



A Gender Responsive Assessment, Review and Audit of Procurement Laws, Policies, Regulations, and Institutions in **Kaduna State,** **Nigeria**



ACKNOWLEDGEMENT

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United Nations Entity for Gender Equality and the Empowerment of Women

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ABBREVIATION & ACRONYMS

BOQ	Bills of Quantities
BPP	Bureau for Public Procurement
EOI	Expression of Interest
FBS	Fixed Budget Selection
GCC	General Conditions of Contract
ISO	International Standards Organisation
ITB	Information to Bidders
KADPPA	Kaduna State Public Procurement Authority
LCS	Least Cost Selection
LOI	Letter of Invitation
MTEF	Medium Term Expenditure Framework
PIU	Project Implementation Unit
PPA	Public Procurement Act
PPB	Public Procurement Board
PPG	Public Procurement Guidelines
QBS	Quality-Based Selection
QCBS	Quality and Cost-Based Selection
RFP	Request for Proposals
RFQ	Request for Quotations
SBD	Standard Bidding Documents
SCC	Special Conditions of Contract
SPF	Standard Procurement Form
TEC	Technical Evaluation Committee
TOR	Terms of Reference
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WOB	Women-Owned Business

DEFINITION OF TERMS

Bidder: Any company (public or private), state-owned entity, or individual bidding in a competitive tender process for a contract to provide services, supplies, or works to a public or private buyer.

Contracting authority (or “public buyer”): An entity that awards a public procurement contract for services, supplies, or works (e.g., government, entities governed by public law).

OGP: Open Government Partnership

Evaluation Committee: A committee established by the Due Process Committee to evaluate and rank tenders, proposals, and quotations for procurement.

Gender equality: The equal rights, responsibilities, and opportunities of women and men and girls and boys. Equality means the rights, responsibilities and opportunities of men and women will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are considered, recognising the diversity of different groups of women and men.

Gender mainstreaming: A strategy for making the concerns and experiences of men and women an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Gender-responsive procurement (GRP): The selection of services, goods and civil works that considers their impact on gender equality and women’s empowerment. This includes sourcing from women-owned and women-led businesses and gender-responsive enterprises.

Originating Officer: An officer of the procurement entity having formal authority to initiate a procurement process.

Procurement: The act of acquiring goods (supplies), services or works by companies (regulated by private law) or by contracting authorities (regulated by public law).

Procurement Entity/ Procuring Entity: A procurement entity is an organisation or person with the legal or administrative mandate for procurement purposes.

Procurement Officer: An officer of the procurement entity having formal authority to undertake procurement activity.

Procurement Unit: A team in a procurement entity with the responsibility of managing procurement.

Public buyer: A public entity (regulated by public law) engaged in the act of acquiring goods (supplies), services or works.

Request for proposals: A term commonly used for bidding documents in the procurement of consultancy services.

Request for quotations: A simple procurement procedure for the purchase of low-value goods, works and simple non-consultancy services.

Resident Due Process Committee: A team of officers in a procuring entity with the responsibility of ensuring that every stage of the procurement activity is followed in accordance with the law.

SME: Small and medium-sized enterprise.

Supplier: Any private company or individual contracted to provide services, supplies or works to a public or private buyer.

WEPs: Women's Empowerment Principles.

Woman entrepreneur/women entrepreneurs:

A woman or a group of women who initiate, organize and operate a business enterprise.

Women's empowerment: Women's empowerment has five components: women's sense of self-worth; their right to have and to determine their own choices; their right to have access to opportunities and resources; their right to have the power to control their own lives, both within and outside the home; and their ability to influence the direction of social change to create a more just social and economic order, nationally and internationally.

Women-owned business: A business enterprise established as a private legal entity that is more than 51 per cent owned, managed and controlled by one or more women.

Women-led business: ≥ 20 per cent owned by a woman/women; and have \geq one woman as CEO/COO (President/Vice President); and have ≥ 30 per cent of the board of directors comprised of women, where a board exists.

Procurement entity: An organisation or person that has legal/administrative mandate for procurement purposes.

Works: Works associated with the construction, reconstruction, demolition, repair or renovation of a building or structure or surface and includes site preparation, excavation, erection, assembly, installation of plant, fixing of equipment and laying out of materials, decoration and finishing, and any incidental activity under a procurement contract.

Goods: Objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those incidental services does not exceed that of the goods themselves.

Consultant service: The request for services which are of an intellectual and advisory nature provided by firms or individuals using their professional skills to study, design and organise specific projects, advice clients, conduct training or transfer knowledge.

EXECUTIVE SUMMARY

The premise of gender-responsive procurement is that government and private sector sourcing policies and practices can be strategic entry points for shaping markets to promote the development of women's entrepreneurship and women's economic empowerment.

Gender-responsive public procurement refers to selecting services, goods, and civil works that consider their impact on gender equality and women's empowerment. This practice is in line with several global, regional, and normative frameworks on gender justice and is an emerging causal pathway to inclusive growth.

Investing in women's economic empowerment sets a direct path toward gender equality, poverty eradication, and inclusive economic growth. Women make enormous contributions to economies, whether in businesses, on farms, as entrepreneurs or employees or by doing unpaid care work at home. Empowering women in Nigeria can have a significant impact on the national economy. According to PwC, Nigerian women account for 41 per cent of the ownership of micro-businesses in Nigeria, with 23 million female entrepreneurs operating.

In Nigeria, women remain under-represented as entrepreneurs accessing public procurement opportunities. This is because most women-led businesses are in the informal sector, which excludes them from the participation threshold outlined in the Public Procurement Act. The act requires businesses that seek to supply public goods and services to be formally registered. Since most women-led businesses are unregistered and function within the informal economy, they are automatically excluded.

Nigeria began making a big move towards reforms in procurement in 2003. This eventually culminated in the passage of the Public Procurement Act (PPA) in 2007. Herdading this reform was the Nigeria-focused Country Procurement Assessment Report, which recommended several changes, including the

need to have a public procurement law and establish institutions to drive procurement reforms, such as the Bureau for Price Monitoring and Intelligence Unit.

Kaduna State domesticated these reforms and keyed into international best practices in procurement with the passage of the law in May 2007 that gave birth to the Bureau of Budget Implementation, Monitoring and Price Intelligence (BBIM&PI). The law ensures that all procurement/contracts are within the principles of openness, transparency, accountability, competition, cost-effectiveness, and value for money (VfM).

On 1 June 2016, the Kaduna State House of Assembly passed into law the Bill on the Establishment of Public Procurement Authority. The Kaduna State Public Procurement Law No.12 of 2016 gave birth to the Kaduna State Public Procurement Authority (KADPPA), an advisory and coordinating body on procurement. All Procurement Entities, Due Process Committees, and Procurement Planning Committees must abide by the technical guidelines and regulatory instructions issued by the KADPPA.

In addition, KADPPA's powers and functions encompass responsibility for the overall coordination, direction, and development of government procurement practices and procedures.

This baseline utilised KADPPA's data, published online, which contained 1,209 contracts awarded by the Kaduna State Government between 2016 and 2022.

The state categorised contracts into goods, works and services. Supplies, construction and consultancies are grouped to align with these three main categories of contracts. Within the period under review, 348 goods, 709 works and 152 services contracts were awarded. Overall, N129.047 billion worth of contracts were awarded to 431 contractors and businesses between 2016 and 2022.

A sample frame of 174 contractors (14.4 per cent of the total in the database) were interviewed to establish the ownership status of successful businesses involved in Kaduna State public procurement. Twenty-six businesses (15 per cent) had female chief executive officers or heads of business, while 52 businesses (30 per cent) had female chairs of the board of directors. Twenty-two (13 per cent) businesses had women as chief executive officers and heads of the board of directors, thus establishing much more firmly the women leadership of these organisations. Consequently, it can be deduced that 13–15 per cent of the contracts issued by the Kaduna State Government went to women-owned and women-led businesses (The key ask is to increase this to 35 per cent).

