

Gender-responsive Public Procurement

Technical specifications

Technical specifications set the mandatory requirements for the goods, services or works being purchased. They may be formulated by referring to standards, they may be performance based or they may use some combination of these approaches. Under the 2014 procurement directives, there is no explicit authorisation for specifications to address social characteristics, unlike award criteria and contract performance clauses. Despite this, when gender elements have been included in the subject matter of the contract, the specifications will also reflect this.

For example, in a contract for social housing, the contracting authority should consider how the planning and design may affect women and men differently. This could include safety issues (e.g. lighting and visibility), access to transport, employment and childcare, and the height or layout of facilities. These could all form part of the technical specifications – by defining either the inputs required (e.g. at least X lumens of illumination at night) or the outcomes (e.g. at least X affordable childcare places within walking distance of housing).

Examples of procurement procedures with technical specifications including gender elements

In **France**, the department of Gironde included requirements regarding gender-sensitive design in technical specifications for architectural services for secondary schools. This was evaluated as part of the tender, with input from a gender consultant.

The **European Commission's Directorate-General for Justice and Consumers** commissioned a study to evaluate its funding programmes. The technical specifications included gender elements. Bidders were requested to:

- take into account gender equality issues when relevant for the drafting of the technical offer by paying attention to the situations and needs of women and men;
- ensure that implementation of the proposed activities included a perspective informed by a

systematic consideration of the gender dimension; and
collect and use data disaggregated by sex when possible/necessary.

In **Hungary**, the Prime Minister's Office procured thematic evaluation studies for a development policy period of several years. The minimum requirements for the experts in law, marketing, consulting, recruitment, printing and security included the following: at least one expert must have at least 24 months of research and analysis experience in the field of equal opportunities and one expert must have at least 24 months' practical experience in the field of equal opportunities. Professional experience with activities aimed at creating equal opportunities for disadvantaged social groups, such as Roma, women and/or people with disabilities, such as those aimed at including them in the development and/or implementation of equal opportunities projects, was also considered.

How to act

Involve gender experts in the design of technical specifications whenever relevant and carry out a 'gender equality challenge' to specifications when this is not possible.

Ensure that any gender equality terms included in technical specifications are clearly defined so that these can be understood by all 'reasonably well-informed and normally diligent' tenderers.

Mistakes to avoid

Technical specifications should not create any unnecessary barriers to competition, including when GRPP requirements are specified.

Ask yourself what is really required to fulfil your needs and, if it is possible, focus more on outcomes (e.g. producing gender statistics as part of a research project) and less on prescriptive requirements (e.g. a particular methodology to produce the data). This can make it easier for SMEs or potential bidders that have innovative gender approaches to submit an offer.