each stage of the procurement process will assist both the implementing staff and policymakers to ensure that it remains gender responsive at each stage.

Procurement Planning

The planning stage involves a determination of the goods and services to be procured, preparation of tender documents, and determination of any preferential tender conditions for special groups. Identification of the tenders which will give preference to women should be made at this stage. This should be guided by the type of goods and services in which more women are involved. Areas for subcontracting to women should also be identified.



Alice Chinyuku, LED participant from Murewa RDC knitting bags and hats using waste plastic materials. Photo: Loverage Nhamoyebonde

Selection of Procurement Methods

There are various procurement methods provided for in the Procurement Act. These methods include competitive bidding, restricted bidding, direct procurement method and request for quotations. The local authority has the prerogative to choose the method to be applied concerning each procurement it undertakes. Consider how the selected procurement method can ensure equal participation by men and women-controlled entities. This can include the publication of the bids or the seeking of quotations as appropriate.

Procurement Stage

This is the stage where contracts are awarded after carrying out evaluations in line with the set selection criteria. In cases where preference is given to women and the entities they control, attention should be paid to ensure that the evaluation is applied according to the criteria set to ensure they get the full advantage of such preference. Furthermore, efforts should be made to ascertain that companies or entities submitting themselves as women-owned or controlled fall within the definition of such entities.

Post Procurement Stage: Contract Management

This stage involves the application of contract performance conditions as set out in the tender documents. It also includes monitoring compliance with the conditions of any sub-contracts authorised under the contract. Contract management should ensure that where subcontracts are reserved for women-controlled entities, the local authority should monitor and ensure strict compliance by the main contractor. Evidence of compliance should be provided.

Monitoring and Evaluation

Monitoring and evaluation will enable the local authority to assess the implementation and impact of the policy. Maintaining gender-disaggregated data in all procurement activities is essential to ensure an effective evaluation process. The results will guide the local authority in decision-making and necessary policy changes.

Benefits of Gender Responsive Procurement to Local authorities



Discuss

1. How can gender-responsive procurement contribute to promoting gender equality and women's economic empowerment in local communities?



2. What are the economic benefits of gender-responsive procurement for local authorities, and how can it enhance their procurement outcomes?

3. How can gender-responsive procurement improve the quality and diversity of goods and services provided to local authorities?

4. What role can gender-responsive procurement play in promoting sustainable development and social inclusion in local communities?

5. How can local authorities ensure that gender-responsive procurement is integrated into their procurement policies and practices, and what benefits can they expect from doing so?

6. What are some best practices in gender-responsive procurement that local authorities can learn from, and how can they be replicated?



The horticulture production pack shed at Masvosva in Murewa RDC is equipped with cold room facilities to preserve the shelf life of the horticulture produce.
Photo: Loverage Nhamoyebonde

This section is going to outline the benefits that a local authority can accrue by implementing gender-responsive procurement practices.

- Local authorities have an obligation to implement the Constitutional provisions which apply to them. Implementing gender-responsive procurement complies with the Constitutional provisions on equality in the economic sphere.
- Participation by women in public procurement increases the number of suppliers and manufacturers who compete to supply goods and services to local authorities. The competition will have a favourable impact on the cost of goods and services and also on the standard of goods and services.
- Women are the majority in the population of all local authorities. When women reap economic benefits, the impact on the standard of living within the community will be significant. Local authorities will also reap benefits from the payment of rates and other bills and an improvement in the standards of living.
- More jobs will be created as the women-controlled entities grow. The social impact of employment is felt in the local authority area before the national impact is felt.



Discuss

1. What is your understanding of gender and gender responsiveness?

2. Have you had any gender awareness training?

3. Does your local authority have a Gender Mainstreaming or Gender Policy? Does the policy contain any provisions relating to Public Procurement?

4. Is the maintenance of Gender disaggregated data in public procurement possible? How can you do it in your local authority?

Gender considerations in the benefits for Local Authorities



Quick facts

Economic benefits

- **Increased competition:** Encouraging women-owned businesses to participate in public procurement can lead to increased competition, better prices and higher quality services.
- **Economic empowerment:** Public procurement can provide women-owned businesses with a stable source of income, enabling them to invest in their businesses, create jobs and contribute to local economic growth.

Social benefits



- **Promoting gender equality:** Gender-responsive public procurement can help reduce gender disparities in economic opportunities, promoting gender equality and challenging stereotypes.
- **Improved services:** Women-owned businesses may be more likely to provide services that address the specific needs of women and girls, such as healthcare, education and social services.

