



United Nations Entity for Gender Equality
and the Empowerment of Women



Public Procurement & Disposal
of Public Assets Authority

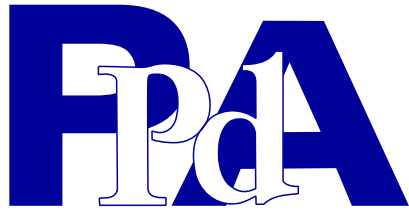


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FINAL REPORT

**A STUDY TO REVIEW THE OPPORTUNITIES
AND BARRIERS TO PARTICIPATION OF
WOMEN ENTREPRENEURS IN PUBLIC
PROCUREMENT IN UGANDA**



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Date: SEPTEMBER 2017

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Purpose and Intended Audience


This document presents results of a study that aimed at understanding the barriers and opportunities for women participation in public procurement in Uganda. The report is aimed at providing evidence to guide policy makers on addressing challenges that affect Women owned businesses from effectively participating in Public Procurement in the country. The document has proposed some frameworks which can be used for understanding the magnitude of the challenges and then offer a number of action points required to address the challenges. The detailed strategies presented require the support of the various stakeholders.

This document is intended for policy makers, regulators, researchers, development partners, community leaders, procurement officers, accounting officers and other sector players who have an interest in improving the state of women enterprises and the equalization of opportunities in public procurement for the youth, women and other marginalized groups. Government needs to demonstrate total commitment to implement the suggested proposals through providing needed policy direction and required resources. It is anticipated that the effectiveness and efficiency of the proposed strategies will be dependent on establishing modest reforms and procurement frameworks that provide overriding national guidance framework.

There is a need for regular evidence-based research and strong systems of monitoring and evaluation which could be ICT-enabled to regularly guide the modifications occasioned by changes in the operating environment. The frameworks and actions proposed are dependent upon a set of critical success factors. These have been outlined. Overall, an ecosystems approach to comprehensively understand the barriers and opportunities for women participation is recommended.

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Prof. Benon C. Basheka, PhD, FCIPS
Consultant

ACRONYMS AND ABBREVIATIONS

Term	Definition and Description
CIPP	Context, Input, Process and Product
GOU	Government of Uganda
GPA	Agreement on Government Procurement
ICT	Information Communication Technology
ILO	International Labour Organization
ITC	International Trade Centre
KCCA	Kampala Capital City Authority
MOFPED	Ministry of Finance, Planning and Economic Development
MOGLSD	Ministry of Gender, Labor and Social Development
MSMEs	Micro-Small and Medium Sized Enterprises
OECD	Organization for Economic Cooperation and Development
PDEs	Procuring and Disposing Entities
PDU	Procurement and Disposal Unit
PP	Public Procurement
PPDA	Public Procurement and Disposal Authority
PPOA	Public Procurement Oversight Authority
PPP	Public Procurement Policy
SACCOs	Savings and Cooperatives Organizations
SDGs	Sustainable Development Goals
SMEs	Small and Medium Enterprises
TORs	Terms of Reference
UIA	Uganda Investment Authority
UNICITRAL	United Nations Commission for Trade Law
UNIDO	United Nations Industrial Development Organisation
URSB	Uganda Registration Services Bureau
USA	United States of America
WBO	Women Business Owned
WOBs	Women Owned Businesses
WTO	World Trade Organization

EXECUTIVE SUMMARY

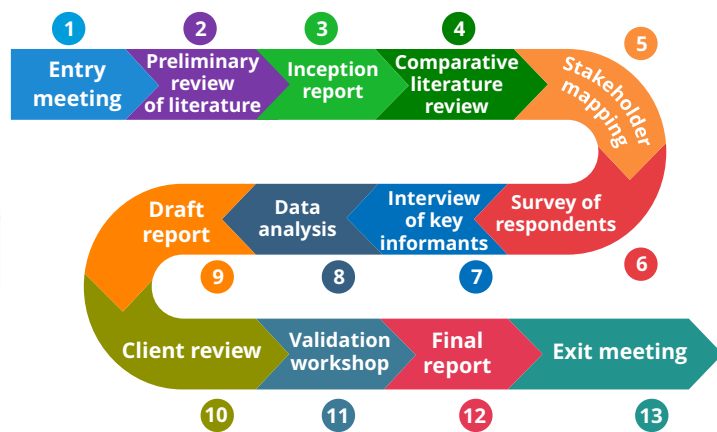
Introduction

Increasing women's economic opportunities in Uganda's public procurement system the region and in the world is grounded on a number of premises: 1) women comprise half of the human resources of many economies and evidences show that economies do better when women are harnessed; 2) it is a moral imperative and is a matter of fairness and equity; 3) women have the right to (economic) development; 4) procurement of goods, services and works by government is a key policy tool governments use to advance social economic goals; 5) the global and development agenda pronounce in strong terms the gender equity principles and 6); women are now a formidable force in all sectors and vigorously advance the gender issues.

Objectives of the study and background characteristics of respondents

The assignment was intended to broadly study the barriers to women's participation in public procurement in Uganda. Specifically, the study was to identify the existing opportunities for women participation in public procurement and coming up with proposals on how to facilitate affirmative action for women's participation in public procurement.

- ✓ 69% of survey respondents were females while 31% were males.
- ✓ 49% of respondents were O - Level holders compare to 21%, 14%, 7% and 5% who were Degree holders, Masters degree holders, Diploma and Primary holders respectively.
- ✓ 43% of respondents' businesses were in Services, 29% were in Trade, 6% in manufacturing.
- ✓ The majority (33%) of respondents' businesses had (10-20) employees, 29% were below 10 employees, 19% were more than 20 employees, and 11% were only owner managed.
- ✓ Majority 39% of the businesses had been in existence for between 1-5years, 29% (6-10) years, 15% (over 20years) and 1% was just below 1 year.
- ✓ Those interviewed 44% respondents were from the Middle management level, 35% were from the senior management level, 18% were at the operations level and 3% were all female consultants.
- ✓ That majority 38% of respondents had never participated in Public Procurement Bidding, 31% had done so just a few times, 14% regularly participated, while 8% participated very often.
- ✓ Majority 38% of respondents had never participated in Public Procurement training, 31% did a few times, 14% regularly participate, while 8% participate very often.
- ✓ Majority 56% of respondents never succeeded in getting a government contract/bid, 19% did a few times, 14% just once, while 8% regularly, and 3% very often.
- ✓ That 24% of respondents were given No reason at all for not winning a government tender in which you participated, 4% lacked capacity, 3% experienced very high bid price and 1% had incomplete documentation. On the other hand 61% of the respondents found this question not applicable to them.
- ✓ Majority 24% of respondents did not participate in Government tenders due to Corruption, 18% due a Very Costly Process, 17% was due to insufficient capacity, 6% was due to technical bid documents involved



Barriers to Women Owned business to participate in Public procurement

A. Women's capacity

- ✓ 92% of respondents agreed that women lacked training about public procurement
- ✓ 83% agreed that most women lacked information on tendering opportunities
- ✓ 79% agreed that most women enterprises lack capacity in preparing competitive bids.
- ✓ 76% of the respondents agreed that most women entrepreneurs lack capacity to bid in joint ventures because of documents involved
- ✓ 69% said most women businesses are too small yet most government contracts are too big,
- ✓ 61% thought that quality requirements are too high and most women entrepreneurs cannot comply.
- ✓ 57% of respondents thought that most women entrepreneurs had limited skills and lacked entrepreneur skills respectively

B. Financial constraints

- ✓ 89% of the respondents agreed that most women entrepreneur used small amounts of money where they cannot wait for delayed payment of the supplies to government
- ✓ 85% agreed that Government departments take long to pay for goods/services supplied which affects women business enterprises
- ✓ 83% agreed that interest rates on loans are too high which discourages women to borrow to participate in public procurement and women businesses are financially constrained to raise funds from banks for participating in public procurement respectively.
- ✓ 80% of respondents agreed that most government contracts required kickbacks (bribes) that most women entrepreneurs cannot afford
- ✓ 79% agreed that Bidding costs including bid security and bid document preparation were too high for women owned enterprises in Uganda
- ✓ 78% agreed that most women entrepreneurs did not have necessary finances to use in the bidding processes
- ✓ 69% agreed that most Contractors who subcontracted to women owned businesses received big commissions at the expense of the women enterprises

C. Information accessibility constraints

- ✓ 78% of the respondents agreed that Websites and newspapers in which tenders are published were not easily accessible to most women entrepreneurs
- ✓ 75% agreed that most of the information in public contracts was as well technical for women owned enterprises to understand
- ✓ 72% agreed that the information for most public procurements was in English yet most women entrepreneurs especially for small entrepreneurs know very little English and could easily bid for some contracts.
- ✓ 67% and 66% of the respondents agreed that Information on public procurement was not widely publicized to women owned enterprises and that most women entrepreneurs were not members of key government networks for key information which makes it difficult to compete fairly respectively

D. Regulatory and legal constraints

- ✓ 82% of respondents agreed that most women entrepreneurs are not aware of procurement policies
- ✓ 79% agreed that most bidding documents in Uganda had no provision for special protection of small contracts for women owned enterprises
- ✓ 78% agreed that most women entrepreneurs were in fact reluctant to participate in public procurement for fear of legal implications
- ✓ 58% agreed that Procurement policies had no special consideration for women entrepreneurs.
- ✓ 53% of respondents agreed that the Established public procurement processes were male dominated and naturally/ unconsciously bias women
- ✓ 47% agreed that most procurement evaluation criteria did in fact not have regard for women owned enterprises.
- ✓ 40% of the respondents agreed that Procurement policies favored participation

Conclusions and recommendations

The following conclusions are drawn from the study findings:-

- 1.** There is lack of the exact volume and value of public procurement contracts awarded to women or their enterprises in the public procurement system of the country. There is no system in place at PPDA and Ministry of Finance, Planning and Economic Development to capture this disaggregated data required for evidence-based decision making.
- 2.** Women owned enterprise's participation in public procurement in Uganda based on opinions and views of those interviewed and surveyed remains low and is skewed toward the micro and small enterprises. The majority of women and their enterprises who have participated in public procurement have been in supplies and trade which offer low
- 3.** Barriers to women participation in public procurement are spread across the entire public procurement cycle- planning and budgeting, specification criteria, bidding, evaluation, and contract award and contract management. Some barriers are structural, legal and others relate to systems in place, the people managing the systems, the shared values, the
- 4.** Corruption is perceived as a major issue that affects the effective participation of WOBs in the public procurement system. Coupled with the social value systems and the dominance of males in the procurement cycle, most women owned businesses do not offer required kick-backs hence they miss out on some tenders much as they are not given official reasons for not winning contracts.
- 5.** There are a number of system-wide issues that militate against effective involvement of women owned businesses in the public procurement system. There are reported consistent difficulties in accessing information on bid opportunities, lack of managerial expertise and skilled workers to prepare responsive proposals by women enterprises, coupled with expensive bid processes and limited ICT capacity hinders their effective participation.
- 6.** The public procurement regime in Uganda has no specific affirmative action schemes targeting women and their enterprises. There are however some positive initiatives like gender-based budgeting, the equal opportunities commission report and the establishment of a gender committee in PPDA

7. Women owned enterprises generally lack a conducive environment for increased participation in public procurement. Not only do they lack access to financing but the support systems for their participation are weak.
8. The public procurement and gender sector lack a clear framework for mentorship of successful businesses which is required for ensuring sustainability of WOB participation in public procurement.
9. There is lack of a clearly definition of WOB in the context of Uganda which is understood by different stakeholders and can be used as a basis for measuring the performance of women groups in public procurement system
10. There is lack of a robust training curriculum designed for scaling up the participation of women and their enterprises in public procurement. There is lack of systematic curriculum upon which the training is based and neither are there formally accredited institutions to advance this specialized knowledge transfer.
11. There has been a noticeable concentration of WOBs in services and supplies which offer small economic benefits compared to huge consultancies and construction works.
12. The findings in Uganda do not contradict those found elsewhere as far as women participation in public procurement and affirmative action initiatives are concerned. The barriers in Uganda revolve around the women capacity, the accessibility to information, financial challenges and those related to regulatory and legal framework.

The following recommendations are proposed for addressing the barriers to women participation in public procurement in Uganda.

Recommendations for Government

1. **Establishment of a women's fund.** There is a need for a Government Women Special Fund to reverage their financial base to participate in public procurement.
2. **Government support systems.** There is need for other visible government support systems for women's economic empowerment at the highest levels through high profile statements by senior officials and public acknowledgment of successful initiatives taking place within the public procurement domain.
3. **Public sector policy reforms.** Proactive policies to engage women businesses should be initiated alongside wider policy reforms to address inequalities within nations: There is a need for more proactive policies to include women businesses access to procurement. As has been shown in the case of India, these policies must go beyond women focused initiatives such as increasing small and medium enterprise and microfinance in order for enterprises for women to transcend to the next level. Policies should take into account what prohibits access to public procurement and international trade such as education, class and rural locations so that new procedures developed are not only for the elite but can benefit all society.
4. **Special Supporting systems.** There is a need to develop a framework for engaging financial institutions and other government bodies like Uganda registration services bureau, URA, UIA to design requirements that support women's entrepreneurship and increased participation in public procurement.

- 5. Transparent Procurement Systems.** A move towards more transparent procurement policies needs to be emphasized and existing policies that support this principle need to be fully implemented. The process must recognize the need for more gender responsive open policies and special awareness campaigns including the writing of tenders in forms and avenues that can be reached by the WOBs. While there is a need for more transparent procurement policies, the rules and regulations put in place to ensure value for money must also take into account how they can inadvertently restrict small and medium sized women owned businesses which may not have the capacity to implement the necessary policies and procedures required.

Recommendations for Ministry of Finance - Procurement Policy Unit

- 1. Procurement Policy and Legal Frameworks:** To be effective, legislators and government officials must establish an appropriate legal and regulatory framework as a pre-requisite for any affirmative action initiatives. Uganda needs to start from this stage. There is a need to have appropriate legal and policy procurement affirmative action framework supported by top level commitment. The ongoing PPDA amendments should be used as a perfect opportunity for crafting an appropriate legal and policy framework that integrates gender and youth issues at the heart of the public procurement laws.
- 2. Preferential policies.** There is need for clear policy position on affirmative action initiatives. The exact percentage should be agreed upon at policy level taking into account the comparative ranges and the specific type of preference scheme appropriate for Uganda. Adoption of a standard public procurement procedure that includes an affirmative action component specifically favoring women's enterprises will most directly facilitate women's access to public procurement. There will be need to foster an equitable participation of rural and indigenous women, and social enterprises, increasing their access to opportunities.

Recommendations for UN Women

- 1. Capacity Development:** There is need for increased capacity building and technical assistance for women's business to access national and international trading opportunities on a level playing field. It is essential for policies to be developed in support of education, training and business development for women's businesses which are unable to compete due to an apparent lack of technical and managerial skills. Capacity development needs to move beyond the individual to institutional and societal capacity building dimensions. It needs to move beyond trainings in basic procurement tendering procedures to more strategic procurement, managerial and consulting skills. The capacity building envired needs to move beyond workshops and seminars to systematic mentorship initiatives for WOBs.
- 2. Women entrepreneur mapping and skills analysis.** There is need for a profiling of WOBs and their strengths for purposes of advocacy. There is need for further evidence-based analysis by women organizations to influence policy makers. The system should identify

- 3. Cultural shift and perspective change.** There is a need for a robust system of ensuring procuring entities are sensitized through training to implement the agreed upon affirmative action initiatives efficiently. Procuring entities need to further develop, operationalize and implement preferential procurement policies, procedures and programmes. Procuring officials must be sensitized to the unique barriers and challenges faced by women entrepreneurs. They require training to understand and comply with preferential procurement policies, procedures and programmes, and account for their implementation.
- 4. Networks for information sharing.** Information sharing is an important mechanism for scaling up the opportunities for women participation. It is recommended that government-wide information networks be created for sharing bid opportunities to women owned enterprises. A desk office of an IT person could also be established in each women-business oriented network organizations to scan daily opportunities for sharing to WOBs. Existing women group networks should be linked to key local and international tender portals that offer opportunities for WOBs. There will be a need to simply the information for the targeted groups since women organizations are assumed to know the needs and capacity of their members
- 5. Establishment of data base.** Women organizations and UN-Women should systematically collect data on women's ownership of businesses at all levels of the economy, including ownership levels within these businesses, how profits are utilized within the family unit, and growth in businesses over time to monitor progress and to judge the effectiveness of programs to support women owned businesses
- 6. WOB definition.** There is a need to develop a definition of women-owned business in Uganda and establish a firm knowledge base of gender disaggregated data for SMEs. This will require understanding women-owned SMEs as a sub-segment of greater SME finance, and therefore develop a specific value proposition to serve them profitably and sustainably.
- 7. Policy-oriented Research:** There is need for supporting policy oriented research that aims at identifying existing gaps and one that measures how positively impact on women-owned businesses at all levels can be attained.
- 8. Champion leadership.** Transformation requires high level advocacy and the women groups need to agree on sector leadership to champion the advocacy for increased participation of women in public procurement in Uganda. The leadership should adopt a consultative approach supported by regular feedback to members.
- 9. Monitoring and evaluation system.** For effectively allowing lesson learning and best practice development, a comprehensive system for monitoring, evaluating and review should be developed and implemented. This could be the primary country responsibility of UN-women.

Recommendations for PPDA

- 1. Procurement spend reporting.** PPDA should report on procurement spend per entity indicating the type and volume of procurement being allocated to WBOs in a financial year. A specific chapter in its annual report could as well be created for this purpose.

- 2. Production of success stories by PDEs:** PPDA should annually publish reports from PDEs on Stories of successful women suppliers who were involved in public procurement in selected entities. The nature of contracts won, the sectors, and the amounts involved should be key performance metrics. Women organisations and the UN-Women alongside the relevant government departments should also produce such success stories and annual awards could be given in different categories to encourage competition
- 3. Affirmative action oriented reporting.** There will be a need for affirmative action reporting. The ministry of finance needs to generate disaggregated data that indicate the contracts won by WOBs and in the sectors. A trend reporting approach should be adopted. PPDA needs to produce an annual status report on the implementation of affirmative action. If this information is to be integrated in the PPDA annual report, a special chapter devoted to this cause is recommended. PDEs also need to provide quarterly report upon which PPDA generates its annual report.
- 4. Rewards for commitment.** Procurement mechanisms should reward commitments made to gender. The criteria for fulfilling a tender should have a clear gender component that the applicant can respond to. Incentivizing the private sector to invest in the empowerment of women throughout their business operations, supply chains, senior management and decision making roles, and corporate social responsibility programs can also be supported.
- 5. Research and needs assessment.** There is need for regular research and needs assessment to identify where technical assistance is required and the adoption of more inclusive public procurement training programmes could help build the specific capacity of small and medium women enterprises to gain greater access as identified by the needs assessment.
- 6. Frameworks for assessment and solution mapping.** There is need to develop appropriate comprehensive frameworks at government level, regulatory level and PDE level to assess country gaps in supporting gender equality, including women's participation. This will require applying an ecosystem approach to encourage collaboration and enable women's entrepreneurship.

1

BACKGROUND AND CONTEXT

1.1 Introduction

Gender equality is both as a moral and an economic imperative; a view that has been so since the 1995 UN Fourth Conference on Women in Beijing, China, which adopted the view that “women’s rights are human rights”. Subsequently, a worldwide agenda to advance gender equality was launched. The idea the state plays a prime role in policymaking in areas that differentially affect men and women equally permeated the Beijing Declaration in 1995. Gender equality is ‘a universal goal that is enshrined in many other international instruments such as the Charter of the United Nations, the Universal Declaration of Human Rights (1948) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979’ (UNCTAD 2004).

The Beijing’s Platform for Action specifically had several recommendations related to public procurement and gender equality, including: Actions to be taken by governments: i.e. “Review, formulate, if necessary, and implement policies, including business, commercial and contract law and government regulations, to ensure they do not discriminate against micro, small, and medium-scale enterprises owned by women in the rural and urban areas” (Beijing 1995 Declaration and Platform for Action, Section F.2. 166 (h)).

Although goal 5 of Sustainable Development Goals focuses on gender equality, it does not treat public procurement as a critical public policy mechanism to achieve this goal. While the Convention on the Elimination of all Forms of Discriminations Against Women (CEDAW), recognizes the rights of women to enter into private contracts, it is silent on the connection between government contracts, gender and women’s wellbeing. The 2015 UN Women Flagship programming initiatives under the women's economic empowerment strategic priority number 2 as well as the planning and budgeting strategic pillar number 5 provide an appropriate policy framework at a global level for affirmative action initiatives for public procurement. Ensuring that public procurement is gender responsive is a key outcome for stimulating economic opportunities for women entrepreneurs. In addition, capacity of women's associations and women entrepreneurs being strengthened is a critical outcome.

Adding a gender dimension to public procurement and trade issues represents a commitment to achieving gender equality where it matters most – in policies governing the flow of economic resources. However, a gap remains between de jure and de facto implementation of a gender component in trade and public procurement policy, as well as in the success of these efforts to achieve the stated goal of gender equality (Kirkton, 2013). Specifically from a business perspective, the participation of women in public procurement remains a key policy debate. It is estimated that Women owned businesses (WOBs) only access 1% of public procurement due to the enormous structural barriers which limit their growth and participation as well as the overall development (Kirkton, 2013). The barriers and opportunities are however context specific. While these barriers have been reported to include among others, lack of access to productive assets, affordable finance and ICTs, insufficient entrepreneurial and managerial skills, limited opportunities to markets and distribution networks, a need to specifically assess the dynamics of these issues in Uganda’s environment was found necessary. This study was conceived for that purpose.

Public procurement (PP) in any country is viewed as a core government function which can be used to positively equalize opportunities of women owned business firms but it can also

be used to address the barriers that affect women participation in tendering processes at both the central government and local government levels. On this same subject, Quinot, (2013) reminds us how governments have long used public procurement as a tool to promote socioeconomic objectives which are sometimes referred to as 'horizontal' or 'collateral' because they are ancillary to the primary purpose of public procurement, which is to acquire goods and services for the government.

From a trade perspective, public procurement policy (PPP) is important because it commands a significant share of GDP and, because 'public resources are scarce, the efficiency of the procurement process is a primary consideration of every procurement regime' (WTO 2013). Yet, for the best long-term use of government funds, PPP should also be concerned with sustainable development. International norms and values also dictate that public procurement policy should be of a particular standard and should be largely recognized as complying with 'good governance' standards (Brody, 2009).

Procurement and investment opportunities in Uganda however rarely consider gender equality as a selection criterion during evaluation of bids, and this negatively affects women owned businesses ability to sell to large buyers. Because of this and other barriers, women entrepreneurs and businesses owners have been largely unable to capitalize on government spending and international sourcing.

Defining a gender-sensitive public procurement policy requires political will. But also the development of a gender-sensitive public procurement policy presents a challenge for governments because of the pressures to maintain the status quo, which supports existing modes of operation. In the first instance, challenging entrenched viewpoints requires open engagement and dialogue on why the need for change is beneficial. Such a process requires involvement of all actors/agents to discuss the context in which affirmative action need to be considered. This consultative process will generate recommendations to address the issues of lack or limited opportunity for women business owners. Experiences from around the globe, including Commonwealth countries, indicates that affirmative action is more readily acceptable where there is a historical reference to past discrimination. In a number of countries, past (often legally instituted) discrimination has eventually conceded to a willingness to discuss and construct laws, regulations and policies which protect the rights and opportunities of previously disadvantaged communities distinguished by ethnicity, religion or caste. This is seen in post-segregation USA, Malaysia, India and post-apartheid South Africa (Kirkton, 2013).

Given the magnitude of government spending on goods and services, public procurement can be an extremely useful policy tool for a country's growth and socio-economic transformation. While public procurement is an important equalizer tool, few governments have made a concerted effort to use public procurement to unleash the vast economic potential of women entrepreneurs. This current assignment was intended to address the concerns in Uganda's context. The assignment sought to explore the contextual barriers and opportunities to women participation in public procurement in Uganda. Affirmative public procurement policies should be both horizontal and vertical. Within ministries and different levels of government and among women owned enterprises themselves, a policy can be crafted. Horizontal considerations in formulating public procurement policies range from promoting labour laws to encouraging local industrial development to supporting environmentally sustainable practices. The debate on local content in public procurement legal and policy frameworks equally perfectly falls under this horizontal consideration.

1.2 Objectives of the assignment

The assignment was intended to broadly study the barriers to women's participation in public procurement in Uganda. Specifically, the study was to identify the existing opportunities for women

participation in public procurement and coming up with proposals on how to facilitate affirmative action for women's participation in public procurement.

To achieve this goal, a pipeline view of public procurement was adopted by the consultant. This view regards PP as a process that involves various elements with a linear progression process and to understand the barriers and opportunities for women participation needs one to consider what takes place at each of these pipeline processes. This has to be done alongside the legal provisions. Barriers and opportunities can be viewed from pre-planning activities, to procurement planning, solicitation documents preparation, tendering processes, evaluation of bids, contract award, contract administration and performance assessment.

1.3 Scope and Key deliverables

The scope of the study was Gulu and Moroto districts as special case districts where UN-Women Uganda had been implementing economic empowerment interventions for women. However, considering that this study needed to take a national character, the consultant studied different organizations in Kampala responsible for women enterprise development and public procurement budgeting and planning as well as implementation of procurement decisions. A number of women entrepreneurs and women owned business enterprises were given a survey instrument or participated in the in-depth interviews. The individuals and groups that responded to the survey instrument and those who participated in interviews were considered representative to give reflections of what other regions of the country feel about public procurement participation.

There were four deliverables expected of for the consultant from this assignment. Each of the deliverables was tagged to an output process and these were as follows:

- (1) An inception Report-After contract signature
- (2) Draft study report
- (3) Policy Brief
- (4) Final study report

1.4 Organization of the report

The report is arranged under 6 major chapters

Chapter 1: Describes the context and background of the study

Chapter 2: Describes the comparative literature across countries

Chapter 3: Describes the approach and methodology used

Chapter 4: Findings on barriers and opportunities of women enterprise in
Public Procurement in Uganda

Chapter 5: Strategies for enhancing women participation

Chapter 6: Presents conclusions and Policy Recommendations.

2

COMPARATIVE LITERATURE REVIEW

2.1 Introduction

Increasing Women and Women Business Owned (WBO) enterprises participation in public procurement is now a key policy agenda in both developed and developing countries. Influenced by the global declarations and the drive towards realization of Sustainable Development Goals (SDGs), different countries have adopted a variety of affirmative action strategies aimed at ensuring equalization of opportunities between the different gender categories and their associated businesses. For any country like Uganda to develop a context-specific framework for ensuring this equalization requires a comparative review of what has worked and what has not worked in other countries. The broad developments at the global and regional levels as well as country policy initiatives by other countries to address the barriers to women participation in the public procurement sector is a necessary foundation stone. This has to be considered against the prevailing local political, economic, social and cultural factors of a country. The purpose of this chapter is to present some comparative analysis of selected country experiences.

2.2 The nature of women-owned enterprises

Across Africa, women are already a powerful force for growth and they are economic and political actors in the machinery of governments and form a formidable force in the private sector and Civil society organizations where they are: policy makers, workers, property owners, entrepreneurs, educators, managers and boardroom members. Most women have established their owned enterprises-big or small. This establishment process takes them through normal registration processes like other businesses owned by males. While the delays and costs of registration and licensing processes impose a burden on all businesses, there is emerging evidence that such requirements impose a disproportionate burden on enterprises headed by women. Evidence suggests that women perceive the regulatory burden as greater than men do, that women are “time poor” and therefore less inclined to formalize their businesses, and that enterprises headed by women are much more likely to be subject to harassment and to pay bribes than businesses head by men. Women are seen as “soft targets.” (Amanda et al, 2006).

Snyder (2000) reported that the contemporary story of female entrepreneurs in Uganda mirrors the country’s experience in the recovery from, civil war and its legacy of death, destruction and fear. In terms of explaining the rise in women’s entrepreneurship, Uganda’s case is however unique because “a veritable explosion of Ugandan African entrepreneurship was born out of the need to survive amidst chaos” (Snyder, 2000; p. 17). The civil wars and economic crises that engulfed the country in the 1970s and early 1980s had such profound demographic and structural impacts on any business initiative to reach acceptable levels. Kikooma (2012) reports authorities who note that in Uganda, men and women are connected through kinship relationships that, in turn, are nested in broader structural domains, such as ethnic groups and classes (Ssetuba, 2002; Tatria, 1987). The values and beliefs generated by this system create gender differences in social behaviours, and at the same time reinforce and maintain the status quo in terms of economic and social relations (Tatria, 1987).

The Gender and Growth Assessment report (GGA 2005) from the World Bank Group stressed that poverty in Uganda had a predominantly female face and that removing gender inequality was key to economic growth and eradicating poverty in Uganda. Women then provided approximately 70% of the labour force and were predominantly in the informal sector. Whereas this was an indicator of their enterprise, lack of access to resources, both tangible and intangible, continued to hinder their effective participation in the formal private sector. This meant that women entrepreneurs more often than male entrepreneurs tended to remain in their status quo and failed to move beyond the ambit of micro or small enterprises. The situation described in 2005 has not changed fundamentally due to the prevailing affirmative action strategies and the economic conditions of the country.

Women-owned businesses: tend to be smaller, are often less experienced, have less access to human, financial and social capital, tend to be in less-profitable sectors, have owners who tend to have more family and care responsibilities (Kepler and Shane, 2002). Women-owned businesses need to scale, focus on more productive sectors and move up the value chain, in order to more successfully compete in the increasingly complex trade landscape (interagency taskforce on financing for development, 2016).

Women entrepreneurs face unique challenges as a result of past and current discriminatory practices and attitudes. This is because women-owned businesses are dissimilar, it is important to consider the disparate impact of seemingly gender-neutral rules, policies and programmes (Quinot, 2013). UNIDO (2004; Mulugeta, 2010) recognizes that a major characteristic of women entrepreneurs in MSEs is that they produce predominantly for the domestic market, drawing in general on national resources. Female entrepreneurs within nature-based businesses are often invisible in statistics, as well as in research, since traditionally men have owned such companies. This leads to a lack of knowledge about the opportunities for women to start and run nature-based businesses (Sorensson & Dalborg, 2017).

A pilot project in Entebbe to simplify the trade licensing system found that women responded well to simplified, speedy procedures and came into compliance once it became feasible for them to do so. It is from this imperative that registration and licensing procedures in Uganda need to be simplified in line with best practice in high-performing Commonwealth countries that originally had the same regime as Uganda (Amanda et al, 2006). This goal can be easily attained especially considering that women managers occupy the government machinery responsible for registration of business initiatives- Uganda investment authority, KCCA, URA, etc.

A study conducted by ILO (2008; Mulugeta, 2010) in Ethiopia, the United Republic of Tanzania and Zambia found that, women entrepreneurs did not have the same access to networks as men. That women entrepreneurs had difficulties accessing premises due to, among other things, a lack of property and inheritance rights; women's lack of access to titled assets that could be offered as collateral for loans. These impediments according to

the study findings adversely affected the growth of their enterprises. In addition; women entrepreneurs lacked access to formal finance and relied on loans from family and community; women entrepreneurs tended to be grouped in particular sectors, particularly food processing and textiles; business development service providers did not give adequate time or effort to target women entrepreneurs – they did not offer flexible arrangements in respect of the timing and location of service delivery; Women often experienced harassment in registering and operating their enterprises

Since women are often not listed as the owner of companies (Pini, 2004), women in nature-based business have difficulties in identifying their work, often seeing work on farms as not work at all. Women see the label “farmer” as one that is used by men. Women also attach very little value to their own work on the farm, as they do not see it as real work (Whatmore, 1991). Hence, if women start their own company, it is not seen as a good thing, and therefore it might be better to be invisible entrepreneurs. This has resulted in poor knowledge about women’s entrepreneurship in nature-based businesses. Furthermore, in Sweden, as in most other countries around the world, women are underrepresented in terms of starting and running businesses (Kelley et al 2016).

Increasing the opportunities for more economic agents, particularly small and medium-sized enterprises (SMEs) to engage in the delivery of goods and services can result in improved outcomes for the alleviation of poverty and increasing gender equality, given that women-owned businesses are disproportionately located in this sub-sector of the economy (Kirkton, 2013). Ownership rights are fundamental to women’s business capacity. These rights make it possible for women to start businesses, and to provide the collateral necessary to finance growth and internationalization (interagency taskforce on financing for development, 2016). There is increasing evidence that women face obstacles in setting up their businesses, and fewer women-owned businesses than male-owned businesses participate in the formal economy and in international trade.

The International Trade Centre (ITC 2014) unveiled the “Empowering Women through Public Procurement” to increase the number of public procurement contracts awarded to WBOs. ITC is the joint agency of the World Trade Organisation and the UN in working towards strengthening developing economies to become more competitive in global markets (Theyathasan, 2015). The ITC-led Global Platform for Action on Sourcing from Women Vendors, established in September 2010, has grown into a network that convenes partners who purchase more than US\$ 1 trillion dollars in goods and services annually and represents more than 50,000 women entrepreneurs.

The network is an avenue for organizations committed to women’s economic empowerment to operationalize their pledges to increase the amount of procurement by women-owned businesses (interagency taskforce on financing for development, 2016). In September 2015, ITC launched a five-year Call to Action to bring one million women entrepreneurs to market by 2020 by boosting women’s participation in trade. This report provides valuable and practical insights into how the Call to Action can be realized. It

examines women's experiences in business and trade and contemplates possible synergies among the actions undertaken by the different stakeholders who share this goal (interagency taskforce on financing for development, 2016).

Overcoming the above challenges will ensure a fairer market in which women have a better chance of bidding for public tenders. This makes good economic sense. Research shows that women invest up to 90% of their earnings in their family and community, such as in education, health, food for their families, compared to only 40% of men. The executive director of the ITC, Arancha Gonzales, said that it is because of women's commitment to their families and communities that they are "a powerful instrument to achieve development" in emerging markets. The guidelines will reduce poverty and promote inclusive economic growth (Theyathasan, 2015).

2.3 The nature of Public Procurement

According to the United Nations Commission on International Trade Law (UNCITRAL) Model Law 1994, public procurement refers to 'the acquisition of goods, construction or services by a procurement entity.' (Kirkton, 2013). Procurement is about the transparent use of public funds and value for money, but must also be matched with making these funds sustainable. Each year, despite USD15 trillion passing through government hands to suppliers through the government procurement market, only 1% goes to women based organisations (WBOs). (Kirkton, 2013) To this effect, more needs to be done by government to integrate WBOs into the supply chains. While governments have used public-procurement policies as a vehicle for socio-economic objectives, few governments have fully recognised how procurement can unleash the potential for WBOs and entrepreneurs (Theyathasan, 2015).

Public procurement accounts for a significant share of governments' annual expenditures. It is widely recognized that public procurement can be an important instrument to promote socio- economic and environmental objectives of a country (Arrowsmith et al., 2000; Thai, 2000). Given the size and volume of government procurement, it is especially an important policy tool in advancing marginalized groups, including women, racial minorities and the disabled (McCrudden, 2004). While data vary, it has been estimated that public procurement constitutes 10-15% of GDP in developed countries and up to 20% in developing countries (Harvard University, 2012).

Worldwide, governments spend approximately US\$11 trillion per annum on procurement (Hetland, 2012). In absolute terms, annual federal procurement in the United States was estimated to be about US\$250 billion previously (Solovic, 2004). In the United Kingdom, annual procurement expenditure has been around £240 billion (US\$367 billion) (Federation of Small Businesses, 2012). Public procurement spending in South Africa was over R600 billion in the 2010/11 financial year. According to ITC research, public procurement constitutes 10% to 15% of the GDP of developed countries and up to 30% to 40% of the economies of least developed countries, but women-owned businesses receive only a tiny (and frequently undocumented) share of that market.

A study conducted by the Organisation for Economic Cooperation and Development (OECD) suggested that the weighted average ratio of contestable government procurement to GDP was about 8% in 28 OECD countries and 5% in 106 non-OECD countries between 1990 and 1998 (Mshomba, 2009). The size of public procurement in Africa is thought to be between 9% and 13% of GDP (Mshomba, 2009) and as much as 20% of GDP in other developing economies (Ghana Business News, 2013).

While government procurement spending is sizable, Hetland (2012) estimates that only 1% of the US\$11 trillion spent annually on public procurement globally is awarded to WOBs. This skewed figure exists regardless of the reasonable representation of WOBs in various economies. For example, women are estimated to own about 50% of businesses in the United States (Solovic, 2004), more than 39% of businesses in Latin America (Hetland, 2012) and 38% of businesses in South Africa (Wits Business School, 2011). In the USA, through the development of preferential federal policies the promotion of public procurement from women-owned businesses (WOBs) and minority-owned businesses has been enacted (McCrudden, 2004).

Public procurement is a vehicle to help governments to achieve social goals and attain sustainable economic development. Within the Commonwealth, South Africa and Malaysia are two examples of countries where public procurement policy has been used to empower previously disenfranchised populations and thus pursue the goal of equitable sustainable development (Kirkton, 2013). Despite the large share of government procurement in many national economies and its influence on global finance and trade, public procurement remains one of the most protected areas of trade in the multilateral trading regime. According to the European Commission, public procurement 'is not covered by any multilateral WTO discipline and it is, for example, specifically exempted from the WTO obligation to treat foreign and domestic companies in the same way (Kirkton, 2013).

In striving towards gender equality and women's empowerment through the inclusion of WBOs, governments are also ensuring public procurement remains consistent with the General Assembly's Open Working Group on the Sustainable Development Goals: "12.7 promote public procurement practices that are sustainable in accordance with national policies and priorities." (Theyathasan, 2015). In its combined role as buyer and policymaker, government and related public organisations have the opportunity to help shape and increase the participation of women-owned businesses in procurement markets. Inclusive public procurement legislation, regulation, executive orders, policies, practices, institutional resources and training for women-owned businesses on how to sell to governments can support the success of women-owned businesses, especially SMEs, thus generating substantial social benefits without adding costs to taxpayers (interagency taskforce on financing for development, 2016).

Transparent procedures help attract more investment by lowering risk. A transparent procurement system allows competing private enterprises to judge the risk of doing business with the government. They can make more realistic economic investment decisions where government procurement policies are in line with good commercial practice and public accountability requirements (A strategy for improving public procurement, 1999). Market-based systems work best when constructive pressure exists to change and improve pricing, quality, or performance of a product, or to otherwise satisfy customer needs. The state and its subsidiary organs are normally obliged under domestic law and various international agreements to transact procurement in a fair, transparent and non-discriminatory manner. A public procurement system, which meets these objectives, will contribute also to the creation of a sound business climate in the country (A strategy for improving public procurement, 1999).