In addition to a review of the Kaduna State guidelines for procurement, the assessment selected, through purposive sampling, 12 MDAs for in-depth key informant interviews. The interview sought to identify the processes and procedures for awarding contracts. The assessment established that public procurement in Kaduna State is subject to the law and its implement-

ing regulations and administrative institutions. Bids and tenders are given out following open competitive tender except as may otherwise be provided by this law, offering to every potential business the information and opportunity to offer or contest for the rights to participate in public procurement. Although there is no overt mention or promotion of gender equality and gender-responsive procurement in the policy and guidelines, this assessment showed that between 13 per cent and 15 per cent of all successful bids and contract awards went to women-led businesses.

Countries such as Kenya and Tanzania that integrate the “buy from women-owned” approach into law and policy have 30 per cent of government tenders allocated to women-led businesses. The United States allocates 5 per cent of Federal spending to women (UN Women and the ILO, 2021). Since public procurement is a significant proportion of GDP, public procurement laws and policies that promote obvious objectives of promoting strategic support for women-led businesses can stimulate considerable growth in the micro economy and the GDP.



CHAPTER 1: INTRODUCTION

1 INTRODUCTION

Gender-responsive procurement means promoting gender equality and women's empowerment through purchasing policies and practices. The sustainable selection of services, goods, or works considers the impact on gender equality and women's empowerment and seeks to enable women's businesses to benefit from opportunities (World Bank, 2022). This requires bringing together all parts of an organisation to maximise the benefits of inclusive and sustainable sourcing and supplier diversity. Women's entrepreneurship brings about transformation through contributions to sustain economies and build resilient families for prosperous countries. At the same time, women's entrepreneurship represents women's realisation of empowerment, the transformation of their lives, and taking the role of leadership with a voice and autonomy.

Gender-responsive procurement is an essential means for enhancing women-inclusive supply chains by expanding the range of providers of products and services accessible to enterprises and governments and increasing women's economic empowerment. It advocates purchasing from women-owned businesses (WOBs) and women-led businesses (WLBs) to ensure fair market access and purchasing from gender-inclusive enterprises to build more gender-responsive value chains.

Women-owned and women-led businesses account for an increasing proportion of all businesses in several African nations. According to the UNESCO Women Report (2021), women own up to 34.5 per cent (one-third) of formal enterprises in Sub-Saharan Africa. However, in Nigeria, women run only 20 per cent of businesses in the country's formal sector; 23 per cent of such enterprises are situated in the retail sector, while 37 per cent are in the garment industry, with abysmally low representation in the wood, metal, chemical, construction, and transport industries (World Bank, 2017, UN Women Nigeria, 2018).

The Gender in Nigeria Report (2012) further indicates that more women are within the formal sector in southern Nigeria than in the north and that the rate of women-owned or led businesses is higher in the more industrialised states of the south (36 per cent) than those in the north (23 per cent).

As part of the reforms in public procurement, the Kaduna State Government, on 1 June 2016, passed the Kaduna State Public Procurement Law No.12 of 2016 and established the Kaduna State Public Procurement Authority (KADPPA).

The government established KADPPA to regulate, monitor, evaluate, and audit the public procurement process of Kaduna State, the local governments, and their derivative units to ensure a uniform procurement policy. It further serves as the advisory and coordinating body on all procurement entities, due process committees, and procurement planning committees. It ensures they abide by the technical guidelines and regulatory instructions issued by KADPPA.

The government adopted Open Government Partnership and Ease of Doing Business in Kaduna State at all levels to provide equal opportunities for all businesses of all sizes to compete for government contracts and operate a transparent procurement process.

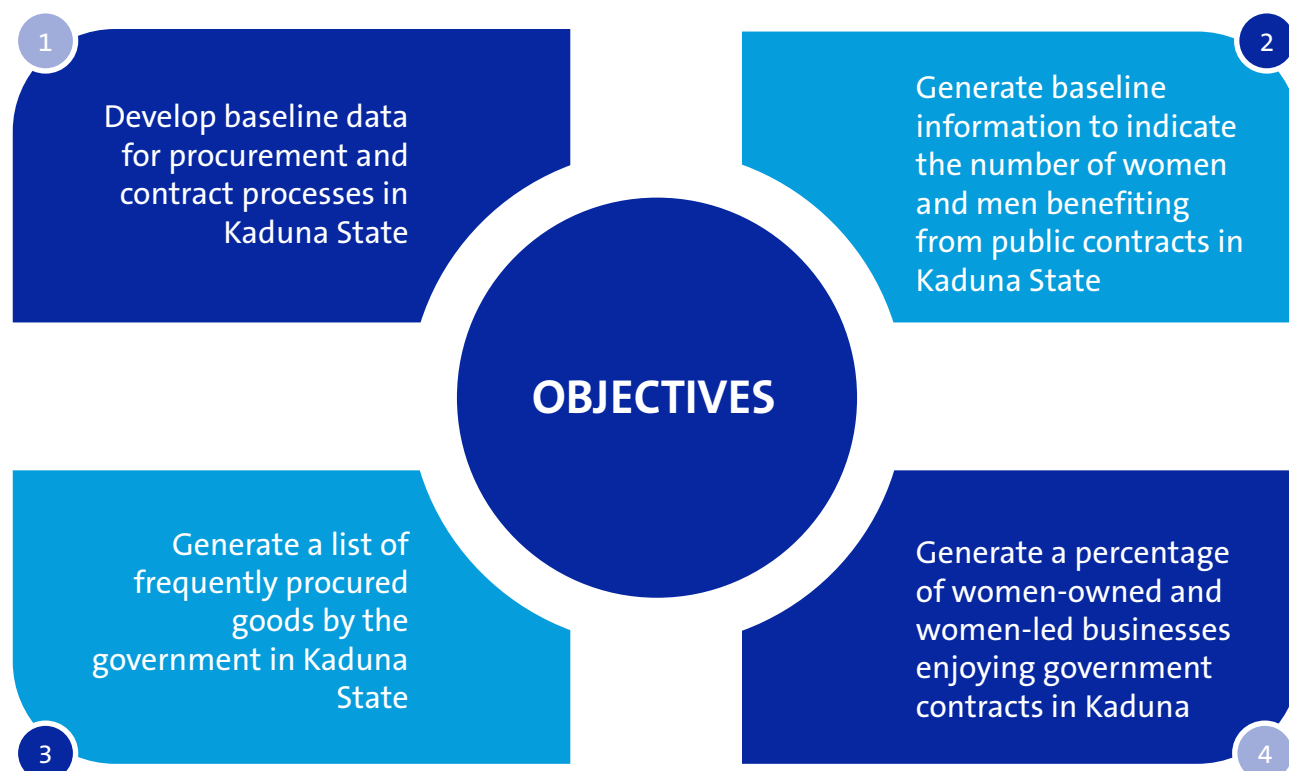
Public procurement is an appealing industry for women entrepreneurs since it accounts for 15-30 per cent of the global GDP. In certain nations, procurement might account for up to 50 per cent of GDP. As a result, public procurement generates market possibilities that have long been regarded as a growth engine for small and medium-sized businesses, especially businesses owned or led by women in Kaduna State.

However, gender inequality systemically stifles entry into starting and growing women-owned businesses. Women-owned Small and Medium-sized Enterprises (WSME) are significantly under-represented as suppliers, works, or services, accounting for only around 1 per cent of procurement contracts in most regions of the country. Women continue to be under-represented as entrepreneurs in Nigeria regarding public procurement opportunities. Additionally, most women-led enterprises are in the informal sector, which by default excludes them from the Public Procurement Act's participation criterion.