Political benefits

- **Increased transparency and accountability:** Gender-responsive public procurement can lead to more transparent and accountable decision-making processes, reducing the risk of corruption and fraud.
- **Enhanced political participation:** Encouraging women's participation in public procurement can increase their political engagement and representation in decision-making positions.

Environmental benefits

- **Sustainable development:** Women-owned businesses may be more likely to adopt sustainable practices and provide environmentally friendly goods and services.
- Community development: Gender-responsive public procurement can lead to more community-focused development projects, improving the quality of life for local residents.

Other benefits

- **Diversity and innovation:** Women-owned businesses can bring unique perspectives and innovative solutions to public procurement, leading to better outcomes for local authorities.
- **Role modelling and inspiration:** Successful women-owned businesses can inspire other women to pursue entrepreneurship and public procurement opportunities.

THE ROLE OF DEVELOPMENT PARTNERS IN PROMOTING GENDER-RESPONSIVE PROCUREMENT

6



Ambassador of Sweden to Zimbabwe, Per Lindgarde during a field visit to Umguza RDC. Photo: Tapiwa Zvaraya

Objectives

To gain an understanding of the role of various development partners in promoting gender-responsive strategies.



Discuss

1. What specific strategies and initiatives can development partners implement to effectively promote gender-responsive procurement practices among governments and local authorities?

2. How can development partners support capacity building for women-owned businesses and female entrepreneurs to participate in public procurement, and what specific skills and training are needed?

3. What role can development partners play in advocating for policy reforms and legal frameworks that support gender-responsive procurement, and how can they support governments in implementing these reforms?

Development partners play a crucial role in promoting gender-responsive procurement in several ways:



Quick facts

Technical Assistance: Providing technical assistance to governments and local authorities to develop and implement gender-responsive procurement policies and practices.

Capacity Building: Building the capacity of procurement officials, women-owned businesses, and female entrepreneurs to understand and implement gender-responsive procurement.

Financial Support: Providing financial support to governments and local authorities to implement gender-responsive procurement initiatives and support women-owned businesses.

Advocacy: Advocating for gender-responsive procurement practices and policies with governments, local authorities, and other stakeholders.

Knowledge Sharing: Sharing knowledge and best practices on gender-responsive procurement with governments, local authorities, and other stakeholders.

Supporting Women's Economic Empowerment: Supporting initiatives that promote women's economic empowerment and increase their participation in public procurement.

Encouraging Private Sector Engagement: Encouraging the private sector to adopt gender-responsive procurement practices and support women-owned businesses.

Monitoring and Evaluation: Supporting the monitoring and evaluation of gender-responsive procurement initiatives to ensure their effectiveness.

The lack of data and information on gender responsive budgeting in Zimbabwe requires that efforts be made to raise awareness and create effective databases to assist policy makers and practitioners. Development partners can work with local authorities in building such databases.

Development partners can also assist local authorities in their programmes aimed at formulating gender responsive procurement policies and raising awareness among councillors and officials for the success of the programmes.

Furthermore, there is need for legislative changes to the procurement laws in Zimbabwe to ensure that they are in line with worldwide trends to benefit more women through public procurement. Development partners can assist women in lobbying for policy and legislative changes in this regard.

THE ROLE OF WOMEN ENTREPRENUERS IN PROCUREMENT PROCESSES

7



Women entrepreneurs from Umguza RDC showcasing their horticulture produce during the commissioning of the Umguza RDC horticulture value chain.
Photo: Tapiwa Zvaraya

Objective

- To explore how women can participate in the public procurement process.

Working together to achieve gender-responsive Public Procurement



Africa Freedom of Information Centre (AFIC) and other partners researched the state of women's participation in public procurement in Tanzania, Rwanda and Uganda. It was noted that at least 60% of the national budgets of all the countries were applied to public procurement yet only 1% of women-led businesses secured public contracts.

AFIC and its partners embarked on an advocacy campaign to foster the inclusion of women-led businesses in public procurement in the three countries. The campaign involved meeting with diverse stakeholders who included members of Parliament, Executives of relevant State institutions and women in business. It also included training programs for women in business to impart skills and knowledge in handling public tenders, a huge impact was recorded in all the countries as follows:

Tanzania

The Procurement law was amended to provide 30% reservation of all public tenders for special interest groups including women. The government also introduced a national e-procurement system of Tanzania (Nest Platform) which helped with access to information including gender disaggregated data on public procurement. The training of women entrepreneurs gave them knowledge, skills and courage to participate in public bids. They also welcomed the skills to search for tenders.