Governments need to carefully structure the rules that govern Procurement processes in order to achieve various policy objectives (Anderson, 2013). For most procurement systems, those objectives include value for money, integrity, equal treatment and efficiency. An increase emphasis on the rules focusing on increased participation of women entrepreneurs in public procurement is a key policy agenda. The argument is that while the main goal of public procurement is to buy goods and services that governments need it procurement should be used to promote socio-economic objectives (Quinot, 2013). Government procurement programmes, largely in member countries of the Organisation for Economic Co-operation and Development (OECD), attach additional conditions to government contractors, designed to raise environmental and/or social standards. These conditions include improvement of women's rights.

Very few governments have used public procurement as a tool to unleash the vast economic potential of women entrepreneurs (International Trade Centre, 2014). To harness the potential of women-owned businesses, procurement policies must be gender sensitive. This is because of the insurmountable challenges of women-owned business over those owned by men are not the same (Kepler and Shane, 2002, National Women's Business Council, 2009, World Bank, 2012).

2.4 Barriers to women participation in Public Procurement

Women entrepreneurs face a range of financial and non-financial challenges in realizing their growth potential, and are more likely than their male counterparts to cite access to finance as a major or severe constraint on their business operations. In addition, financial institutions have not yet fully realized the business opportunities of meeting the specific financing needs of women entrepreneurs as a distinct customer group. In addition, sometimes women are held back by lack of information and financial literacy. Yet women control more than US\$20 trillion in global consumer spending. Bold steps need to be taken to close the access to financial service gap between men and women, including bank accounts, saving, housing finance, SME loans, equity, insurance products and digital payments. Mobile technology plays a significant role in helping to achieve Universal

Financial Access by 2020 (interagency taskforce on financing for development (International trade centre July 2016).

Stumbling blocks for women entrepreneurs; for women-owned businesses in Africa, include financial criteria which poses the biggest challenge (International Trade Centre, 2014). A number of African women business owners and organizations repeatedly comment that the requirement for audited financial accounts; a key requirement for qualifying to supply to most governments, is a major stumbling block. Many women entrepreneurs interested in doing business with the government do not have the financial literacy to properly maintain their books and records, nor can they afford to have their accounts audited every year. The requirement for audited financial accounts is one of the biggest challenges to WBOs. Many WBOs interested in doing business with the government have not been trained in the basics of accounting to properly maintain their books and records and to have them audited imposes further financial burden (Theyathasan, 2015). Other financial requirements, such as performance bonds, bid guarantees, and fees for tender documents, are also beyond the reach of some women-owned businesses.

Like all qualification criteria, financial requirements need to be reviewed and appropriately tailored to suit the means of this group of would be suppliers to governments. Rationalizing and tailoring technical and financial qualifications should not however mean compromising standards. The governments and private sector representatives need to agree on how to lower minimum qualification criteria to accommodate women-owned businesses. Governments and trade support institutions should work together to build the capacity of women-owned businesses to enable them to meet the criteria. International trade agreements, such as WTO GPA, and procurement guidelines by international financial institutions, such as the World Bank, serve as sources of inspiration for countries wishing to address challenges faced by women-owned businesses (International Trade Centre, 2014). These businesses are often newcomers to procurement markets dominated by other businesses. A major obstacle they may face in establishing themselves as successful and competitive bidders is that unreformed procurement systems favor incumbent firms (their competitors) through well-established communication channels and cronyism.

WTO GPA's procedural requirements are designed to open markets. They help create transparent and fair procurement systems, and thereby ensure that women-owned businesses are not excluded from information relating to procurement opportunities. They must have a fair chance to compete. The revised text of WTO GPA outlines explicit obligations that parties need to prevent conflicts of interest and corrupt practices, which are other factors that may unfairly prevent women-owned businesses from winning contracts. WTO GPA's built-in requirement for domestic review of procurement decisions provides women business owners with important platforms to voice their concerns and address remaining unfair practices that put them at a disadvantage (International Trade Centre, 2014).

The 'value for money' consideration of public procurement acknowledges that public resources are scarce, requiring efficient supply of goods and services. The dissemination of information is a primary concern. An open and transparent procurement system is considered to be the best approach to realize the 'value for money' criterion, as transparency negates imperfect information flow and is perceived to maximise competition between potential suppliers (Kirkton, 2013). The size of the procurement market, which often makes up 10 to 15 per cent of the GDP of developed countries and can amount to as much as 30 to 40 per cent of GDP of developing countries is thus a major factor in economic activity (Kirkton, 2013).

Public procurement in Uganda is highly susceptible to corruption. The prevalence of bureaucratic influence which causes a contract to be awarded on the basis of subjective or unannounced criteria to an apparently specially favoured contractor is evident. The New Vision (2005) cites the Executive Director of the PPDA as stating that the Government would save 330 billion Uganda shillings by eliminating losses incurred through corruption in public procurement. That corruption is due to the fact that the law has many loopholes. In addition, the prescribed practices are laxly or impractical to enforce. Nuwagaba (2009) reiterates that one major discounting factor for the failure of all our policies and programmes' including decentralization is corruption. Imagine a country that loses 600 billion shillings in corruption related to procurement in a single financial year. This is half of the budget for the ministry of education (Obanda, 2010).

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The stringent rules and regulations that have become a part of the battle against corruption complicate the procedure for securing government contracts. For example, simply qualifying to bid for a contract requires an individual or company to meet the following criteria: 'the person has necessary qualifications capability, experience, resources, equipment and facilities to provide what is being procured; the person has the legal capacity to enter into a contract for procurement; and the person is not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing' (Migai Akech 2005). These are necessary components to guard against abuse of government resources, but they simultaneously act as discriminatory barriers to micro and small enterprises that have limited resources. Yet, micro and small enterprises are guaranteed preferential treatment under the Act and as such, they should still be afforded access to procurement processes.

WBOs are less able to absorb the impact of delayed payments from procuring entities. This limits the functioning capacity of WBOs who rely on these funds to generate production and profit. It is not unusual for payments to be delayed by 6-12 months (Theyathasan, 2015). As a woman starting in this public procurement industry, the first hurdle you will face is the lack of finances to service the tenders once you secure one. Women entrepreneurs in rural communities are excluded from procurement processes that require electronic applications, since they are less likely to have access to the internet (Theyathasan, 2015). The financial institutions take a long time to process loans and most women could not meet the requirements.” This is according to 26 year old Amina Hassan Mwafrika, a resident of Kilifi County and a beneficiary of the 30% public procurement business opportunities for women, youth and persons with disability (UN Women, 2017).

One of the major barriers of Ugandan SMEs access to procurement contracts identified was that, no feedback was made available about previous unsuccessful tenders. Giving feedback to SMEs is essential. In order to prepare for future bids, it is very helpful for a tenderer to see which aspects of the bid were considered strong by the procuring entity. This is provided for in the PPDA Act being a principle of transparency (Obanda, 2010).

Table 1: Estimated number of men and women-owned SMEs by region: 2003-2010

Region	Number of SMEs	Number of Women- owned SMEs	Number of Men-owned	Percent of SMEs owned by Women	Percent of SMEs owned by	Women population	Number of women owned SMEs per
EAP	12,455,846	5,321,144	7,134,702	43%	57	933,050,498	5
ECA	3,056,850	1,291,274	1,765,576	42%	58	215,317,812	6
LAC	3,407,670	1,313,787	2,093,883	39%	61	294,999,760	4
MENA	2,124,144	291,966	1,832,178	14%	86	187,350,564	1
SA	2,385,548	202,169	2,183,379	8%	92	695,155,754	2
SSA	3,895,340	918,838	2,976,502	24%	76	195,847,496	4
Global	27,325,399	9,339,178	17,986,221	34%	66	2,521,721,883	3

Source: IFC Enterprise Finance Gap Assessment Database (2011)

2.5 The International Experience of Women-owned Businesses in Public Procurement

The barriers to WOBs are not unique to a single African country. Hindrances to the participation of WOBs in public procurement span across borders and regions. Internationally, key hindrances to WOBs’ participation in public procurement include the following:

Bundling of contracts; Contract bundling is particularly relevant to the United States where the Federal government tends to bundle smaller contracts for unrelated goods and services into large ones (NAWBO, 2013). This reduces the number of small contracts available and makes it difficult for women-owned small businesses to compete (Nelton, 1998). In addition to limiting opportunities for small businesses to compete, contract bundling tends to inflate the price of the smaller contracts in a bid to come to ‘one big number’. This increases the costs of goods and services to the government (NAWBO, 2013).

Corruption: Many public procurement systems have cumbersome bureaucracies, are weighed down by a lack of transparency and corrupt activities, and are in need of reform. Internationally, WOBs are often new arrivals to the public procurement scene and their progress is inhibited by “well-established communication channels and cronyism” (Lamy, 2012). It is estimated that the volume of bribes in procurement processes is between US\$390 billion and US\$400 billion globally. This is a particular concern to developing economies as this will typically push up procurement prices by 20-30%. Corruption thus acts as a barrier to WOBs and other new entrants to the market (Mawenya, 2008).

Preferential treatment towards established contractors: Governments often contract to companies they are familiar with. Similarly, companies that bid for contracts with government often understand the system better and are therefore more likely to win contracts. This makes it difficult for new entrants to access public procurement opportunities. In addition, some prime contractors in the United States, for example, are awarded contracts with the provision that they use minority- or women-owned businesses as subcontractors. These obligations are however often waived by procurement offices (Enchautegui et al., 1997).

Companies fronting as WOBs: In response to government policy and legislation that benefits WOBs, non-women-owned businesses sometimes set up false women fronts where, for example, the company will appear to be managed by a woman, but this will be in name only and will not extend to any operational involvement (Enchautegui et al., 1997). This is detrimental to legitimate WOBs that lose out contracts to false fronts. While many countries have policies in place to screen companies, these screening processes are not always initiated, largely because enforcement requires both resources (monetary and human) and incentives. Neither of these is always in place.

Lack of information: Repeatedly brought up in literature on WOBs and their access to public procurement is the issue of a lack of information about procurement processes (Jones, 2011). The processes are unnecessarily complicated, differ from department-to-department, and in some instances there is limited notice of advertised contract opportunities (Enchautegui et al., 1997). As a result of this, WOBs are often unaware of available contracting opportunities (Mee, 2012).

Contracting officers in procurement offices. A study in the United States sought the advice of contracting officers in procurement offices, asking them what they feel the barriers are to improved access for WOBs in the public procurement process (Mee, 2012). A number of contract officers noted that they are under a considerable amount of pressure as they are responsible for running a number of different preferential procurement programmes and in some instances the preferential programme for WOBs simply falls through the cracks (Mee, 2012).

Perceived inadequate supply of WOBs bidding for contract: Governments often perceive that there are not enough qualified WOBs competing for public contracts (Mee, 2012). This can be extrapolated to mean that there are either simply not enough qualified WOBs or that the qualified WOBs are not bidding for government contracts. Steps can be taken to remedy both scenarios. While it is presumed that there are little or no WOBs to draw on in the defence sector, this depends and differs by sector. Ultimately this takes some investigation on the side of the government and some initiative on the side of the WOBs (Mee, 2012).

2.6 Selected Country strategies for Increasing Participation of women in PP Kenya.

Within East Africa, Kenya is leading the way in creating greater space for WBOs in public procurement. Kenya's drive through the country's public procurement regulations to reserve 30% of government contracts for women, youth and persons with disability is a key affirmative action. Additionally, Kenya is the first country in Africa to introduce the Commonwealth Business Women's Academy, specifically built to train women on how to increase the capacity of WBOs to take advantage of business opportunities through procurement. So far, 55,000 businesses have registered under the procurement



programme at the Academy. This innovative programme addresses many of the critical areas of the Beijing Platform for Action on Poverty and the Economy that are key for the socio-economic advancement of women (Theyathasan, 2015).

Kenyan procurement regulation as outlined in The Public Procurement and Disposal Act No.3 of 2005 seeks to establish procedures for procurement and the disposal of unserviceable, obsolete or surplus stores and equipment by public entities. Services are included here though not explicitly stated. The objectives of the Act include, the maximisation of economy and efficiency, the promotion of competition and fair treatment of competitors, ensuring that procedures meet transparency and accountability standards, increasing public confidence in the procedures and facilitating the promotion of local industry with a focus on economic development.

The Act allows for the creation of the Public Procurement Oversight Authority (PPOA) which is entrusted with monitoring the public procurement system, advising entities, training professionals, disseminating procurement-related information and initiating policy and amendments to the Act that are of relevance to its objectives. The head of the PPOA is the director-general who acts as its chief executive officer and has comprehensive authority. The individual in this position executes management decisions relating to the PPOA and also has a role in dispute settlement. The PPOA is further enhanced by two supplementary boards, the Public Procurement Oversight Advisory Board and a Review Board.

The Advisory Board is made up of the director-general and nine other members appointed by parliament. This Advisory Board (as noted in Sections 22 and 23 of the Act) has the power 'to advise the authority generally on the exercise of its powers and the performance of its functions; to approve the estimates of the revenue and expenditures of the Authority; to recommend the appointment or termination of the Director-General in accordance with this Act; and to perform such functions and duties as are provided for under this Act'. The Review Board is used to provide checks and balances and can overturn the decision of the director-general. There are barriers to this function, but they may be necessary to prevent frivolous cases being brought before the Board.

Each application for review has an attached fee and is not guaranteed to be heard as applications may be dismissed on grounds of vexation, vindictiveness and/or unsubstantiated claims. The Review Board must meet certain criteria as well, such as providing a decision within 30 days of receiving a request. These separate entities reflect the accepted norms for good governance practices. Each separate entity can function as a check on the activities of the other. There are also provisions in the law that address contentious areas such as corrupt practice, fraudulent practice, collusion, conflict of interest, confidentiality, the maintenance of procurement records, the publication of procurement contracts, amendments to contracts and inspections and audits relating to contracts.

Greater transparency is crucial since like many other developing countries, Kenya is party to a variety of multilateral aid arrangements that call for good governance standards and, more importantly, that this aid is substantially employed as part of public procurement funding (Akech, 2005). In Kenya, the 2005 Public Procurement and Disposal Act declared a number of similar objectives: maximize economy and efficiency, promote competition and ensuring that competitors are treated fairly, promotion of integrity and fairness, increasing transparency and accountability, increasing public confidence, and facilitating the promotion of local industry and economic development (International Trade Centre, 2014).

In Kenya, the Public Procurement and Asset Disposal Act(2015) was revised to consider the 30% reservation scheme for women, youth and PWDs

The key initiatives:

- 1) Procurement is anchored in the Constitution
- 2) Reservation of 30% contracts to women, youth and disabled and a business to benefit a signatory must be a woman
- 3) Amendment of the procurement laws
- 4) Introduce the Commonwealth Business Women's Academy, specifically built to train women on how to increase the capacity of WBOs to take advantage of business opportunities through procurement.
- 5) the empowerment of women by advancing economic security and development
- 6) Strengthened monitoring systems by Oversight Authority (PPOA) which is entrusted with monitoring the public procurement system, advising entities, training professionals, disseminating procurement-related information and initiating policy and amendments
- 7) Enhancing greater transparency in the procurement systems
- 8) System of checks and balances of procurement organs
- 9) 30% reserved women contracts are decentralized to the counties

- 10) M and E assessments go to parliament and the President
- 11) Reporting of procurement outcomes is key
- 12) Profiling of women enterprises winning government tenders

Chile

To increase the participation of women in Chilean public procurement, an action plan was devised. This led to modification of public-procurement regulations and issuance of guidelines to help public officials ensure that gender considerations were included in criteria upon which they made decisions to purchase goods and services. The incorporation of gender-specific evaluation criteria also included social issues such as the active inclusion of women into the public procurement system. In addition, specialized training programmes were created for women entrepreneurs on how to submit bids for public procurement. Stories of successful women suppliers were used actively to encourage other women to participate.

In recognition of the increasing participation by women in the labour force, which helps increase productivity and economic development, Chile Compra in 2015 established a supporting program for women entrepreneurs with a view to strengthen their participation as suppliers in the public procurement market (Inostroza, 2016).

Chile developed a public procurement system regarded by many as among the world's most open to address the concerns of transparency, due diligence and fairness. A huge effort was made to ensure that it is also inclusive for small companies. Managed by Chile Compra, Mercado Público (Public Market) is an e-marketplace where 90% of the companies that sell their products and services are micro or small enterprises. Moreover, these companies account for 45% of public-procurement transactions, over five times the participation rate of these companies in the Chilean economy (8%). If medium-sized companies are included, the combined participation of micro, small and medium-sized enterprises (MSMEs) in the market rises, achieving 60% of the total amount of the transactions (Inostroza, 2016).

The key initiatives in Chile involved:

- 1) Development of an action plan for women affirmative action
- 2) Modification of public-procurement regulations and
- 3) issuance of guidelines to help public officials ensure that gender considerations were included in criteria
- 4) The incorporation of gender-specific evaluation criteria also included social issues such as the active inclusion of women into the public procurement system.
- 5) specialized training programmes were created for women entrepreneurs on how to submit bids for public procurement
- 6) Stories of successful women suppliers were used actively to encourage other women to participate
- 7) established a supporting program for women entrepreneurs with a view to strengthen their participation as suppliers in the public procurement market
- 8) Open system to address the concerns of transparency, due diligence and fairness.
- 9) E-market place for SMEs enterprises including women was established

Philippines.

In Philippines, government instituted a policy to 'promote the ideals of good governance'. Under the Government Procurement Reform Act, the system was designed to be governed by transparency, competitiveness through equal opportunity, efficiency through simplified and streamlined procedures, accountability, and establishing public monitoring to ensure strict compliance with laws and regulations (International Trade Centre, 2014).

In the Philippines, the Department of Trade and Industry (DTI) which is the lead agency on discussions and economic empowerment of women convened consultative meetings with the Philippine Commission on Women (PCW) and the private-sector led Women's Business Council to evolve a framework for discussions on Women and the Economy in 2015. To oversee all details required for the APEC-WES, a National Organizing Committee (NOC) was established through a memorandum of agreement recently by the DTI, Philippine Commission on Women (PCW), and the Women's Business Council Philippines, Inc. As one of its initial activities, the APEC-WES National Organizing Committee (NOC) attended the WEF in Bali from September 6 to 8, 2013.

The DTI, PCW and WBC were expected to identify and understand issues affecting women's economic empowerment in the Asia-Pacific region, and formulate strategies and policy recommendations to address these issues. The Philippine SME Development working group's Strategic Plan focused on three areas: Business Environment and Market Access, Financing and Building Management Capacity and Entrepreneurship Productivity and Efficiency and this is patterned after the APEC Strategic Plan. The SME Development Council is the highest policy making body that meets four times a year to review and recommend policies to SMES. The APEC SMEWG meets twice a year.

The Philippines underscored the need to:

- 1) Enhance SMEs' ability to take advantage of opportunities throughout the production chain
- 2) Enhance SMEs' ability to take advantage of trade opportunities
- 3) Promote use of ICTs and intellectual property protection
- 4) Facilitate SMEs' access to trade and investment-related information
- 5) Conduct seminars to exchange experiences
- 6) Develop and maintain an open economy that allows the flow of capital, people, ideas, goods, and services across borders in ways that ensure competition, enhance productivity, and foster growth across the Asia-Pacific region

India.

In India, the 2005 General Financial Rules stated, 'Every authority delegated with the financial powers of procuring goods in the public interest shall have the responsibility and accountability to bring efficiency, economy, and transparency in matters relating to

public procurement, and for fair and equitable treatment of suppliers and promotion of competition in public procurement (Anderson, 2013).

Transparency and accountability in public procurement (PP) became the forefront of India's political agenda. In February 2011, the Indian Cabinet Secretary set up a special committee on procurement. The committee recommended increased transparency in the PP process and making procurement information accessible to the public.

In 2004 the Ministry of Women and Child Development (MWCD) had adopted gender budgeting as a way to address gender inequality. The Ministry of Finance mandated all ministries to establish gender budgeting and as of 2007, there were 51 ministries with gender budget cells. According to the Gender Budgeting Manual 'gender budgeting translates stated gender commitments into budgetary commitments' (Ministry of Women and Child Development 2007). However, the gender budgeting handbook failed to mention procurement policy.

Similarly, country developed the 2007–2012 Five-Year Plan although this did not specify plans to target women's empowerment through public procurement, although it had progressive aims to address gender disparities, such as increasing the sex ratio of females to males in the 0–6 age group by 2012 and then again by 2017 and ensuring that at least 33 per cent of the beneficiaries of all government schemes are women and girls.

There are several other initiatives to encourage and support female entrepreneurship through the Ministry of Women and Child Development and the Ministry of Micro, Small and Medium Enterprises (MSME). The MSME ministry had a 'Women Cell' to provide assistance to women entrepreneurs. The Small Industries Development Bank of India offered developmental assistance, micro credit and soft loans to women pursuing income-generating activities. Indeed these schemes did advance the development of Indian women but they did not target the difficulties specific to accessing and successfully bidding for public tenders.

Preferential procurement policy regarding micro, small and medium- sized enterprises had a clearly delineated policy under the Government Purchase and Price Preference Policy for Micro & Small Enterprises. There were also extensive references in the Ministry of Finance's Manual on Policies and Procedures for Purchase of Goods to preferential treatment for small and medium-sized enterprises.

The following key highlights are noted in India:

1. Transparency and accountability in the procurement system
2. making procurement information accessible to the public
3. Gender-based budgeting
4. Establishment of a 'Women Cell' to provide assistance to women

- entrepreneurs in the Ministry of Gender
5. Offered developmental assistance, micro credit and soft loans to women pursuing income-generating activities.
 6. Preferential procurement policy schemes were institute
 7. Development of guidelines for enforcing preferential schemes

South Africa:

In South Africa WOBs are often associated with pink collar-type industries, although WOBs are relatively diversified across sectors, including traditionally male-dominated sectors such as construction. According to the entrepreneurial network Enablis' annual member survey, WOBs had a greater representation in light manufacturing, transport, storage and communications, but less so in for example mining and quarrying (DTI, 2011). In 2006, SEDA data indicated that SMMEs, including WOBs, were largely active in community and personal services, as well as construction and trading activities (DTI, 2011). Looking ahead, WOBs in South Africa needed to reap the benefits of the government's multi-billion Rand infrastructure spending programmes, mainly in energy and transport infrastructure.

South Africa had to make trade-offs when it first established a preferential procurement scheme to promote black empowerment and protect historically disadvantaged individuals (BWASA, 2013). Prior to 2011, procuring agencies had to specify how preference points would be awarded for each tender opportunity and then adjudicate the number of preference points awarded to each bidder. Because of the judicial remedies available, preference points became a fertile ground for legal challenges, making the system inefficient. The 2011 Preferential Procurement Regulations eliminated the discretion given to procuring entities, by setting out the specific preference points based on its certified Broad-Based Black Economic Empowerment (B-BBEE) status level. Procuring agencies no longer needed to award preference points, streamlining the procurement process (Quinot, 2013).

The greater framework in place in South Africa post-1994 gives emphasis to providing equal opportunities and overcoming discrimination on the basis of race, gender and disability. According to Bolton (2006), the use of procurement as a policy tool is justified within the South African context as a basis for job creation and economic development. This is despite the existence of both time and cost premiums that are attached to the use of public procurement as an empowerment tool. As such, the notion of using public procurement as a policy tool for addressing some of the wrongs of the past, including limited economic involvement and recognition of WOBs in government supply chains, has resulted in the recently enacted revised Preferential Procurement Regulations Framework Act (PPPFA) of 2011 in South Africa.

The following initiatives emerge from the South African experience:

1. greater framework in place in South Africa post-1994 gives emphasis to providing equal opportunities and overcoming discrimination on the basis of race, gender and disability.

2. preferential procurement scheme to promote black empowerment and protect historically disadvantaged individuals
3. Eliminating the previous system of the discretion given to procuring entities, by setting out the specific preference points based on its certified Broad-Based Black Economic Empowerment (B-BBEE) status level.

United States:

In the United States, WOBs employ approximately 19.1 million people and generate US\$2.5 trillion in sales annually (Solovic, 2004) and US\$3 trillion in revenue (Mee, 2012), significantly adding to the country's GDP. Mee (2012) recognises that "if all the women-owned businesses in the United States were one country, they would have the fifth largest GDP in the world". This would compare to the nominal GDP of France in 2012 (US\$2.6 trillion) as per GDP data provided by the IMF (International Monetary Fund, 2013).

While initially garnering mixed results, the evolution of the United States' enabling policy environment for WOBs has seen it gain traction in recent years, driven by the realisation that WOBs play a vital part in the US economy. Between 2002 and 2007 the growth of women-owned small businesses outpaced men-owned small businesses, with the former growing by 20.1% and the latter by 5.5%. WOBs also create more employment opportunities than their men-owned counterparts (Mee, 2012).

Realizing this, a key lesson that the US does provide is the willingness and responsiveness of government and policymakers to incorporate social criteria into public procurement policy, with specific focus on promoting economic opportunities for WOBs in government contracting. A key policy measure implemented in this regard was in 1994, which required 5% of procurement dollars to be allocated to WOBs. Instrumental in lobbying for this minimum threshold was the National Association of Women Business Owners (NAWBO) – a group representing more than 10 million WOBs in the United States. Its enactment and the drivers thereof, showcases the potential for women's groups in a democratic setting to lobby for meaningful changes in a given country's political domain.

In the 2002 fiscal year, approximately 2.9% of federal contracts went to women (Solovic, 2004). By 2012, WOBs received an estimated 8.3% of contracts but only 2.5% of federal contracting dollars (Mee, 2012). It is likely that the lack of WOBs receiving government contracts is partly due to the fact that WOBs are less represented in specialised industries. For example, in the US, more than 90% of WOBs are concentrated in three sectors, namely the services sector (69%), the real estate sector (14.1%) and the wholesale trade sector (7.7%) (Becker & Miller-Kermani, 2008). Traditionally male-dominated sectors have a lower representation of WOBs. This skewed distribution of WOBs is reflected in the share of contracts awarded to WOBs in departments where specialised services or goods are required. Among these, the US Department of Housing and Urban Development contracted the most to women in 2009. That year, 16.12% of

contracts were awarded to WOBs (Mee, 2012). Despite there not being many WOBs in the agriculture sector, the Department of Agriculture awarded 6.81% of contracts to WOBs in 2009 (Mee, 2012).⁷ The Department of Defence awarded only 3.37% of contracts to WOBs in 2009 and the Department of Energy a mere 0.89% (Mee, 2012).

For the United States, the focus on promoting WOBs in government supply chains has evolved and strengthened over time. The country legislated the Small Business Act (SBA) in 1958 in order to encourage the growth of small businesses through public procurement (Mee, 2012). The policy included provisions for the creation of outreach programmes and financial assistance. In 1988 the SBA was extended to include the Business Opportunity Act, whereby at least 20% of all direct federal procurement would be awarded to small businesses. In 2000 this was taken forward by the Small Business Reauthorization Act, specifically focusing on women-owned small businesses (Mee, 2012).

The most significant piece of public procurement legislation promoting women in public procurement came about in 1994 with the Federal Acquisitions Streamlining Act (FASA). This set a goal of 5% of federal procurement dollars going to WOBs (Mee, 2012). Recognizing the shortcomings of the implementation of the Act, the Equity Contracting Women Act (ECWA) came into effect in 2000 to put official tools in place to meet the 5% FASA target (Mee, 2012). This included reserving contracts for WOBs in sectors that were deemed historically under-represented by WOB. While the ECWA was a step in the right direction, problems arose around which industries would be considered as historically under-represented for WOBs. Eight years after ECWA, the SBA proposed four industries that it considered as being historically under-represented. The fact that only four industries were identified was also contested and met with fierce criticism (Mee, 2012; NAWBO, 2013).

In response to this opposition, the Women-Owned Small Business Federal Contract Programme was put in place in 2010, identifying 83 North American Industry Classification System (NAICS) codes that would be eligible for the programme (Mee, 2012). The Fairness in Women-Owned Small Business Contracting Act was introduced the same year. This would result in price limits being removed for public procurement and allowing sole-source awards to go to women-owned small businesses. Beyond the national legislation, procurement programmes in the United States are in some instances state or department-specific. For example, the US Department of Transportation required states to ensure that at least 10% of their contracts (using Federal money) would be awarded to minority-owned businesses (Marion, 2011). This was legislated in 1982 and in 1988 a distinction was made between minority-owned businesses and WOBs with a 9.9% procurement goal for minority-owned businesses and a 2.2% for WOBs (Marion, 2011). Prior to 1988, minority-owned businesses received 11% of contracting dollars and WOBs received 3.1% of contracting dollars. Once the distinction between minority- and women-owned businesses was made, between 1988 and 1993 the share of WOBs in public

procurement increased to 5% while minority-owned businesses decreased to 7%. This programme has been fairly successful, with the majority of states reaching their 10% quota (Marion, 2011).

Looking ahead, while the US has been relatively proactive in drawing up legislation to increase the participation of WOBs in public procurement, there have been significant challenges in implementing this. Suggestions (see Marion, 2011; Mee, 2012; NAWBO, 2013) to overcome these challenges going forward include: Establishing more mentor programmes between WOBs that have been awarded government contracts and new entrants to the market; Creating more industry-specific programmes, such as the Department of Transportation's programme; Creating incentive programmes for contract officers in procurement offices to reach their targets for the participation of women in public procurement, as well as penalties when these goals are not met; Holding government departments accountable for not reaching their women participation targets; and Creating a single source of public procurement contracts, with up-to-date information on opportunities and deadlines, as well as the creation of standardized documents across all departments.

The following initiatives stand out:-

1. Willingness and responsiveness of government and policymakers to incorporate social criteria into public procurement policy, with specific focus on promoting economic opportunities for WOBs in government contracting.
2. Legislation with the 1994 Federal Acquisitions Streamlining Act (FASA). This set a goal of 5% of federal procurement dollars going to WOBs (Mee, 2012)
3. Shortcomings of the above act led to the Equity Contracting Women Act (ECWA) came into effect in 2000 to put official tools in place to meet the 5% FASA target (Mee, 2012). This included reserving contracts for WOBs in sectors that were deemed historically under-represented by WOB.
4. The Women-Owned Small Business Federal Contract Programme was put in place in 2010, identifying 83 North American Industry Classification System (NAICS) codes that would be eligible for the programme (Mee, 2012).
5. The Fairness in Women-Owned Small Business Contracting Act was introduced the same year. This would result in price limits being removed for public procurement and allowing sole-source awards to go to women-owned small businesses
6. State-specific initiatives. The US Department of Transportation required states to ensure that at least 10% of their contracts (using Federal money) would be awarded to minority-owned businesses (Marion, 2011).

7. A key policy measure implemented in this regard was in 1994, which required 5% of procurement dollars to be allocated to WOBs.
8. Lobbying by Instrumental in lobbying by the National Association of Women Business Owners (NAWBO) – a group representing more than 10 million WOBs in the United States.
9. Sector-based affirmative actions. More than 90% of WOBs are concentrated in three sectors, namely the services sector (69%), the real estate sector (14.1%) and the wholesale trade sector (7.7%) (Becker & Miller-Kermani, 2008).
10. Government department reporting mechanisms. For example, the US Department of Housing and Urban Development contracted the most to women in 2009.
11. Establishing more mentor programmes between WOBs that have been awarded government contracts and new entrants to the market
12. Creating more industry-specific programmes, such as the Department of Transportation's programme;
13. Creating incentive programmes for contract officers in procurement offices to reach their targets for the participation of women in public procurement, as well as penalties when these goals are not met;
14. Holding government departments accountable for not reaching their women participation targets; and
15. Creating a single source of public procurement contracts, with up-to-date information on opportunities and deadlines, as well as the creation of standardized documents across all departments.

Brazil:

Brazil's policy includes a strong social element. The country enacted a bill in 2007 that required public purchases to take social criteria into consideration. This criterion was defined for a large number of products and services and was incorporated in the country's electronic bidding system (United Nations, 2008). Further, the law was also meant to increase the participation of smaller businesses in public procurement. Over a medium time period, legislation reserving 30% of contract values for small businesses has had the effect of increasing the participation of Micro and Small Enterprises (MSEs) in public procurement from 14% in 2005 to over 30% in 2009 – representing an increase of 500% to US\$8.1 billion in sales to Federal government over the four-year period (Pezzuti et al., 2012). The reason for the success in fostering increased participation of MSEs in the economy is chiefly explained by a high level of political commitment, economic growth and labour reform, managing opposition interests, external support and active civil society (Oxfam, 2010). An enabling environment has been created with supplementary

laws (regulations have more than doubled in the 2005-2009 period) as well as tangible administrative measures for the effective enforcement of such laws.

Other innovative public procurement methods have been used as a tool to spur local development in the country’s agricultural sector. In this sector, WOBs have benefited from The Brazil Food Acquisition Programme (Programa de Aquisicao de Alimentos), which is the keystone of the country’s food security policy framework known as Fome Zero (translated as Zero Hunger) (Giubilo, 2012). The programme, which was launched in 2003, has the dual aim of providing food to vulnerable populations and promoting social inclusion in rural areas.

Given the multi-layered approach to procurement policy, procurement rules, such as the 30% reserved for small businesses in Brazil, should be at the centre of increasing bilateral trade between regions as well, and could be pursued on a regional scale. This would thus apply to Brazil’s trade partners, including South Africa.

The following initiatives were undertaken:-

1. The country enacted a bill in 2007 that required public purchases to take social criteria into consideration. This criterion was defined for a large number of products and services
2. Incorporating the criteria in the country’s incorporated in the country’s electronic bidding system
3. legislation reserving 30% of contract values for small businesses has had the effect of increasing the participation of Micro and Small Enterprises (MSEs) in public procurement from 14% in 2005 to over 30% in 2009 – representing an increase of 500% to US\$8.1 billion in sales to Federal government over the four-year period (Pezzuti et al., 2012).
4. high level of political commitment, economic growth and labour reform, managing opposition interests, external support and active civil society

Box 1: Preferential Public Procurement Legislation of Select Countries

State	New PP Law	Revised / Amended PP Law	Preferential treatment
Rwanda	Public Procurement Law, 2007	Public Procurement Law (no.5/2013)	Article 41 (2007) states: “local preference not exceeding 10% may be granted to companies registered in Rwanda or to Rwandan nationals and bidders in regional economic integration bodies”
Seychelles	Public Procurement Act, 2008	Public Procurement Regulations (2014)	Article 92(1)(2) (2008). Unspecified. Policy is under the preview of the Procurement Oversight Unit in consultation with the government. Article 152 (1)(2)(3)(a)(2014) “eligibility for the margin of preferences in terms of ownership, location of the bidder or production facilities, origin of labor, raw material or components, extent of subcontracting or association with local partners or any other relevant factor”

Senegal	Public Procurement Law, 2007	2014	Section 5, reserved for local communities, SMEs, and ECOWAS citizens.
Namibia	Tender Board of Namibia Act, 1996	New Procurement Bill proposed in 2015	Article 15(5); "In comparing tenders, the Board shall give effect to the price preference policy of the Government to redress social, economic and educational imbalances in a democratic society and to encourage industrial and commercial interests in Namibia." -Proposed New Public Procurement Bill, 2013(84-88). Section 85(3)(a, b) articulate the promotion of empowerment for women following the provisions of the Namibian Constitution.
Ethiopia	The Ethiopian Federal Government Procurement and Property Administration Proclamation, 2009	–	Non-discrimination on the bases of nationality, race or other criterion. Article 4(2009) "provisions of this Proclamation set out in masculine gender shall also apply in the feminine" Article 25(1)(2), directives on preferential schemes are the preview of the Minister who may specify the margin allowed for nationals, SMEs, an local goods, services or companies. -The Ethiopian Federal Government Procurement Directive, 2010 (4):"No candidate shall be discriminated or excluded from participating in public procurement on the ground of nationality or other reasons which are not related to the evaluation criteria except in accordance with the rule of preference provided in the proclamation."
Central Afr. Rep	Code des marchés publics, 2008	–	Article 26 preferences reserved in subcontracting schemes for local communities and businesses (15%) and ECCAS enterprises (10%). Article 64.
Gabon	Code des marchés publics, 2002	Code des marchés publics, 2012	Article 90 (2012) SMEs, companies/citizen or residents of ECCAS and local communities/businesses are eligible for preferential treatment. 10% for works, 15% preference margin for goods. Article 93 (2012) a foreign company that subcontracts at least 30% of the total value of a contract to local communities may be eligible for a preferential award.
Liberia	Public Procurement and Concessions Act, 2005	Public Procurement and Concessions Act, amended 2010	Article 45 (2005) A margin of preference applies to manufactured goods, material or labor derived from Liberia. Amended as: "the Commissioners shall by regulation set or adjust the minimum benchmarks for the application of the Margin of Preference as it may deem necessary" Article 45(3)(2010). 99 (2005, 2010) applicable to concessions.
Malawi	Public Procurement Act, 2003	–	Article 28(1) (2), SMEs promotion; no specific preferential language. "It is the policy of the government to provide maximum opportunities for small medium-sized enterprises to participate as suppliers, contractors, consultants and subcontractors in public procurement" (Article 28(1))
Mauritius	Public Procurement Act, 2006	Public Procurement Regulations 2008-2009) Public Procurement Act, amended 2014	Section 16 (1)(2) (2014) domestic or regional goods are eligible for preferential treatment *Regulations Article 35 (1)(2) amended as per G.N. no. 86 of 2009)

Zambia	Public Procurement Act, 2008	–	Article 63 (1)(a)(b) margin of preference for target groups (unspecified) offering goods, works or services. Article 63(2) (e) preference or reservation schemes may include “enterprises owned by women” Article 63 (5). Where margin of preference is granted, distinction is made between citizen and local suppliers
Nigeria	Public Procurement Act, 2007	NO	“Margin of preferences only applies tender under international competitive bidding” section 34(3). “The Bureau shall by regulation from time to time set the limits and the formulae for the computation of margins of preference and determine the contents of good manufactured locally” section 34(4). *Regulations 2007 Schedule 2 only recognizes preferences for goods and for domestic contractors without further specification.
Uganda	Public Procurement and Disposal of Assets Act, 2003	Public Procurement Act, Amended & Regulations, 2014	-PPDA, 2003(50). May apply national preferences or reservation. -PPDA Regulations 2014. Preferences apply to manufactured goods and reservation to particular sector of geographic areas. *Local Govt. Act (2001): “At least one tender member ought to be a woman/person with disability.”
Kenya	Public Procurement and Disposal Act, 2005	Amendment debated in 2014	-Section 39 (4): “Preferences and reservations apply to, candidates such as disadvantage groups, micro, small, and medium enterprises.” *PPDA (Preference and Reservations) Regulations, 2011. Legal Notice No. 58 (2): “A disadvantaged group means...and includes enterprises owned by women, the youth and persons with disabilities.” -PPDA (no. 3 of 2005) Legal Notice no. 114(31)(1) June 18, 2013. “A procuring entity shall allocate at least thirty percent of its procurement spend for the purposes of procuring goods, works and services from micro and small enterprises owned by youth and persons with disability.”
Sierra Leone	Public Procurement Act, 2004	Regulations 2006	PPA 2004 (36) and Regulations, 2006 (74) on domestic preferences: “The percentage of preference in schemes issued by the NPPA shall be between five and ten percent. The NPPA may review these percentages periodically.”
Cameroon	Code des marchés publics, 2004		Article 32: national preference 10% for works and 15 % for goods.