Businesses that wish to deliver public goods and services must be legally registered under the country's Companies and Allied Matters Act. Since most women-led businesses are unregistered and operate in the informal sector, they are automatical-

ly excluded from the bidding processes under the reforms, as they will need to pre-qualify by being registered as a formal entity. Disparities in women's economic participation and inclusive growth occur partly because most women-owned and women-led businesses are engaged in the informal sector. They are not involved in significant business activities such as procuring public goods and services.

As noted earlier, gender inequality systemically stifles entry into starting and growing women-led businesses for public procurement opportunities. This gender-responsive baseline study in Kaduna State is crucial, as it marks one of the first steps in making the state-level case for gender-responsive government procurement. Moreover, it is particularly relevant given the gender disparities within the state's entrepreneurial landscape.





CHAPTER 2: METHODOLOGY

2 METHODOLOGY

The gender-responsive assessment study in Kaduna State seeks to evaluate the level of women-owned and women-led businesses' participation in public procurement in the state. The study used secondary data sources and experts' field experiences to augment data gaps. The proposed approach was participatory and collaborative; as such, it required cooperation with ministries, departments and agencies (MDAs) as well as contractors and development partners with a vested interest in the state public procurement.

The descriptive research approach was adopted to understand the current state of public procurement in Kaduna State, focusing on the proportion that goes to some women-owned and women-led contractors. The methodology included desk reviews of procurement opportunities, questionnaires, and key informant interviews.

While an extensive desk review was used to extract information from the KADPPA database and contract details from 2016 to 2022, a checklist and set of indicators were used to categorise information from the database. See the checklist in Annex 2.

A Questionnaire was developed and administered to a sample of 174 businesses that were successful in their bids. These were selected from the sample frame of 1,209 public procurement contracts awarded between 2016 and 2022. On the list of the contracts awarded, every 7th contractor was selected and interviewed. The questionnaire sought to know the name of the organisation, the name and gender of the chief executive officer, the name and gender of the head of the Board of Directors (if the business has one), and the constitution of the board. It further inquired on the staff strength of the business;

the information derived thus was correlated with the one acquired from the database of KADPPA.

Key informant interviews were conducted with 12 MDAs drawn from a pool of government entities that awarded contracts between 2016 and 2022. The heads of procurement units of the MDAs were interviewed to gain insight into the processes of public procurement, its challenges and how the reforms have influenced public procurement in the state. The interviews sought to know whether the MDAs have a focal person or unit for public procurement and the stages and processes of the tendering process leading to the award of contracts. In addition, the MDAs were asked if they had specific clauses or practices that promote affirmative action with a focus on empowering women-led businesses.

Descriptive statistics such as frequency counts, percentages, and means were used to collate and compile the information and data gathered from the desk review, questionnaires and interviews. Information collated from the key informant interviews was analysed thematically in line with the assessment's objectives

In addition, the following underlisted documents and literature were also reviewed:

- Kaduna Public Procurement Act, 2016.
- UN Women and the ILO, 2021. "Re-thinking Gender-Responsive Procurement: Enabling an Ecosystem for Women's Economic Empowerment." New York and Geneva.
- Baseline Study: Women Entrepreneurs' Access to Public Procurement in Nigeria, 2018.
- Legal Frameworks for Gender-Responsive Procurement: A Comparative Review of Regulatory and Policy Measures and International and National Legal Norms, 2023.
- Kaduna State Procurement Guidelines.
- Women-Owned Businesses: Corporate Guide to Gender-responsive Procurement (UN Women, 2017).
- Reports of Kaduna State Procurement (2016 - 2022).
- The Inclusive Growth and Development Report (World Economic Forum, 2017).
- The Report Kaduna (Oxford Business Report, 2020).
- Changing the Lives of Women and Girls in Nigeria (UN Women Nigeria Annual Report 2020).

2.2 Limitations of the Assessment

The assessment was limited in scope. These limitations constrained the team's ability to elicit more details from some of the vendors, both successful and those not successful during the field visit.

The timing of the field visits coincided with the end of the national elections, the Easter holidays, and the start of the Ramadan period. The combination of these factors meant that staff and key personnel in the relevant MDAs were not available to be interviewed.



CHAPTER 3: PUBLIC PROCUREMENT IN KADUNA STATE

3 PUBLIC PROCUREMENT IN KADUNA STATE

3.1 The Law and Guidelines on Public Procurement

The Government of Kaduna State enacted the Public Procurement Law in June 2016. The law became effective on 1 June 2016. Public procurement in Kaduna State, therefore, is subject to the law and its implementing regulations and administrative institutions. The law and regulations provide the general rules governing public procurement. This guideline provides step-by-step procedures to assist procurement entities in undertaking all bids and tendering processes under the law.

Section 43, Article 1 to 4 of the Procurement Law, 2016, states that procurement of goods, works and services by all procuring entities shall be conducted by open competitive tender except as may otherwise be provided by this law. The reference to open competitive tender or bidding in this law means the process by which a procuring entity, based on previously defined criteria, prosecutes public procure-

ment by offering every interested candidate equal simultaneous information and opportunity to offer the goods, works, and services needed. This implies that preferential treatment to women-owned or led businesses when awarding procurement contracts would be avoided by the procurement committees. The state has not started comprehensive reforms of the existing procurement policy and systems to promote gender equality and gender-responsive procurement.

The guideline in place, namely Guidelines on Public Procurement Authority (KADPPA), provides standards and procedures to be followed in the procurement of goods, works, and services within the public sector. There are also asset disposal procedures within this guideline.

The standards, policies and procedures enshrined in these guidelines are designed to:

-
- Provide uniform procedures for the procurement of goods, works and services and for asset disposal.
 - Ensure transparency and accountability in all operations and consistency with the guidelines of development partners where necessary.
 - Ensure the consistent application of best procurement practices and international standards.
 - Promote the consistent application of best procurement practices and international standards.
-

The guidelines apply to the procurement operations of all government organisations as defined in the law. The principles, rules, and procedures outlined in these guidelines apply to all contracts for works, goods, and services financed in whole or in part by the Kaduna State Government.

Based on the state guidelines, works refer to all works associated with the construction, reconstruction, demolition, repair, or renovation of a building, structure, or surface and include site preparation, excavation, erection, assembly, installation of plants, fixing of equipment and laying out of ma-

materials, decoration and finishing, and any incidental activity under a procurement contract.

Goods refer to objects of every kind and description, including raw materials, products, equipment, objects (in solid, liquid, or gaseous form), and electricity, as well as services incidental to the supply of the goods if the value of those incidental services does not exceed that of the goods themselves.

Services refer to requests for services that are of an intellectual and advisory nature and are provided by firms or individuals using their professional skills to study, design, and organise specific projects, advise clients, conduct training or transfer knowledge.

This guideline is intended to regulate procurement for determined works, goods, and services contracts across the state. The monetary involvement, in addition to the type of contracts, makes open competi-

itive bidding the preferred procurement method for implementing projects under this guideline. However, other procurement methods may be used only where the conditions for their use are present.

The guideline incorporates provisions and procedures to promote transparency, accountability and ethics in the operation, management and reporting of procurement and asset disposal. All public servants shall consistently apply these policies and procedures, together with professional judgement and good management.

Where an exception is considered essential, the head of the procurement entity may submit a formal request to the PPA detailing the circumstance and including a full justification. The PPA may approve such requests by issuing a specific waiver or rejecting the request.