Uganda

The Public Procurement and Disposal of Assets Authority in Uganda drafted guidelines reserving 15% of all public tenders for special interest groups including women. The Authority is also keeping gender disaggregated data to measure the number of women benefitting from reserved contracts.

Rwanda

The Public Procurement law was amended to provide that at least one-third of members sitting on procurement committees should be women. The law also empowered the relevant Minister to determine contracts which could be obtained without bidders having to pay for the bids. The support of partners made it possible to make giant steps in gender-responsive procurement.

Source: https://www.africafoicentre.org/fostering-a-gender-responsive-public-procurement-in-tanzania-rwanda-kenya-ethiopia-and-rwanda-2/

Discuss



1. What lessons can be learned from the experiences of Tanzania, Rwanda, and Uganda in promoting gender-responsive public procurement, and how can these lessons be applied to other contexts to promote gender equality and women's economic empowerment?

2. What are some effective strategies for fostering gender-responsive public procurement, and how can partners and stakeholders work together to achieve this goal?

3. How can research and data collection inform advocacy efforts to increase women's participation in public procurement, and what impact can this have on policy and legislation?

4. What role can training and capacity-building programmes play in empowering women-led businesses to participate in public procurement, and what skills and knowledge are essential for success in this area?

5. How can technology, such as e-procurement systems, improve access to information and gender-disaggregated data on public procurement, and what benefits does this bring to stakeholders?

Women entrepreneurs have an important role to play in increasing their presence and participation in the public procurement system as part of the women's economic empowerment agenda.

This would require a separate handbook. However, to complete the interlinked roles in gender-responsive procurement, the role of women entrepreneurs is summarised as follows.

To participate in the Tender Process



Quick facts

The procurement process is strictly regulated and highly competitive. Women must therefore comply with all requirements to avoid disqualification of their bids. The following are the important requirements which must be met in respect of the various procurement methods.

Registration of Suppliers and Contractors

To participate in all public procurement methods, a supplier must be registered with PRAZ. (Section 4 Public Procurement and Disposal of Public Assets (General) Regulations, 2018. SI 15 of 2018).

Registration with PRAZ requires the submission of relevant documents:

- In the case of a company, this includes the memorandum and articles of association, certificate of incorporation; list of directors, and indicators of extent of Zimbabwean and foreign shareholding of the company.
- In the case of a partnership or any other entity, this includes the partnership agreement or any other agreement forming the entity, together with the list of partners or controlling members of the entity including the extent of Zimbabwean and foreign control.
- If you are operating as an individual, you will be required to submit a detailed curriculum vitae and proof of qualifications.
- You will also be required to pay a registration fee, which is gazetted from time to time.

Currently, the fee for domestic bidders or suppliers is one hundred and twenty (120) United States dollars or the equivalent in Zimbabwean dollars. For international tenders, it is currently eight hundred and fifty (850) United States dollars. There is no option to pay in Zimbabwe dollars.

When do you apply for Registration?

Annually, PRAZ publishes a notice inviting prospective bidders and suppliers to submit registration applications. The notice is published in the Government Gazette, on the PRAZ website and in national newspapers. Women must be on the lookout and submit their applications.

Publication of registered Bidders/Suppliers

PRAZ will publish a list of approved bidders/suppliers each year in the Government Gazette and also on the PRAZ website.

Searching for Notices of Tenders

Women entrepreneurs should be proactive in all matters relating to their participation in public procurement. This includes searching the media and websites for tender notices. Unless women know the needs and requirements in the published notices, they cannot participate.

Participating in Competitive Quotations

Should you wish to be considered for competitive quotations, after registration as a bidder/supplier, you should register with the local authorities whose procurement you wish to participate in.

Responding to Public Tenders

Public tenders are advertised and they specify the goods or services required and any other conditions. The advertisement also gives details of where the bids should be deposited, and the cut-off time for submission. Women who participate in public tenders should therefore pay attention to

even the smallest details of the requirements and should ensure that their bids are submitted on time. Any bid submitted after the closing time will be disqualified and returned unopened.

When you are awarded a tender

The local authority will carry out evaluations and assessments of all the tenders guided by the law. They will then advise all bidders who participated on the outcome of the process. If you are awarded a tender, you will be required to sign a contract which will set out the conditions governing the execution of the tender.