Source: National preferential schemes and gender equality in Africa (Nyeck 2015)

The Governance and Institutional Development Division of the Commonwealth Secretariat sponsored an Africa regional conference of public procurement professionals ‘Looking beyond Compliance: Promoting Better Procurement Outcomes for Commonwealth Public Procurement Network (CPPN) member countries,’ in Dar es Salaam, Tanzania in October 2012. The conference was an opportunity for procurement specialists to freely exchange ideas, and their knowledge and experience

and for the Gender Section of the Secretariat to obtain information on the interface of gender and public procurement from officials with oversight and regulatory functions.

The Secretariat's engagement at the conference with procurement specialists from Cameroon, Malawi, Mozambique, Namibia, Nigeria, Seychelles, Sierra Leone, Uganda and Zambia revealed that:-

- 50 per cent of countries had public procurement laws and regulations which did not allow for positive discrimination on the basis of pursuing diversity.
- For those countries that explicitly reference specific groups of suppliers for special treatment, procurement officials indicated they had many opportunities during assessment of the criteria and/or evaluation stage of the procurement process to address supplier diversity.
- 20 per cent of countries had public procurement laws which mandated the reservation of contracts for supported types of businesses or sectors.
- 90 per cent of the countries stated that splitting the tender requirements into smaller 'lots' to encourage more small companies to bid would be appropriate to widen access to government contract
- Only one country reported that contracts were disaggregated by gender, and this was specific to contracts in the education sector.
- The average value of contracts issued in US dollars in any financial year were estimated between US\$2 million and 50 million, or US\$6 billion in the case of Nigeria (Africa's most populous country).
- The average size of the most successful tendering companies as measured by estimated number of employees was between 51 and 250 employees
- All the country respondents stated that supplier diversity was a useful tool to explore in the context of public procurement.
- Country respondents further outlined possible improvements to the public procurement regime to widen access to under-represented categories of contractors, including women-owned/managed businesses. Such improvements included:
 - Introduce in the law 'set-asides' for certain categories of suppliers;
 - Improve on 'preference margin';
 - Improve the capacity of disadvantaged groups to meaningfully participate;
 - Issue public notices to tender, fully explaining procedures and giving equal opportunity for companies to bid;
 - Introduce courses on procurement; provide sensitisation on Public Procurement Act;
 - Include women-owned businesses as an additional evaluation criteria;
 - Introduce standardised bidding documentation;
 - Sensitise policy-makers on the benefits of supplier diversity; Partner the public and private sectors in embracing the concept of supplier diversity.
 - Minimise the requirement of 'past experience' in supplying contracts wherever possible to provide more opportunities for new entrants;

- Design new legislation to allow for restrictive bidding to include supplier diversity under a specific threshold; and
- Hold workshops to explore 'supplier diversity' and introduce this new concept to potentially unaware developing countries. This will provide a platform for discussions to start.

2.7 Addressing the Barriers: Lessons for Greater Participation of Women - owned Businesses in Public Procurement

With a layer of procurement legislation, relevant policies and solutions to addressing the barriers faced by WOBs at the multilateral level, as well as the national (and provincial) level can be referenced. Multilaterally, this includes legislation that particularly addresses issues of corruption. Formulating appropriate national legislation on the demand side, and promoting networking, collaboration and business support on the supply side is applicable at the national level.

Multilateral efforts: There has been a significant push to reform public procurement practices at a multilateral level. The World Trade Organisation (WTO) has played a leading role in this regard. The WTO's Agreement on Government Procurement (GPA) is the organisation's foremost tool to reform public procurement systems (Lamy, 2012). In December 2011, the organisation set about renegotiating the provisions of the GPA, taking into account inputs from various members. While not specifically pertaining to women, the reform of public procurement systems at a multilateral level will ultimately benefit WOBs by promoting the reduction and prevention of corruption, and the requirement for domestic review on procurement decisions (Lamy, 2012). Of specific value is the WTO's focus on transparency, a key element to overcoming issues of corruption in public procurement.

The WTO Agreement on Trade-Related Investment Measures (TRIMs) seeks to ensure that goods purchased within a country do not discriminate against international competitors implying that preferences or reservations application would be curtailed. Luckily, in many countries TRIMs is not applied to 'government procurement', which is considered a 'pluri-lateral' area of agreement (in contrast to 'multi-lateral' agreements to which all member countries subscribe). Over 149 countries are members of the WTO but very few countries have subscribed to WTO-GPA.

At a pan-African level, the African Union summit of 2011, which focused on "Boosting Intra African Trade", put forward a number of suggestions for regional markets to operate more efficiently. These included cross-cutting issues that have a bearing on trade, such as procurement (African Union, 2011). Recommendations include strong regional and domestic frameworks and regulations on *inter alia* public procurement. Institutionalizing procurement at a regional level would not only mean increasing opportunities for the business segment but also, through applying one set of rules to sub-regional economic blocs, allow for greater transparency to these opportunities (African Union, 2011).

In line with the primary principle of transparency, Mshomba (2009) as well as Mawenya (2008) identify key steps in overcoming issues associated with corruption in public procurement supply chains and put forward recommendations on preventing corruption in government procurement. This includes: Publication of information on procurement legislation and procedures; Publication of information on contracting opportunities; Transparency in all decision-making; a domestic review of procedures; Addressing political will and commitment to anti-corruption measures; and Criminal action against officials guilty of corrupt practices.

National legislation Appropriate legislation is an essential step towards greater participation of WOBs in public procurement. While there are advocates for the idea that affirmative action is unnecessary or unsuccessful and should be eliminated in favour of a more free-market approach, research has shown that “eliminating affirmative action has a large adverse effect on purchases from minority (and women) owned firms” (Marion, 2011).

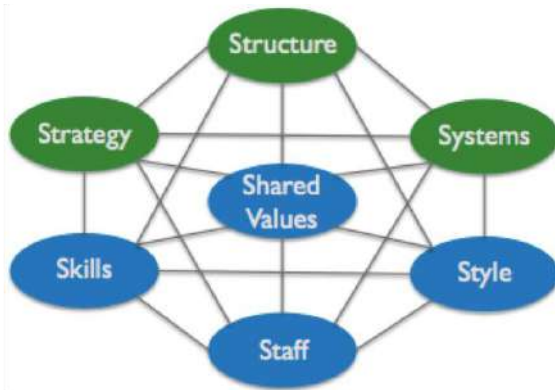
Networks, collaboration and small business support: On the supply side, steps can be taken by WOBs and related networks to increase opportunities to secure public contracts. These include establishing support networks and facilitating collaboration between start-ups and established firms (Newstex, 2011).

3

APPROACH AND METHODOLOGY

3.1 Approach and model

The study used two approaches and models as tools of conceptual analysis. The first was the CIPP (context, input, processes and product) model. This model was used to understand that any prescription intended to analyze the participation of women in public procurement needs to understand context in which women enterprises operate and the context in which public procurement takes place. Next to the context is to have an understanding of the inputs (resources, policies) in place for public procurement and those needed to increase women



participation. The third is to understand the processes of public procurement and general registration of women enterprises that present barriers and opportunities. The bidding processes, the rules and regulations involved all need to be understood. Finally, one needs a review of the expected outputs to procurement process which in addition to providing a service/goods/supplies there is need for payment for tenders. Analyzing the procurement spend with particular interest in understanding the payments that had gone to women enterprises in the category of works, services and supplies is critical. It is appropriate to analyze this sector by sector.

The second model of analysis used was the [McKinsey](#) 7-S Framework. The 7-S model was used to understand that the barriers to participation of women in public procurement lay in the strategies used, the systems in place, the structures, staffing, skills, styles and the shared values practiced in the government systems at central and local levels. Reducing the gender gap and addressing the barriers to participation of women in public procurement needed therefore to address strategies in each of these elements. The systems, styles, skills, strategies, shared values and structures in public procurement dictate women involvement or present the barriers to their participation.

3.2 Theoretical analytical Framework

Theoretically, the study considered a case for public procurement as a tool to promote participation by women-owned businesses as compelling from a developmental and economic perspective where a growing body of research shows that inclusive growth is critical to achieving the Sustainable Development Goals (SDGs). With the theme of gender equality and women's empowerment cutting across the SDGs, there is need to address barriers to women participation in public procurement as well as designing opportunities through policy initiatives that would see this radical transformation in favour of majority of women business enterprises (WBEs). Moreover, with sizeable volume of research studies showing a positive correlation between gender equality and a country's gross domestic product (GDP) per capita, increased participation of women in public procurement is a matter of urgent policy. It is argued and more correctly so, when women

are excluded from the marketplace, the economy suffers. Promoting gender equality is therefore, in the words of former World Bank President Robert Zoellick, ‘smart economics’. The same applies to promoting participation by women-owned businesses in public procurement.

As there is a “positive correlation between gender equality and the level of competitiveness, GDP per capita and a country’s Human Development Index”, the limited access of WOBs to public procurement not only inhibits the growth potential of this segment of business, but more importantly constrains the economic wellbeing of national economies (World Economic Forum in its Gender Gap Report in Jones, 2011). Greater participation of WOBs in economic activity thus has a number of advantages, including poverty reduction, the promotion of gender equality and sustainable development (Casserly, 2011).

3.3 Methodology



This section describes the detailed logical steps that were followed by the consultant to fulfil the goals and objectives of the assignment.

Table 2: Detailed logical steps followed by the Consultant

Activity/step	Description of what is involved
1. Entry meeting.	Upon signing the contract, the consultant had entry meetings with both UN-Women and PPDA coordinating teams. Among other goals, these meeting were used to make initial contacts and seek final clarifications on the contractual obligations. The consultant also used these meeting to request for key documents for reference.
2. Preliminary Review of documents	The consultant conducted a preliminary review of selected documents and reports to gain context background information about the study area. The concept documents that gave birth to

	<p>this study and the selected women owned-based enterprise documents were reviewed. The current laws and policies regarding the subject matter were reviewed to understand the current state of affairs. The client was useful in guiding the consultant on additional documents and reports that needed review at this level.</p>
3. Inception Report and instrumentation	<p>The consultant based on the outcomes of the entry meetings and the preliminary review of literature developed an inception report. The inception report was a basis for further inception meetings. The inception report elaborated on the approach and methodology, the work plan and the sampling methodology that was to be used. The inception report proposed the reporting structure and all required appendices. These were approved in the final entry meeting held jointly between PPDA and UN-women. The instruments for data collection were also presented and approved.</p>
4. Comparative literature and policy review	<p>The consultant proceeded to conduct some comparative literature review to have a broad conception of the barriers, opportunities and policies elsewhere regarding the gender gap in public procurement. The outcome of this process was the information presented in chapter two of this report.</p>
5. Stakeholder mapping	<p>The consultant conducted stakeholder mapping and sought the views of women’s associations and networks, business associations, young women’s self-help groups, government agencies and private sector enterprises. Specific government agencies like the Uganda registration services bureau, and Uganda Revenue Authority among others. Opinions were sought on the policy regimes they had in place to consider women owned enterprises as they sought registration or income tax clearance certificates for URSB and URA in particular since these were some critical requirements for public procurement bidding. The detailed list of agencies/organizations to provide stakeholders is included in the next sections.</p>
6. Survey of selected respondents	<p>The consultant engaged a team of researchers (female researchers except for Gulu and Moroto) to assist in the data collection. As part of knowledge transfer, the team of researchers was beefed up by UN-Women contact staff managing the Gulu and Moroto study areas. Preference of research assistants was given to female researchers and those who knew the local language in study areas as well as those who had special data collection exposure. An automated survey instrument was developed and distributed to other women enterprises in Kampala and other agencies beyond those sampled to ensure that more responses were obtained. In addition, an interview guide with specific key informants was used.</p>
7. Data analysis	<p>The collected data was analyzed both qualitatively and quantitatively. The quantitative data was restricted to basic</p>

	statistical techniques like frequency and percentage analyses for easy policy understanding while for qualitative data analysis was done under theme of the study as contained in the questionnaire. For quantitative analysis, some relationship and trend analyses were done to relate expenditure and those contracts which were awarded to women enterprises.
8. Draft Report	The consultant developed a draft report structured under five main chapters namely introduction, comparative literature review, Approach and methodology, findings, conclusions and recommendations. The report has a developed framework that can be used to address the barriers and also increase the opportunities to women participation in public procurement in Uganda.
9. Client Review	The draft developed report was shared and presented to the client for comments. Comments on the draft report were received in a joint format from UN-women and those from PPDA. Appropriate corrections were made into the draft report and a fairer copy was developed ready for validation.
10. Stakeholder validation Workshop	The consultant prepared for the stakeholder validation workshop. This workshop was managed and coordinated by the client who provided all logistics required including hotel booking, participant identification, and facilitation. The consultant only appeared to present the report.
13. Final report	The feedback from the validation workshop enabled the consultant to make final corrections on the report. The final report was submitted to a language expert and once this expert had completed the review, the final report went through formatting by another expert before it was submitted to the client.
14. Policy brief	As part of the deliverables for the assignment, the final report gave way to the development of a policy brief. This brief was structured to cover the background, the key findings and key recommended actions. The actions were clustered around the short and long-term perspectives.
15. Exit meeting	Finally, there was an exit meeting with the client. The meeting was used to share some of the emerging observations that affected or facilitated the exercise and a discussion on how future interventions could be designed and implemented.

3.4 Data Collection methods

A triangulated approach was used in the study. Primary and secondary data was collected and the corresponding data collection methods were applied. Interviews were conducted with key informants at the central and local government levels while a survey instrument was administered to various women enterprises in arrears covered by this study. In addition to these two data collection methods, secondary review of documents especially pertaining to women participation provided useful supporting findings for the study.

3.5 The study respondents

Table 3: Description of Key Stakeholders

Category	Description
1. Uganda Women entrepreneurs association	This body brings together all women enterprises in Uganda and as an umbrella body, their views on policy initiatives are critical in informing the outcomes of the study.
2. Uganda Investment Authority	This government agency is responsible for all investment undertakings in the country and the systems and initiatives they have put in place to encourage increased participation of women-women enterprises is critical
3. Uganda Registration services Bureau	This is a government agency responsible for registration of all businesses. Considering that it is a requirement for women enterprises to be registered before participating in public procurement, the barriers and opportunities created by this agency are appropriate in the study.
4. Uganda National bureau of standards	This government agency gives standards for businesses and the benchmarks set by this body have an impact on the women owned enterprises as compared to their male owned enterprises. The systems and structures in place to ensure equality of the two businesses will be critical.
5. Export promotion Board	The majority of export enterprises like in the flower industry are owned by women and the systems and mechanisms put in place by this agency offer an appropriate context for addressing the barriers and increasing opportunities for participation of women in public procurement.
6. Uganda Revenue Authority	This government agency will provide useful information regarding taxation of women enterprises and the export earnings of women entrepreneurs. It will also provide information about income tax clearance certificates and other general taxation requirements for public procurement that hinder or promote the participation of women.
7. Ministry of Finance, Planning and economic development	This is responsible for the budget and public procurement policies and laws. The initiatives established at this top level of government have implications on other agencies.
8. Uganda Manufacturers Association	The association brings together all manufacturers and specific focus will be to interview the officers in charge of women enterprises. Useful statistics may also be obtained from this organization as it relates to the subject of investigation.
9. PPDA compliance unit	This agency provides oversight and regulatory function for the public procurement in Uganda. It also establishes the procurement guidelines to be applied by all government agencies. It has a compliance and monitoring role and these are important institutional structures for addressing the barriers and increasing opportunities for women participation in public

	procurement.
10. Equal opportunities Commission	This new agency is directly responsible for ensuring equality in government opportunities. It issues annual reports on compliance of entities on gender equity and this will offer useful information for the study.
11. Uganda Small Scale Industries Association, Women's Desk	USSIA Women Desk was established to enhance women's active role in the economy by upgrading of existing micro enterprise run by women into more viable, self-sustainable and growth – oriented businesses and through creation of new ones. It acts as a counseling / training / business development center to support women income generating activities. The desk serves as a common forum to articulate the interests and issues of women particularly those related to business. It also works towards creating institutional linkages between organizations concerned with women development.
12. African Women Agribusiness Network (AWAN), Uganda	The organization has a mission to enhance the potential of Ugandan Women, in agribusiness, by providing business networking opportunities and global business linkages; and by building their capacity in agribusiness.
13. New Faces, New Voices – Agri Business Alliance, Uganda	In rural Uganda, where the majority of small and micro-entrepreneurs are women, Savings and Credit Cooperatives (SACCOs) are often the only providers of financial services for most Ugandans. SACCOs remain a very appropriate mechanism for financial inclusion in Uganda, providing services to the wider rural population that often exceed the services provided by microfinance institutions. Given the potential of SACCOs, the NFNV Uganda Chapter has developed a program of strengthening SACCOs in rural and urban parts of Uganda. Strategically the intention is to enhance, develop and grow women entrepreneurs while preparing them to become bankable clients, able to walk into a bank with a clear knowledge of banking services, products and their rights as consumers of banking services.
14. Century Entrepreneurship Development Agency, TEXDA Uganda	The agency has goals to economically and socially empower young women in Uganda by strengthening their ability to become active players in transforming their lives and enable them successfully transit from school to work and adulthood. Through mentorship, career planning and internships, the program aims at inspiring and equipping young women with leadership, employment, entrepreneurship and social/life skills to enable them confidently and competitively enter the job market as employees or employers.
15. UWOPA- Uganda Women Parliamentarians Association	The association has a mission to ensure engendered laws, policies, political processes and equity in resource allocation to improve the quality of life of women through effective representation, capacity building, political support and networking. Their views will be critical regarding the legal and

	institutional framework for public procurement which will ensure equity. Selected members of this association will be randomly selected for the study.
16. Others	Kampala city Traders association, KCCA, Private sector foundation, abi-trust, Enterprise Uganda, Centenary and DFCU banks for their focus on women financing products, Ministry of Gender , Labour and social development, Ministry of Trade and Cooperatives, Bank of Uganda because of their financial inclusion policy
17. Gulu and Moroto	The stakeholders that were interviewed in these two districts included women entrepreneurs who were supported by UN-Women in the Economic Empowerment project.

3.6 List of documents Reviewed

Table 4: Some Generic Documents reviewed

S/N	List of Key Documents
1.	PPDA law (Act and Regulations) 2014
2.	Public Procurement Policy of Uganda
3.	PPDA draft amendments
4.	Budget circular guidelines to accounting officers
5.	PPDA terms of reference for Gender Equity Committee
6.	Local Content Bill for Uganda
7.	Reservation and Preference Scheme comparative reports
8.	The Constitution of Uganda
9.	Gender Policy of Government of Uganda
10.	Equal opportunities commission Act and Reports
11.	Build Uganda, Buy Uganda (BUBU) Policy
12.	Strategic plans of key agencies like PPDA, EOC,NPA gender Ministry
13.	Financial inclusion policy of the Bank of Uganda and Finance ministry
14.	PPDA Guidelines on reservation schemes to promote local content in public procurement
15.	PPDA register of providers
16.	Vision 2040 and National Development Plan 2

4 STUDY FINDINGS

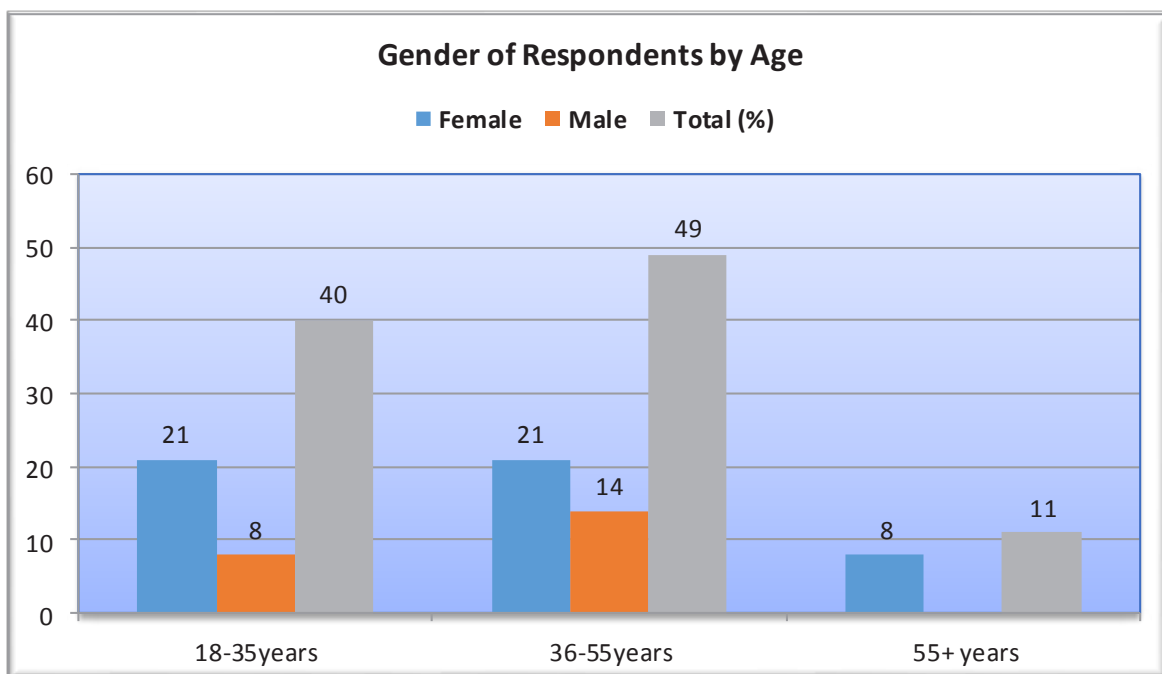
4.1 Introduction

4.1.1 Profile of respondents by gender

The study generated background information of survey respondents as well as those who were interviewed. The findings were disaggregated by different classifications to provide a context for analysis and interpretation of results. In terms of gender and age categories of survey respondents, 69% were female and 31% male. The (36-55years) age group had the majority (49%) of respondents while the (18-35years) age group had the (40%) of respondents. The (55+years) age group had all 8 of respondents female as illustrated in the Figure below.

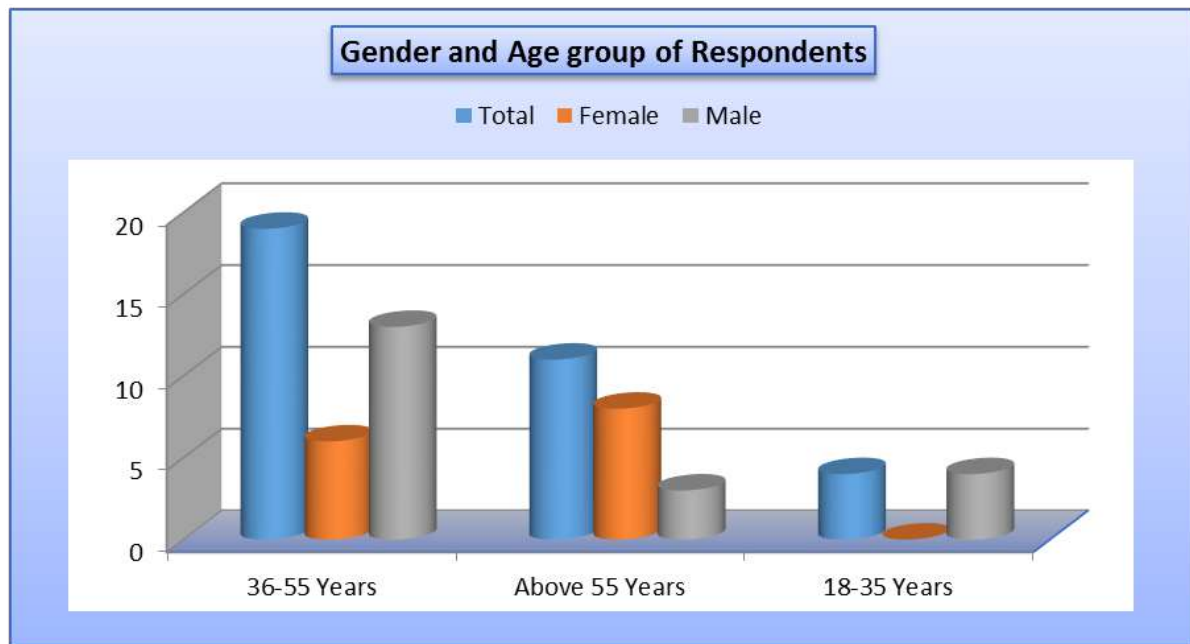
69% females and 31% surveyed were males

Figure 1: Survey respondents gender profile



In addition to respondents who were surveyed, there were those interviewed and their background profiles were analyzed. Analysis showed that 59% of these were male while 41% were females. In terms of age, the (36-55) year's age group had the most at 56% (6 female, 13 male) respondents, 32% (8 female, 3 male) and 12% with all 4 male as illustrated below.

Figure 2: Key Interview Respondent's profile

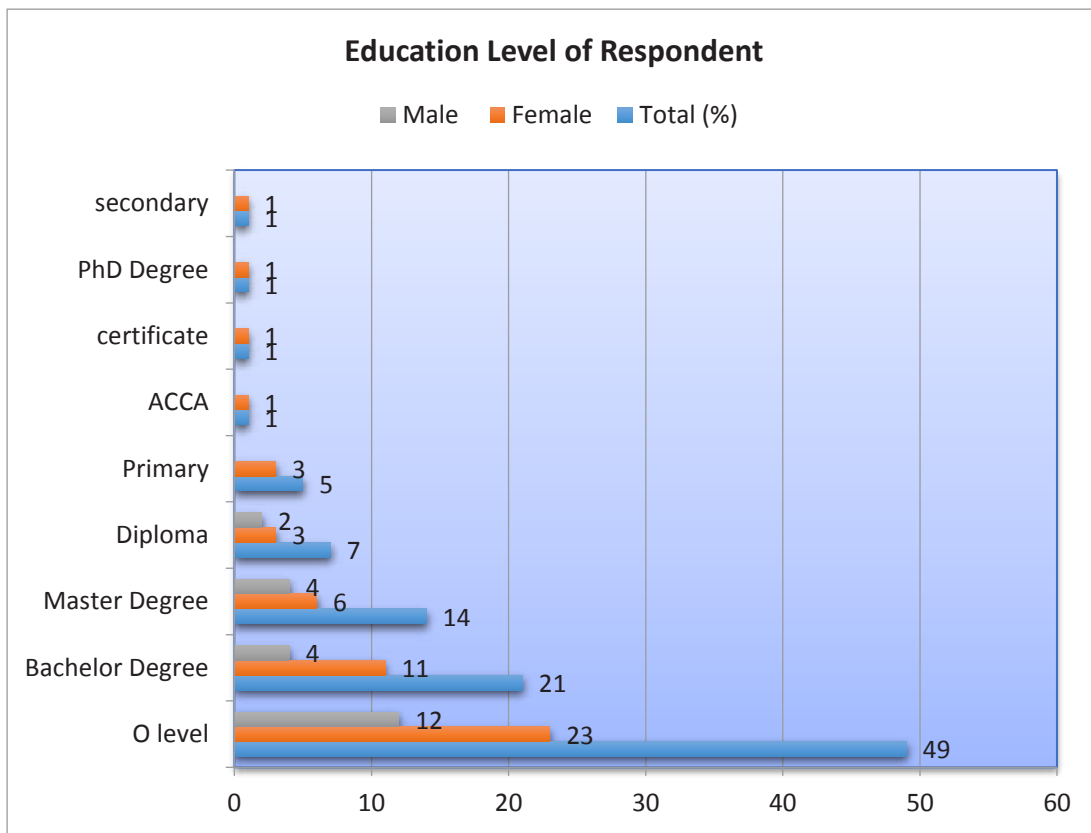


4.1.2. Profile of respondents by level of education

Owing to its likely influence on participation of women in public procurement, the level of education was assessed for both those who answered the survey instrument and those interviewed. Education is a key driver to innovative business processes and can facilitate or impede women participation in public procurement. The results from those surveyed showed that the majority 49% of respondents (23 male, 12 female) were O'level, 21% (11 female, 4 male) were Degree Holders, 14% (6 female, 4 male) Master Degree holders, 7% (3 female, 2 male) Diploma, 5% Primary all female. The figure gives a detailed illustration.

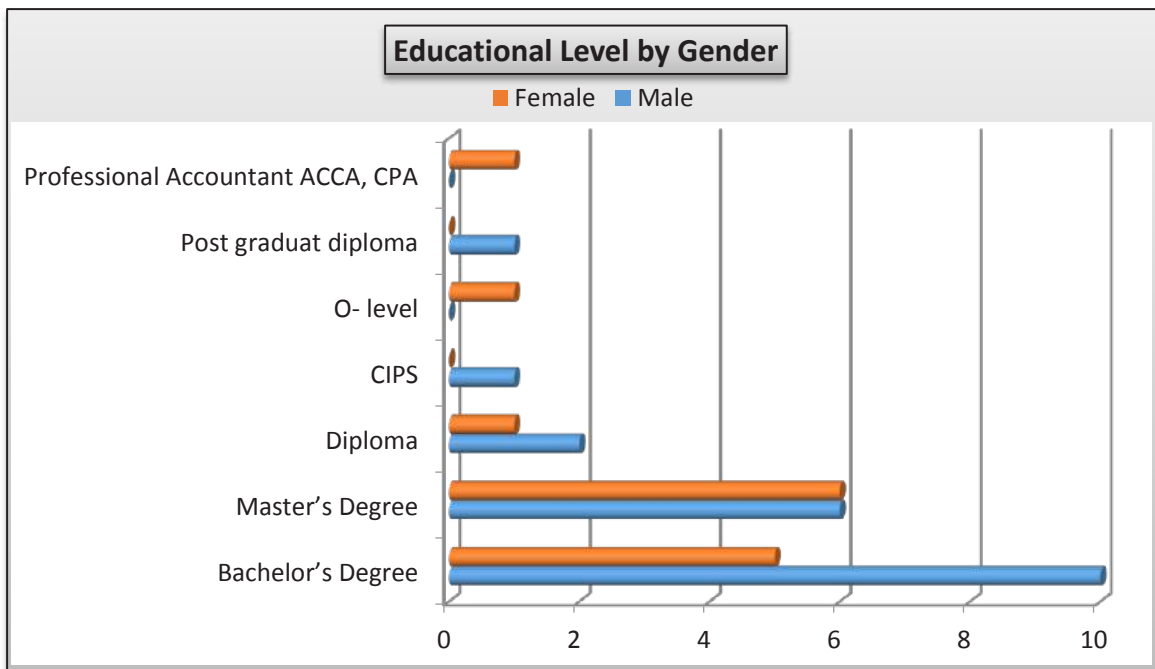
49 % of surveyed had O-Level, 21% degree, 14% master's degree, 7% Diploma

Figure 3: Education level of surveyed respondents by gender



For those interviewed in the study, analysis showed that the majority 44% (5 female, 10 male) of respondents were Bachelor degree holders, 35% (6 female, 6 male), 9% (1 female, 2 male). The figure 4 below gives details of education level by gender.

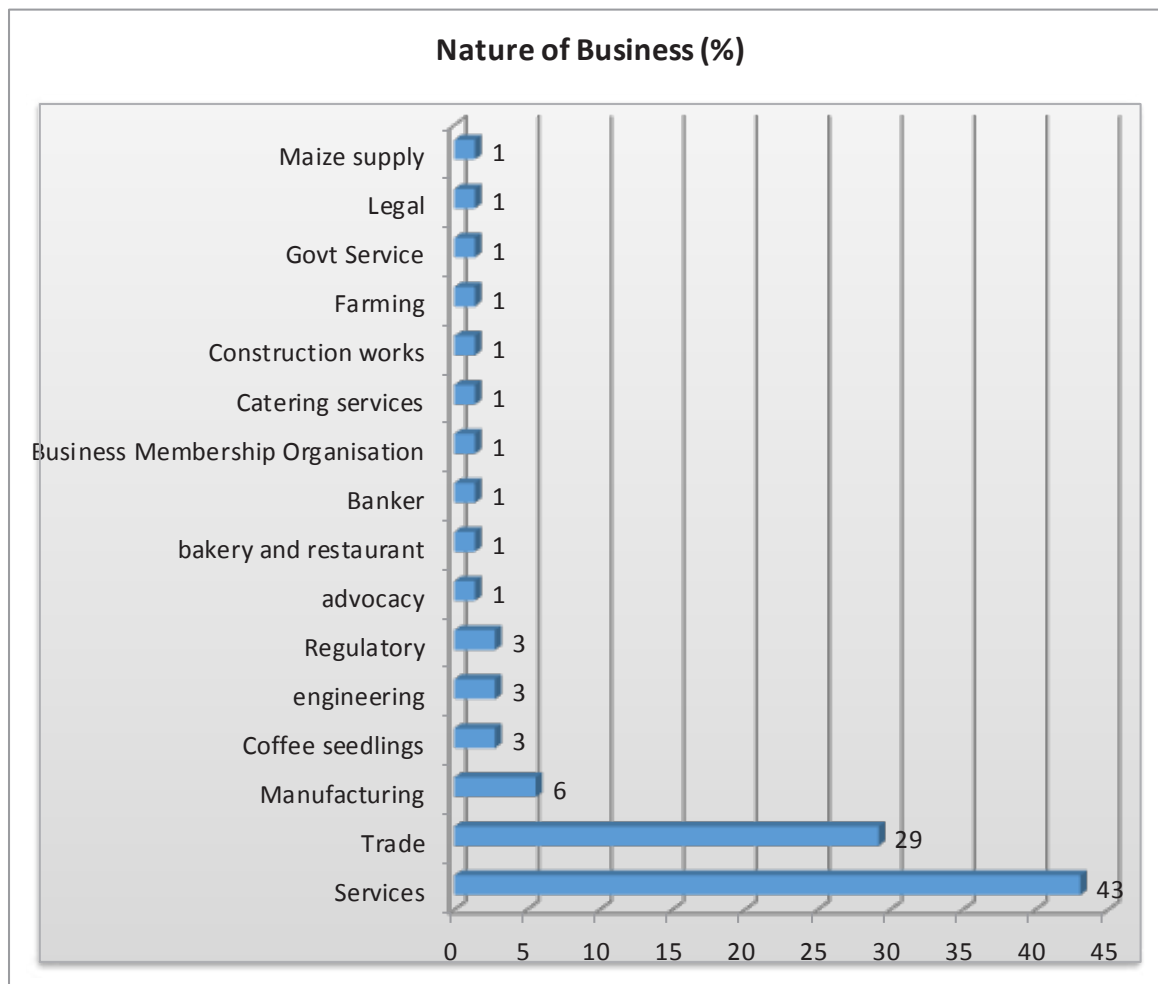
Figure 4: Education level of interviewed respondents by gender



4.1.3. Profile of respondents by nature of business

The study sought to understand the nature of business the respondents were involved in for both the surveyed and those who were interviewed. The analysis of those surveyed found that the majority at 43% of respondents' business were in Services, 29% were in Trade, 6% in manufacturing as illustrated below.

Figure 5: Nature of business of respondents



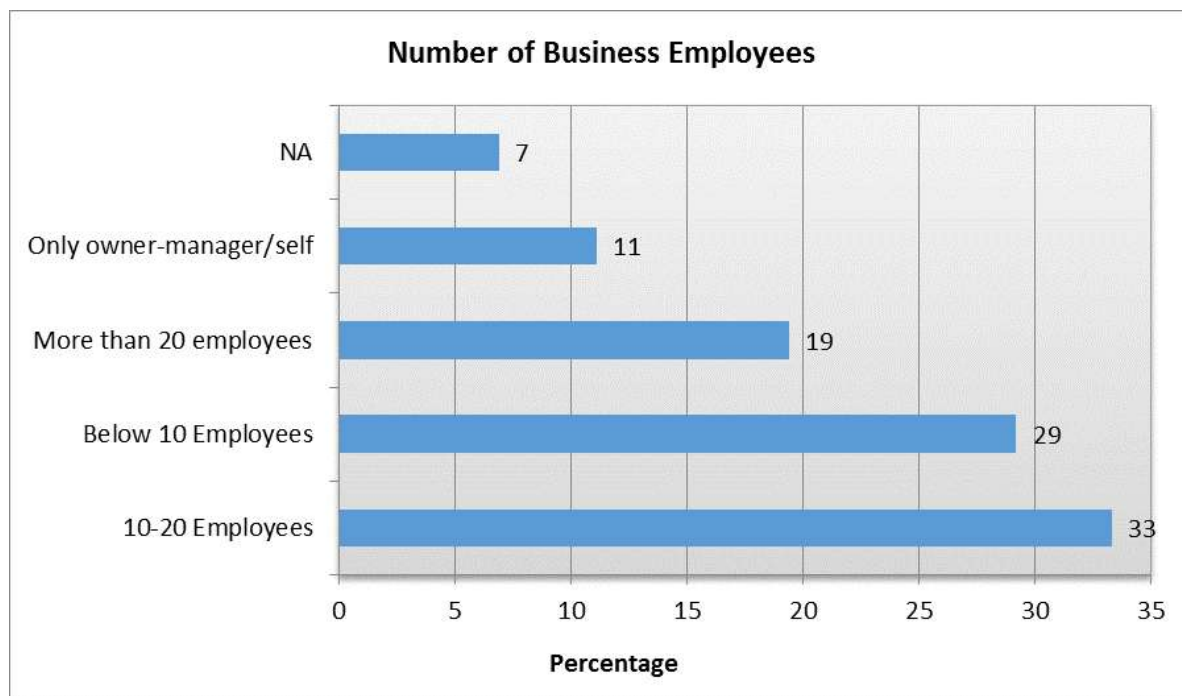
The nature of business sectors where majority of women were involved points to a policy area where affirmative action initiatives could be directed to increase participation of Women in public procurement. The findings are suggestive that women could be given special consideration more in trade and services sectors.

There can be **reservation schemes for women or their owned enterprises that deal in supplies like stationary and other office equipment's as well as in services like catering services, cleaning services, hotel services, and consultancy services** among other areas. Women owned businesses appear to have a competitive advantage according to the findings of this study. This further takes into account the nature of women businesses which are usually small and with limited capital to finance big procurement requirements.

4.1.4. Profile of respondents by number of employees

Regarding the number of employees in the business surveyed, the results showed that the majority (33%) of respondents' businesses had (10-20) employees, 29% were below 10 employees, 19% were more than 20 employees, and 11% were only owner managed as illustrated.