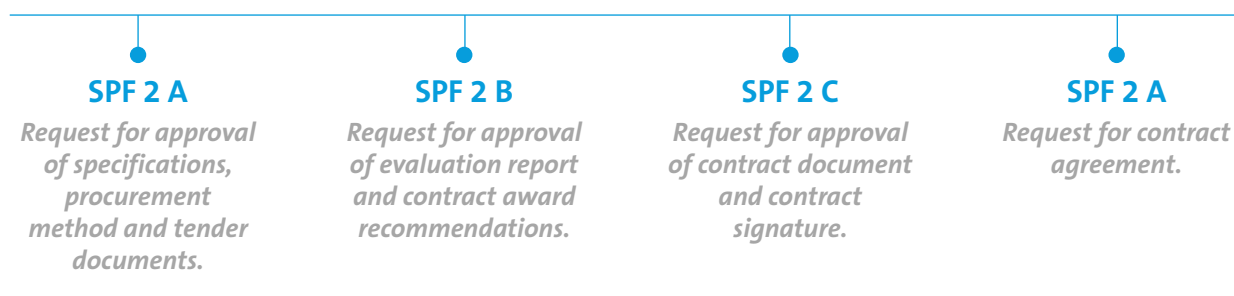
3.2 The Procedure of Public Procurement in Kaduna State

To assist in the adoption and use of standard practices and procedures in public sector procurement the following standard procurement forms (SPFs) are introduced:

Procurement Requisition -This form establishes the preliminary specification, the budget availabil-

ity and authority for the procurement and requires the allocation of a procurement number for tracking and monitoring.

Submission for Approving Authority's Review -This form has four sections as follows:



The purpose of these forms is to standardise the format of submissions to the approving authority, to act as a checklist of information to be provided to the committee, and to ensure that submissions are presented with the approval of an authorised responsible officer.

KADPPA guidelines are based on the e-procurement approach, hence the use of forms and processes that are transmitted electronically. Public e-procurement requires replacing various phases

of public procurement with electronic means. This use of e-tools is targeted at reducing administrative costs through automation, creating a level playing ground for all bidders involved, and mitigating some barriers to entry for smaller bidders, especially women-owned and women-led bidders.

The overall objective of the public procurement system is to provide value for money (VfM) to the government by ensuring that public funds are spent in a transparent, efficient and fair manner.

3.3 Open Government Partnership (OGP)

Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable.

Kaduna State's First Action Plan represents an admirable step towards open government reform. Now

familiar with OGP, Kaduna State has formalised the State Steering Committee to ensure sustainable and well-documented OGP processes. In turn, the Steering Committee has furthered the government's anti-corruption efforts.

Open contracting can offer the following values using innovative technology:

Transparency

Enhanced disclosure of procurement data and information across the entire procurement cycle up to implementation will make the procurement process more transparent and reveal how public resources are expended.

Accountability

Enhanced disclosure of procurement data and information will ensure that citizens understand the basis of decisions made along the procurement cycle. This will make decision-makers take actions that reflect better use of public resources, knowing that their actions can be challenged through existing recourse mechanisms.

Service Delivery

The use of open contracting helps the government to achieve value for money by providing a watchdog system that allows wider stakeholders to critique and monitor the implementation of contracts. This ultimately checks unethical conduct and sharp practices.

Inclusion

Technology provides wider stakeholder participation in open contracting, thus limiting human interface. This will allow stakeholders from all walks of life to interact, assess, and give informed feedback on how government programmes impact their lives.

Citizen Engagement

The availability of procurement data across the entire procurement cycle will ensure all stakeholders can monitor procurement activities and provide feedback. This will ensure that public contracts are delivered with value for money (VfM) and ultimately increase transparency.

3.4 Women-owned and Women-led Business and Public Procurement

A Women-Owned Business (WOB) refers to a legal entity that is more than 51 per cent owned, managed, and controlled by one or more women (UN Women, 2022). The identification of WOBs enables UN organisations to support and strengthen gender-responsive procurement and supplier diversity and inclusion initiatives.

According to a report by PwC Nigeria (2020), women-owned businesses in Nigeria account for 41 per cent ownership of micro-businesses in Nigeria with 23 million female entrepreneurs operating within this segment. The report also highlights that women-owned businesses in Nigeria face a number of challenges including access to finance, lack of access to markets and networks, and limited access to training and development opportunities (Forbes 2022).

In addition, women-owned businesses generate a higher revenue than companies led by men. Women leaders can create positive work environments with happier employees. This way, they can attract diverse talent and create a more inclusive workplace.

Government procurement offers a unique, fiscally responsible route to empower women, combat poverty and promote inclusive economic growth. Public procurement accounts for as much as 10–15 per cent of gross domestic product (GDP) in developed countries and over 30 per cent of GDP in developing countries. This translates into trillions of government spending annually. However, women entrepreneurs have been largely excluded from this sizable market due to lack of access to information on bids, understanding of procedures and ability to meet requirements. As both market regulators and participants, governments are in a unique position to change this and benefit from enlarging the pool of potential suppliers.

Investing in women-owned businesses pays dividends in terms of creating jobs and development. Small and medium-sized enterprises (SMEs) are the engines for job growth in the world economy, accounting for nearly 80 per cent of jobs worldwide. Increasing their competitiveness increases their likelihood of success, expansion, and job creation. Women entrepreneurs tend to reinvest up to 90 per cent of their earnings in their families and communities, which links inclusive economic growth directly to development.

Involvement of women-owned businesses (WOBs) and women-led businesses (WLBs) in public pro-

curement, therefore, is a significant potential to establish a more inclusive economy, ensure fair socio-economic recovery, and promote gender equality (UNSDG, 2021). Gender equality can improve competitiveness, which is essential for a fair and sustainable procurement system; as the supplier base grows, so does the supply chain and the types of products and services demanded by governments. The government's greatest marketplace is public procurement, and governments participate at all levels of the procurement process. Governments may promote equality and equity by leveraging their responsibilities as "market regulators" through procurement regulations and as "market participants" and consumers of goods, works, and services. These authorities, when combined, have the requisite power to modify market behaviour and drive economic activity in the direction of gender equality goals.

Many women-owned businesses operate within the informal sector. The informal sector refers to 'all economic activities that are – in law or practice – not covered or insufficiently covered by formal arrangements such as registration or taxation.'

Informal sector refers to unregistered, unregulated, and untaxed businesses, including service enterprises, production activities, and street vending. By contrast, the formal sector includes taxed, registered, and regulated businesses. Nonetheless, much of the informal economy contributes greatly to the formal economy. Thirdly, the informal sector connects to the formal sector at multiple points, such as individual transactions, subsector networks of commercial

relationships, or a value chain of subcontracted relationships. In most of these contracts, the rules of the game are set by the formal sector. Women constitute the majority of informal workers.

An estimated 20 per cent of businesses within Nigeria's formal sector are owned by women. This means that most women-owned businesses are not properly registered and do not pay taxes, pensions, or social security contributions. They also do not have the types of institutional and financial capacities required to engage in government procurement. This automatically excludes them from the potential contractor cluster envisaged by PPA. This is discussed further in Section 6 of this report.

Even though the term 'affirmative procurement' or 'gender responsiveness' is not used in the state law and guidelines for public procurement, some of its provisions present the opportunity for advocacy around a more inclusive public procurement process. The case for affirmative procurement as part of an 'economic efficiency' argument has been well made at the global level. Its strategic importance as a policy lever lies in its potential to accelerate inclusive growth and create a 'diversity dividend' through increased job creation and economic growth. While it is important to work towards gender-responsive changes in the tone and content of the PPA, the policy commitment to equity and efficiency within the current framework provides a basis to demand some degree of gender accountability based on the law.



