

Gender-responsive Public Procurement

Monitoring

Various strategies for **monitoring** of public contracts exist, including periodic review meetings, inspections, reporting and third-party audits.

Monitoring may be carried out by the contractor itself (including in relation to any of its subcontractors) or the public body or, in some cases, third-party audits or inspections are held (e.g. to confirm compliance with equal pay, working conditions or whistleblowing provisions).

When elements of GRPP are included, these may be the subject of specific monitoring activities. For example, one or more key performance indicators may relate to gender equality performance under the contract and, in some cases, these will be linked to contractual payments or penalties. They may also play a role in determining whether a contract is extended or renewed. For example, this may be contingent on **gender balance** being achieved in recruitment, training and promotion during the first phase of a contract.

There are opportunities to link GRPP monitoring to broader policies relating to **gender equality** and strategic procurement. To facilitate this, you should consider the type of information or metrics that are needed to contribute to broader targets (e.g. in terms of increasing gender balance) and build these into your contract terms. The party bearing the responsibility for monitoring and the consequences for not meeting targets should be clearly set out under the contract. The results of monitoring can be used to inform future tenders and strategies.

How to act

Decide who is best placed to effectively monitor GRPP commitments, whether this is the contractor, the contracting authority or a third party. Clearly assign responsibility for monitoring under the contract and set regular periods for reporting/review.

Link the monitoring of GRPP to clear consequences/outcomes in terms of contractual payments/penalties, the possibility to extend or renew a contract, and/or the provision of references to the contractor.

Examples of monitoring GRPP contracts

Gender equality bodies may play a role in the monitoring of and reporting on GRPP, as illustrated below.

In **Spain**, the interinstitutional and comprehensive intervention on gender equality clauses in public procurement to facilitate gender mainstreaming developed by Emakunde (the Basque Institute for Women) and other departments of the Basque Government includes monitoring and evaluation of gender equality clauses. The tool is an evaluation questionnaire focusing on 11 items, such as performance indicators for gender clauses (e.g. the number of women hired and protocols to prevent sexual harassment). The public administration must verify effective compliance with the gender equality clauses in the execution phase of the services (or upon their completion).

In the Basque Country, Gipuzkoa Provincial Council developed specific instruments for the inclusion and monitoring of gender equality clauses in public procurement processes. In 2013, clauses were included in 71 contracts and, in 2016, clauses were included in 172 contracts. Currently, these clauses are widely used and included in all public contracts.

In Berlin, **Germany**, the Women's Promotion Ordinance (FFV) requires spot checks during contract implementation, as this strengthens the obligation to implement measures to promote women that are provided for in public contracts under law. Every awarding authority must require evidence of whether the obligations under the FFV are being fulfilled.

Example tool: Verification methods for activities that foster work–life balance during the performance of a contract

In **Germany**, to help bidders verify that the proposed measures to improve work–life balance are actually performed, the state of Berlin produced a leaflet listing a number of possible verification methods.

Other contracting authorities – which may be using a catalogue of measures to improve work–life balance and women's participation in the workplace during the performance of a contract – can draw inspiration from this example tool.

For instance, for the activity 'increasing the proportion of female employees in senior and managerial positions under the contract/framework', verification can be carried out under the method entitled 'Indication of the proportion of women in senior and managerial positions before the start of the measure and at the time of verification (a specific proportion of women as a target is not specified) and, if applicable, a brief description of the means by which the share has been / is to be increased'. Another example of verification is for the activity 'participation in recognised and appropriate measures and initiatives that support girls and young women who are interested in male-dominated professions', namely under the method 'Indication of when the company participated in such a measure'.

Mistake to avoid

Avoid leaving the monitoring of GRPP activities until the end of a contract. In particular, when the activities are new for the contractor, periodic reviews need to be scheduled to ensure that the activities stay on track and any challenges/problems can be identified and resolved. In some cases, the contract may set out an initial period during which no penalties or liquidated damages will apply (e.g. for failing to meet targets) to encourage open dialogue between the contractor and the public authority regarding GRPP measures.