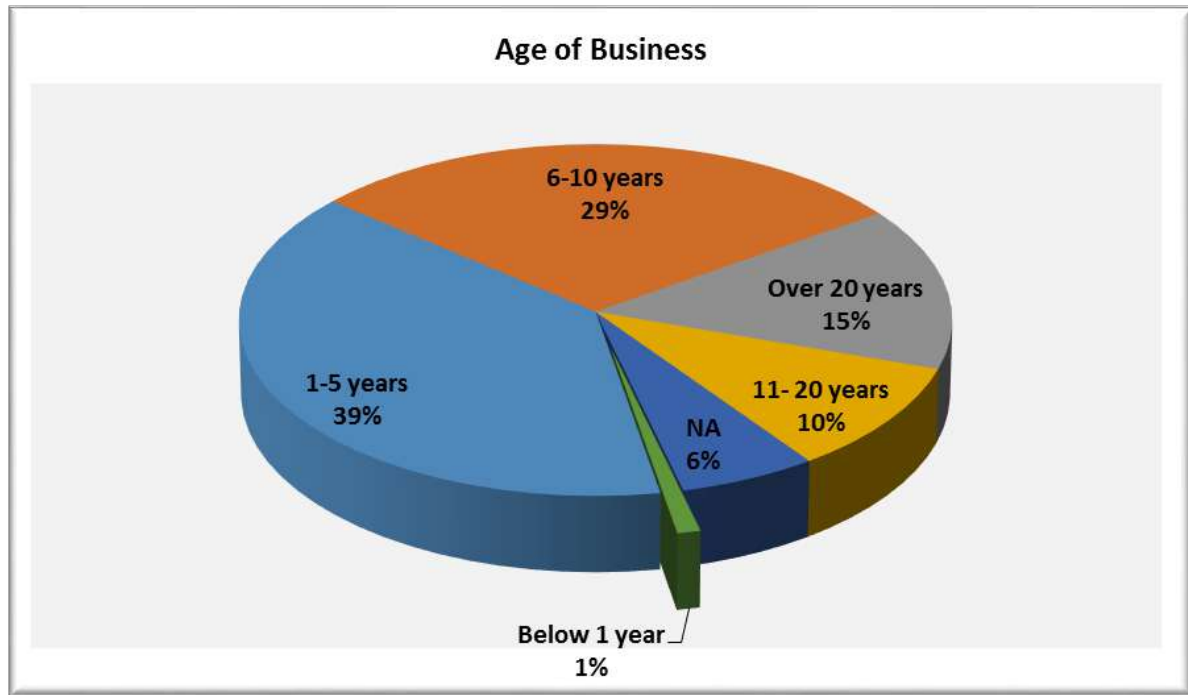
Figure 6: Number of employees in Surveyed WOBs



4.1.5. Profile of respondents by age of business

Regarding the age of business, analysis of those surveyed showed that majority 39% of the businesses had been in existence for between 1-5years, 29% (6-10) years, 15% (over 20years) and 1% was just below 1 year as illustrated in figure 7 below.

Figure 7: Age of Business

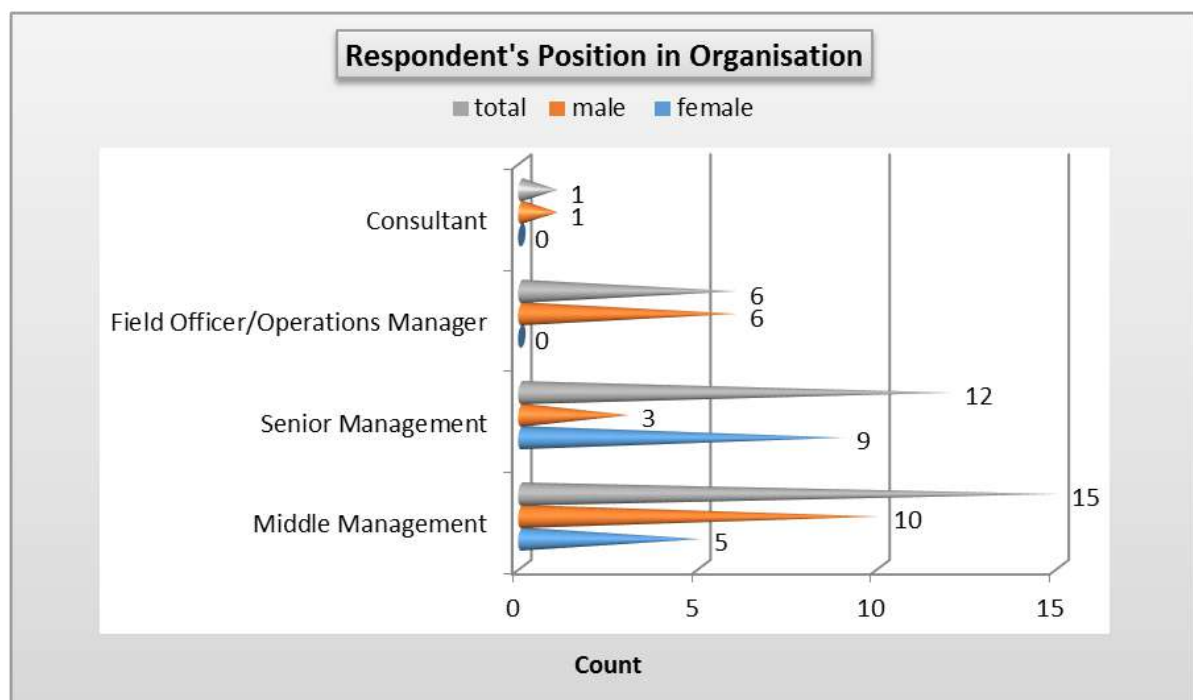


The survival rates of most business enterprises is 5 years implying 15% of those surveyed had businesses that had passed this figure.

4.1.6. Profile of respondents by position

Analysis of those interviewed for the study showed that the majority of 44% (5 female, 10 male) respondents were from the Middle management level, 35% (3 female, 9 male) were from the senior management level, 18% were at the operations level and 3% were all female consultants as illustrated below;

Figure 8: Position of interviewees in organization

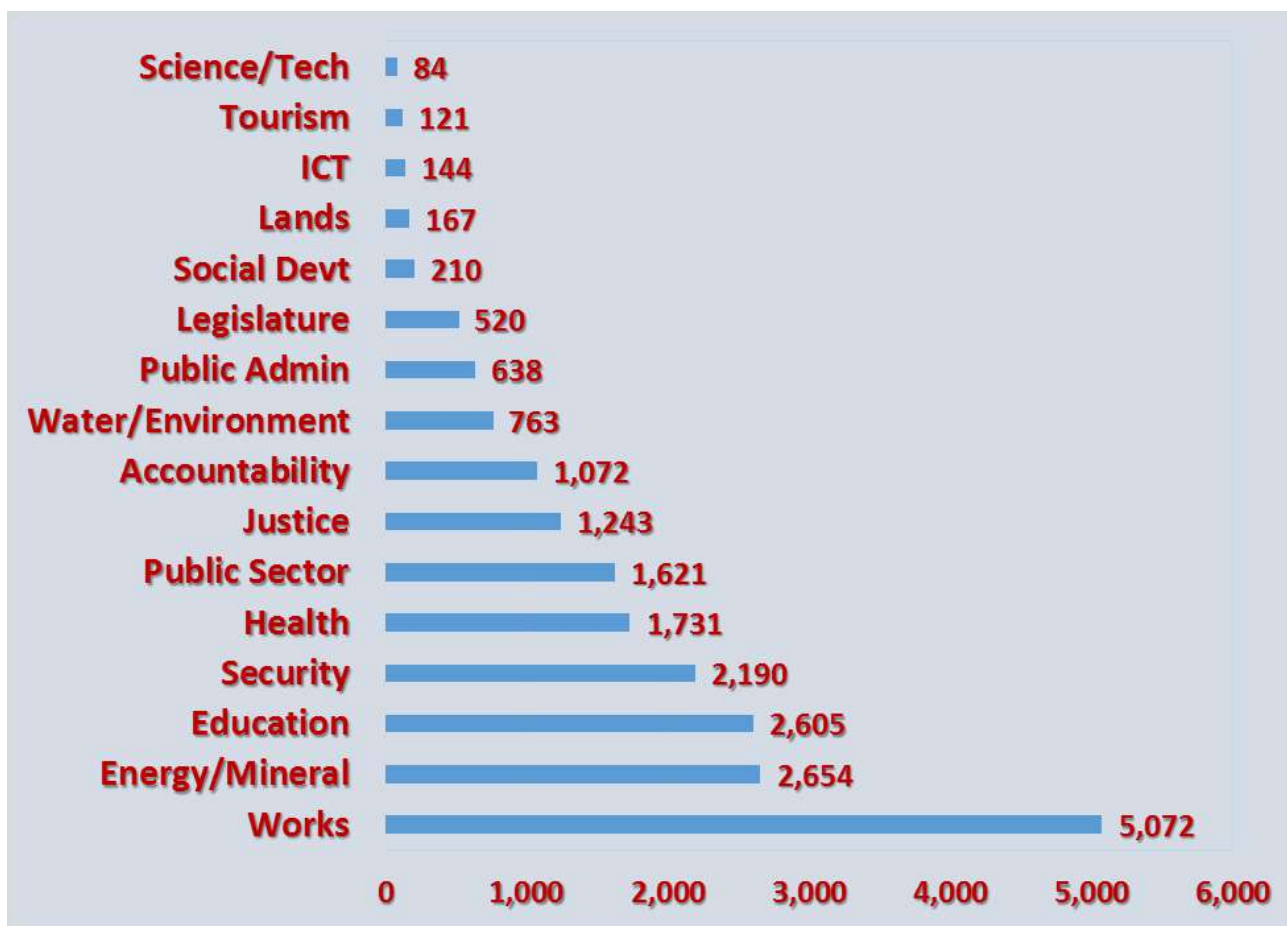


The above profile of study respondents provides an important parameter for understanding the opportunities and barriers to participation of women and WOBs in Public Procurement in Uganda. The sections that follow describe the findings from those surveyed and those interviewed regarding the opportunities and barriers to participation of women in public procurement. To supplement this primary data is some secondary data from existing reports.

4.2 Opportunities for WOBs in Uganda’s public procurement

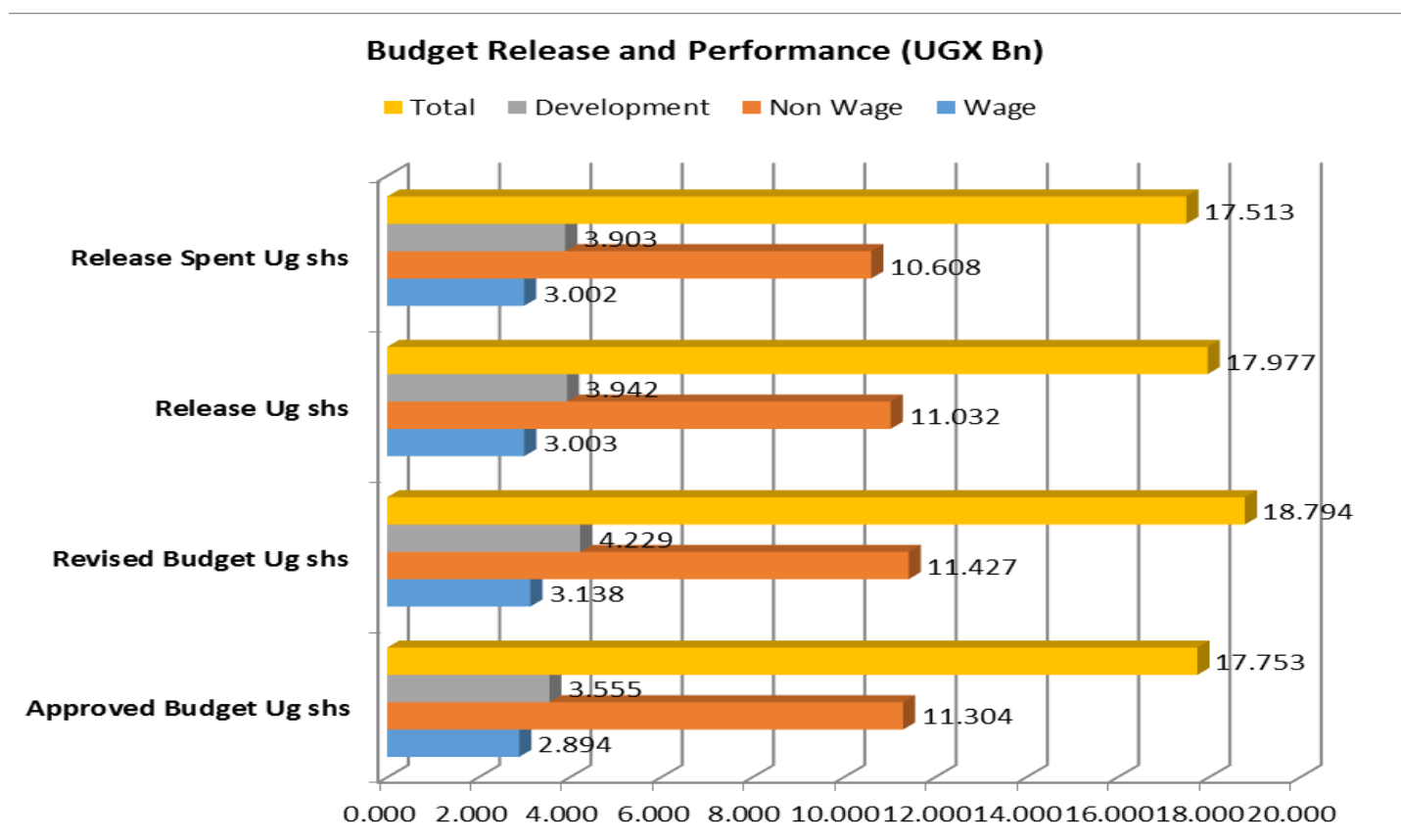
Opportunities for WOBs to participate are a function of the budget government spends for the acquisition of goods, services and works. For the case of Uganda, these opportunities are in Ministries, Departments and Agencies. They are in the central government, local governments and other state enterprises. Some opportunities are big while others are small. They are scattered in all sectors of the economy. Beyond the opportunities at a country level, there are those in development partner agencies, the private sector, the CSOs and the regional and global opportunities that can be exploited by women and their enterprises.

GOU Budget by Sector, UGX Billion: FY 2017/18



According to the Annual Budget Monitoring Report of September 2016 by the Budget Monitoring Unit of the Ministry of Finance, Planning and Economic development, the overall Government of Uganda (GoU) approved budget for FY 2015/16 was Ug shs 23,972 trillion including external financing, appropriations in aid (AIA) and arrears. The approved budget excluding external financing, AIA and arrears was Ug shs 17,753 trillion. This was revised to Ug shs 18,794 trillion occasioned by a supplementary budget of Ug shs 1,041 trillion.

Figure 9: Budget and Release Performance FY 2015/16



Source: IFMS, Approved Estimates of Revenue and Expenditure FY 2015/16 and BOT4

The release performance was 96% of the revised budget of which Ug shs 17,512 trillion (98% of release) was spent. The Local Governments (LGs) constituted 13% (Ug shs 2,445 trillion) of the revised budget which was all released. External Financing and AIA Ug shs 6,219 trillion was 25% of the budget.

The PPDA audit report (2012-13) reported that the national budget for FY 2011/2012 was UGX 10.2 trillion. Of this, UGX 8.4 trillion was the budget for non-wage and development under which procurements fall. The second annual audit report prepared by PPDA during the Financial Year 2012/2013 covered procurements/contracts conducted by **90** procuring and Disposing Entities in both Central and Local Governments for the Financial Year 2011/2012. The report was in respect of **24** Central Government entities with 5,246 contracts worth UGX 192,431,932,713, **60** Local Government entities with 7,425 contracts worth UGX 148,914,327,548 and **6** contract audits with 126 contracts worth UGX 75,735,058,461. The total procurements for the 90 sampled entities were 12,797 contracts valued at UGX 417,081,318,722 which was 5% of the total non-wage and development budget. Out of the 12,797 procurements, 4,227 contracts (33%) valued at UGX 315,227,243,857 (75.6%) were sampled/audited. Opportunities for women participation lay in all these procurements.

According to the PPDA baseline survey report of May 2006, over 60% of the budgets of local Governments were spent on goods and services. While the procurement of goods and services was then reported to be a very high risk area characterized by irregular sourcing of suppliers due to influence peddling, massive complaints of shoddy works, substandard quality of goods and services, inflated cost of inputs and poor management of contract processes, among others, the procurement domain in local governments provided potential for scaling up opportunities for women participation. Exploiting these opportunities however requires addressing systemic issues that inhibit their participation. As an example, in his audit report of sampled 7 districts, the Auditor general (2011) found the following key issues regarding procurement in those districts:-

- 49% of all the procurements amounting to Shs.5,563,674,878 made in local governments were done without carrying out needs assessments. As a result the projects did not serve the intended purpose.
- 24% of the sampled procurements amounting to Shs.2,750,194,317 were made outside the procurement plans which led to users missing on the benefits expected from prioritized procurements.
- Over 28.6% amounting to Shs.3,254,945,111 of the sampled procurements were entered into without confirmation of funds and this led to uncompleted projects.
- Procurement and Disposal Entities (PDEs) were evaluating limited numbers of bidders averaging 1.23 per subject of procurement which limited competition.
- Not all procurement records were maintained by the PDUs for inspection by

competent authorities providing room for manipulation of the process.

- 95% of the districts clearly had spelt out Specifications of Requirements (SORs) in their bidding documents but these were not reflected in the quality of procured goods, works and services.

The potential opportunities that could have been exploited by women owned businesses are reflected in the budgets of the sampled 7 districts.

Table 5: District Funding Figures in Shillings

District	2007/08	2008/09	2009/2010	Total
Apac	24,701,109,311	21,189,333,522	24,805,852,824	70,696,295,657
Arua	25,618,295,819	22,510,319,908	26,222,825,892	74,351,441,619
Bundibugyo	10,310,626,886	12,778,457,755	13,635,759,679	36,724,844,320
Bushenyi	31,569,101,299	34,621,464,921	36,125,641,886	102,316,208,106
Kamuli	19,541,347,041	21,185,943,478	24,382,655,869	65,109,946,388
Moroto	6,619,582,159	9,309,060,124	12,086,364,045	28,015,006,328
Mukono	31,070,136,758	33,175,079,750	38,482,911,204	102,728,127,712
Total	149,430,199,273	154,769,659,458	175,742,011,399	479,941,870,130

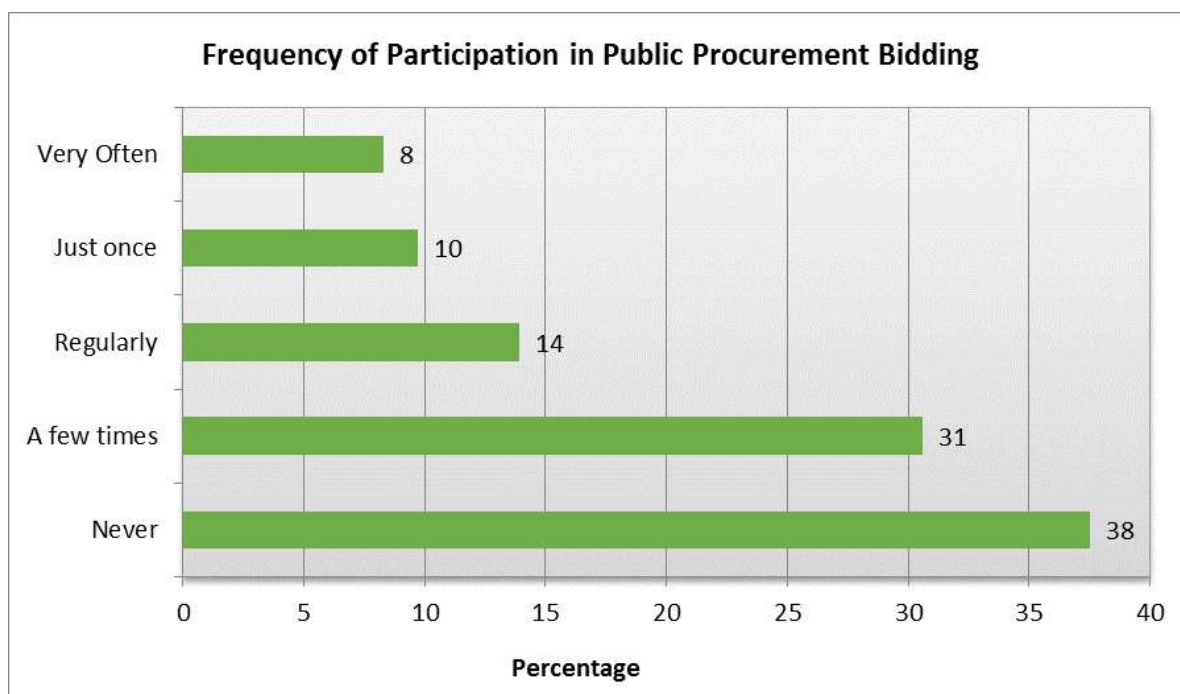
Source: Audited final accounts of respective districts

Of the total 109 sampled procurements in the 7 districts, 49% totaling to Shs.5.5 billion lacked evidence of the needs assessment. The worst performance was registered in Kamuli with 100% failure while the least failure rate was registered in Apac District with 21%. The major reason for not carrying out needs assessments included, among others: lack of capacity at the user department level to carry out needs assessment, projects that are imposed on the people and deliberate exclusion of the users in the project identification.

4.2 Status of Women Participation in public procurement bidding in Uganda

The study examined the degree of participation in public procurement of the survey respondents and conducted interviews with other key informants. The analysis of the survey responses on this question showed that majority 38% of respondents had never participated in Public Procurement Bidding, 31% had done so just a few times, 14% regularly participated, while 8% participated very often as illustrated below.

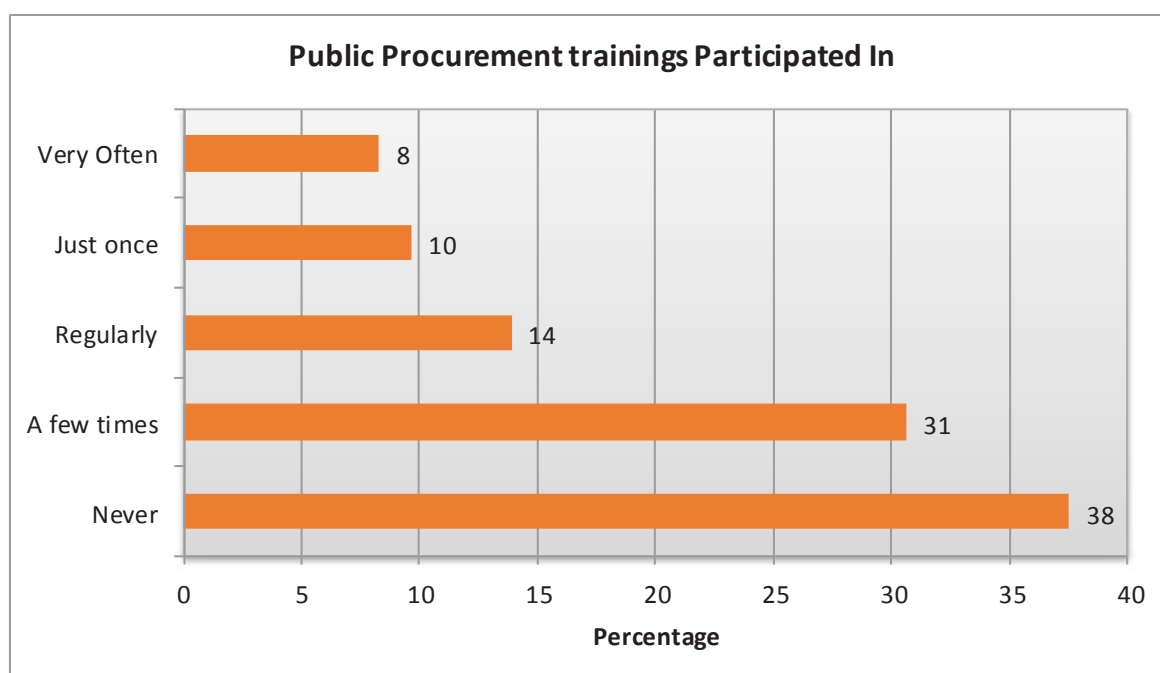
Figure 10: Frequency of participation in public procurement bidding



4.2.1. Number of times Women participated in training for public procurement

Evidence from the comparative literature indicates that countries which have succeeded in increasing opportunities for women participation in public procurement have invested in some specialized trainings targeting women owned businesses and their owners. This study undertook to assess the extent to which WOBs surveyed had benefited from public procurement trainings. Analysis of the study findings showed that majority 38% of respondents had never participated in Public Procurement training, 31% did a few times, 14% regularly participate, while 8% participate very often as illustrated below.

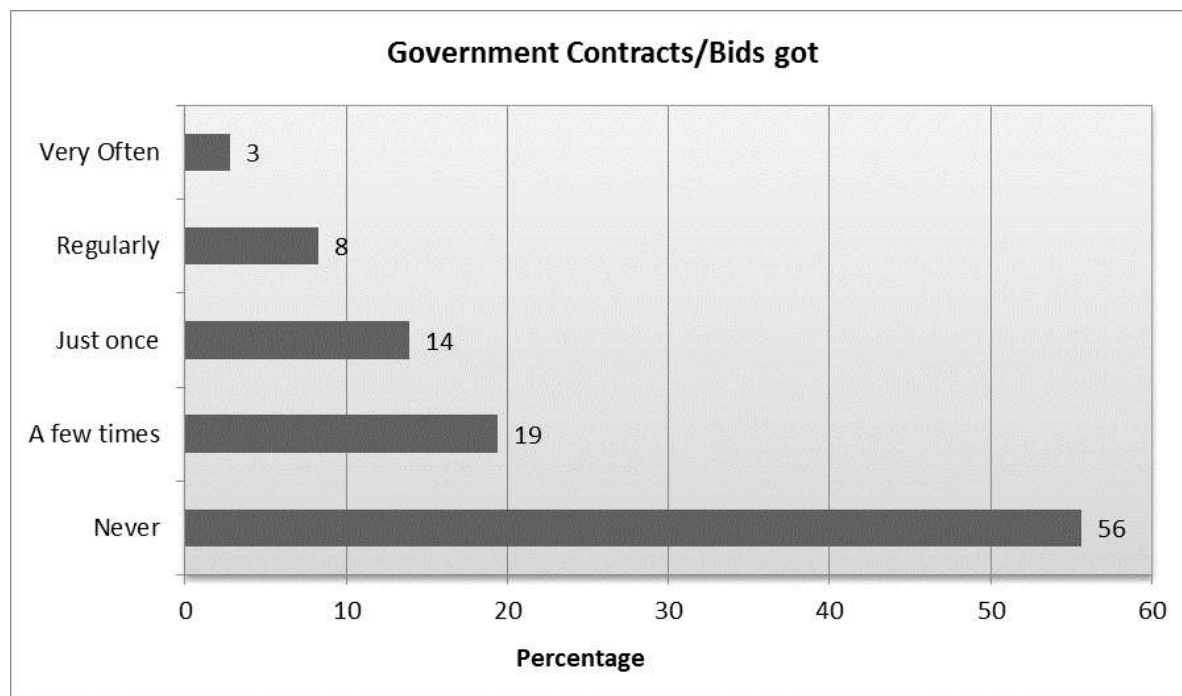
Figure 11: Participation in public procurement trainings



4.2.2. Success rates in getting a government contract/bid by women

Analysis showed that majority 56% of respondents never succeeded in getting a government contract/bid, 19% did a few times, 14% just once, while 8% regularly, and 3% very often as illustrated below.

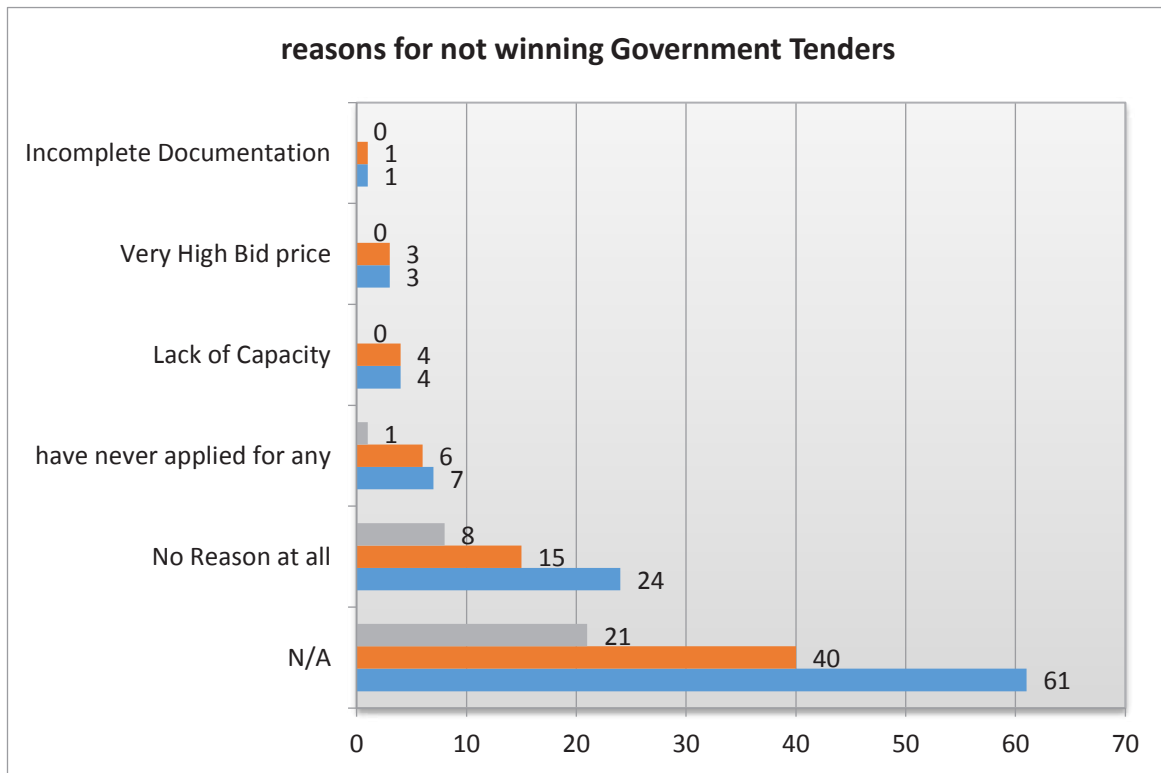
Figure 12: Government contracts or bids got



4.2.3. Reasons given for not winning a government tender

Analysis showed that 24% of respondents were given No reason at all for not winning a government tender in which you participated, 4% lacked capacity, 3% experienced very high bid price and 1% had incomplete documentation. On the other hand 61% of the respondents found this question not applicable to them.

Figure 13: Reasons given for not winning government tenders



4.2.4. Major reasons for not participating in some government tenders

Analysis showed that the majority 24% of respondents did not participate in Government tenders due to Corruption, 18% due a Very Costly Process, 17% was due to insufficient capacity, 6% was due to technical bid documents involved as illustrated below.

Figure 14: Reasons for not participating in Government tenders

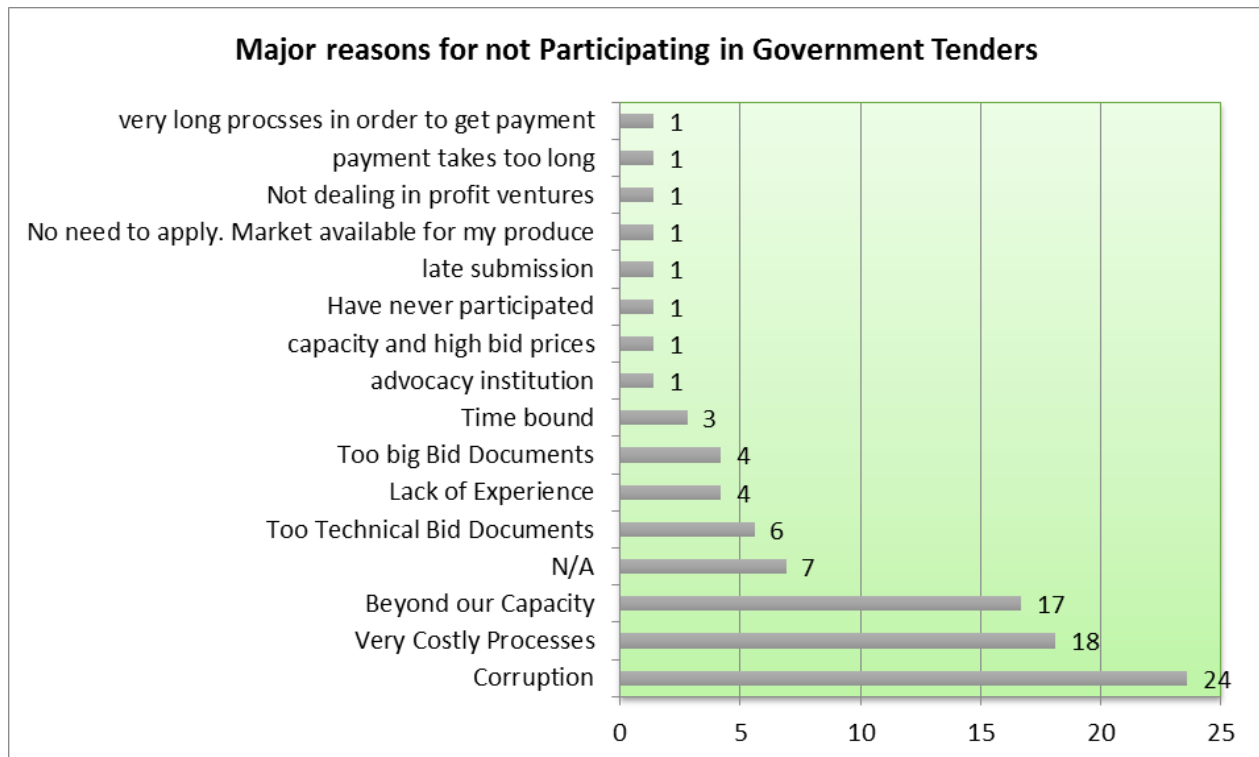


Table 6: Reasons for not participating in Government tenders

General assessment on participation in PP by WOBs	
Promising News	Disappointing News
<ul style="list-style-type: none"> • 31% of survey respondents had participated in public procurement trainings • 19% had succeed in getting government tenders • 14% did succeed only once in getting tenders • 8% regularly succeed in getting government tenders 	<ul style="list-style-type: none"> • 38% of survey respondents had never participated in public procurement training • 56% of survey respondents never succeeded in getting government contracts • 24% of the survey respondents were never given reasons for not winning tenders • 4% were given reasons that they lacked capacity, 3% that they experienced high bid price and 1% had incomplete bid documents • 61% of respondents did not find this question applicable to them • 24% were not participating in government tenders due to corruption, 18% due to costly processes, 17% due to insufficient capacity and 6% was due to technical bid documents

During interviews with key informants, the following major reasons for failure of women enterprises to participate in some government tenders in Uganda were recorded:-

- Lack of Capacity
- Suspicion that selection process favor insiders
- Difficult competing with large firms
- education Level
- Structural issues in Organisations
- Cultural biases
- Women do not prefer this kind of Job
- They do not know the process
- Women are not transparent
- Lack of adequate Knowledge
- Bidder collusion
- Some think winners are predetermined
- Non-Competitive Products
- Tendering is too complicated
- Low mobilisation power of resources for the down payment
- Lower experience levels in some of the areas tendered
- Low self esteem
- corruption and social pressure to please the bosses
- Mindset where women feel that government tenders are mainly done by men who able to run up and down.
- Failure by women to "oil the system"
- Lack of special considerations by government tenders for women
- Lack of systems for capturing their participation

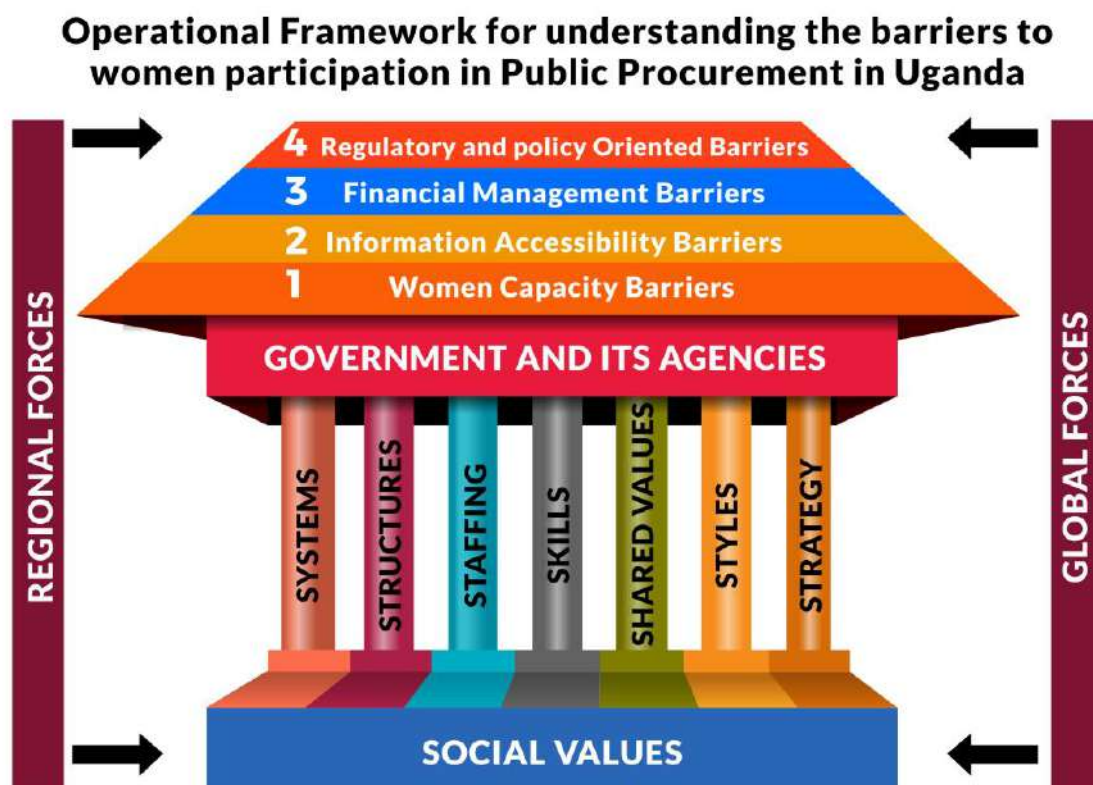
The study posed a specific question to those interviewed regarding the main reasons for women's failure to win government tenders in which they participated. A synthesis of the responses generated the following reasons:-

- Very small business with a little capacity
- Do not address the needs of the clients
- Focus too much on price
- Do not comply
- Finances are not enough
- Not aggressive in seeking the opportunities/limited capital
- Lack of Knowledge /Information
- Failure to meet the evaluation criteria
- Informal Business
- Failure to understand tender procedures & requirements
- They do not plan
- Lack of sufficient experience thus unable to win tenders
- The women owned entrepreneurs' lack the capacity to interpret bid documents as required for bidding process
- Lack of bidding capacity
- Language barriers
- Negative attitude by procurement officials.
- Lack of sensitization
- Lack of experience
- Lack of knowledge how to prepare bid documents
- You must have a link to one of the persons on the team to win a tender

4.3 Findings on Barriers to women participation in Uganda

A number of barriers have been reported in the literature as affecting the participation of women owned businesses in public procurement. Using the existing international literature in different countries, major barriers (women capacity, information accessibility, financing and Policy-Regulatory Frameworks) were assessed in Uganda. Respondents were asked their views on how they felt each of these factors contributed. In this section, findings on each of the barriers is presented.