CHAPTER 4: FINDINGS OF THE ASSESSMENT AND STATE OF **GENDER- RESPONSIVE PROCUREMENT**

4 FINDINGS OF THE ASSESSMENT AND STATE OF GENDER-RESPONSIVE PROCUREMENT

This assessment reviewed 1,209 contracts awarded by the Kaduna State Government between 2016 and 2022 and published on the KADPPA website. There was also additional information from Key Informant Interviews (KII) with heads and procurement officers of 12 selected MDAs, as well as the administration of a survey to selected contractors, as described in the methodology (page 11).

The key findings from the assessment have been categorised into key indicators with the aim of view of reaching informed conclusions aimed at establishing the state of public procurement and its gender responsiveness in Kaduna State.

4.1 Contracts Awarded in Kaduna State

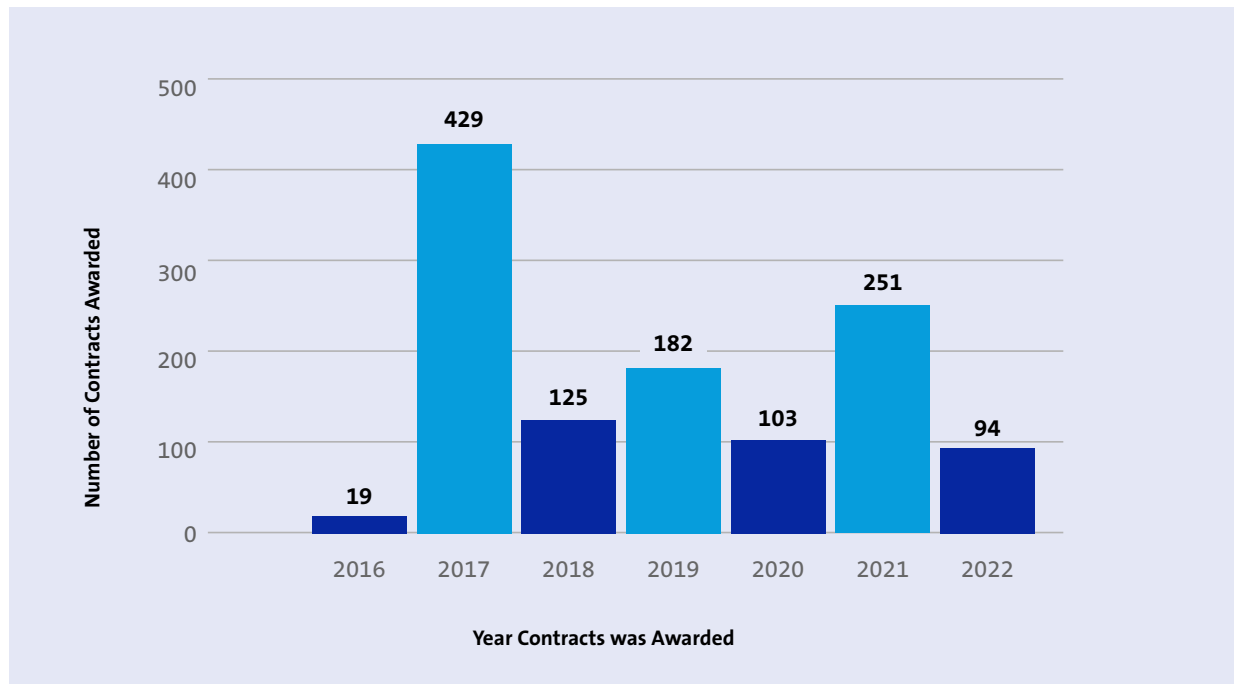
The assessment revealed that, since the inception of the reforms of public procurement and the establishment of KADPPA, 19 contracts were awarded in 2016, representing 1.6 per cent of the total contracts awarded. The following year, 429 contracts were awarded representing 35.5 per cent of the total contracts, which made 2017 the year with the highest number of contracts between 2016 and 2022. A total of 125 contracts were awarded by the state government in 2018; this represents 10.3 per cent of the total contracts awarded. The number of contracts awarded increased to 182 (15.1 per cent) in 2019 and decreased to 103 in 2020 (8.5 per cent). While a total number of 251 contracts representing

20.8 per cent of the total contracts were awarded in 2021, the number declined in 2022 declined by 7.8 per cent to 94 contracts.

The contracts were awarded per the procurement guidelines of Kaduna State, which meant that due process was observed. However, there are special cases whereby the process of awarding contracts is based on the needs of the sponsors.

A key informant interview with the Technical Assistant at the Project Management Department of Kaduna State Universal Basic Education Board reveals that:

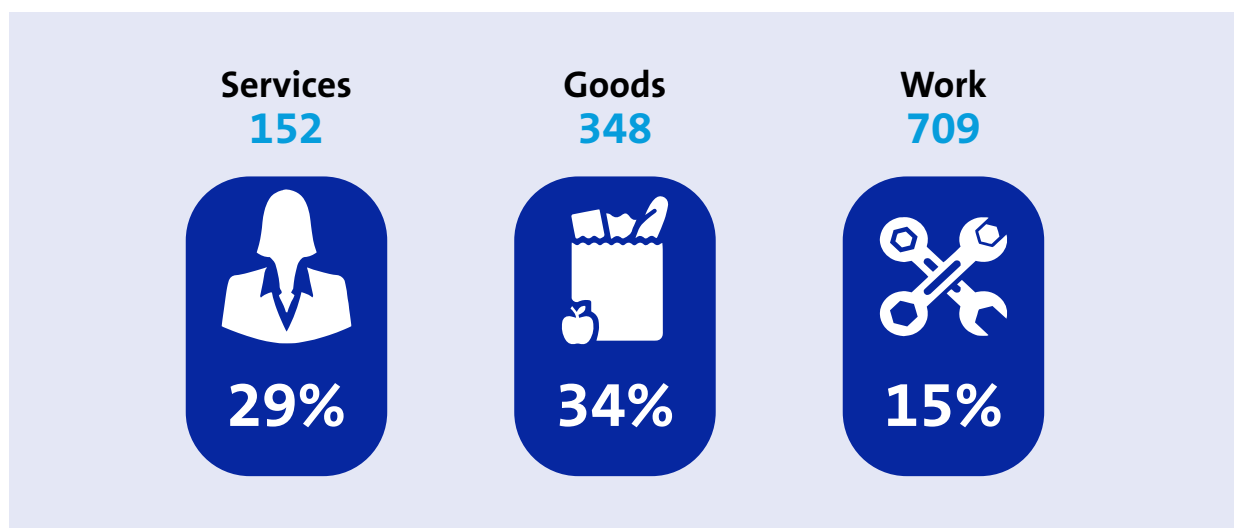
“Procedure depends on the sponsorship of the contract. We have two different sponsors of contracts. We have contracts sponsored by international organisations such as the United Nations and World Bank and [which] are time-sensitive. Those contracts do not follow the whole actual procurement process, and we need to hit a target in order to get a reward for the next target that is like the basal project. So, these are usually done using selective tendering with approval from KADPPA. Then for the intervention programmes usually co-funded by UBEC in partnership with SUBEB, we follow the normal procurement process where advertising is placed in national dailies like Daily Trust, and the whole processes are done within 6 to 8 weeks. The composition of the procurement committee has no woman. They are all masculine. I am sure of this: after the training we had, they are trying to improve the whole process. There are only three female staff in the whole project department. I know that there were adverts for more women to apply for different roles including quantity surveyors, architects and engineers. Recruitment was placed recently. So far, they are at the interview stage. Surprisingly, it is only 1 female that got through it. So even when you reach out to female professionals, a lot of them turn it down.”

