

# Gender-responsive Public Procurement

## Preparing tender documents

Contracting authorities must prepare tender documents for publication prior to launching the procedure. These typically comprise several documents setting out exclusion grounds and **selection criteria**, specifications, **award criteria** and contract terms, as well as the **contract notice**, which must be published on the Tenders Electronic Daily (TED) portal if the contract value is above the EU thresholds.

In addition to the explicit inclusion of GRPP criteria, tender documents may influence the gender outcomes of a tender in other ways. For example, the use of gender-sensitive language to refer to bidders and staff assigned to a contract or a statement regarding the gender impact of the contract and expected outcomes could be important. It is important to use the most inclusive language possible by not casting the male as the generic norm, using both grammatical genders and referring to both genders (she/he, businesswoman/-man, etc.), as this makes contractors aware that their target audience (for a study, campaign, etc.) usually consists of both women and men<sup>[1]</sup>. Drawing specific attention to the GRPP criteria included, and explaining them clearly, increases the likelihood of good-quality responses to these criteria.

Preparing tender documents also offers an opportunity to link GRPP to broader objectives, strategies or policies being pursued by your organisation, for example the sustainable development goals, namely sustainable development goal 5 on **gender equality**.

## Examples of how GRPP training can influence tender documents



In Munich, **Germany**, there is a good example of mainstreaming GRPP through procurement training. The Procurement Office, which manages most purchasing not related to construction work, was given the mandate to include gender equality objectives in its procurement processes. By using examples of GRPP in training materials that target both procurers and administrative staff, the city of Munich aims to mainstream gender-responsive approaches in procurement. This will raise the awareness of what gender considerations can be taken into account within the existing legal framework.

Both the training materials for procurers and those for wider administrative staff use examples of gender equality to explain different phases of the procurement cycle. Gender equality is addressed in a number of ways, from excluding potential bidders that have demonstrably violated the provisions of the general act on equal treatment, to following the ILO's core criteria in the contract performance clauses.

The example award criteria for procurers ask bidders to outline a proposal for achieving gender equality during the performance of the contract, for instance. The criteria also include the application of women's quotas or a gender equality quota during the performance of the contract (e.g. with a weighting of 20 % according to the score given in the evaluation matrix). The indication of the gender equality quota is obligatory and part of the tender; therefore, it becomes a binding part of the contract if the tender is awarded.

In **Italy**, the Lazio region set up an interinstitutional working group with the regional councillor for gender equality to define the content of tender documents. Following a suggestion by the gender equality councillor, a requirement was set regarding compliance with gender anti-discrimination law.

### **Footnotes**

[1] See EIGE, 2019c.