

Gender-responsive Public Procurement

Tool 11: Bidders' concepts to ensure the integration of gender aspects in supply chains

This tool can be used by contracting authorities to ask bidders to develop a concept of how they will identify and address gender issues in the supply chain. Points are then awarded on, for example, how comprehensive it is, how feasible it is and how exhaustively it penetrates into the supply chain. It is particularly relevant in sectors in which bad working conditions are rife and there are no widespread or robust certification schemes. Examples include the IT, electric vehicle battery and toy sectors. As it requires some work from potential bidders, this tool may be particularly appropriate for use in procedures with a high financial volume, such as framework agreements.

This tool considers how women are affected by purchasing decisions if they are involved in the production of goods at the global level. Women form a high percentage of underprivileged workers in some sectors, such as IT and textiles. As well as ensuring that high social standards are met, for example by requesting that workers are paid a living wage, there are gender-specific risks that can be addressed too. These include specific risks for women in terms of health, care work, sexual harassment and violence.

Reference can be made in award criteria and contract performance clauses to the ILO conventions addressing gender issues:

- Violence and Harassment Convention, 2019 (No 190),
- Maternity Protection Convention (No 183),
- Workers with Family Responsibilities Convention (No 156),
- Discrimination (Employment and Occupation) Convention (No 111),
- Equal Remuneration Convention (No 100).

To have an impact on the supply chain as a whole, it can be useful to invite bidders to develop a concept on how they will ensure that certain social criteria are met. This is particularly the case for products for which no or insufficient standards are available or the standards that exist do not cover criteria that the contracting authority is interested in^[1].

This bidder concept can then be evaluated in the award phase, covering its feasibility, impact on the supply chain and quality of verification method (self-declaration versus third-party audits or working with civil society). This will ensure that the link to the subject matter is clear and that the successful bidder actually implements the proposed concept. It is important to be specific in the tender documents about how many points will be awarded for each part or aspect of the concept.

Gender-specific risks for women vary between sectors. It can therefore be useful to involve NGOs or other civil society actors who have knowledge about the product you are planning to buy.

Examples of guiding questions for a bidder concept

Knowledge

Please state clearly to what extent you or the manufacturer can name suppliers of the manufacturer for each of the products named here from the second tier of the supply chain onwards.

Please outline how you plan to improve your knowledge of the supply chain of the goods to be delivered during the performance of the contract.

How do you determine the actual and potential risks of violation of the abovementioned gender-specific labour and social standards in the production of the goods to be supplied?

Corrective and preventive measures

What concrete measures will you implement to eliminate or minimise violations within the scope of this contractual relationship, on the one hand, and to prevent them, on the other hand?

Depending on the criteria laid out above, this could include offering awareness-raising programmes about zero tolerance to sexual violence and harassment, collecting data in collaboration with civil society focused on women's rights, offering legal support for victims of sexual harassment, and ensuring health, safety and/or social protection measures for pregnant or lactating women.

Oversight

To what extent are audits or other effective control measures carried out at the production locations relevant for this contract with regard to compliance with gender-specific labour and social standards?

Example of a tendering procedure requiring bidders to identify and address gender aspects in the supply chain

In **Germany**, in a tender issued by the state of Berlin concerning the replacement of parts of vehicles, bidders were obliged to fill in a declaration indicating which measures on the advancement of women would be in place during the performance of the contract.

Footnotes

[1] Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, 2016; Borkenhagen et al., 2020.