Figure 1: Number of contracts awarded between 2016 and 2022

4.2 Categories of Contracts Awarded

The guidelines for public procurement categorised contracts into three, namely: goods, works and services. Between 2016 and 2022, an estimated 709 works were awarded, representing 58.6 per cent of the total contracts awarded. This is followed by

348 goods contracts, representing 28.8 per cent and 152 services contracts, representing 12.6 per cent of the total contracts awarded in Kaduna State. Table 1 below shows the category of contracts awarded between 2016 and 2022.

Figure 2: Categories of Contracts Awarded

4.3 Value of Contracts Awarded

The value of contracts awarded according to the categories between 2016 and 2022 is presented in Figure 3.0 below. The contract categories are goods, works and services.

Within the period, N99,765,856,355.17 worth of works were awarded, representing 77 per

cent of the total contracts. This is followed by N24,258,059,821.28 worth of goods, representing 19 per cent and N5,023,732,670.18 worth of services, representing 4 per cent of the total contracts value awarded in Kaduna State.

Figure 3: Value of Contracts Awarded



4.4 Contracts Awarded to Women-owned and Women-led Businesses

The survey revealed that out of the 174 businesses, 148 (or 85 per cent) are headed by a man while 26 (or 15 per cent) are headed by women. See Figure 5.

The influence of women in the businesses that won contracts was further analysed alongside the constitution of the board of directors. The findings showed that 52 businesses (or 30 per cent) acknowledged that a woman heads their board of directors, while 22 (or 13 per cent) have women as both the Chief Executive and Head of the Board of Directors.

The assessment further revealed that 160 of the 174 businesses surveyed (i.e. 92 per cent) have constituted boards of directors. The membership of the boards of directors investigated showed that 141 businesses (or 81 per cent) have 1-5 women on the boards, while 24 businesses (or 14 per cent) have between 6 and 10 women on their boards of directors. However, 12 (or 7 per cent) of the businesses surveyed recorded invalid records because they either did not have a board of directors for or made faulty entries in the survey.

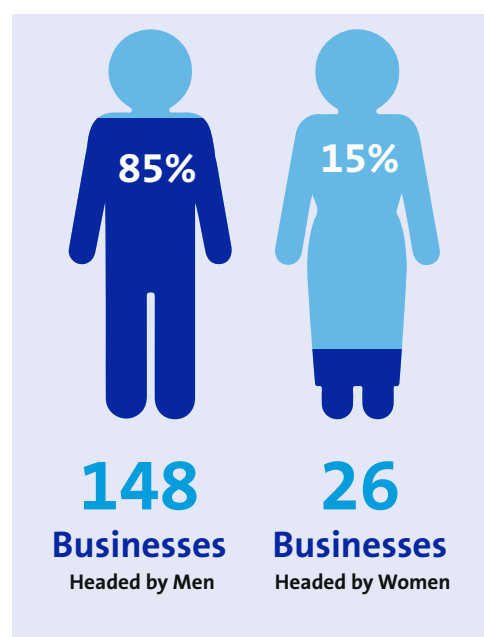
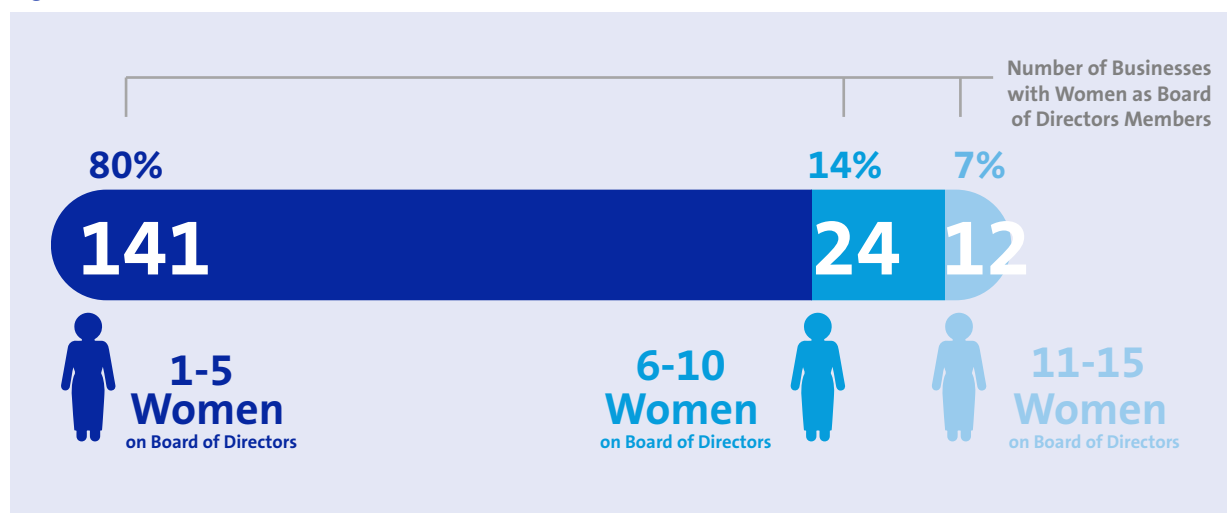


Figure 4: Contracts Awarded to WOB/WLB

Figure 5: Number of Women as Board of Directors Member

Percentage of contracts awarded to women-owned and women-led businesses presented in Figure 6 indicates that a meagre 15 per cent of the contracts were awarded to women-owned and women-led contractors in Kaduna State, while an overwhelming 85 per cent of the contracts went to men-owned businesses.

A gender-responsive procurement provision is not explicitly captured in the procurement law of the state. However, a workshop with stakeholders in public procurements will encourage gender-inclusive procurements, as affirmed by the procurement officer of Kaduna State Universal Basic Education Board who said:

“Currently, it is not implemented in the state, nor in my MDA. But after the appropriate procurement workshop where major stakeholders within Kaduna State MDAs were involved, I now know a lot, which I have taken back to our MDA and encouraged our Executive Chairman and Director General to make sure the affirmative procurement process is gender-responsive.”

Furthermore, the Director of Planning and Reforms of the Kaduna State Public Procurement Authority and the focal person for Women Economic Empowerment Project, also affirmed:

“The law was passed in 2016 as part of the reform to improve procurement and enhance transparency. The law is not gender responsive but offers equal opportunities for all. It is not discriminatory. Also, Kaduna State practises Open Governance Partnership (OGP) where everyone gets equal opportunity, and no one is prevented from doing anything, so the law has helped a lot.”

4.5 Value of Contracts Awarded to Women-owned Businesses

The information presented in Figure 6 reveals that out of the total contract value of N129 billion, only N20 billion was awarded to women-owned and women-led businesses, while N109 billion worth of contracts went to men-owned businesses. Most of

the contracts awarded to women businesses are in the goods and services categories as ascertained in a key informant interview with a procurement officer in the Ministry of Education, who said:

“I know the current boarding school feeding programme, almost all the contractors are women. About 90 per cent of them, the directors and managing directors of those companies, are women. In the ministry, we have a gender officer who handles all gender issues. Our commissioner is female too. We also have deputy directors and a lot of them are women, but for gender policy specifically, there is none.”

Figure 6: Value of Contracted awarded to WOB



Men-owned businesses, on the other hand, dominate works (construction) and goods (supplies) contracts, as affirmed by the procurement officer of the Kaduna State Ministry of Works and Public Facilities, who said in a key informant interview:

“The Procurement Committee in the ministry comprises people from all departments including Mechanical, Electrical-Electronics, Water and Evaluation departments. However, no woman is on the committee, and no woman in the entire department; this also is reflected in contract bidding in the ministry, whereby women hardly bid for contracts in works and construction. The only time a woman bid and won a 28-km road construction contract was in 2012.”