You should:

- Seek to understand the terms of the contract before you sign the contract.
- Once the contract is signed, you should work to deliver the goods or services of the standard or quality specified and within the time frame agreed in the contract.
- If you fail to meet the conditions of the contract, the council can cancel your contract. This will cost you money and it will adversely affect your reputation as a business person. You should strive to deliver goods or services which meet the agreed standard.

If you are not awarded the Tender

There will be instances where your bid is not successful. You should not despair but continue to participate in other bids. You will eventually succeed. Patience, perseverance and continuous improvement always lead to success.

What to do if you are not satisfied with the Fairness of the Tender Process

Sections 73-74 of the Procurement Act provides remedies in cases where any person is not satisfied with the fairness, transparency or legality in the handling of any tender.

Learn the System and Acquire New Skills

Women entrepreneurs should take every available opportunity to learn and understand the procurement process and understand the language. In this age of technology, women should learn and be comfortable with the use of computers and doing e-business. In most countries, e-procurement is now in operation and Zimbabwe will go the same route.

Creating Business Networks

Women entrepreneurs can create and also strengthen business networks and platforms to share information on business in general including public procurement and to share resources.

Pitfalls to avoid

Do not fall into the trap of corruption through bribery and other corrupt practices to influence the outcome of the tender process. Corruption is a criminal offence which will earn a sentence of imprisonment. It will destroy your career, business, and reputation.

Do not allow men to abuse your women's quota preference in public procurement by misrepresenting the company shareholding. It is a criminal offence to do so and it will defeat the objective of helping women make economic gains.

8 DEVELOPING A GENDER-RESPONSIVE PROCUREMENT POLICY FOR LOCAL AUTHORITIES



Anymore Mbedzi, Director of Finance Beitbridge Municipality explaining the GRB expenditure during a GRB training of trainers. Photo: Tapiwa Zvaraya

Objectives

- This module brings together the key learning in the handbook to develop a gender-responsive procurement policy for local authorities.

Exercise

1. Use the checklist and recommendations provided below as a guideline to develop a gender responsive public procurement policy, ensuring that it covers all necessary key areas for promoting gender equality and women's empowerment in procurement processes.

2. Verify that each section of the policy addresses the specified requirements and revise or add content as needed.

3. Pay particular attention to areas such as:
- Definitions and principles.
- Gender analysis and assessment.
- Procurement process modifications.
- Capacity building and training.
- Monitoring and evaluation.
- Reporting and accountability.

4. Once complete, review the revised policy with relevant stakeholders and implement the new policy in your procurement processes.

NB: The checklist serves as a guideline and adaptation to your organisation's specific needs and context may be necessary.

1. **Policy Objectives:**



- Clearly defined objectives that prioritise gender equality and women's empowerment in public procurement processes.
- Alignment with the local authority's Gender Policy and Gender Mainstreaming Strategies.

2. **Legal Framework:**
- Ensuring compliance with the Constitution of Zimbabwe and the Public Procurement and Disposal of Assets Act [Chapter 22:23].
- Incorporating gender-responsive language into policy.
- The Constitution of Zimbabwe Amendment (No. 20) Act, 2013 is the highest law in the land. All other laws and regulations must not conflict with the Constitution.
- Section 315 of the Constitution provides that an Act of Parliament must prescribe procedures for the procurement of goods and services by State institutions at all levels.
- Section 56 (2) of the Constitution provides that:
  "Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres." Subsection (6) further calls upon the State to take positive measures to correct previous discrimination and achieve equality.

  Section 56 (6) "The State must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and -------"
- Public procurement is one such area which falls within the economic sphere and women are a class of people who have been disadvantaged.
- The Constitution of Zimbabwe therefore lays the foundation for women to participate on an equal basis with men in the economic sphere.

3. **Capacity building:**
- Training programs for procurement officials on gender mainstreaming and its application in procurement procedures.
- Capacity-building initiatives to enhance awareness of gender biases and discrimination in procurement processes.

4. **Data collection and analysis:**
- Establishing mechanisms for collecting gender-disaggregated data throughout the procurement cycle.
- Regular analysis of procurement data to identify gender disparities and inform policy adjustments.

5. **Gender mainstreaming in Procurement Processes:**
- Integration of gender considerations into procurement planning, including needs.
  assessment and market analysis.
- Ensuring gender-sensitive criteria in the selection of suppliers and contractors.