Figure 15: Findings on Barriers to women participation in Uganda

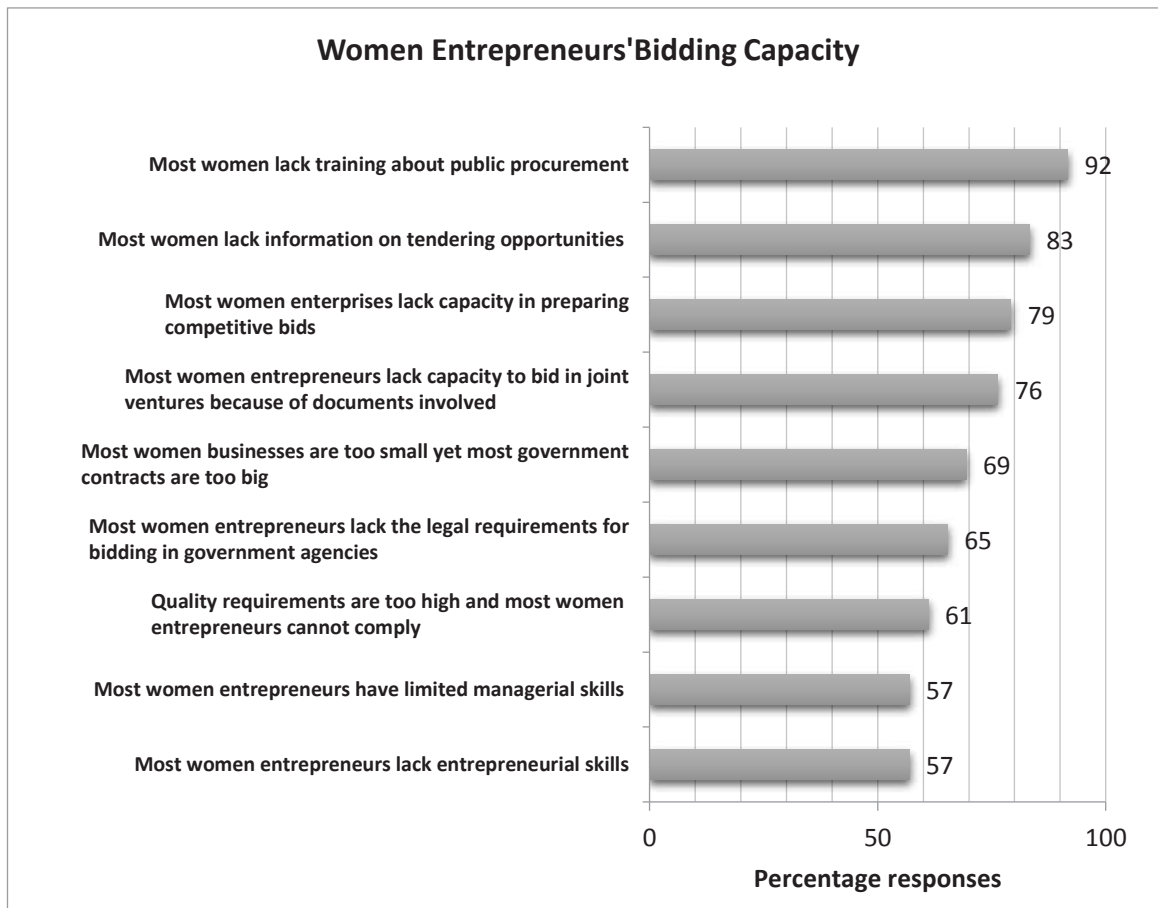


Basheka (2017). A Framework for understanding the barriers to effective participation of WOBs in Public Procurement in Uganda.

4.3.1. Women Entrepreneurs 'Bidding Capacity

Analysis showed that 92% of respondents agreed that women lacked training about public procurement, 83% agreed that most women lacked information on tendering opportunities, 79% agreed that most women enterprises lack capacity in preparing competitive bids. Further more 76% of the respondents agreed that most women entrepreneurs lack capacity to bid in joint ventures because of documents involved, 69% said most women businesses are too small yet most government contracts are too big, 61% thought that quality requirements are too high and most women entrepreneurs cannot comply. 57% of respondents thought that most women entrepreneurs had limited skills and lacked entrepreneur skills respectively as illustrated below.

Figure 16: Women entrepreneurs' bidding capacity

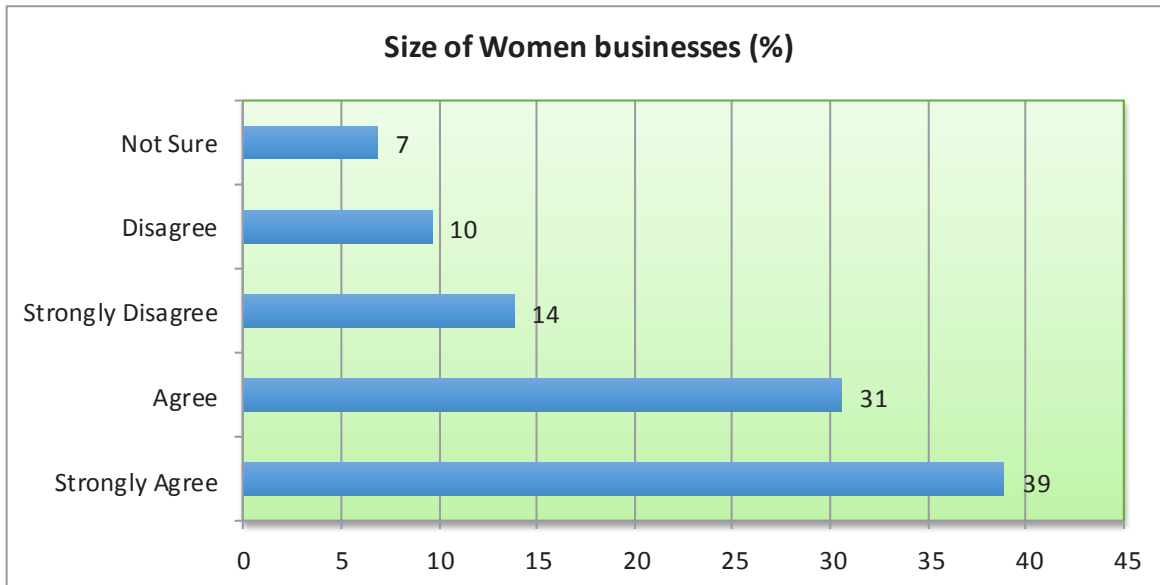


Primary source:

A: Most WBOs being too small yet most government contracts are too big

Analysis showed that 39% of respondents strongly agreed and 31% agreed that most women businesses are too small yet most government contracts are too big while 14% and 10% strongly disagreed and disagreed to this fact respectively. On the other hand 7% of the respondents were not sure if most women businesses are too small yet most government contracts are too big.

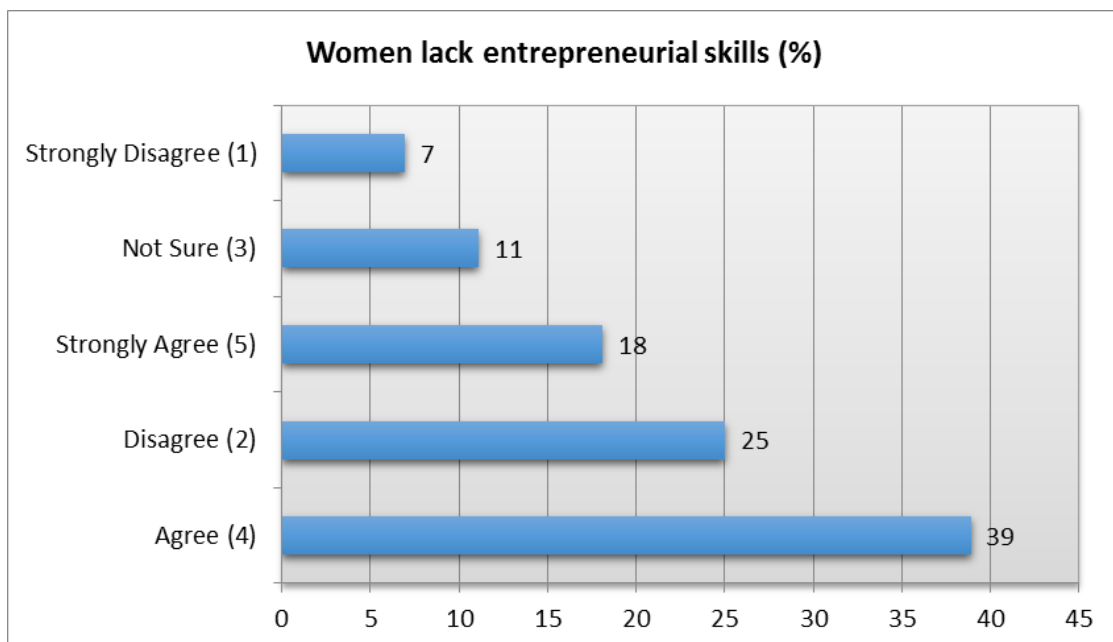
Figure 17: Size of women businesses



B: Most women entrepreneurs lacking entrepreneurial skills.

Analysis showed that 39% of respondents Agree that most women entrepreneurs lack entrepreneurial skills, 25% of respondents Disagree, 18% strongly agree. On the other hand 11% of respondents were not sure whether most women entrepreneurs lack entrepreneurial skills and 7% strongly disagreed.

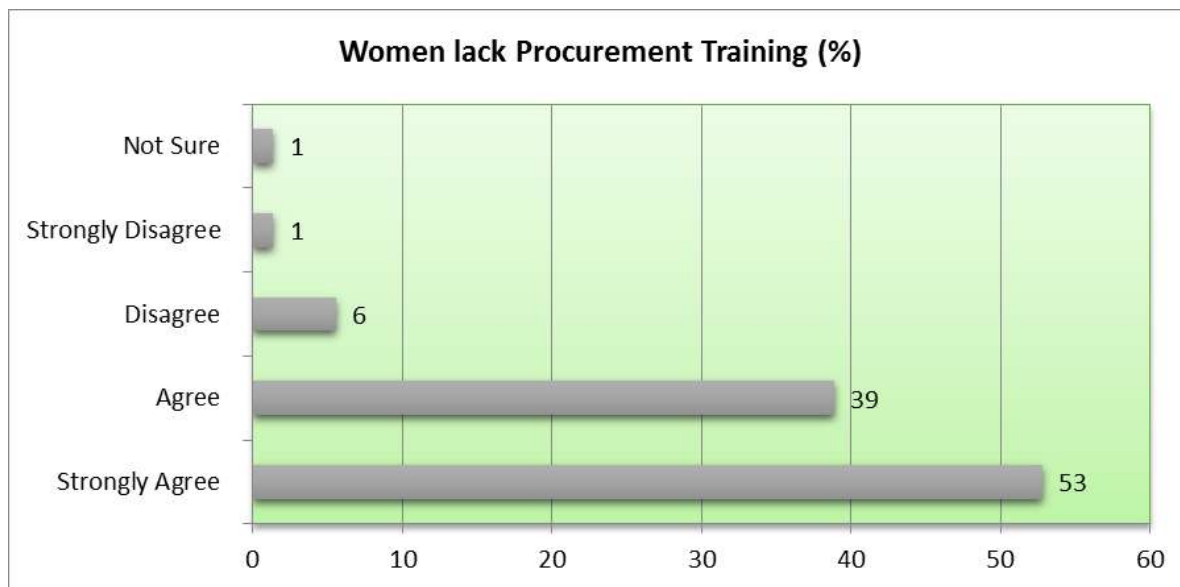
Figure 18: Women lack entrepreneurial skills



C: Most women lacking training about public procurement

Analysis showed that 53% of respondents strongly agreed and 39% agreed that most women lack training about public procurement while 6% and 1% disagreed and strongly disagreed respective to this fact. On the other hand 1% were not sure if most women lack training about public procurement as illustrated below.

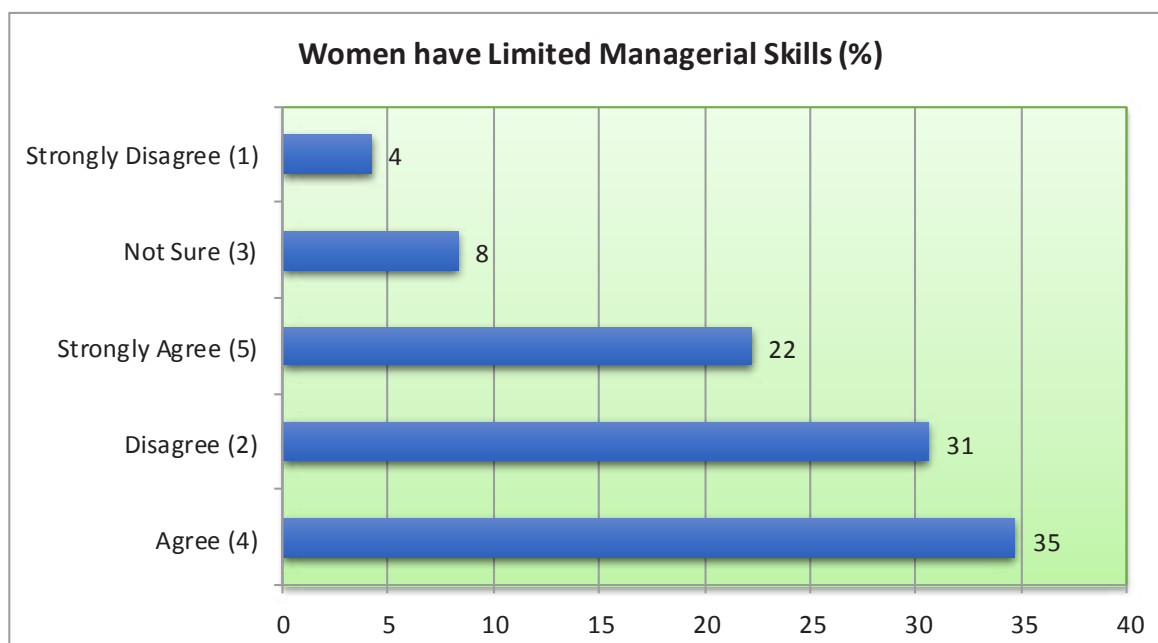
Figure 19: Women lack procurement training



D: Most women entrepreneurs have limited managerial skills

Analysis showed that 35% of respondents Agreed the most women entrepreneurs had limited managerial skills while 31% disagreed to this fact, 8% were however not sure as illustrated below.

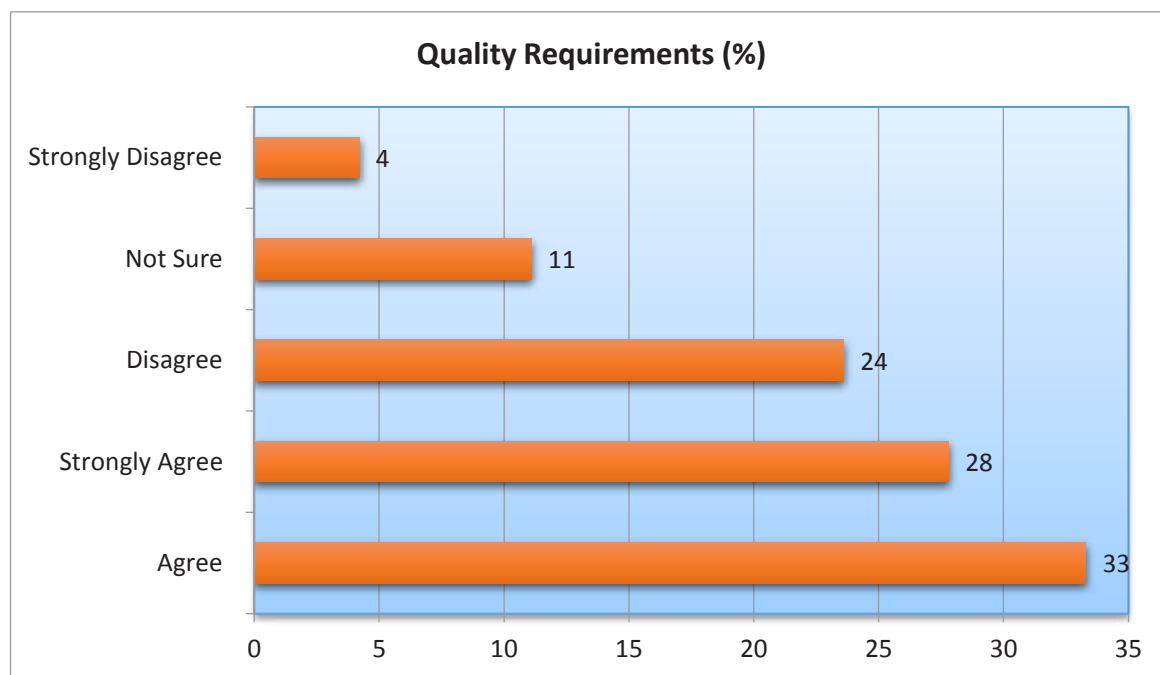
Figure 20: Women have limited managerial skills



E: Quality requirements being too high to comply with

Analysis showed that 33% Agreed and 28% strongly agreed that Quality requirements are too high and most women entrepreneurs cannot comply while 24% and 4% strongly disagreed with this fact. On the other hand 11% were not sure whether Quality requirements are too high and most women entrepreneurs cannot comply.

Figure 21: Respondents on quality requirements being too high.

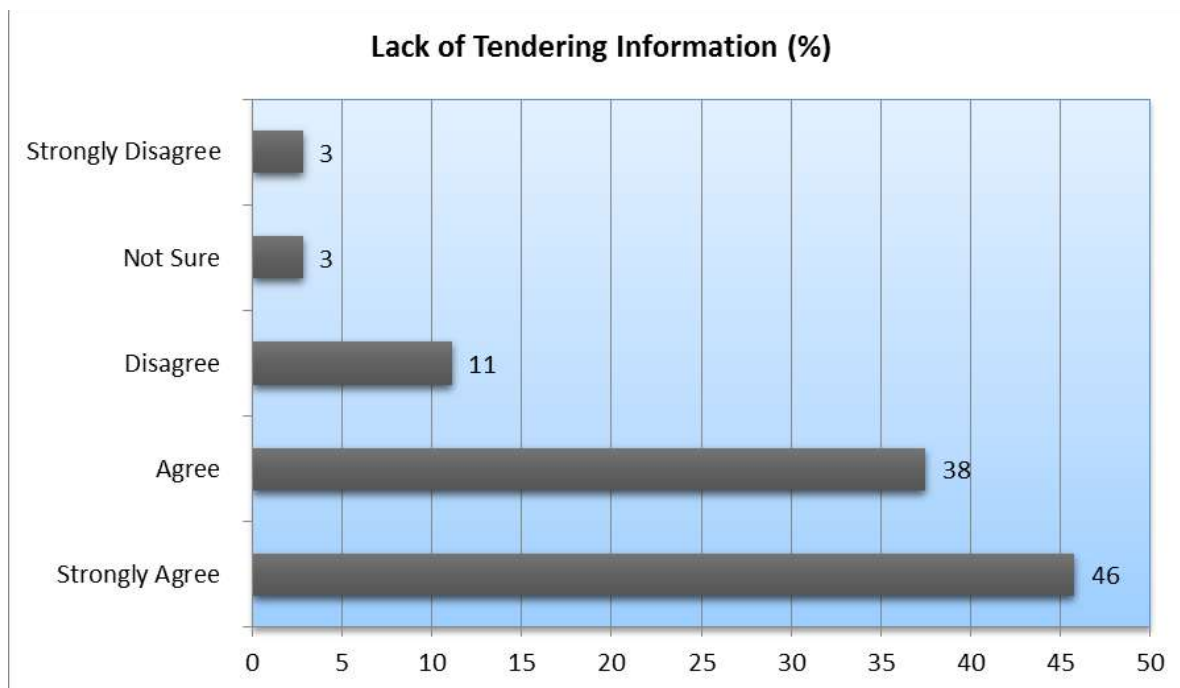


F: Most women lacking information on tendering opportunities

Analysis showed that 46% of respondents strongly agreed and 38% agreed that most women lack information on tendering opportunities. On the other hand 11% disagreed to this fact while 3% were not sure.

Figure 22: Lack of tendering information

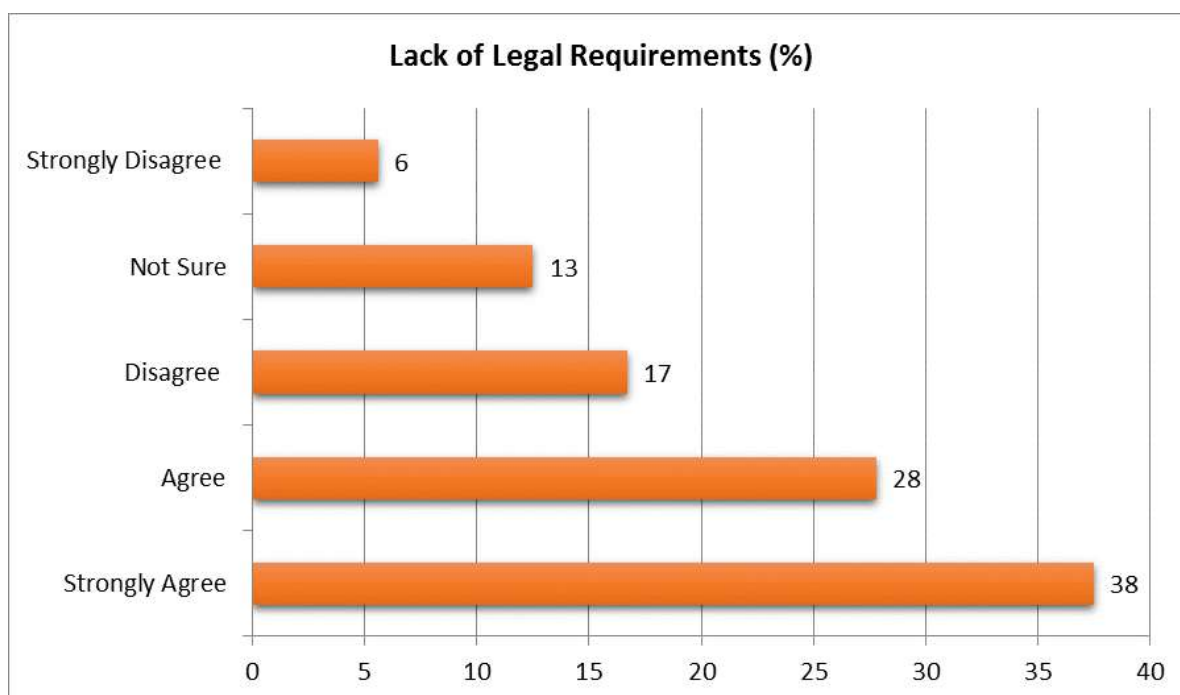
Figure 22: Lack of tendering information



G: Most women entrepreneurs lacking the legal requirements for bidding

Analysis showed that 38% of respondents strongly agreed and 28% agreed that most women entrepreneurs lack the legal requirements for bidding in government agencies while 17% and 6% disagreed and strongly disagreed respectively. On the other hand 13% were not sure whether most women entrepreneurs lack the legal requirements for bidding in government agencies as illustrated below.

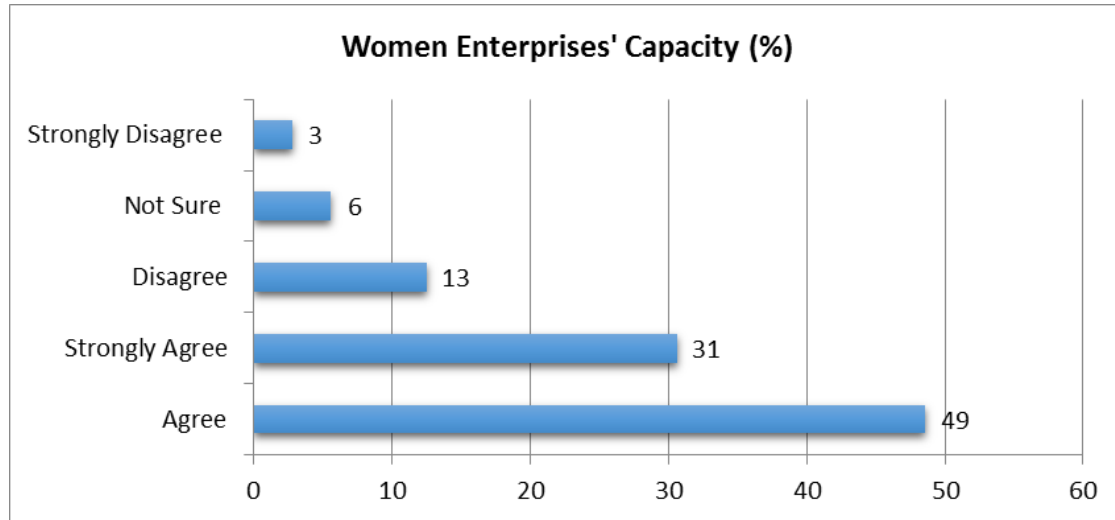
Figure 23: Lack of legal requirements



H: Most women enterprises lacking capacity in preparing competitive bids

Analysis showed that 49% of the respondents Agreed and 31% Strongly Agreed that most women enterprises lack capacity in preparing competitive bids while 13% disagreed and 1% strongly disagreed to this fact. On the other hand, 6% were not sure if most women enterprises lacked capacity in preparing competitive bids.

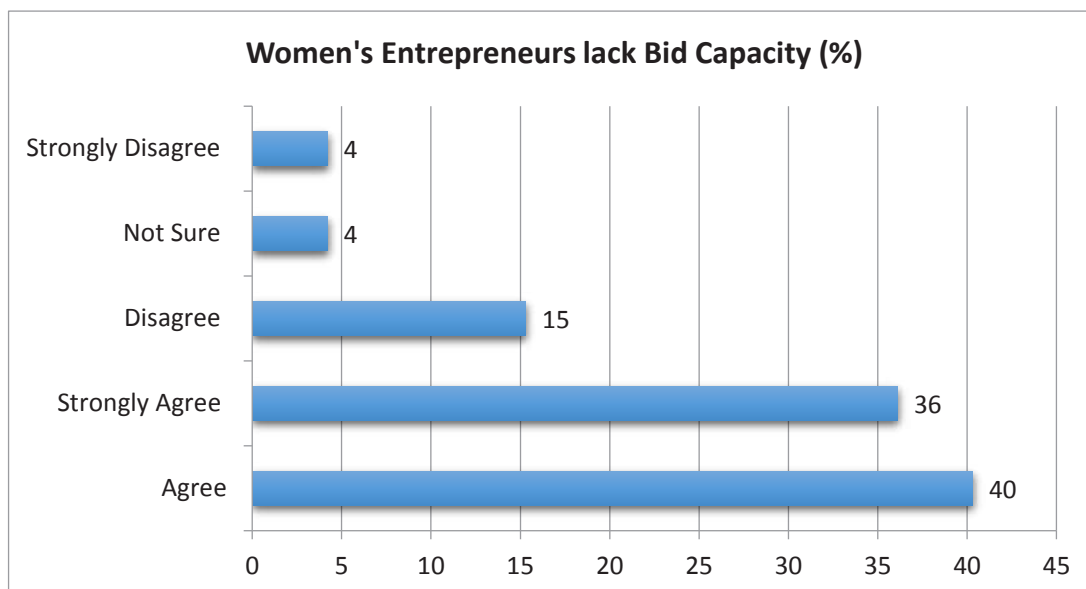
Figure 24: Women enterprises capacity



I: Most women entrepreneurs lacking capacity to bid in joint ventures because of documents involved

Analysis showed that 40% of respondents agreed and 36% Strongly Agreed that most women entrepreneurs lack capacity to bid in joint ventures because of documents involved while 15% and 4% disagreed and strongly disagreed respectively. On the other hand 4% were not sure about this fact.

Figure 25: Women’s entrepreneurs lack bid capacity



Sometimes you might want to get tenders but most times people in charge want bribe money to offer you a tender although you have high quality products. For example I might be selling my school sweater at shs.25,000 per each but when the headmaster gives me a tender before he gives you LPO confirming that you will supply them he adds there 5000. Then he writes 30,000 when paying you he recovers his bribe. That makes students to buy a sweater at very high price.

Some women especially young ones before someone gives her a tender he has to first make forced love with her. That applies to most of the companies. That is the first interview. Most of the time women we do not have enough capital and when we want to get loans from banks they ask for land titles for security well as most women do not have them although they are married men are always the owners

When asked during the in-depth interviews with key informants about the major capacity challenges in their view that prevented women from participating in Uganda's public procurement, the following was identified:-

Major Capacity Challenges

- They engage in subsistence production
- Lack of financial capacity (Delayed payment by government which blocks more access to financing from banks and reduces the value of the to be received if paid 1 year later)
- Low educational Levels (Most women in Karamoja are illiterate and may not have the capacity to participate as the documentation requires someone to be fluent in English lack of public procurement knowledge among women)
- Lack of resources like training opportunities
- Limited skills and expertise especially in works of high value
- Low mobilisation capacity/ability
- Lack of eligibility documents such as trading license, certificate of incorporation

Other capacity challenges

- Lack of feedback/staff to assist in understanding the procurement process
- Pre-conceptions that government prefers to work with large firms
- Lack of training
- Opportunities are denied to women because of societal roles
- Historical injustices
- Limited technical knowledge and experience
- Fear of Risks (Procurement risks)
- Lack of information-
- No connections to be able to identify the tender jobs
- The general challenge for women public procurement at KCCA is that other than the reservation scheme for sweeping KCCA roads, there isn't any other special group policy that considers uniqueness of women.
- At the Authority public procurement is based on merit purely as per the set terms and conditions for the service being procured
- The policy too doesn't capture the details of gender of the companies bidding

- Also there are no special policies for strengthening gender as the contracted firm needs only capacity not the gender inclusions
- Gender inequality
- Legal documents for tenders
- Technological know-how and exposure too recent and relevant technology

The study further sought the views of those interviewed on what they felt their organization had done to ensure they supported women enterprises to bid and win government tenders, the following key findings emerged:-

General	
	<ul style="list-style-type: none"> • Established procurement targets for women-owned enterprises • Review the impact of larger and consolidated tenders • Tries to make the process fair but not target women. • No direct affirmative action for women • Awareness across the board & procurement opportunities through women business owner associations • Build capacity and create awareness • Through ensuring that there is adherence to the procurement process especially where reservation schemes have been used • Advocacy for gender inclusiveness in planning stages at the Bureau • Advocacy, • capacity building and networking for registered women entrepreneurs'' • financial empowerment by employing mainly women • The provide role model platforms to empower women entrepreneurs ability to build confidence • Passing information to women at the grassroots

Responses were disaggregated for the different key entities that accepted the interview from the research teams. The following findings emerged:-

Government Agencies	
PPDA	<ul style="list-style-type: none"> • Tries to make the process fair but not target women. • No direct affirmative action for women" • Awareness across the board • Build capacity and create awareness • Through ensuring that there is adherence to the procurement process especially where reservation schemes have been used • Through provision of training and sensitizing bidders on how to prepare responsible bids
AWAN	<ul style="list-style-type: none"> • NOT Applicable • It has not helped • Expanded awareness of procurement opportunities through women business owner associations
URA	<ul style="list-style-type: none"> • Established procurement targets for women-owned enterprises • Review the impact of larger and consolidated tenders

ENTERPRISE UGANDA	<ul style="list-style-type: none"> • provide general information and • skills development on how to grow your enterprise and make it more strategic to attract better business. <p>Some of the trained persons are women and these have been able to attract government business like NINA interiors, NUMA Feeds Kabwohe, Delight, Ebenezer Clinic and Safi cleaners amongst many others.</p>
GULU DISTRICT LG	<ul style="list-style-type: none"> • Enhancing equality among bidders provided they meet the terms of reference • By encouraging women to apply for tenders • Giving the women advice • Through sensitization
GULU WOMEN LIVING WITH DISABILITIES	<ul style="list-style-type: none"> • Lobbying and advocacy for women fund, youth livelihood and disability grant. • Advocacy and training women
KCCA	<ul style="list-style-type: none"> • Only through the reserve scheme for cleaning services for Kampala

4.3.2. Financial constraints to women participation in PP in Uganda

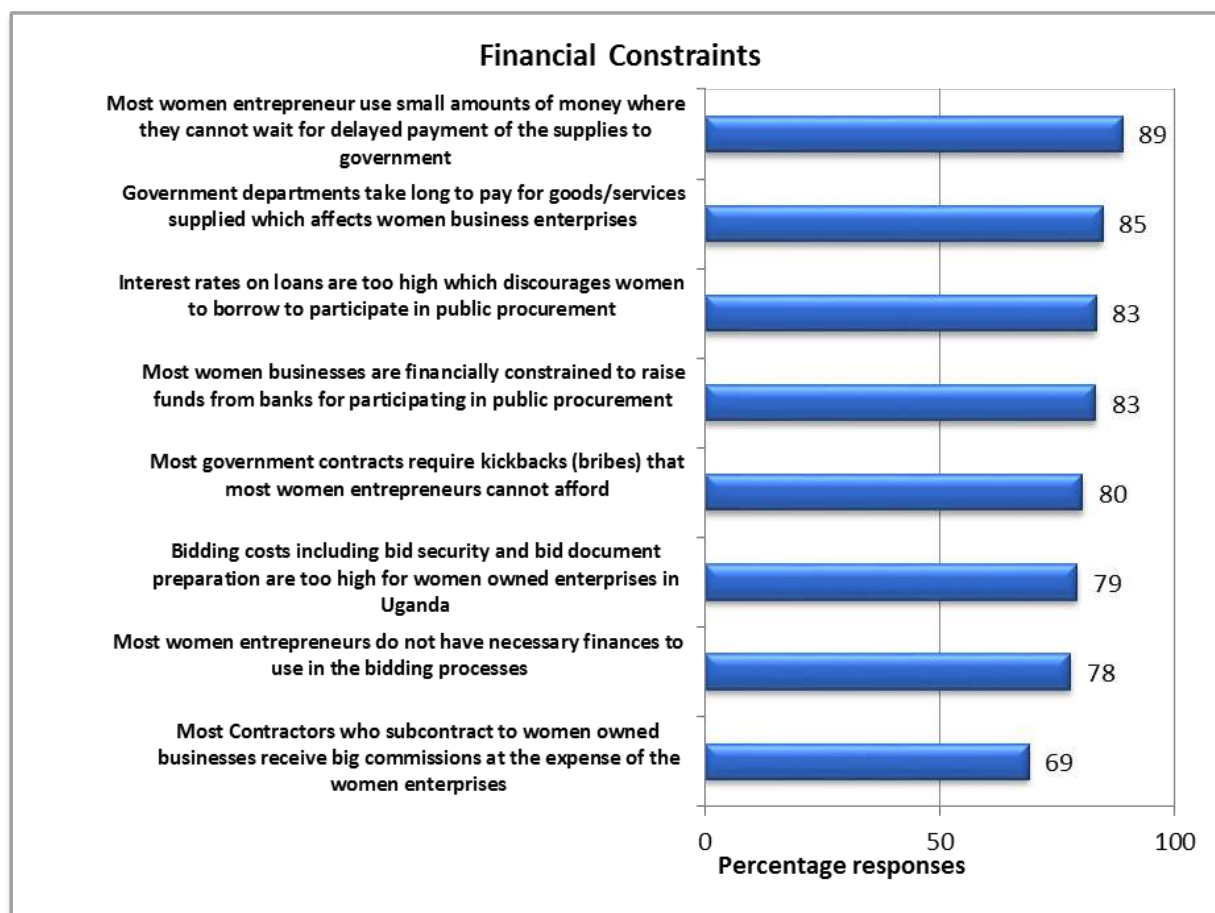
As seen from the comparative literature, one of the reported stumbling blocks for women entrepreneurs; and for women-owned businesses in Africa, include financial criteria which poses the biggest challenge (International Trade Centre, 2014). A number of African women business owners and organizations repeatedly comment that the requirement for audited financial accounts in bidding for government contracts for example is a major stumbling block. Yet, many women entrepreneurs interested in doing business with the government do not have the financial literacy to properly maintain their books and records, nor can they afford to have their accounts audited every year.

Other financial requirements, such as performance bonds, bid guarantees, and fees for tender documents, are also beyond the reach of some women-owned businesses. Like all qualification criteria, financial requirements need to be reviewed and appropriately tailored. Rationalizing and tailoring technical and financial qualifications should not mean compromising standards.

Analysis showed that 89% of the respondents agreed that most women entrepreneur used small amounts of money where they cannot wait for delayed payment of the supplies to government, 85% agreed that Government departments take long to pay for goods/services supplied which affects women business enterprises, 83% agreed that interest rates on loans are too high which discourages women to borrow to participate in public procurement and women businesses are financially constrained to raise funds from banks for participating in public procurement respectively.

Furthermore 80% of respondents agreed that most government contracts required kickbacks (bribes) that most women entrepreneurs cannot afford, 79% agreed that Bidding costs including bid security and bid document preparation were too high for women owned enterprises in Uganda, 78% agreed that most women entrepreneurs did not have necessary finances to use in the bidding processes while 69% agreed that most Contractors who subcontracted to women owned businesses received big commissions at the expense of the women enterprises as illustrated below.

Figure 26: Financial constraints



Primary source

We asked the survey respondents to indicate their responses on a number of variables that measured the financial challenges of women entrepreneurs. Below are the findings from the study.