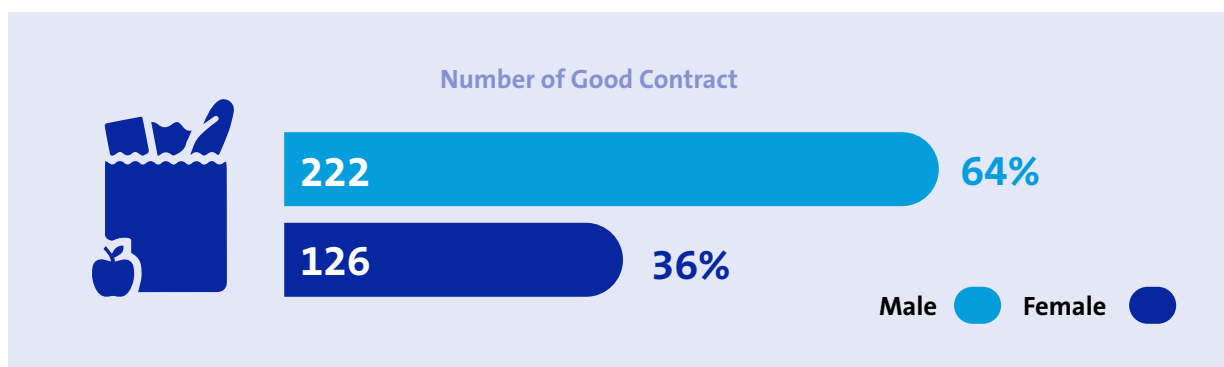
4.6 Number of Contracts Awarded to Women-owned Businesses by Contract Type

The distribution of contract types according to gender shows that women-owned and women-led contractors only won 126 (or 36 per cent) of the 348 contracts for supply of goods awarded between 2016 and 2022, while the remaining 222 contracts (64 per cent) were awarded to men-led businesses.

In this category, most of the contracts were under the School Feeding Programme of the Ministry of Education. Two hundred and twenty-two contracts in the goods category, representing 64 per cent of the contracts awarded between 2016 and 2022, were awarded to men. This corroborated the key informant interview of the Procurement Officer of the Ministry of Education. See page 26.

The distribution of contract types among the gender shows that, 709 works (construction) were awarded between 2016 and 2022. However, 28 works contracts representing 3.9 per cent were awarded to women-owned and women-led contractors, while 681 works, representing 96.1 per cent of the contracts, were awarded to men-led businesses.

According to information from a key informant interview with the procurement officer, women rarely bid for work contracts. Most of them feel construction work is the exclusive domain of male contractors and, therefore, do not need to bid for such contracts. From his experience as head of public procurement at the Kaduna State Ministry of Works and Public Facilities, he was aware that only

Figure 7: Percentage of Goods Contracts

once did a woman contractor bid and was awarded a 28-km road construction contract in 2012. Since then, the ministry has yet to award a construction contract to a woman. Interestingly, the woman contractor carried out a good job and the ministry has been looking forward to the opportunity to engage women in construction contracts.

The submission of the Procurement Officer of the Ministry of Works and Public Facilities corroborated the opinion of the Welfare Officer of the Ministry of Human Welfare and Social Development, Kaduna State, that women feel more uncomfortable with bidding for contracts in the construction domain:

“All along, when you go to public procurement, and it relates to works, a lot of work opportunities are mostly occupied by men; you just have few opportunities for women; [and] if at all you have, they are working under men. However, when women go ahead and apply for these opportunities, the women who would want to fill in the positions do not have the required qualifications or skills. They have not gotten to that stage of applying for certain positions as it relates to works, civil engineering, and related areas. Capacity building can prepare women for more opportunities in the works/construction area of public procurement.”

This submission calls for capacity building for women in all aspects of public procurement to enable them to tap into the large volume of business opportunities. The Technical Assistant in the Project Department of the Kaduna State Universal Basic

Education Board opined that initiatives on promoting capacity building and gender will go a long way in preparing women for the task of public procurement in Kaduna State:

“I still refer back to [the period] after the workshop on gender responsive procurement. I wrote a report to the chairman and he acknowledged those key points of having a gender desk officer, creating awareness and organizing workshops for gender responsiveness within MDAs. We are still waiting for ways in which it can be implemented.”

Women’s capacity-building efforts by MDAs are ongoing for gender inclusion in gender-responsive procurement in Kaduna State. According to the Procurement Officer of the Ministry of Education:

“The ministry always trains and retrains us. Even yesterday, we had a workshop on issues of the inclusion of women in the procurement process. A colleague went for a workshop and when he returned, [said] all the

officers here should have a step-down training on inclusion of women, which I think is in line with what you are unto. The same thing happened at the women and gender-responsive procurement workshop held in Abuja. We have seen so many things. We have shared presentations. Going forward, it will help us. But for the school feeding programme, most of the building construction, and consultancy projects are carried out by men. We see why women are not participating. Even before, we had SMEs where women were targeted to be part of the project, but in the end, men dominated and only a few women were involved."

Figure 8: Percentage of Work Contract



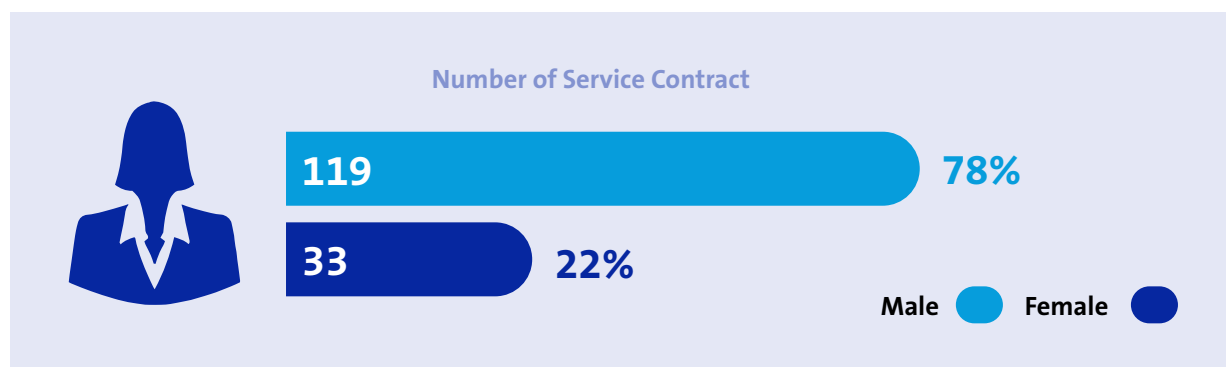
The Procurement Officer of Kaduna State Facility Management Agency (KADFAMA) who affirmed that maintenance services is the main contracting activity in the ministry, said:

"I was talking to them and they were like they don't want to hear about facility cleaning. If you go round, you see that all those doing the cleaning work are women. You see someone having 10–15 cleaners, and all of them are women. Even though men overpower women in construction contracts like architecture and engineering, when it comes to maintenance and facility management, women are involved. Now, we have three women; one of them is handling governor's wife's residence, one is handling Ministry of Works and the other is handling deputy governor's residence. There is also another one handling the Federal Secretariat. For someone to handle governor's wife's residence, it means the person is dedicated. One thing that will shock you is that they have not been paid for 18 months but they are still working. Women here are considered to be weak, even when a woman says she graduated from Harvard University, people still feel she is weak and incapable. They are not given the chance."

The distribution of contract type according to gender shows that women-owned and women-led contractors were awarded 33 (representing 21.7 per cent) of the 152 services (consultancy) contracts

awarded between 2016 and 2022. In contrast, men-led businesses were awarded 119 contracts (representing 78.3 per cent) in the same category.