6. **Supplier Diversity and Inclusion:**
- Promoting the participation of women-owned businesses and enterprises in procurement opportunities.
- Implementing measures to address barriers faced by women entrepreneurs in accessing procurement contracts.

7. **Contracting and Performance Monitoring:**
- Incorporating gender equality clauses in procurement contracts, including provisions for gender-responsive service delivery.
- Monitoring and evaluation mechanisms to assess the impact of procurement contracts on gender equality outcomes.



8. **Transparency and Accountability:**
- Ensuring transparency in procurement processes, including disclosure of gender-related criteria and evaluation methods.
- Mechanisms for stakeholders, including relevant Chamber of Commerce and women's groups, to provide feedback and oversight.

9. **Engagement with Stakeholders:**
- Consultation with women's organizations and gender equality advocates in the development and implementation of procurement policies.
- Collaboration with relevant government agencies and private sector partners, to advance gender-responsive procurement practices.

10. **Monitoring and Evaluation:**
- Establishing indicators and benchmarks to measure progress towards gender equality goals in procurement.
- Regular monitoring and evaluation of the effectiveness of the policy in achieving gender-responsive outcomes, with adjustments as needed.



11. **Review and Improvement:**
- Periodic review of the policy to assess its relevance and effectiveness in addressing emerging gender equality challenges.
- Continuous improvement based on lessons learned and best practices in gender-responsive procurement from other jurisdictions or sectors.



ANNEX 1
RECOMMENDATIONS FOR STRENGTHENING GENDER RESPONSIVE PROCUREMENT

Legal recommendations



- While the Legal Framework for public procurement in Zimbabwe is sound and promotes fair and equal treatment of participating businesses, and includes provisions to promote gender equality and local manufacturers, there is still room for improvement.
- Set targets or quotas for women-owned businesses in public procurement.

Recommendations for Local authorities

- Local authorities may review their procurement policies to support more women-owned businesses.
- Local authorities must ensure inclusive procurement processes and equal evaluation criteria.
- Local authorities can facilitate the training and capacity building of women entrepreneurs in procurement processes.
- Develop gender-sensitive procurement policies.
- Local authorities can engage in gender-responsive budgeting and procurement planning.

Recommendations for development partners

- Lobby and advocate for changes in procurement legislation to be inclusive.
- Support capacity-building initiatives for women-owned enterprises.

Recommendations for women-owned enterprises

- Women-owned enterprises can form networks and alliances to access procurement opportunities.
- Build skills and knowledge in procurement processes.

Other recommendations

The following are some areas which would enable public procurement to contribute significantly to the achievement of Sustainable Development Goal (SDG) 5 on gender equality.

- Enabling some contracts to be reserved for competition amongst women and women-owned businesses only.
- Enabling public entities to include qualifying conditions for bidders which require evidence of benefit to women other than the entrepreneur herself. This may include conditions such as the number of women employed by the company or the empowerment of women in the local area.

There is, therefore, a need for research and lobbying for legislative reform.

REFERENCES

Constitution of Zimbabwe (Amendment 20) Act ,2013;

Daniel Chigudu 'Public Procurement in Zimbabwe: Issues and Challenges. (Journal of Governance and Regulations/ Volume 3, Issue 4, 2014);

Africa Freedom of information Centre: Fostering A Gender Responsive Procurement in East Africa;

European Union - Gender Responsive Procurement: Step by Step Toolkit;

Kenyan Women bid for Success in Public Procurement- IRDC- CRDI Research Paper February 2024;

M Bomani and E Derera- Women Entrepreneurs and Government Tenders in Harare, Zimbabwe: Challenges and Strategies for Survival;

Public procurement and Disposal of Assets Act [Chapter 22:23];

Public Procurement and Disposal of Assets Regulations Statutory Instrument 5 of 2018;

The World Bank- 'Towards Gender Responsive Procurement.'

UN Women - Women's Empowerment Principles: Gender Responsive Procurement.

UN Women -Building Gender- Responsive Procurement: Lessons from Research and Practice.

Vimbai Nyemba- 'Women Entrepreneurship Through Procurement'.

World Bank, 2017, Deterring Kickbacks and Encouraging Entry in Public Markets. Evidence from Firm Surveys in 88 Developing countries.

IDRC-CRDI Research Paper, 2024, Kenyan Women Bid for Successful Public Procurement.



GENDER LINKS
FOR EQUALITY AND JUSTICE

SUPPORTED BY

Sweden
Sverige