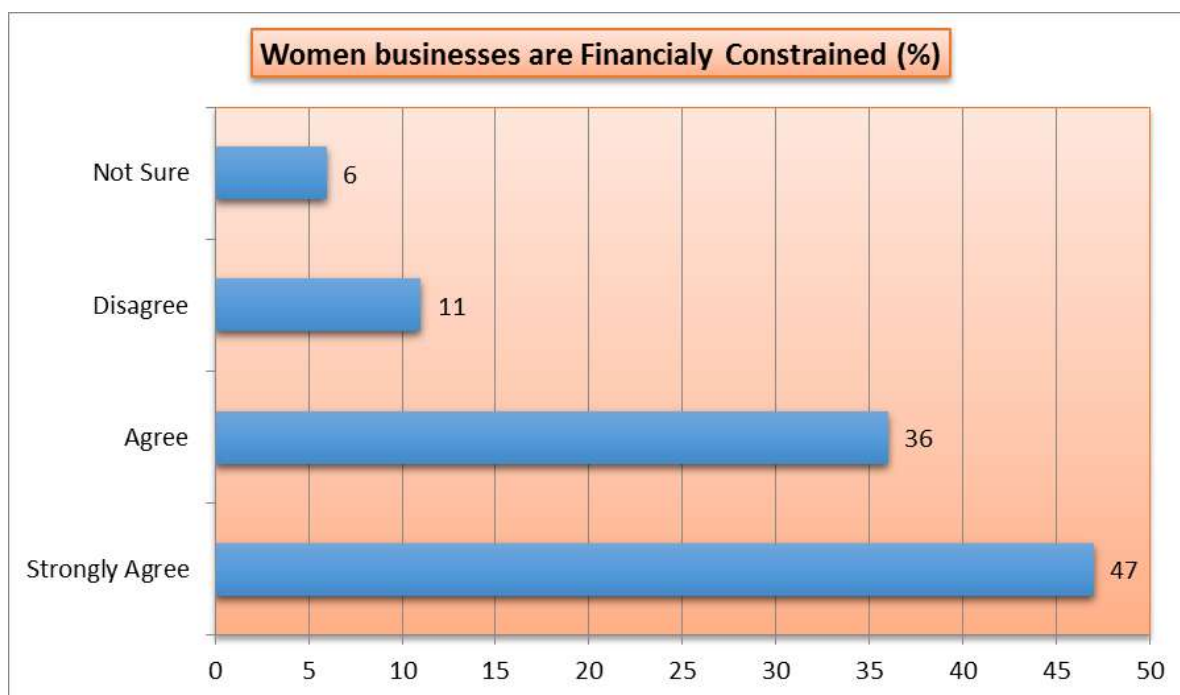
A. Most women businesses being financially constrained to raise funds from banks for participating in public procurement

Analysis showed that 47% of the respondents Strongly Agreed and 36% agreed that most women businesses are financially constrained to raise funds from banks for

83% of respondents agree that women are financially constrained to raise funds from banks for participating in public procurement

participating in public procurement while 11% disagree and 6% were not sure to this fact as illustrated below.

Figure 27: Women businesses are financially constrained

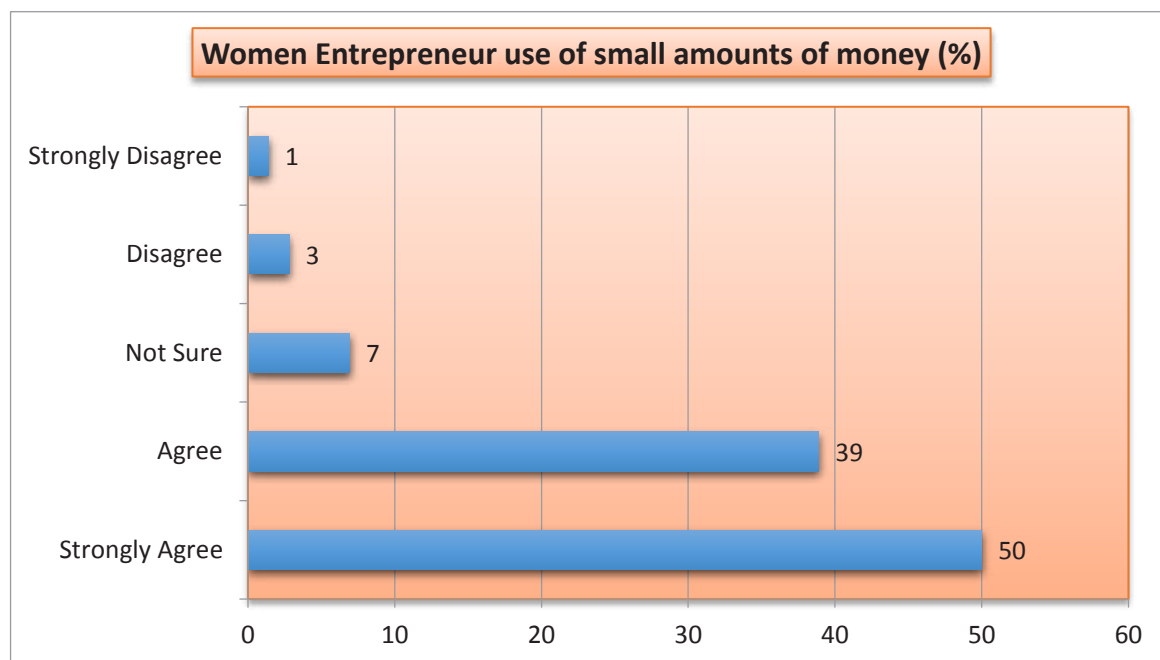


B: Most women entrepreneur using small amounts of money where they cannot wait for delayed payment of the supplies to government

Analysis showed that 50% of respondents strongly agreed and 39% agreed that most women entrepreneur use small amounts of money where they cannot wait for delayed payment of the supplies to government while 3% and 1% of the respondents disagreed and strongly disagreed respectively. On the other hand 7% were not sure whether most women entrepreneur use small amounts of money where they cannot wait for delayed payment of the supplies to government.

89% of respondents agree that women use small money and cannot wait for delayed payments after supplying government

Figure 28: Women entrepreneur use of small amounts of money

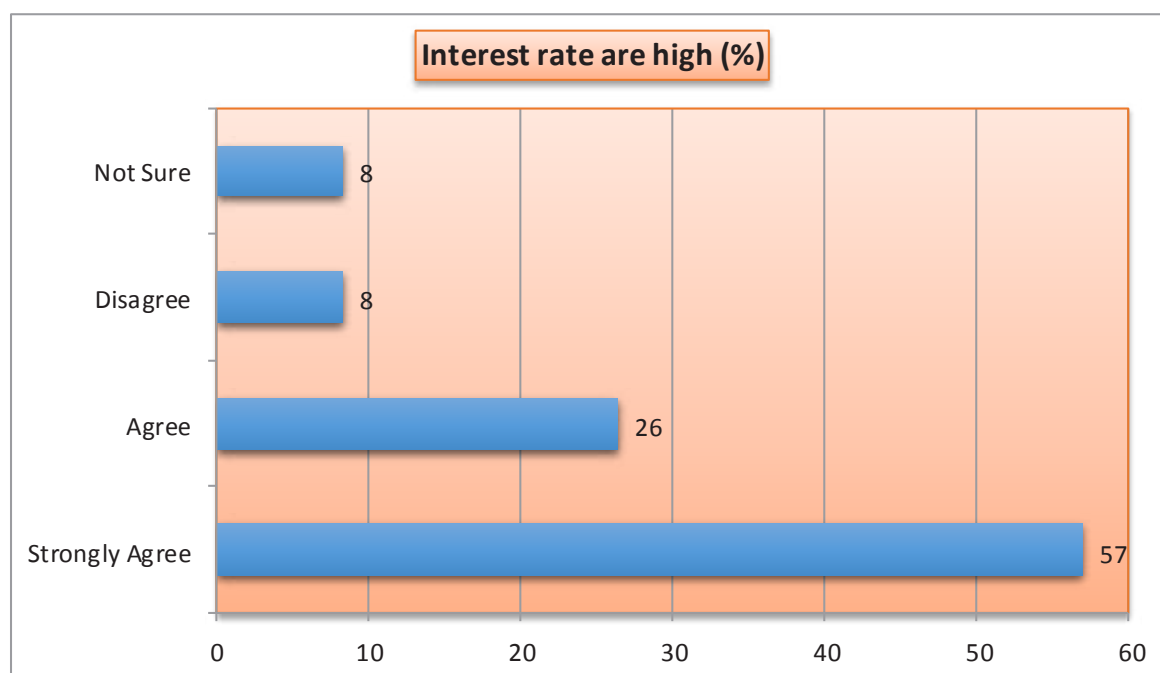


C. Interest rates on loans being too high which discourages women to borrow to participate in public procurement

Analysis showed that 57% of respondents strongly agreed and 26% agreed that Interest rates on loans are too high which discourages women to borrow to participate in public procurement while 8% of respondents disagreed and 8% were not sure about this fact.

83% of respondents agree that interest rates on loans are too high which discourages women to borrow for bidding

Figure 29: Interest rates are high

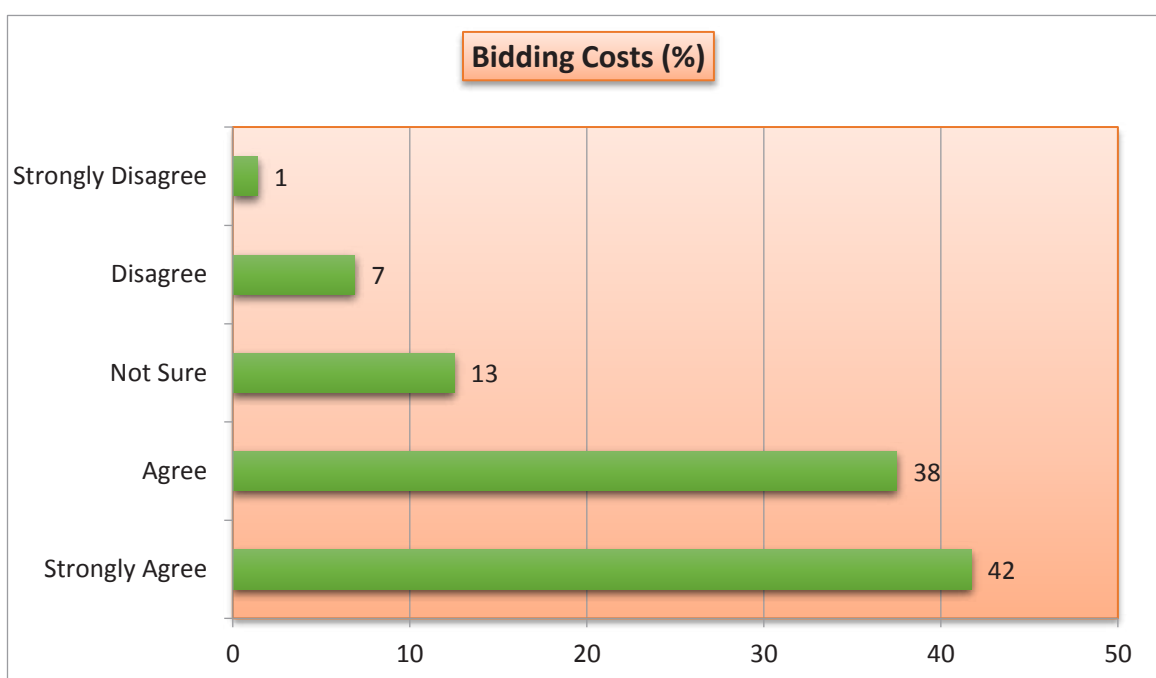


D. Bidding costs including bid security and bid document preparation are too high for women owned enterprises in Uganda.

Analysis showed that 42% of respondent strongly agreed and 38% agreed that Bidding costs including bid security and bid document preparation are too high for women owned enterprises in Uganda while 7% disagreed and 1% strongly disagreed. On the other hand 15% of the respondents were not sure.

80% of respondents agree that bidding costs including bid security and bid document preparation is high.

Figure 30: Bidding costs being too high

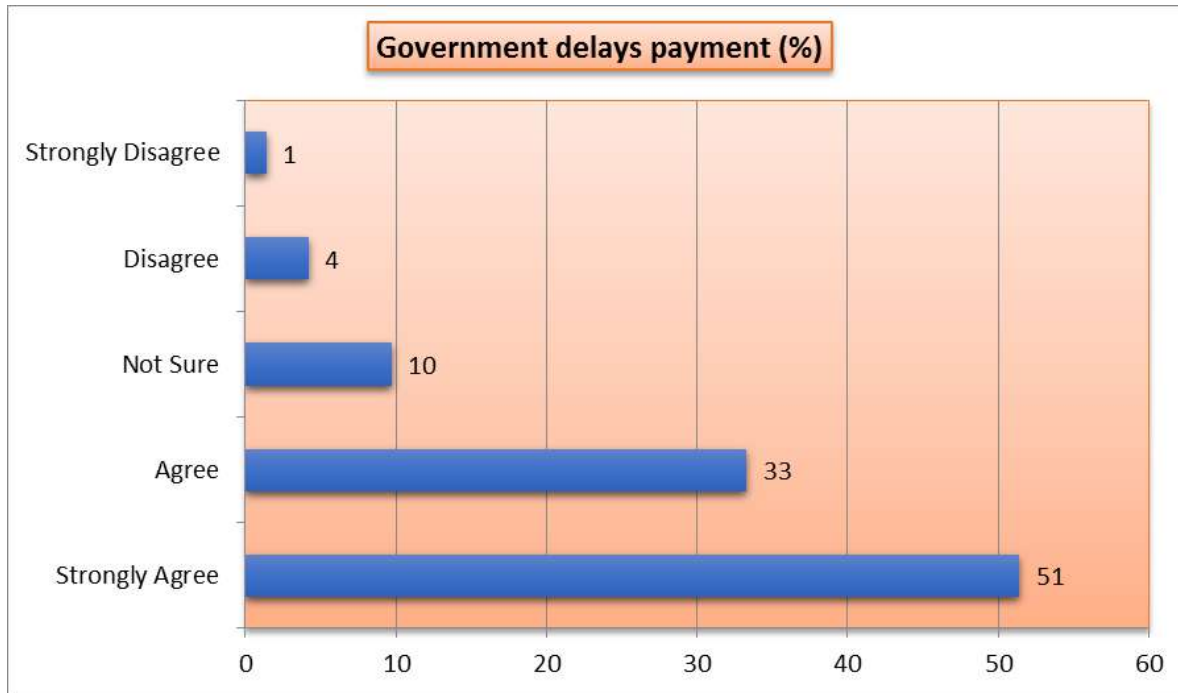


E. Government departments take long to pay for goods/services supplied which affects women business enterprises

Analysis showed that 51% of respondents strongly agreed and 33% agreed that Government departments take long to pay for goods/services supplied which affects women business enterprises while 4% and 1% disagreed and strongly disagreed respectively. 10% of the respondents were not sure whether Government departments take long to pay for goods/services supplied which affects women business enterprises.

84% of respondents agree that Government departments take long to pay

Figure 31: Government delays payment

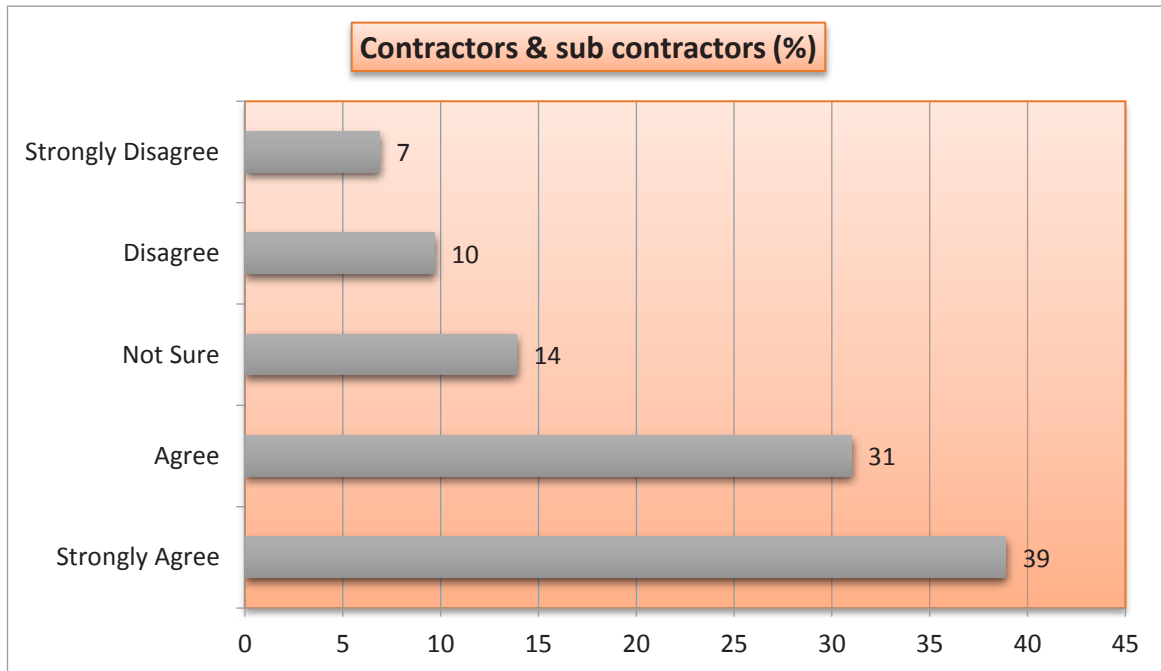


F. Most Contractors who subcontract to women owned businesses receiving big commissions at the expense of the women enterprises

Analysis showed that 39% of respondents strongly agreed and 31% agreed that most Contractors who subcontract to women owned businesses receive big commissions at the expense of the women enterprises while 10% and 7% disagreed and strongly disagreed respectively. On the other hand 14% were not sure whether Most Contractors who subcontract to women owned businesses receive big commissions at the expense of the women enterprises.

70 % of respondents agree that most contractors who subcontract WOBs receive big commissions at the expense of the women.

Figure 32: Contractors and sub-contractors

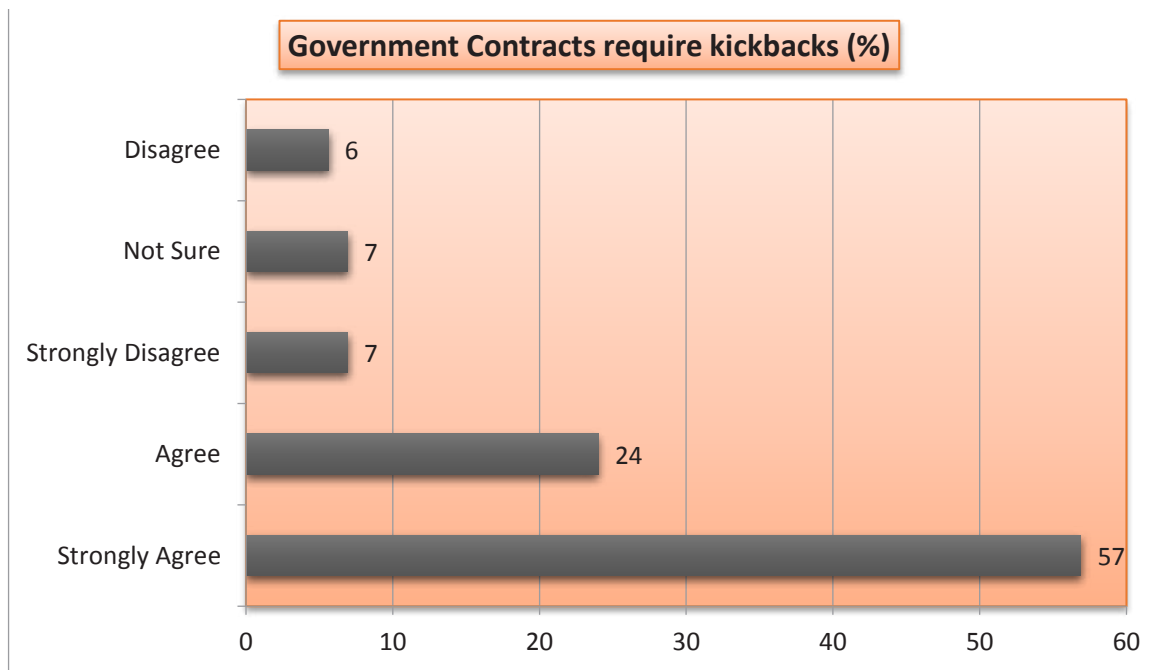


G. Most government contracts requiring kickbacks (bribes) that most women entrepreneurs cannot afford

Analysis showed that 57% respondents strongly agreed and 24% agreed that most government contracts require kickbacks (bribes) that most women entrepreneurs cannot afford while 7% and 6% strongly disagreed and disagreed respectively. On the other hand 7% were not sure whether most government contracts require kickbacks (bribes) that most women entrepreneurs cannot afford.

81% of respondents agree that most government contracts require kick-backs.

Figure 33: Government contracts require kickbacks



A major problem concerning public procurement is corruption. Even if legislation and programmes exist to promote gender and class equality in PP, their aims and dictates can be undermined by corruption. Corruption can deform the integrity of the procurement system through the various manifestations of corruption such as bribery, nepotism, cronyism, coercion and blackmail.

H. Most women entrepreneurs not having necessary finances to use in the bidding processes

Analysis showed that 43% of respondents strongly agreed and 35% agreed that most women entrepreneurs do not have necessary finances to use in the bidding processes, while 8% and 4% strongly disagree and disagreed. On the other hand 10% not sure whether Most women entrepreneurs do not have necessary finances to use in the bidding processes.

78% of respondents agree that women do not have finances to use in bidding.

Those interviewed were asked to identify the major finance related challenges that restricted women enterprises from participating in public procurement in Uganda. This question yielded varied responses as indicated below:-

- Lack of capital due to inability to raise it even from banks because many do not have collateral
- A lot of finances/funds put in stationary materials
- Funds for transport
- They lack the capital, society does not allow because they may not own property
- High interest rates
- limited financial management Knowledge
- Limited access to credit facilities
- Accessing loans is hard
- High registration fees
- Low willingness to invest large amounts
- Delayed payment by government which incapacitates access to finance
- Lack of financial management skills
- They lack collateral to get business loans
- The women entrepreneurs lack skills to raise financing and capital.

Promising news	Disappointing news
<ul style="list-style-type: none"> • 41% agree that WOB are not financially constrained 	<ul style="list-style-type: none"> • 83% agree that WOBs are financially constrained • 89% agree that WOBs use small amounts of money to wait for delayed payments • 83% agree that interest rates on loans are too high discouraging women to borrow • 80% believe that bidding costs are too high for WOBs • 84% believed that government departments take long to pay which affects WOBs • 70% believe most contractors who sub-contract WOBs receive big commissions at the expense of WOBs • 81% believe government contracts require kickbacks that most women cannot afford • 78% believe that most WOBs do not

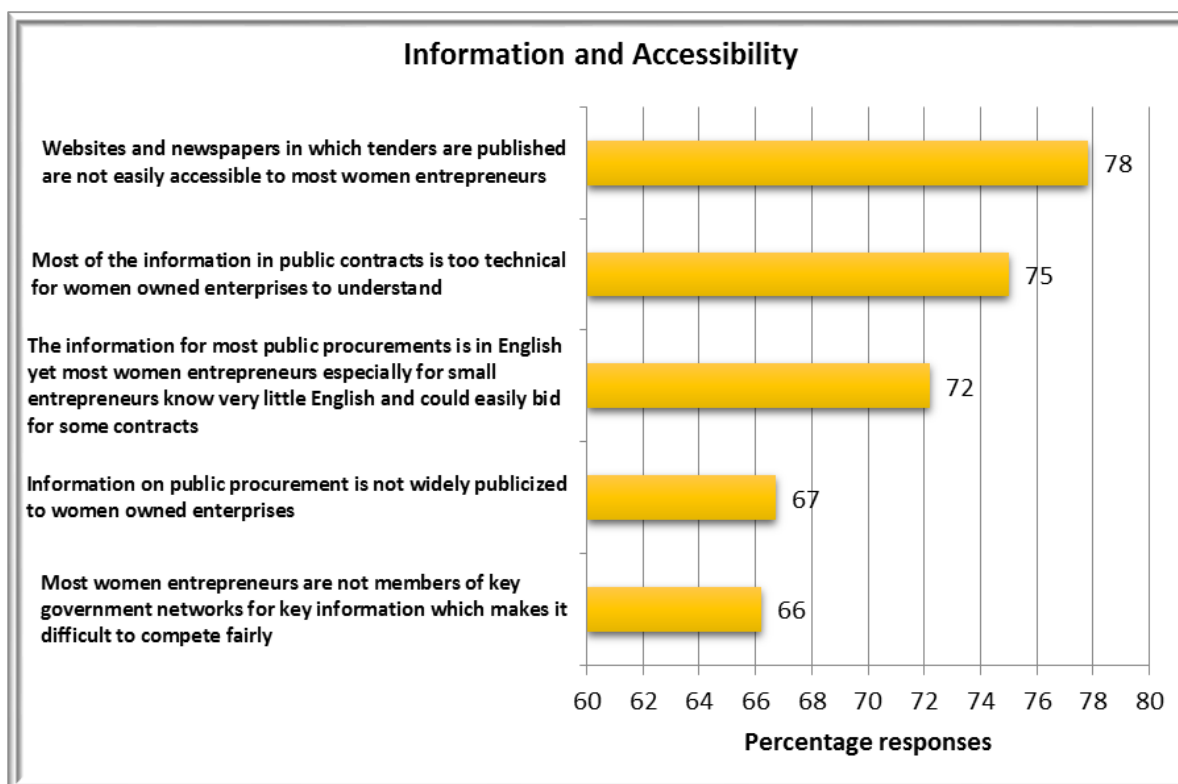
	have finances to use in bidding processes

4.3.3. Information accessibility

To participate in public procurement requires interested bidders to have access to information. Most literature on WOBs points to the issue of a lack of information about procurement processes (Jones, 2011). Even those who get access to information have to scan through the processes which are unnecessarily complicated, differ from department-to-department, and in some instances there is limited notice of advertised contract opportunities (Enchautegui et al., 1997). As a result of this, WOBs are often unaware of available contracting opportunities (Mee, 2012).

Analysis showed that 78% of the respondents agreed that Websites and newspapers in which tenders are published were not easily accessible to most women entrepreneurs, 75% agreed that most of the information in public contracts was as well technical for women owned enterprises to understand, 72% agreed that the information for most public procurements was in English yet most women entrepreneurs especially for small entrepreneurs know very little English and could easily bid for some contracts. Further analysis showed that 67% and 66% of the respondents agreed that Information on public procurement was not widely publicized to women owned enterprises and that most women entrepreneurs were not members of key government networks for key information which makes it difficult to compete fairly respectively as illustrated below.

Figure 34: Information and accessibility



Primary source

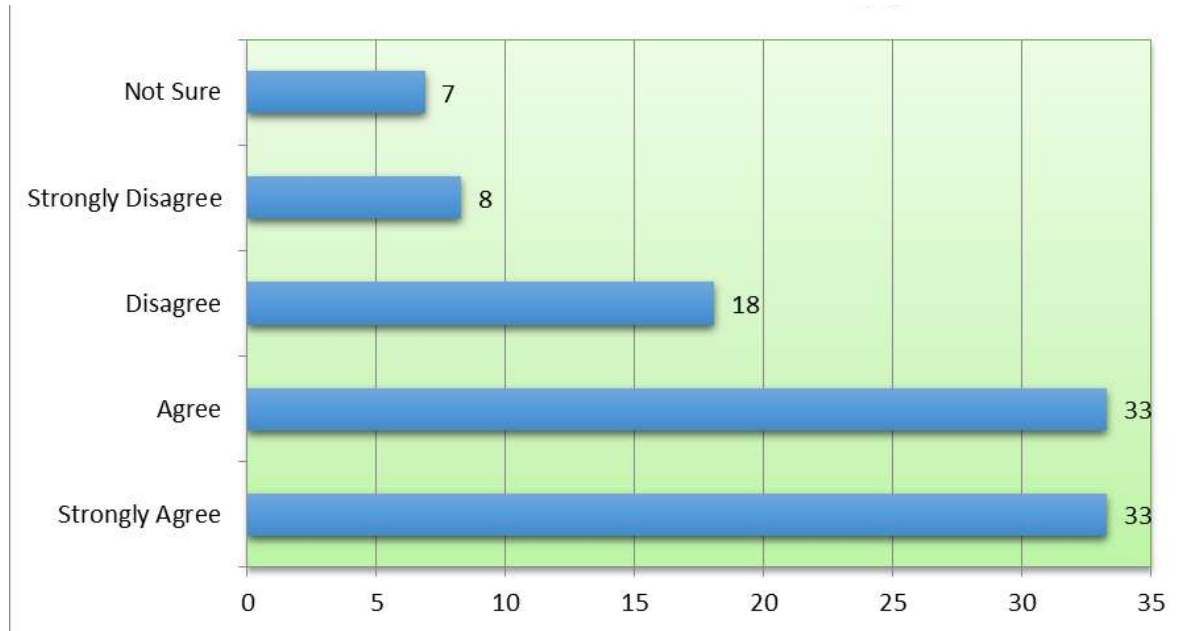
In this section of our report, findings on surveyed respondents regarding measures of access to information by WBOs in Uganda are presented.

A. Information on public procurement being not widely publicized to women owned enterprises

Analysis showed that 33% of respondents strongly agreed and agreed Information on public procurement is not widely publicized to women owned enterprises while 18% and 8% disagreed and strongly disagreed to this fact. However 7% of respondents were not sure whether Information on public procurement is not widely publicized to women owned enterprises.

66% of respondents agree that information on public procurement is not widely distributed to WBOs compared to 26% who agree the information is publicized.

Figure 35: Publication of procurement information



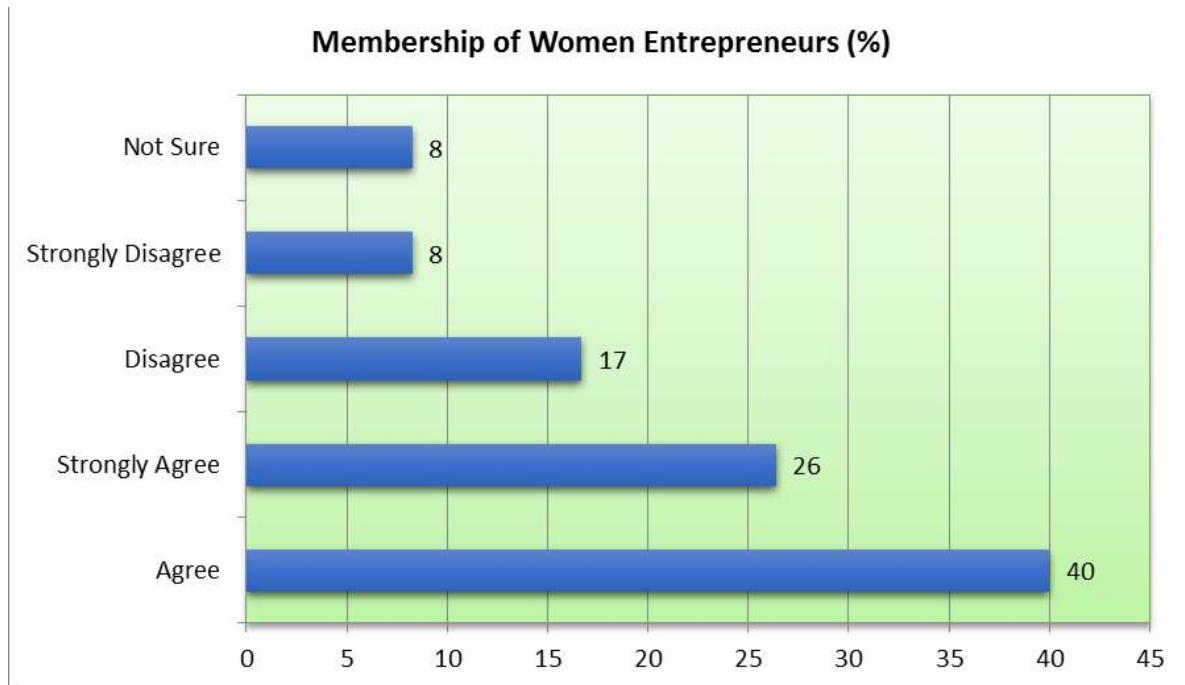
The researcher's view is that considering the number of women organizations in Uganda established purposely to champion the cause of women issues including those specifically with business mandates could have been proactively used to address this challenge. It would appear they have not yet either appreciated their critical role in building the capacity or they have been ineffective.

B. Most women entrepreneurs are not members of key government networks for key information which makes it difficult to compete fairly

Analysis showed that 40% of respondents agreed and 26% strongly agreed that that most women entrepreneurs are not members of key government networks for key information which makes it difficult to compete fairly while 17% and 8% disagreed and strongly disagreed respectively. In contrast 8% were not sure if most women entrepreneurs are not members of key government networks for key information which makes it difficult to compete fairly.

66% of respondents agree that most information is too technical for women to understand compared to 25% who disagreed.

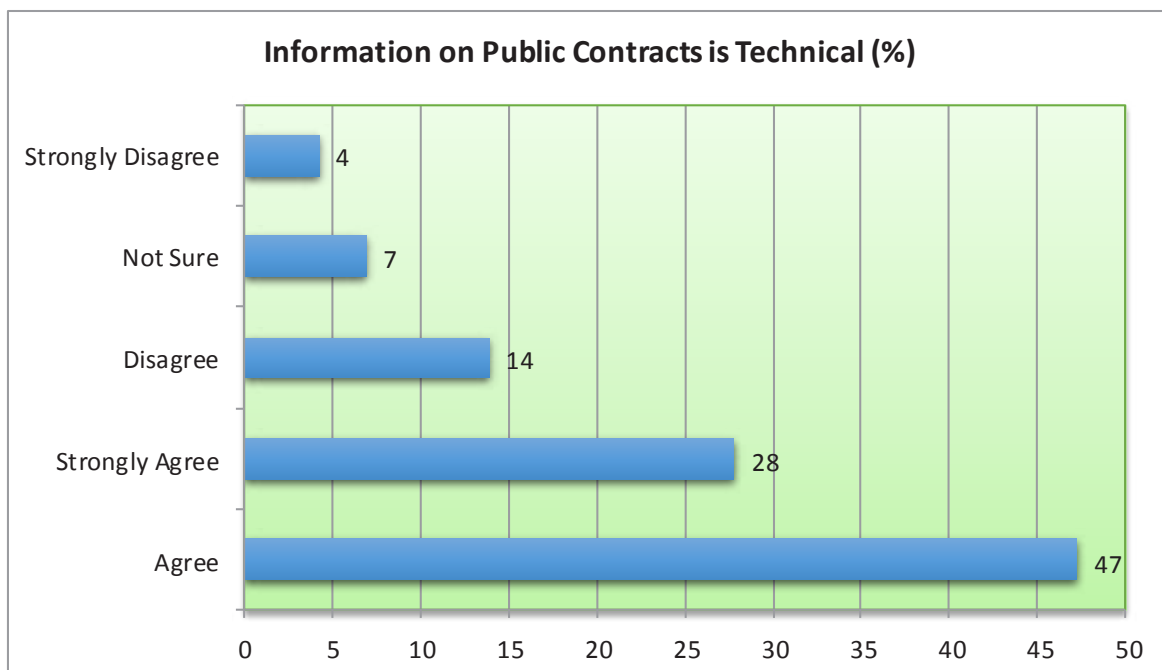
Figure 36: Membership of women entrepreneurs



C. Most of the information in public contracts is too technical for women owned enterprises to understand.

Analysis showed that 40% agreed and 26% strongly agreed that Most of the information in public contracts is too technical for women owned enterprises to understand in contrast 17% disagree and 8% strongly disagreed with this fact. 8% of respondents were not sure if Most of the information in public contracts is too technical for women owned enterprises to understand,

Figure 37: Information on public contracts is technical

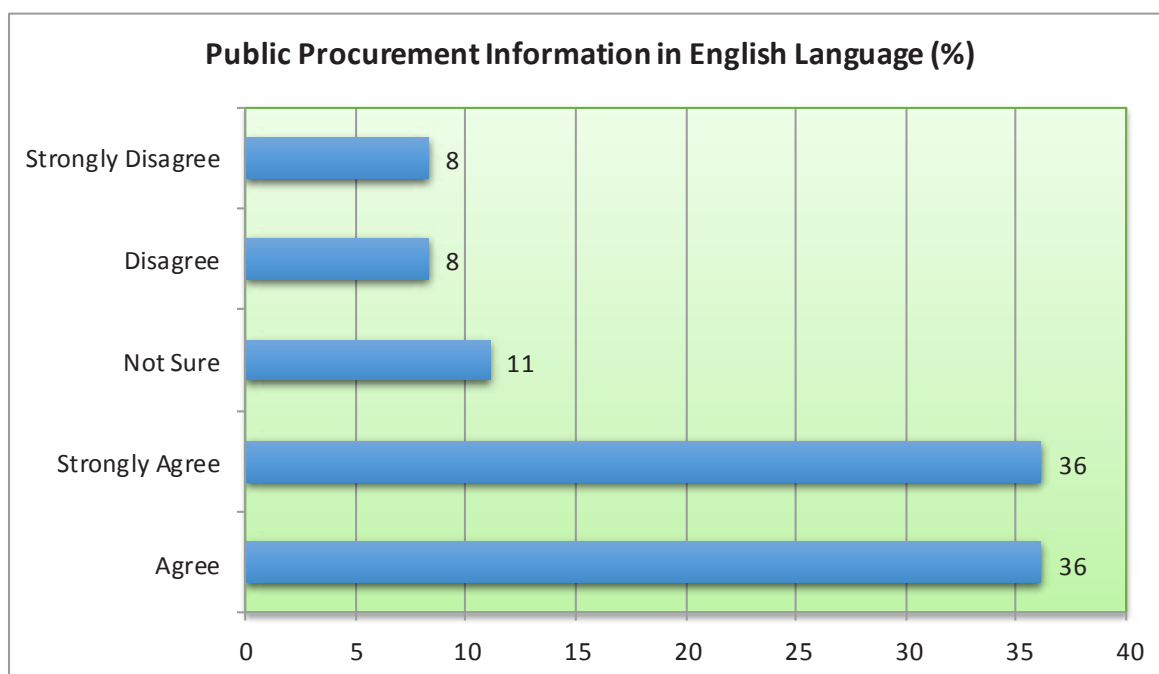


D. The information for most public procurements is in English yet most women entrepreneurs especially for small entrepreneurs know very little English and could easily bid for some contracts

Analysis showed that 36% of respondents agreed and strongly agreed each respectively that the information for most public procurements is in English yet most women entrepreneurs especially for small entrepreneurs know very little English and could easily bid for some contracts while 8% each disagreed and strongly disagreed respectively. 11% were not sure about this fact as illustrated below.

72% of respondents agree that information is always in English yet women in small business know very little English. 19% disagreed.