Figure 9: Percentage of Service Contract



4.7 Value of contracts awarded to women-owned/women-led businesses

The total value of goods contracts awarded between 2016 and 2022 is N24.3 billion, out of which, only N9.5 billion, representing 39.1 per cent, was awarded to women-owned and women-led businesses, while N14.8 billion, representing 60.9 per cent of

the contracts, was awarded to men-led businesses.

The Procurement Officer of KADFAMA, in a key informant interview, affirmed that there is no special consideration for women-led businesses in the procurement process:

Figure 10: Value of Good Contracts Awarded to WOB/WLB



“There is no policy. Those women I mentioned got their contracts through the normal bidding process and not reserved contracts on the basis of gender. However, women are encouraged to go and apply for contracts using the link. Unless a gender policy of KADPPA is sent to the House of Assembly and is passed into law, women may not be given contract slots.”

Even though Kaduna State has a gender policy with a clear Gender Equity and Social Inclusion (GESI) component, in practice, as affirmed by the Ministry of Human Welfare and Social Development, women are given opportunities to partake in public procurement with no specific mention or concession to women-owned or women-led businesses.

The works (constructions) contracts were worth a total of N99.8 billion: N5.9 billion, representing 6.0 per cent, went to women-owned and women-led business, while N93.8 billion worth of contracts, representing 94.0 per cent, were awarded to men-led business.

Figure 11: Value of Work Contracts Awarded to WOB/WLB



The distribution of contracts between both gender shows that out of the N5 billion of services (consultancy) contracts, N3.5 billion, representing

70 per cent, was awarded to men-owned and men-led contractors, while N1.5 billion (representing 30 per cent) went to women-led businesses.

Figure 12: Value of Service Contracts Awarded to WOB/WLB



4.8 List of frequently procured goods by the Government of Kaduna State

The list of frequently procured goods by the Government of Kaduna State was compiled from the total number of goods contracts in the state from 2016 to 2022.

Energy Meter	1	Generator	5
Pullover Jackets	1	Stationaries	5
Training Materials	1	Teaching Aids	6
Electronic Voting Machine	1	Billboard	6
Therapeutic Food	1	Electronics	8
School Uniforms	1	Students Beds	9
File Jacket	1	Computers	12
Collapsible Ponds	1	Vehicles	22
CCTV Cameras	1	Traffic Cone/Baton	27
Building Materials	1	Maternal Health Goods	27
Gowns	1	Books	30
Vaccines	2	Medical Drugs	67
Transformer	3	Food (School Feeding)	70
Disposal of Items	4	Equipment	86
Chemicals	4	Furniture	128



CHAPTER 5: CONCLUSION & RECOMMENDATION

5 CONCLUSION & RECOMMENDATION

Conclusion

1

Lack of policy incentives that promote the presence of women-owned/led businesses in the public procurement

It is of strategic importance that laws and guidelines expressly speak about affirmative action and gender-responsive clauses to give WOB/WLB the leverage required to participate in public procurement. The case for affirmative procurement as part of an 'economic efficiency' has been argued at the global level. Since public procurement is a significant proportion of GDP, public procurement laws and policies that promote obvious strategic support for women-led businesses can stimulate significant growth in the micro economy and the GDP. Its strategic importance as a policy lever lies in its potential to accelerate inclusive growth and create a 'diversity dividend' through increased job creation and economic growth. The policy commitment to equity and efficiency within the current framework provides a basis to demand some degree of gender accountability based on the law.

2

Incorporating information on gender dimensions in KADPPA database and procurement documentation

The Key Informant Interviews (KIIs) and assessment process identified that public procurement generally focuses on the technical capacity of the businesses to bid and undertake services for the government and MDAs without recourse to the status of ownership. Some key indicators could be introduced into the process to support an active review and measurement of the performance of the processes. This include, notably, but not exhaustive:

- Full list of all tenderers and gender status of heads and ownership
- The staff strength of all organisations disaggregated by gender
- Record of scoring criteria justifying the selection of vendor

3

Weak sensitization and promotion of Affirmative action to promote women's participation in entrepreneurship and public procurement

There was an observed weak link between women's participation in public procurement and the information they have and receive about each tendering process.

First, the public procurement was initially perceived as heavily internet-based, with a requirement for online registration and documentation. This alone, caused some drawbacks in terms of reluctance for the smaller-scaled businesses. Beyond the tendering process, there is the need to bolster the information and guidance processes with information, education and communications using both print and electronic media. This will greatly enhance women's knowledge of the processes and opportunities to participate.

4

Public procurement is largely e-based and dependent on internet accessibility

Kaduna State has migrated its procurement system to online platform, and is significantly e-based with adverts and notices placed in both online and print media. Responses and submissions are expected to be e-based also. This approach potentially will disenfranchise small to medium-sized businesses, that may want to bid but whose systems are not fully online or have no access to internet services.

It also creates the middleman syndrome in the form of business centres and internet cafes, who will charge the businesses to make submissions on their behalf. This middleman thus potentially creates additional costs that the SMEs may find hard to integrate.

Considering the above, women-owned businesses risk higher levels of exclusion. According to a report by UN Women, there is a gender digital divide globally: girls, disadvantaged when it comes to digital adoption, have lower levels of access to and use of digital technology than boys, and often are not benefiting from digital technology as boys are. Despite the accumulated efforts and commitments of the past 20 years, today's women and girls continue to face gender-based barriers that prevent them from accessing and utilizing technology and digital tools at the same level as boys and men.

5

The reported protracted processes of public procurement and the occasioned delay in payments to contractors are reportedly lead to contract apathy and participation by WOB/WLB

The capital-based for WOB/WLB is generally lower than that of the male counterpart, as a result, they would refrain from having their capital tied up in some contracts for long. The KIIs buttress this fact when asked, why there was a perceived low participation of women in public procurement.

Recommendation

Based on the findings of the assessment, the following recommendations were made:

1

Raise awareness through diversified communication channels for advertising procurement opportunities to ensure that women in rural and semi-urban areas have access to procurement information

Creating public awareness of gender-responsive procurement in Kaduna State can bring certain procurement issues to the attention of government and other relevant stakeholders. Awareness-raising and dissemination of information about gender-responsive procurement is critical to create an enabling environment for promoting participatory and inclusive procurement processes.

For example, awareness-raising can be used to promote an understanding of existing procurement laws and rights concerning the public procurement process in Kaduna State.

2

Include provisions in procurement laws to enable GRP

A review of existing public procurement laws and policies to accommodate gender inclusiveness through equity and equality will encourage the participation of women-owned businesses in public contracts bidding. There is a need to introduce the affirmative quota per contract category that will engender women's participation.

3

Encourage women-owned businesses to register with the appropriate establishments

One of the basic requirements for contract bidding is registration with relevant authorities. However, most women-owned businesses operate within the informal sector. There is a need to encourage women-owned businesses to register with business registration authorities to enable them to participate in public procurement activities in Kaduna State.

4

Include gender-disaggregated data in procurement processes to support monitoring of the progress of the reforms programme in public procurement

Gender-disaggregated data is important in public procurement processes because it can help boost women's economic empowerment, promote gender equality, and build more equitable societies. Gender-differentiated data and information must be available for policy makers to be able to assess the situation and develop appropriate, evidence-based responses and policies.

5

Initiate feedback mechanisms for tenderers and bidders, especially Gender Desk Offices

Feedback mechanisms through helplines and help desks can turn out to be invaluable towards engendering women's participation in public procurement. The help will provide ready response to questions businesses owners may have about tenders or bids and to assist businesses with technical support and solutions to problems.

This has the potential to drive customer satisfaction. Satisfied customers who receive quick and easy resolutions to their problems are more likely to return. This will give valuable inlet to the public procurement process leading to improved service delivery.

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