Figure 38: Public procurement information in English language



E. Websites and newspapers in which tenders are published are not easily accessible to most women entrepreneurs

Analysis showed that 50% strongly agreed and 28% agreed that Websites and newspapers in which tenders are published are not easily accessible to most women entrepreneurs while 13% and 8% strongly disagreed and disagreed respectively with 1% of respondents not sure to this fact.

78% of respondents agree that websites and newspapers in which tenders are published are not easily accessible to women entrepreneurs while 21%

10. Please identify information related challenges that restrict women from participating in public procurement in Uganda.

The respondents identified information related challenges that restrict women from participating in public procurement in Uganda as:-

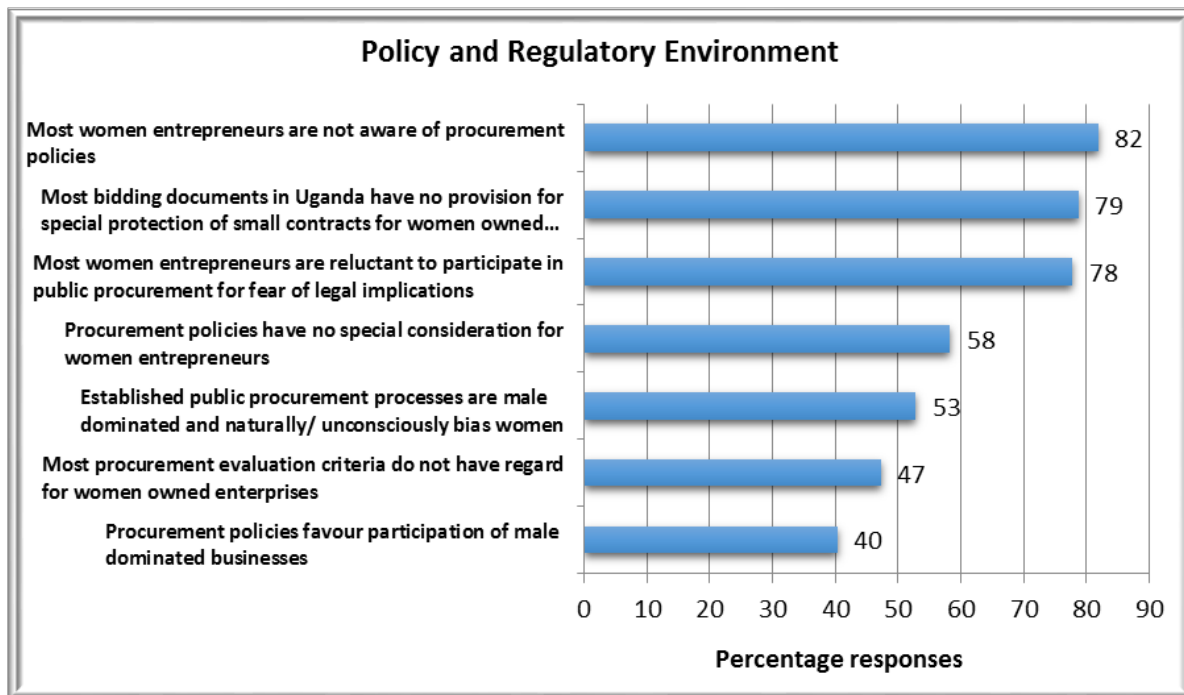
- Having little exposure
- Inaccessible,
- excessive and disorganised information
- Lack of training
- Limited access to government procurement needs
- Limited needs exposure to computer based communication (Social media is limited on providing the information)
- Cultural issues
- Limited networking
- Procurement language is too technical
- Lack of information about PPDA
- Lack of access to internet and newspapers means they do not learn about the advertised tenders
- Obtaining documents for tendering process is tedious.
- Many illiterate and they don't read newspapers
- Lack of transparency and guidance on how to make businesses
- Information isn't received timely by the women entrepreneurs as they lack capacity to even find the information

4.3.4 Policies and institutional framework barriers to women participation

Marion (2011) reported that the appropriate legislation for governing public procurement and the attendant policy and regulatory frameworks is an essential step towards greater participation of WOBs in public procurement. He argued that even with advocates against affirmative action who favor a more free-market approach, research has shown that “eliminating affirmative action has a large adverse effect on purchases from minority (and women) owned firms”. The legal framework thus needs to strongly create affirmative action initiatives.

Analysis showed that 82% of respondents agreed that most women entrepreneurs are not aware of procurement policies, 79% agreed that most bidding documents in Uganda had no provision for special protection of small contracts for women owned enterprises, 78% agreed that most women entrepreneurs were in fact reluctant to participate in public procurement for fear of legal implications and 58% agreed that Procurement policies had no special consideration for women entrepreneurs. Furthermore, 53% of respondents agreed that the Established public procurement processes were male dominated and naturally/ unconsciously bias women, 47% agreed that most procurement evaluation criteria did in fact not have regard for women owned enterprises. The results also showed that 40% of the respondents agreed that Procurement policies favoured participation of male dominated businesses as illustrated below.

Figure 39: Policy and regulatory environment



Primary source

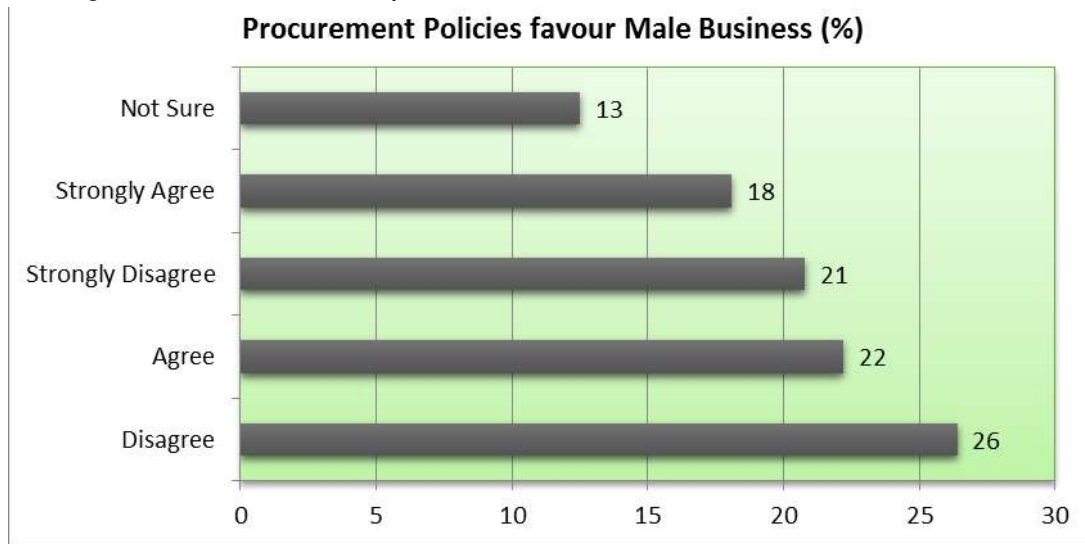
The survey respondents were asked about a number of variables relating to legal and policy framework and how they either inhibited or facilitated their participation in public procurement. The findings on each of these are presented below.

A. Procurement policies favor participation of male dominated businesses

Results showed 26% of respondents disagreed with Procurement policies favor participation of male dominated businesses in contrast 22% agreed. 13% were not sure about this fact as illustrated below.

47% of respondents disagree that procurement policies favored male owned businesses while 40% agree.

Figure 40: Procurement policies favor male business

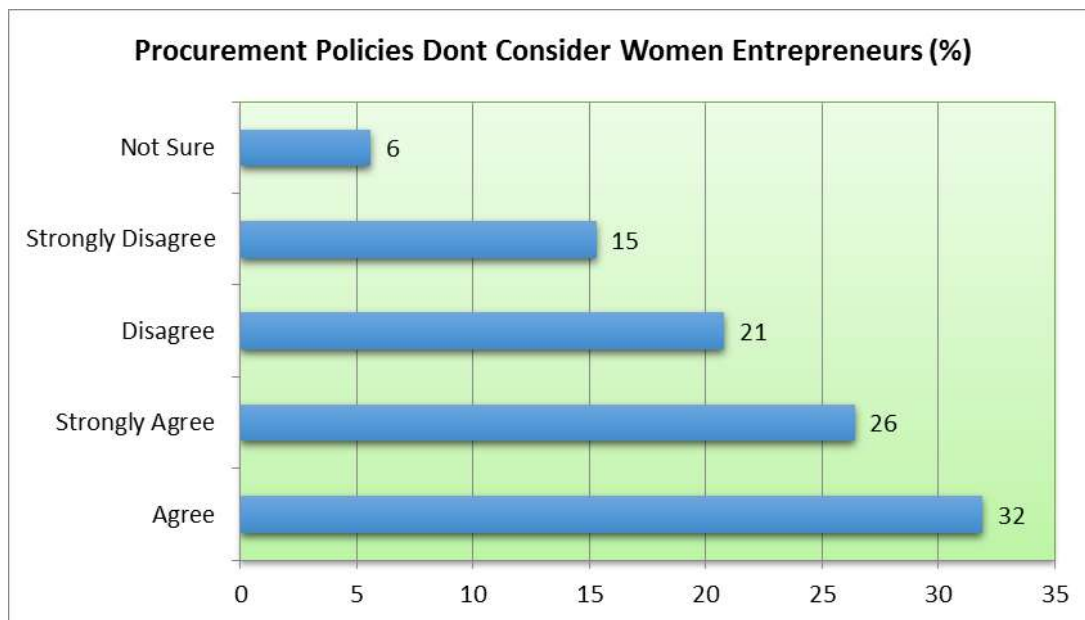


B. Procurement policies have no special consideration for women entrepreneurs

Analysis showed that 32% agreed that Procurement policies have no special consideration for women entrepreneurs, 26% strongly disagreed, 21% disagreed, 15% strongly disagreed while 6% were not sure about this fact.

58% of respondents agree that procurement policies have no special consideration for women compared to 36% who disagree

Figure 41: Procurement policies don't consider women entrepreneurs



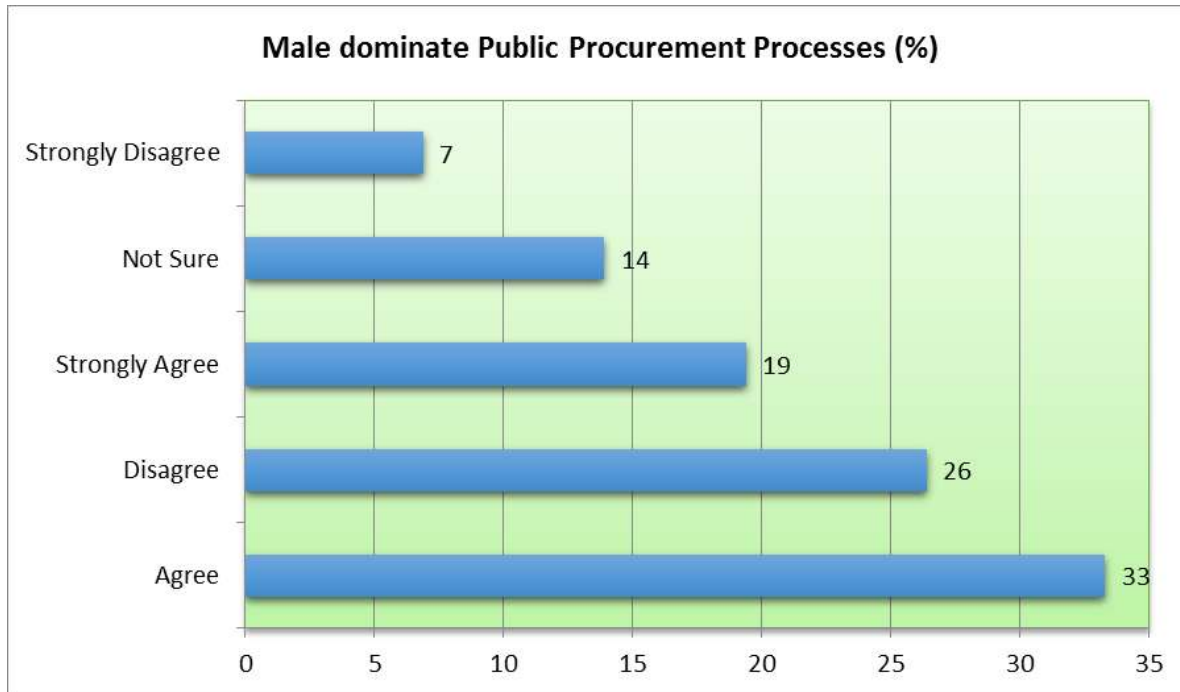
C. Established public procurement processes are male dominated and naturally/ unconsciously bias women.

Analysis showed that 33% of the respondents agreed that Established public procurement processes are male

52% of respondents agree that procurement policies have no special consideration for women compared to 36% who disagree

dominated and naturally/ unconsciously bias women while 26% disagreed to this fact, 19% strongly agreed and 7% strongly disagreed with 14% not sure.

Figure 42: Male dominate public procurement processes

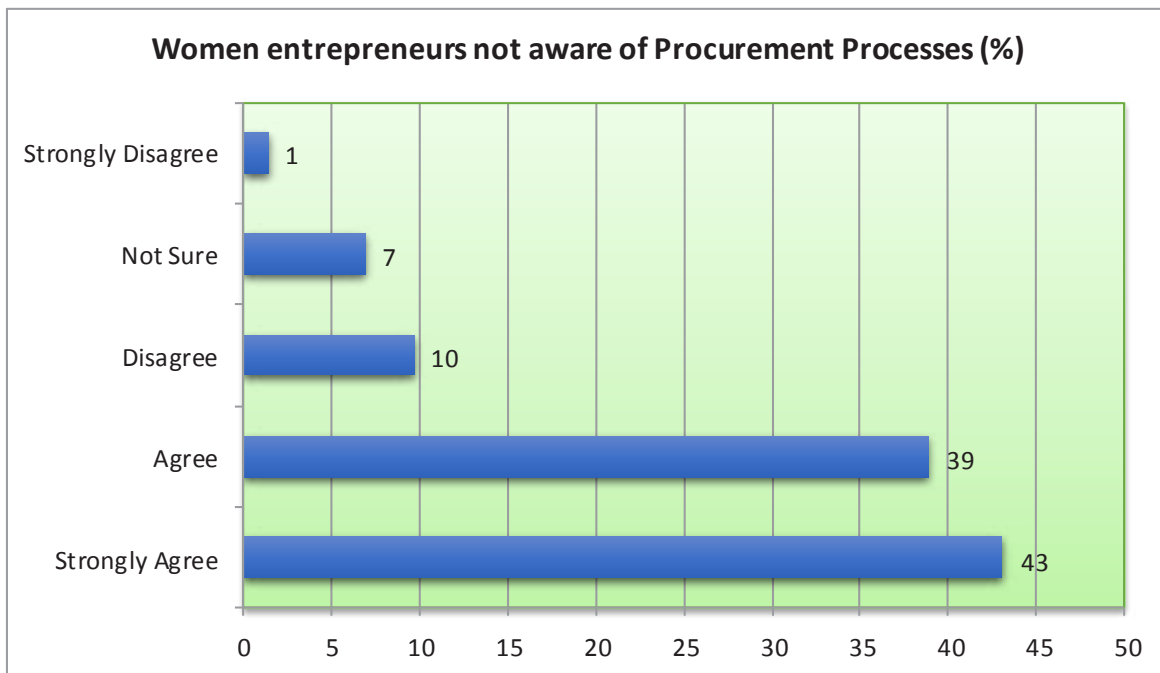


E. Most women entrepreneurs are not aware of procurement policies

Analysis showed that 43% of respondents strongly agreed 39% agreed that most women entrepreneurs are not aware of procurement policies while 10% and 1% disagreed and strongly disagreed respectively. In contrast 7 were not sure about this fact.

81% of respondents agree that women enterprises are not aware of procurement policies

Figure 43: women entrepreneurs not aware of procurement processes

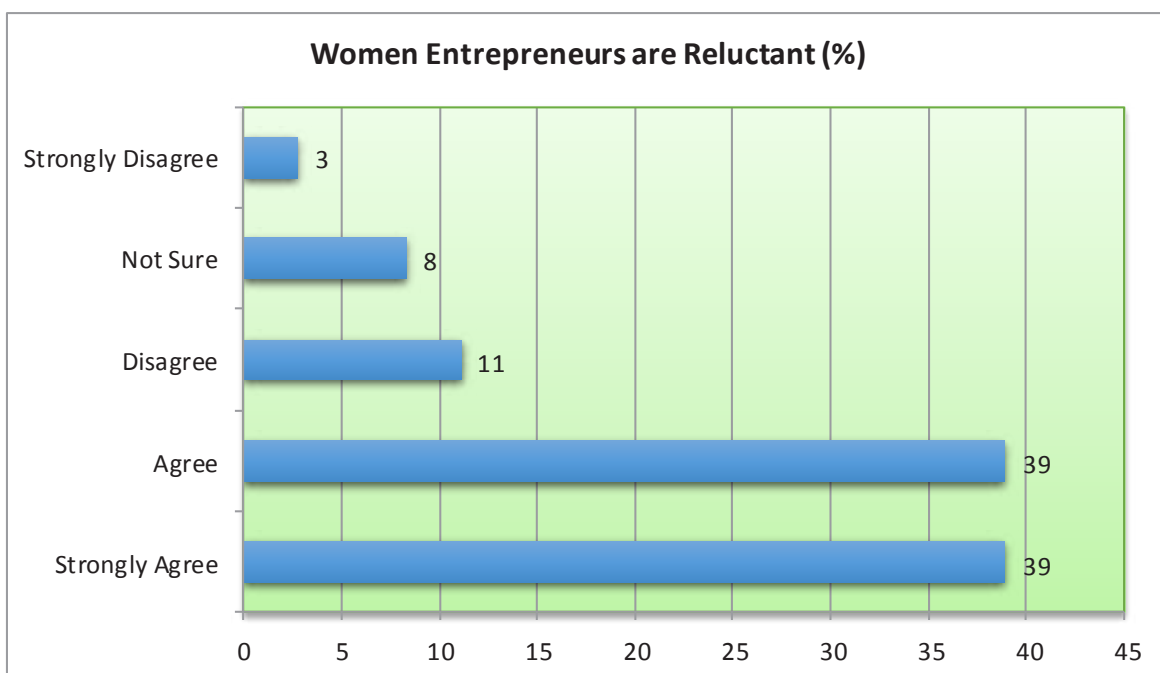


F. Most women entrepreneurs are reluctant to participate in public procurement for fear of legal implications

Results showed that 39% of respondents each strongly agreed and agreed that most women entrepreneurs are reluctant to participate in public procurement for fear of legal implications, 11% disagreed, 3% strongly disagreed while 8% were not sure about this fact.

78% of respondents agree that women enterprises fear to participate due to legal implications

Figure 44: Women entrepreneurs are reluctant

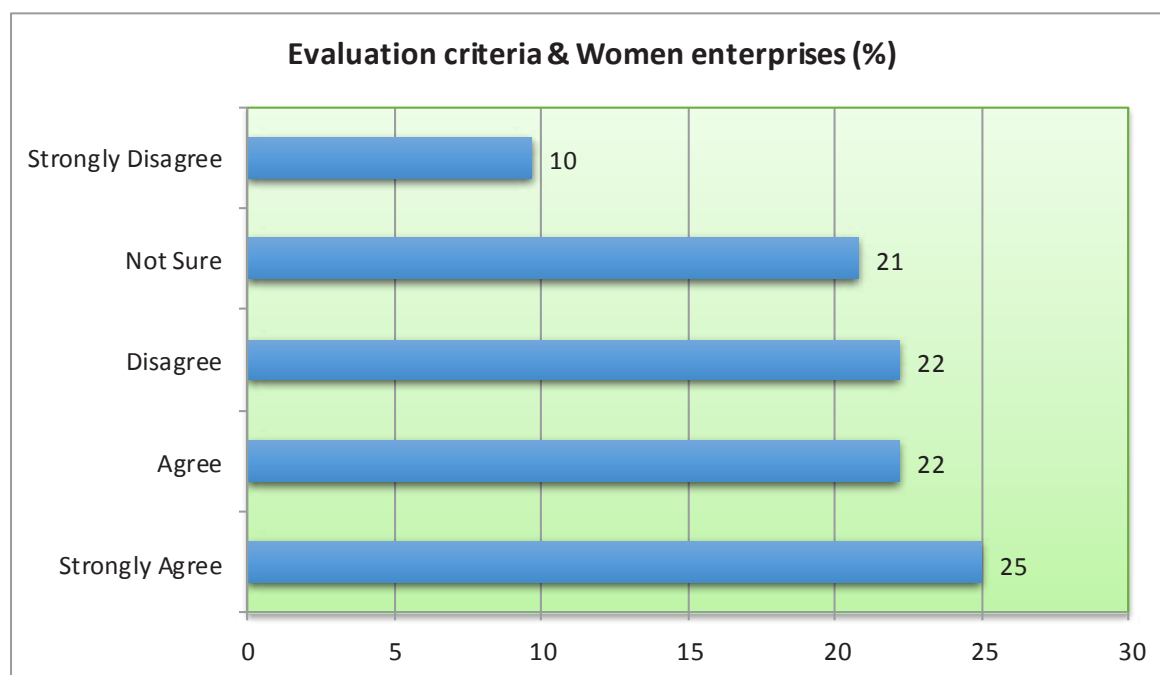


F. Most procurement evaluation criteria do not have regard for women owned enterprises

Results showed that 25% of respondents strongly agreed that most procurement evaluation criteria do not have regard for women owned enterprises, 22% also agree, 22% disagreed 10% strongly disagreed to this fact while 21% were not sure about this fact as illustrated below.

47% of respondents agree that most evaluation criteria has no regard for women enterprises while 32% disagree

Figure 45: Evaluation criteria and women enterprises



G. Most bidding documents in Uganda have no provision for special protection of small contracts for women owned enterprises

Analysis showed that 52% of respondents strongly agreed and 27% agreed that most bidding documents in Uganda have no provision for special protection of small contracts for women owned enterprises. In contrast 10% disagreed and 2% strongly disagreed to this fact with 10% not sure.

79% of respondents agree that most bidding documents have no provision for special protection.

Overall analysis Regulatory Framework barriers to women participation

Promising news

- 39% believe that most procurement policies do not favour male businesses
- 36% believed procurement policies put special considerations for women
- 35% disagree that procurement

Disappointing News

- 48% of survey respondents believe that procurement policies favour male businesses
- 58% of survey respondents believe that procurement policies do not put special

<p>processes are controlled by males who are unconscious of women interest</p> <ul style="list-style-type: none"> • 11% believe that women entrepreneurs are aware of procurement policies • 14% disagree that women entrepreneurs fear participating in public procurement because of legal implications • 33% disagree that most procurement criteria do not have regard for women owned businesses • 17% disagree that most bidding documents do not have provisions for special protection of small contracts for women 	<p>considerations for women entrepreneurs</p> <ul style="list-style-type: none"> • 52% believe procurement processes are managed by males who are unconscious of women concerns • 82% believe that most women entrepreneurs are not aware of procurement policies • 78% believe that women entrepreneurs fear public procurement participation due to legal implications • 45% believe that most procurement criteria do not have regard for women owned businesses • 79% believe that most bidding documents do not have special provisions for protection of small contracts for women
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During interviews with key stakeholders, a general question was posed on what specific legal and institutional challenges prevented women from participating in public procurement. The following findings generally emerged from this process:-

- Some of their businesses not registered
- If bidding documents demand at least a female being included may be a challenge
- Capital to bid is almost limited
- Cultural practices
- Reservation Scheme are mostly for low value procurement which inhibits women from participation
- Size of enterprise
- Length of time in operation
- Assets of ownership is patrilineal
- Policies should be gender sensitive
- Policies should also cater for disabled women
- Requirements to operate a formal business
- Bureaucracy by the legislative assembly to pass laws
- Requirements to start a business tax environment harsh to women
- PPDA guidelines on experience and length of time
- The policies around emphasis on women enterprises participation in government procurement are non-existent
- Implementation of the already less favorable policies is highly comprised
- Policy environment unfriendly to women
- women don't get a chance in airing out their views during the policy formulation process due to lack of awareness some times

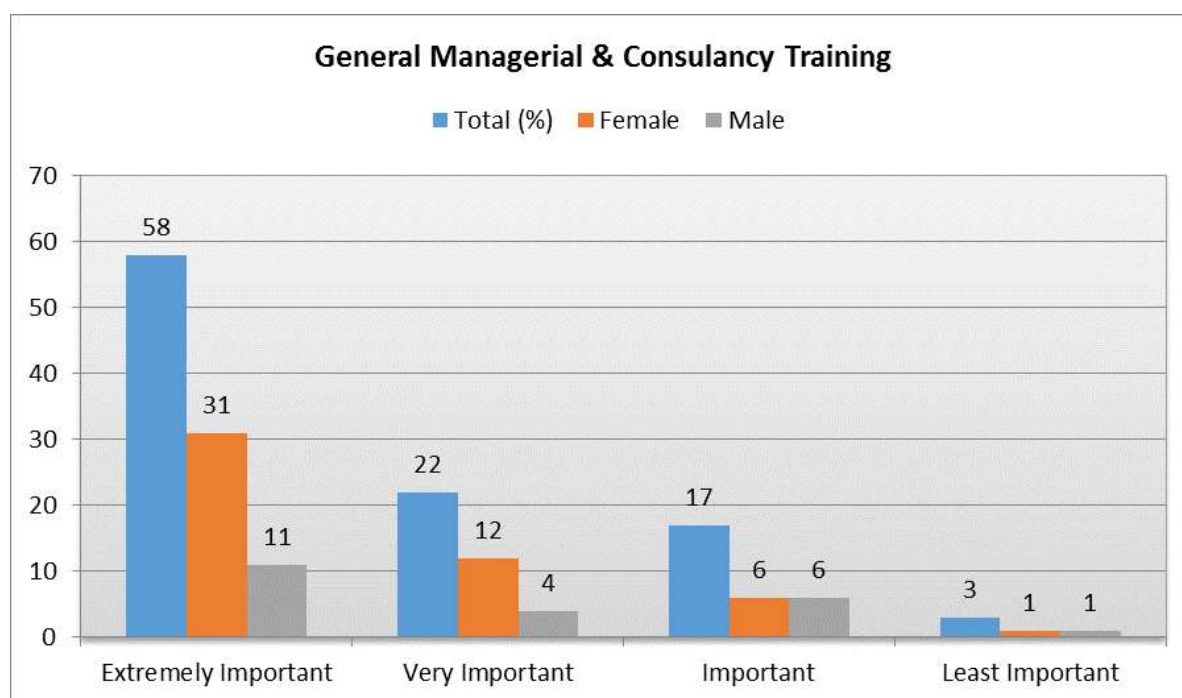
5

ENHANCING WOMEN ENTREPRENEURS' PARTICIPATION IN PUBLIC PROCUREMENT

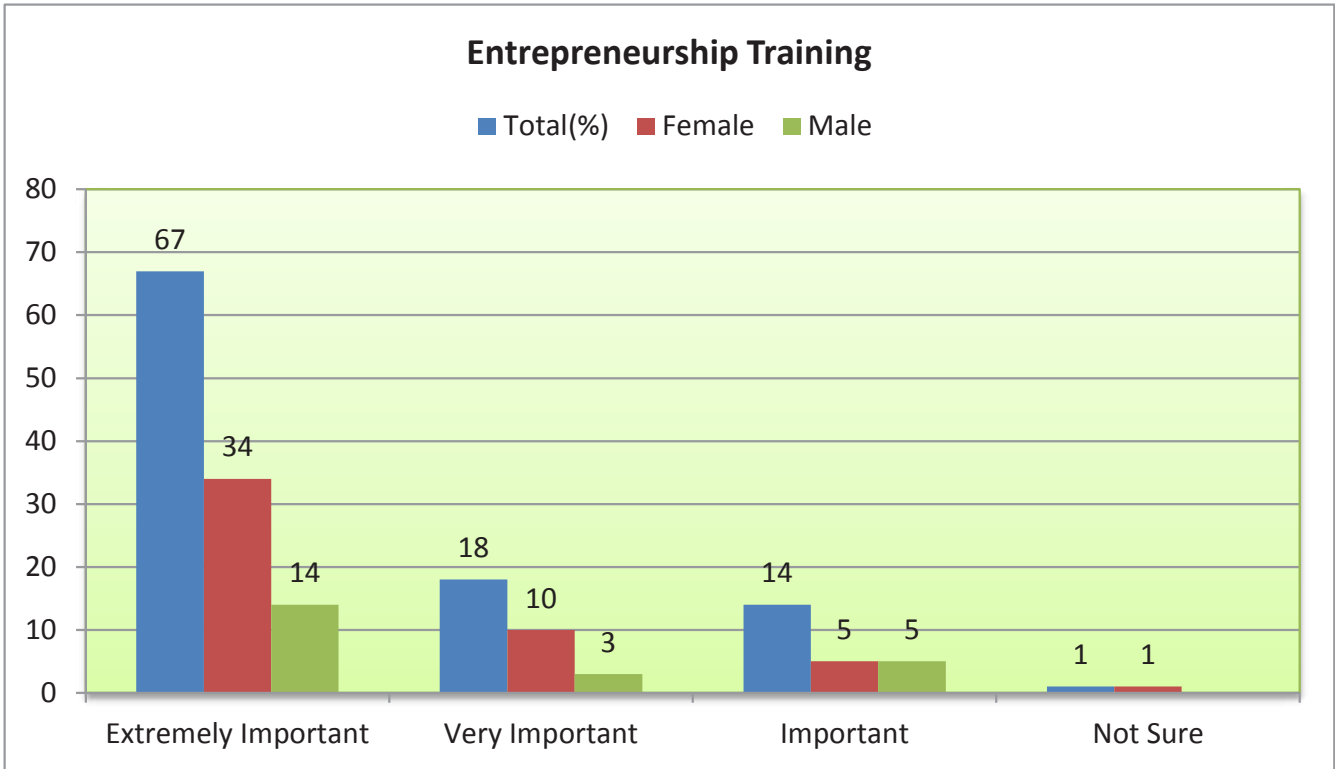
To increase women’s access to public tenders, a holistic approach must be used as the disadvantages women face in participating in public procurement goes beyond the issue of regulations for public procurement. Women-owned or operated enterprises can benefit from micro-credit programmes to start up and grow their businesses.

5.1 Introduction

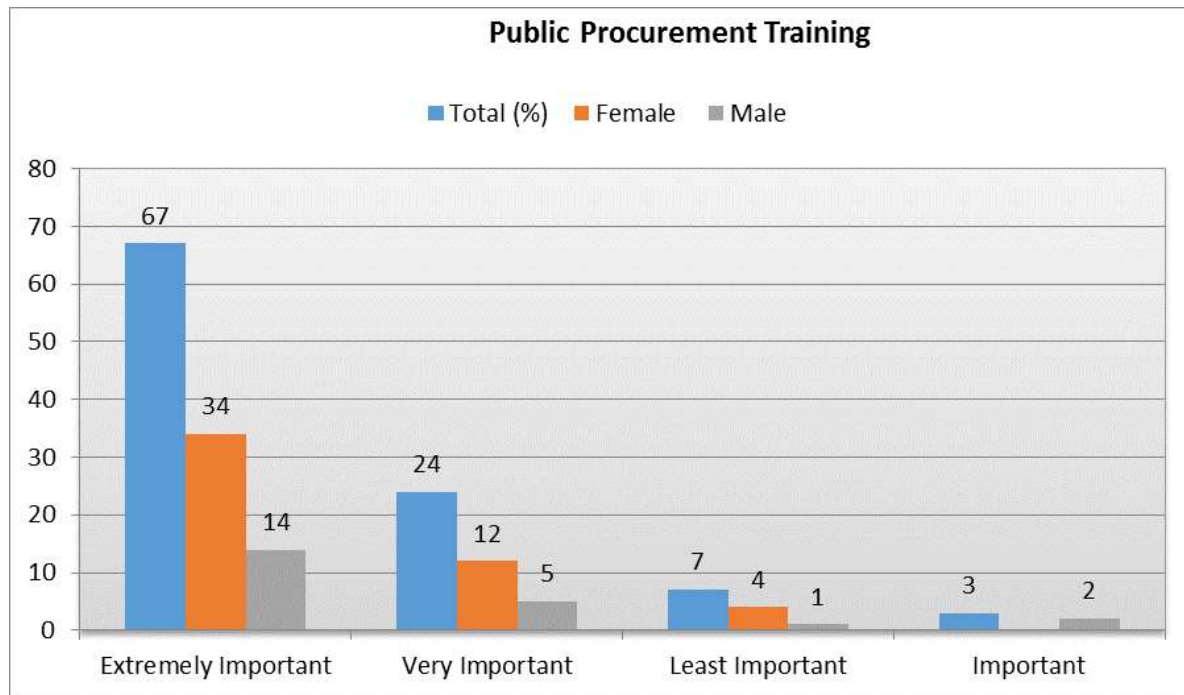
The capacity was seen by respondents to be in different forms. First was the general Managerial and consultancy Training. Bidding requires general management and consultancy competences. Respondents analysis showed that 58% (31 female, 11 male) of respondents suggested that general Managerial and consultancy Training were extremely important, 22% (12 female, 4 male) very important, 17% (6 female, 6 male) important and 3% (1 female, 1) male least important.



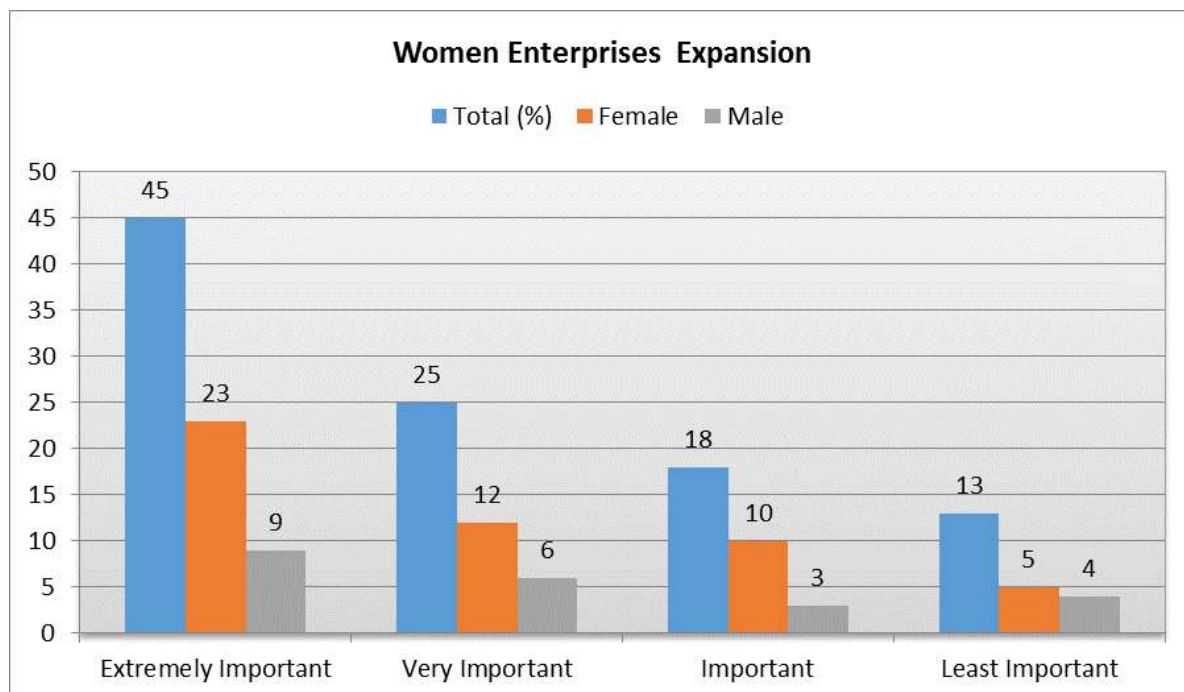
The Second area was in entrepreneurship training. Analysis showed that 67% (34 female, 14 male) of respondents suggested that Entrepreneurship Training were extremely important, 18% (10 female, 3 male) very important, 14% (5 female, 5 male) important and 1% not sure.



The third area of training was specifically in public Procurement. Analysis showed that 67% (34 female, 14 male) of respondents suggested that Training in Public Procurement was extremely important, 24% (2 female, 5 male) very important, 7% (4 female, 1 male) least important and 3% important.

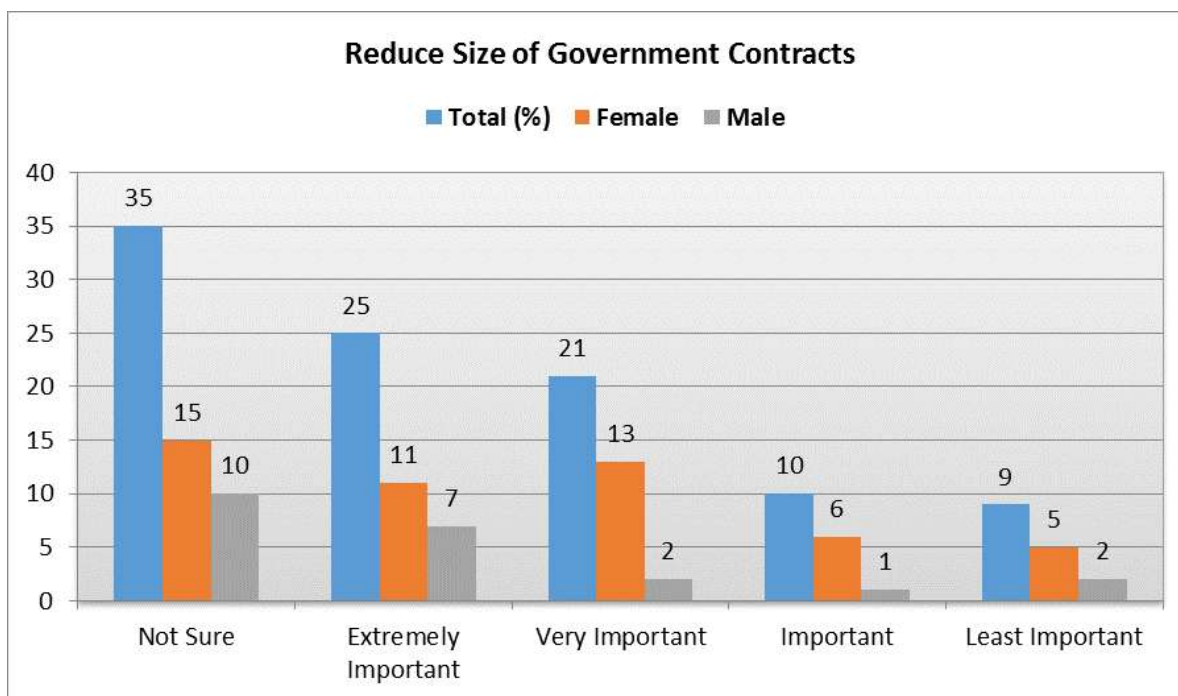


In addition to training in the above areas, encouraging women enterprises to expand was recommended. Analysis showed that 45% (23 female, 9 male) of respondents suggested that Encouraging women enterprises to expand was extremely important, 25% (12 female, 6 male) very important, 18% (10 female, 3 male) important and 13% (5 female, 4 male) least important.

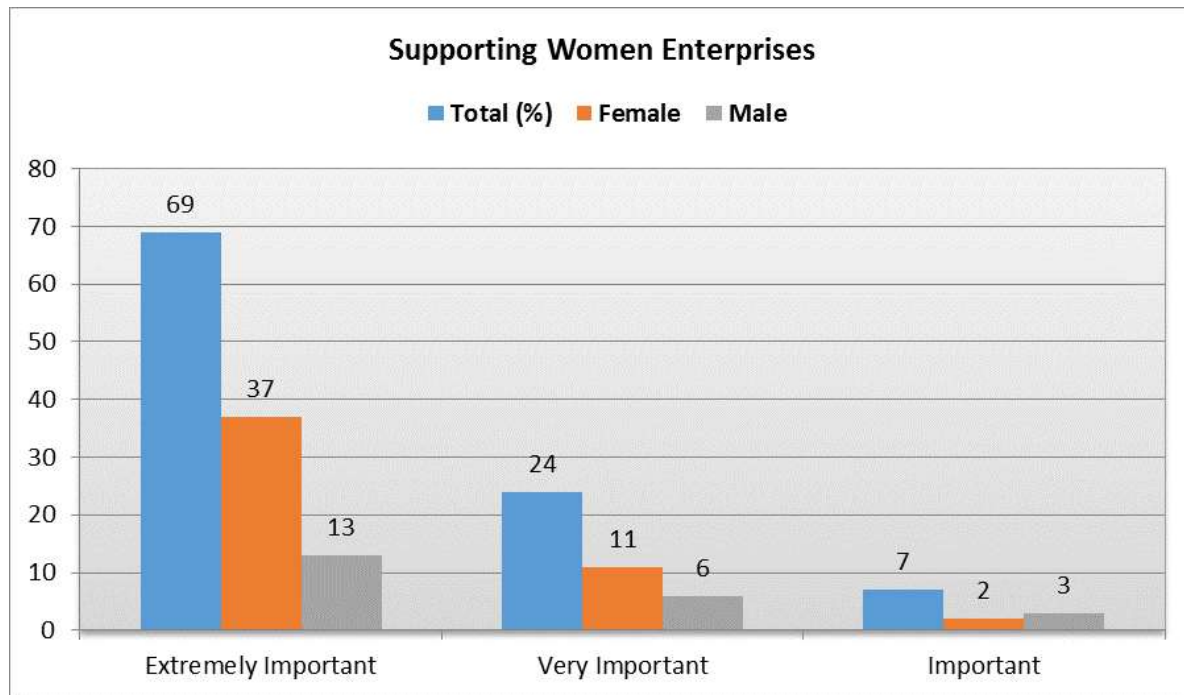


5.2 Addressing the financial challenges

Reducing the size of government contracts—a process that is termed unbundling—is a known strategy for addressing financial challenges that inhibit women and their owned enterprises from participating in public procurement. Analysis showed that 35% (15 female, 10 male) of respondents suggested that were not sure about Reducing the size of government contracts, 25% (11 female, 7 male) said were extremely important, 21% (13 female, 2 male) very important, 10% (6 female, 1 male) important and 9% (5 female, 2 male) least important.

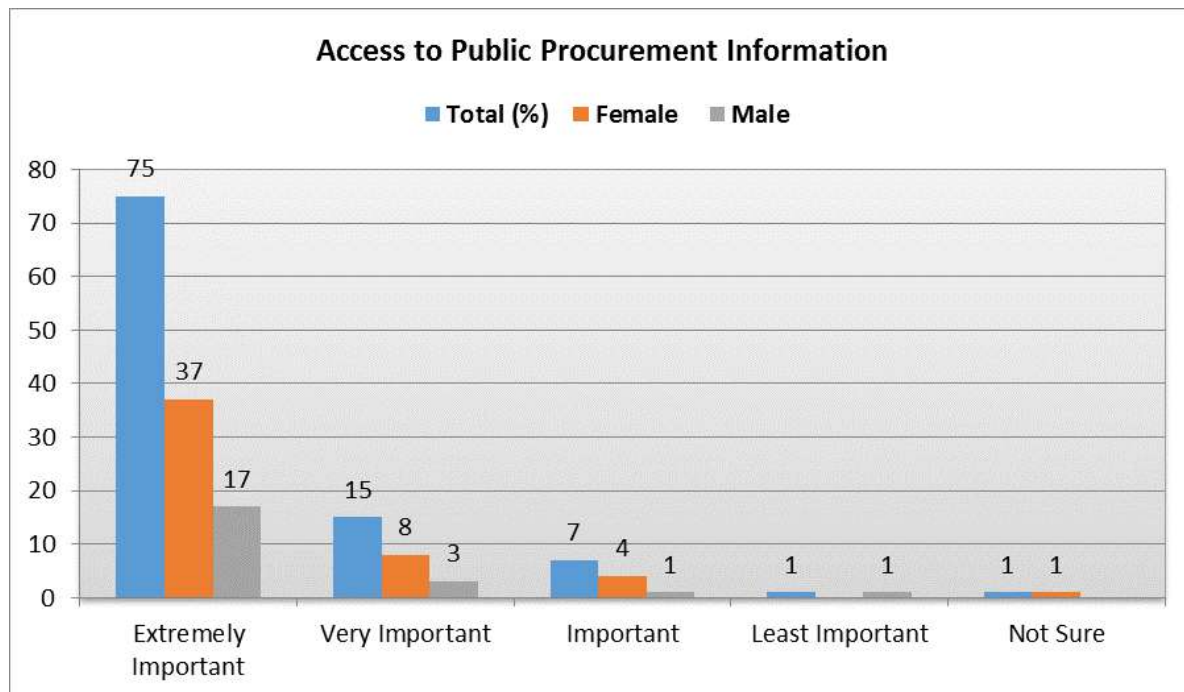


Supporting women enterprises to access affordable financing is another comparatively well applied strategy for reducing the financial problems of WBOs. Analysis showed that 69% (37 female, 13 male) of respondents suggested that supporting women enterprises to access affordable financing was extremely important, 24% (11 female, 6 male) very important and 7% (2 female, 3 male) important.

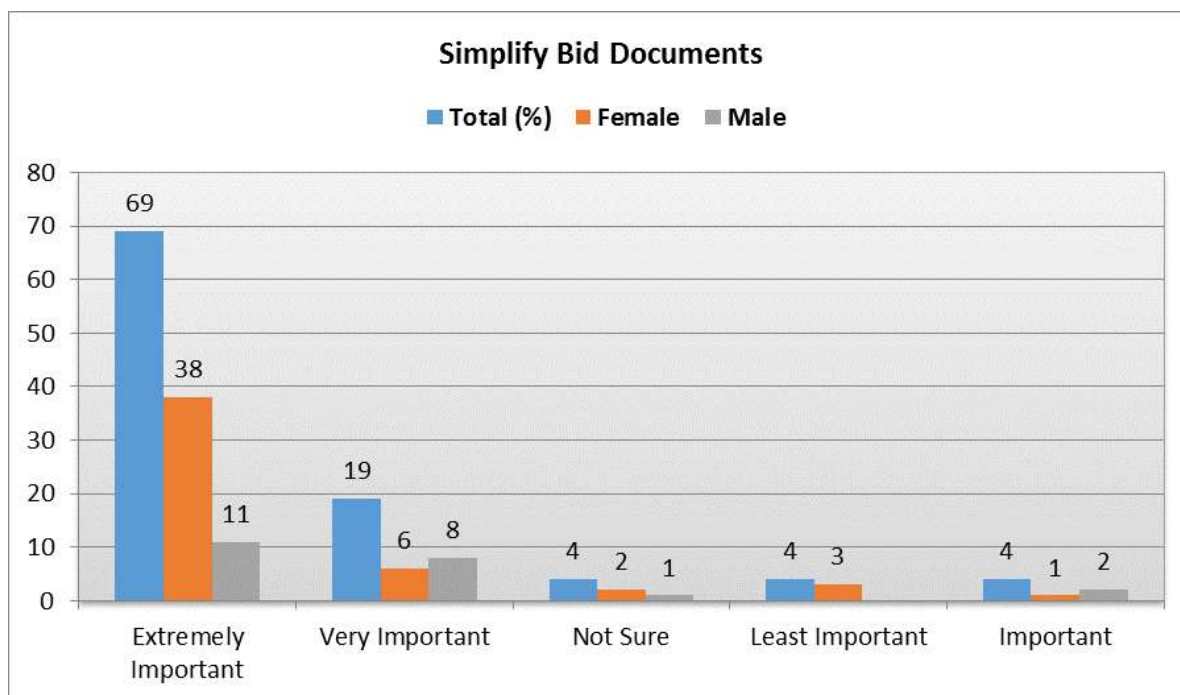


5.3 Addressing the information and access challenges.

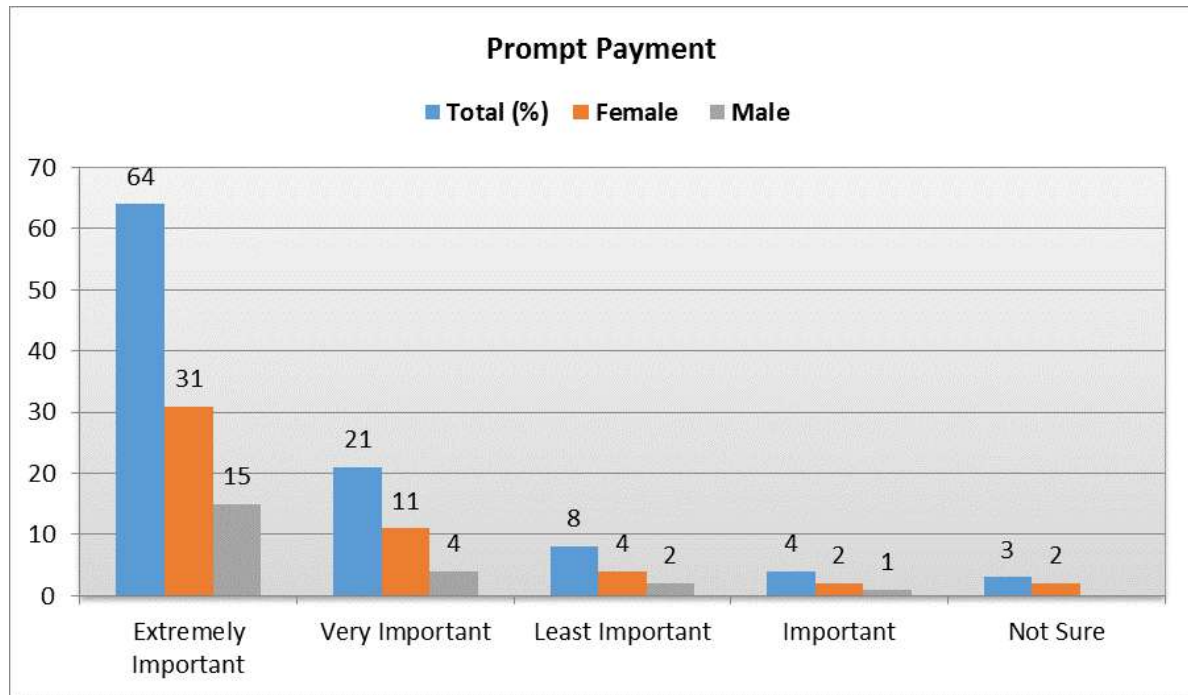
Three outstanding strategies to address increasing access to public procurement information to WBOs were examined. Analysis showed that 75% (37 female, 17 male) of respondents suggested that Increasing access to public procurement information was extremely important, 15% (8 female, 3 male) very important and 7% (4 female, 1 male) important, 1% least important and 1% were not sure.



The second strategy is to simplify bid documents to cater for small women business owners. Analysis showed that 69% (38 female, 11 male) of respondents suggested Simplifying bid documents to cater for small women business owners was extremely important, 19% (6 female, 8 male) very important and 4% important, 4% least important and 4% were not sure.



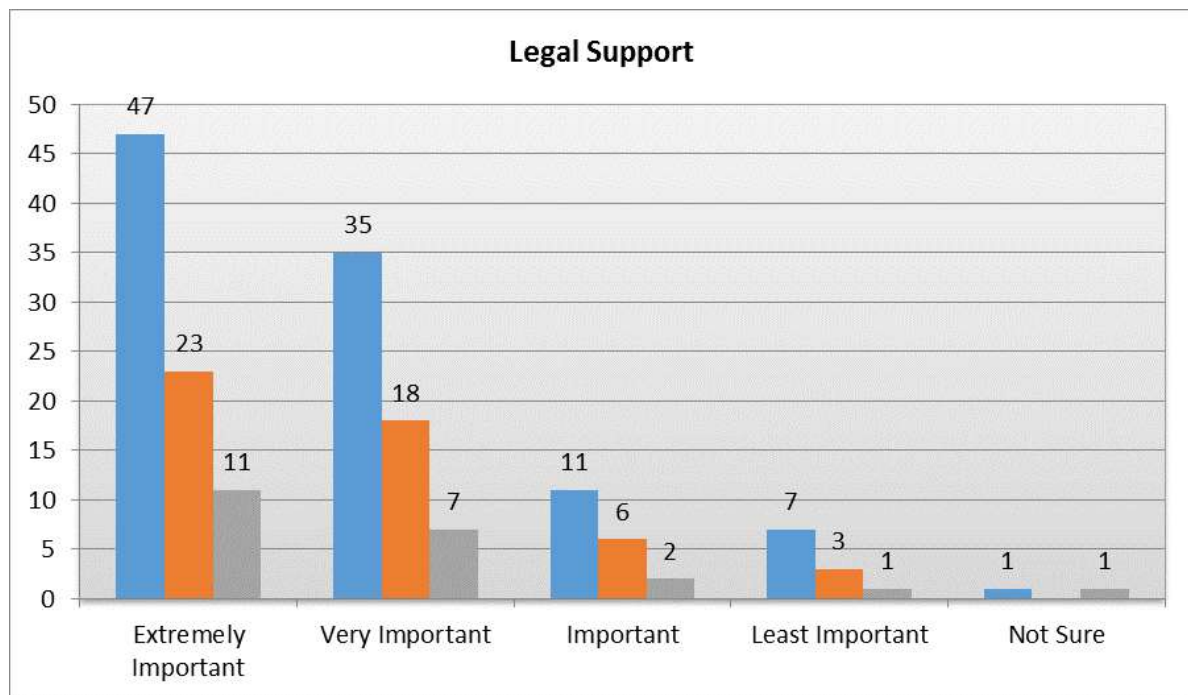
The third strategy supported by respondents is about paying promptly to women supplied businesses. Analysis showed that 64% (31 female, 15 male) of respondents suggested Paying promptly to women supplied businesses was extremely important, 21% (11 female, 4 male) very important and 4% important, 8% (4 female, 2 male) least important and 3% were not sure.



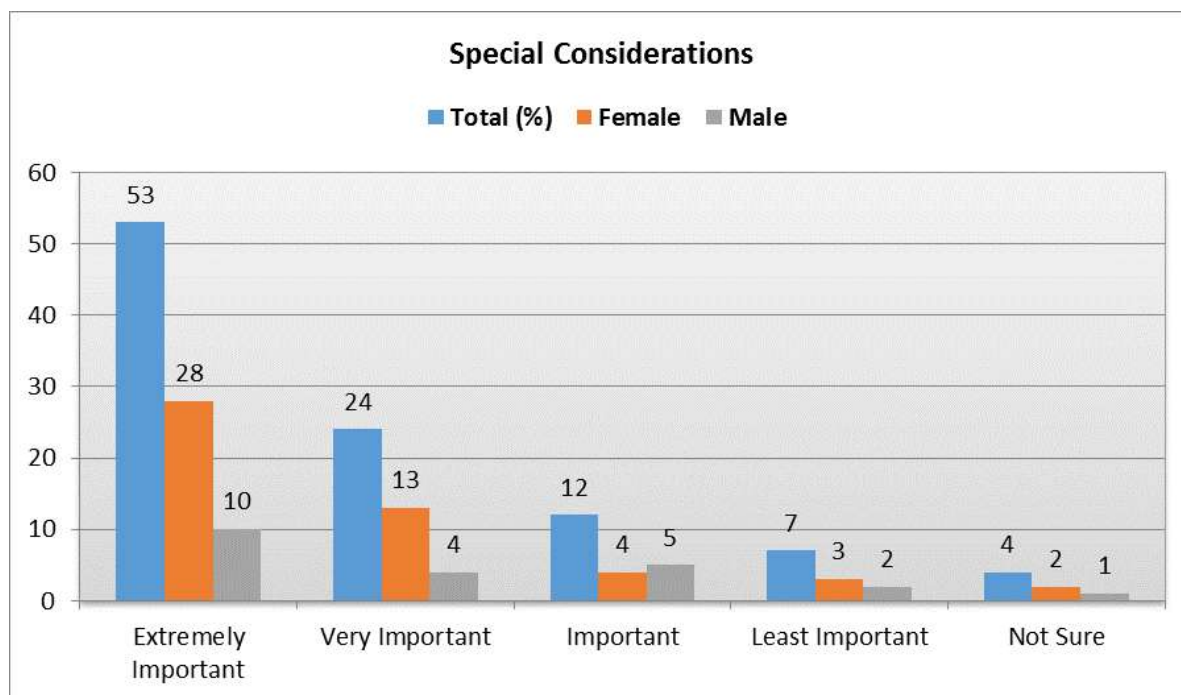
5.4 Addressing the policy and regulatory issues

These areas had three possible supported strategies by respondents.

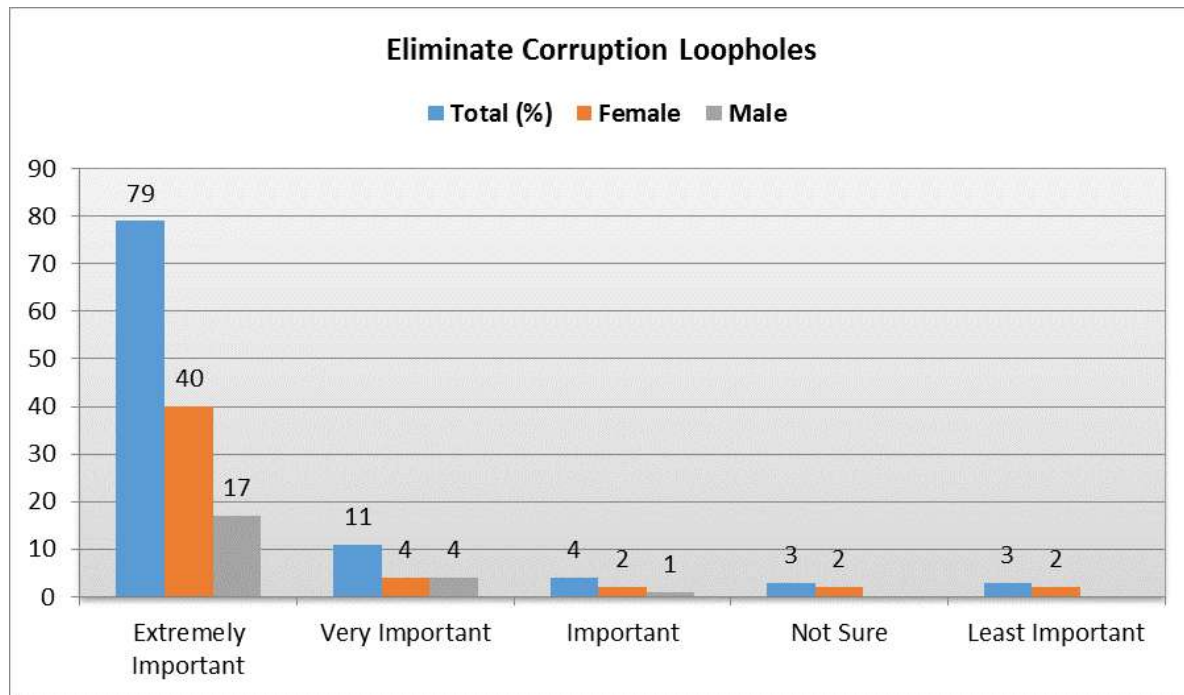
- 1) Providing legal support. Analysis showed that 47% (23 female, 11 male) of respondents suggested Providing legal support was extremely important, 35% (18 female, 7 male) very important, 11% (6 female, 2 male) important, 7% (3 female, 1 male) least important and 1% were not sure.



- 2) Implementing special considerations for women entrepreneurs. Analysis showed that 53% (28 female, 10 male) of respondents suggested Implementing special considerations for women entrepreneurs was extremely important, 24% (13 female, 4 male) very important, 12% (4 female, 5 male) important, 7% (3 female, 2 male) least important and 4% were not sure.



- 3) Eliminating/minimizing loopholes for corruption. On this aspect, analysis showed that 79% (40 female, 17 male) of respondents suggested Eliminate/minimize loopholes for corruption was extremely important, 11% (4 female, 4 male) very important, 4% (2 female, 1 male) important, 3% least important and 3% were not sure.



- 4) Establishing special percentage of contracts to be reserved for women was recommended where by analysis showed that 63% (32 female, 13 male) of respondents suggested Establishing special percentage of contracts to be reserved for women was extremely important, 15% (7 female, 4 male) very important, 8% (3 female, 3 male) important, 7% (4 female, 1 male) least important and 7% were not sure.

During interviews, the respondents were asked to indicate how best the participation of women entrepreneurs in public procurement could be enhanced in Uganda. An analysis of the responses yielded the following responses;

- Women organisations should encourage them to get involved
- By involving women in national economic policy
- Empowering women and building the strength of global market places
- Ensure women access finance
- Build capacity and create awareness
- Give marks to those owned by women
- Reduce fees for women bidders
- Through emphasis or visible affirmative action and equal opportunities throughout the bidding process
- Reserve tenders
- Designate Loans
- Enable laws for women participation
- Media campaigns for women
- Brochures should be available with clear information and process
- Communication improved for all via facebook, skype, twitter etc
- Sensitisation of women entrepreneurs on bidding procedures
- provide networking and awareness creation opportunities
- By government providing advocacy and policy reforms to enhance opportunities for women owned enterprises
- Active Monitoring

On what key special schemes should be put in place for encouraging participation of women and women owned enterprises in public procurement, the respondents identified the following special requirements;

- special access to finance i.e women's fund
- affirmative action by amending bidding document demanding women being involved at all levels of bidding
- need to build capacity on the bidding process
- reservation of certain procurement for women group
- provide more points to the women if they bid just like more points to girls to join university
- Women should be given equal opportunities as men
- Publicity in terms of accessing information beyond newspapers and internet but also through community awareness
- Reservation of certain procurement for women
- Margin of preference on some procurement awarded to women enterprises
- Recognition and reward system for top women enterprises
- Denying government releases to government agencies that are not adhering to gender inclusiveness
- Consistent monitoring to ensure that details underlying procurement are followed and women are included.
- Not only limited companies should win big tenders, but also women groups be considered

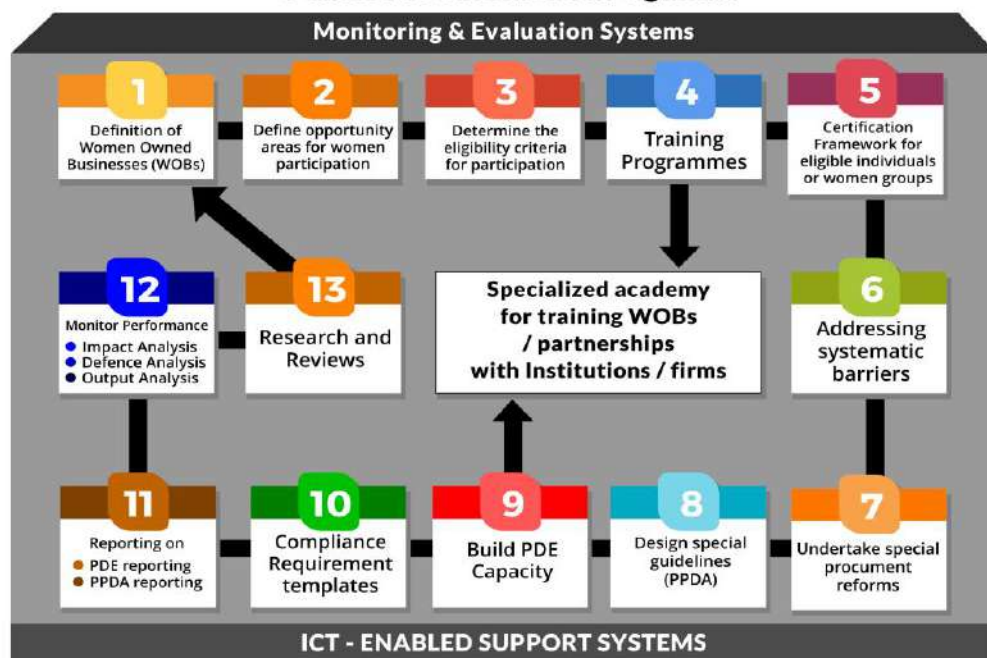
Finally, if the special schemes were to be implemented, respondents were asked to indicate in what key sectors they felt the special schemes should apply given the nature of women enterprises and the following emerged;

- Knowledge based industries
- Wholesale and retail
- Professional Services
- IT - elearning services
- Flower sector
- Catering sectors
- Build capacity
- Education
- Health
- Infrastructure
- Agriculture
- Arts and Crafts
- Trade and Services
- Tourism
- Works and construction
- Hospitality,
- Water

5.5 Framework for addressing the barriers

The findings in this report point us to major opportunities and barriers for women participation in public procurement in Uganda. More importantly, the findings point us to the likely strategies for addressing the barriers to scale up the opportunities for women participations. The findings generally agree with international experiences on the mitigating factors against women involvement in an important area of government that consumes an estimated 60% of total government spend.

Framework for addressing the barriers to participation of women in Public Procurement in Uganda.



Basheka (2017). A model for developing affirmative action initiatives for increasing Women Participation in Public Procurement in Uganda.

A framework for addressing the challenges requires a collective multiple strategy involving a number of stakeholders. The framework requires a systematic and coordinated approach that aims at addressing the structural and systemic challenges. While the framework below assumes a linear view, this is not likely to be the case considering the erratic environment in which government acquisition processes take place. The framework is based on key processes.

1. **Need to define a Women Owned Business (WOB).** This is a very important parameter due to the varying opinions. Uganda needs to have its own definition based on its context specific factors. While Kenya for example defines such as an entity where the woman is a signatory to the accounts, stakeholder consultation with women enterprises can generate acceptable standard definition.
2. **Definition of eligibility criteria.** Once the definition is agreed upon, there is need to define a set of parameters upon which WOBs can be admitted. This criterion should vary depending on the sizes of the enterprises and the sectors where the women are anticipated to participate. A classification scheme of categories of procurements for segments either by supplies, services, and works or based on agreed thresholds can be established.
3. **Certification/Training Programmes.** WOBs need to undergo specialized trainings on the requirements and dynamics of meeting the criteria agreed upon. The training programmes should go beyond mere procurement cycle in public procurement but ought to cover management skills, entrepreneurial and basic consultancy practices. Those who have fulfilled certain set requirements will be certified to participate in public procurement. This is a quality assurance mechanism that would ensure quality and capacity of WOBs and will ensure some degree of standardization
4. **Addressing Systemic Issues in Government.** The study has identified a number of systemic issues that prevent WOB from participating in public procurement. Some of these issues are at strategic, others are related to the systems, structures, staff, skills, styles, and shared values. Some issues are related to the procurement frameworks in place while others relate to operation of procurement frameworks by entities. Payment delays, corruption and the evaluation criteria setting are issues that can be addressed to minimize the frustration of endeavours by WOBs to participate in public procurement. The registration systems for participation, the requirements for audited accounts, the complexity of bidding documents and accessibility to information for bid opportunities all need to be addressed.
5. **Targeted procurement reforms.** The success of the proposals/recommendations will require some targeted procurement reforms. One specific area of law would involve setting the percentage of contracts preserved for women and the youth. The other area will be the bid documents modifications to target the criteria agreed upon in stage two above. Rationalisation of eligibility requirements at the preliminary level would need to be changed to take into account the certification stage that those bidding have already accomplished. Technical tendering restrictions occasioned by the legal framework need to be addressed.
6. **Formulation of special guidelines and Frameworks.** There will be a need by PPDA to design and formulate special guidelines to provide a framework to procurement entities on how to enforce the agreed affirmative action initiatives. The guidelines

- could offer special guidance on teaming up arrangements among WOBs, contract sizes to be reserved and the sectors, the reporting arrangements as well as timelines for bidding processes.
7. **Compliance assessment Frameworks.** PPDA will need to design a compliance assessment framework upon which all PDEs will be assessed. The framework should be demanding affirmative action plans from PPDA and contract compliance requirements. Compliance will be required at different levels like PPDA and PDEs level. The framework should have meaningful indicators.
 8. **Compliance Reporting and Rating.** There will be a need for quarterly and annual reporting by entities on how the affirmative action plan has been implemented as well as the key challenges, the best practices and lessons learnt. PPDA will base the reporting on templates developed in the compliance assessment framework. The templates should allow scientific rational assessment which can facilitate annual ranking of compliance. The system should also generate the best role models of WOBs in different sectors whose success stories can be documented for mentorship purposes.
 9. **Monitoring and Review.** The system will work where there is continuous monitoring and evaluation to assess what worked and what did not work. This will require evaluating the impact, outcomes, and outputs of agreed affirmative actions.
 10. **PPDA annual report.** PPDA will be required to give a comprehensive state of gender-participation status report. It could be made a separate report or a special chapter in its annual report can be used for this purpose.
 11. **Research.** The system should be based on regular evidence-based research to inform decision making. Annual research studies will need to be commissioned and findings should be shared extensively among wide range of stakeholders.
 12. **ICT-enabled systems.** The world has changed in the business processes management engagements and the system should emphasize ICT enabled solutions to allow instant tracking of progress.

6

CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Globalization has undoubtedly brought new challenges and perspectives on how gender equality in all activities of any government can be viewed. Public Procurement in government is itself becoming more complex and demanding. The function attracts varying interests from a variety of stakeholders. The function has now moved beyond local boundaries to international boundaries. The number of opportunities for women to participate in this function appear in all sectors.

The extent to which governments make concerted efforts to design appropriate public procurement policies to increase access for women business owners determines the extent to which those women business entrepreneurs can exploit the opportunities in public procurement. From an operational point, it takes huge organisational will to increase the participation of women in government procurement supply chains for goods and services as advanced by Kirkton, (2013). This chapter draws on the findings to draw conclusions and make recommendations.

6.2 Conclusions

1. There is lack of the exact volume and value of public procurement contracts awarded to women or their enterprises in the public procurement system of the country. There is no system in place at PPDA and Ministry of Finance, Planning and Economic Development to capture this disaggregated data required for evidence-based decision making.
2. Women owned enterprise's participation in public procurement in Uganda based on opinions and views of those interviewed and surveyed remains low and is skewed toward the micro and small enterprises. The majority of women and their enterprises who have participated in public procurement have been in supplies and trade which offer low volumes of procurement compared to the lucrative consultancy and works tenders.
3. Barriers to women participation in public procurement are spread across the entire public procurement cycle- planning and budgeting, specification criteria, bidding, evaluation, and contract award and contract management. Some barriers are structural, legal and others relate to systems in place, the people managing the systems, the shared values, the
4. Corruption is perceived as a major issue that affects the effective participation of WOBs in the public procurement system. Coupled with the social value systems and the dominance of males in the procurement cycle, most women owned businesses do not offer required kick-backs hence they miss out on some tenders much as they are not given official reasons for not winning contracts.
5. There are a number of system-wide issues that militate against effective involvement of women owned businesses in the public procurement system. There are reported consistent difficulties in accessing information on bid opportunities, lack of managerial expertise and skilled workers to prepare responsive proposals by women enterprises, coupled with expensive bid processes and limited ICT capacity hinders their effective participation.

6. The public procurement regime in Uganda has no specific affirmative action schemes targeting women and their enterprises. There are however some positive initiatives like gender-based budgeting, the equal opportunities commission report and the establishment of a gender committee in PPDA
7. Women owned enterprises generally lack a conducive environment for increased participation in public procurement. Not only do they lack access to financing but the support systems for their participation are weak.
8. The public procurement and gender sector lack a clear framework for mentorship of successful businesses which is required for ensuring sustainability of WOB participation in public procurement.
9. There is lack of a clearly definition of WOB in the context of Uganda which is understood by different stakeholders and can be used as a basis for measuring the performance of women groups in public procurement system
10. There is lack of a robust training curriculum designed for scaling up the participation of women and their enterprises in public procurement. There is lack of systematic curriculum upon which the training is based and neither are there formally accredited institutions to advance this specialized knowledge transfer.
11. There has been a noticeable concentration of WOBs in services and supplies which offer small economic benefits compared to huge consultancies and construction works.
12. The findings in Uganda do not contradict those found elsewhere as far as women participation in public procurement and affirmative action initiatives are concerned. The barriers in Uganda revolve around the women capacity, the accessibility to information, financial challenges and those related to regulatory and legal framework.

6.3 Recommendations

No single strategy can be used collectively to address the problems or barriers to women participation in public procurement. As such a collection of initiatives involving a collaborative approach is recommended. Broadly speaking, public procurement and the subject of gender equality are contentious topics subject to a wide variety of interpretations. The debates on these sometimes take sentimental tones and require the minimum consensus of key primary stakeholders.

Barriers to women participation in public procurement are spread across the procurement cycle and involve structural and legal challenges as well as those related to systems in place, the people managing the systems, the shared values, the styles as well as the strategies adopted.

The following recommendations are proposed for addressing the barriers to women participation in public procurement in Uganda.

Recommendations for Government

1. **Establishment of a women's fund.** There is a need for a Government Women Special Fund to leverage their financial base to participate in public procurement.

2. **Government support systems.** There is need for other visible government support systems for women's economic empowerment at the highest levels through high profile statements by senior officials and public acknowledgment of successful initiatives taking place within the public procurement domain.
3. **Public sector policy reforms.** Proactive policies to engage women businesses should be initiated alongside wider policy reforms to address inequalities within nations: There is a need for more proactive policies to include women businesses access to procurement. As has been shown in the case of India, these policies must go beyond women focused initiatives such as increasing small and medium enterprise and microfinance in order for enterprises for women to transcend to the next level. Policies should take into account what prohibits access to public procurement and international trade such as education, class and rural locations so that new procedures developed are not only for the elite but can benefit all society.
4. **Special Supporting systems.** There is a need to develop a framework for engaging financial institutions and other government bodies like Uganda registration services bureau, URA, UIA to design requirements that support women's entrepreneurship and increased participation in public procurement.
5. **Transparent Procurement Systems.** A move towards more transparent procurement policies needs to be emphasized and existing policies that support this principle need to be fully implemented. The process must recognize the need for more gender responsive open policies and special awareness campaigns including the writing of tenders in forms and avenues that can be reached by the WOBs. While there is a need for more transparent procurement policies, the rules and regulations put in place to ensure value for money must also take into account how they can inadvertently restrict small and medium sized women owned businesses which may not have the capacity to implement the necessary policies and procedures required.

Recommendations for Ministry of Finance - Procurement Policy Unit

1. **Procurement Policy and Legal Frameworks:** To be effective, legislators and government officials must establish an appropriate legal and regulatory framework as a pre-requisite for any affirmative action initiatives. Uganda needs to start from this stage. There is a need to have appropriate legal and policy procurement affirmative action framework supported by top level commitment. The ongoing PPDA amendments should be used as a perfect opportunity for crafting an appropriate legal and policy framework that integrates gender and youth issues at the heart of the public procurement laws.
2. **Preferential policies.** There is need for clear policy position on affirmative action initiatives. The exact percentage should be agreed upon at policy level taking into account the comparative ranges and the specific type of preference scheme appropriate for Uganda. Adoption of a standard public procurement procedure that includes an affirmative action component specifically favoring women's enterprises will most directly facilitate women's access to public procurement. There will be need to foster an equitable participation of rural and indigenous women, and social enterprises, increasing their access to opportunities.

Recommendations for UN Women

- 1. Capacity Development:** There is need for increased capacity building and technical assistance for women's business to access national and international trading opportunities on a level playing field. It is essential for policies to be developed in support of education, training and business development for women's businesses which are unable to compete due to an apparent lack of technical and managerial skills. Capacity development needs to move beyond the individual to institutional and societal capacity building dimensions. It needs to move beyond trainings in basic procurement tendering procedures to more strategic procurement, managerial and consulting skills. The capacity building envired needs to move beyond workshops and seminars to systematic mentorship initiatives for WOBs.
- 2. Women entrepreneur mapping and skills analysis.** There is need for a profiling of WOBs and their strengths for purposes of advocacy. There is need for further evidence-based analysis by women organizations to influence policy makers. The system should identify
- 3. Cultural shift and perspective change.** There is a need for a robust system of ensuring procuring entities are sensitized through training to implement the agreed upon affirmative action initiatives efficiently. Procuring entities need to further develop, operationalize and implement preferential procurement policies, procedures and programmes. Procuring officials must be sensitized to the unique barriers and challenges faced by women entrepreneurs. They require training to understand and comply with preferential procurement policies, procedures and programmes, and account for their implementation.
- 4. Networks for information sharing.** Information sharing is an important mechanism for scaling up the opportunities for women participation. It is recommended that government-wide information networks be created for sharing bid opportunities to women owned enterprises. A desk office of an IT person could also be established in each women-business oriented network organizations to scan daily opportunities for sharing to WOBs. Existing women group networks should be linked to key local and international tender portals that offer opportunities for WOBs. There will be a need to simply the information for the targeted groups since women organizations are assumed to know the needs and capacity of their members
- 5. Establishment of data base.** Women organizations and UN-Women should systematically collect data on women's ownership of businesses at all levels of the economy, including ownership levels within these businesses, how profits are utilized within the family unit, and growth in businesses over time to monitor progress and to judge the effectiveness of programs to support women owned businesses
- 6. WOB definition.** There is a need to develop a definition of women-owned business in Uganda and establish a firm knowledge base of gender disaggregated data for SMEs. This will require understanding women-owned SMEs as a sub-segment of greater SME finance, and therefore develop a specific value proposition to serve them profitably and sustainably.
- 7. Policy-oriented Research:** There is need for supporting policy oriented research that aims at identifying existing gaps and one that measures how positively impact on women-owned businesses at all levels can be attained.

- **8. Champion leadership.** Transformation requires high level advocacy and the women groups need to agree on sector leadership to champion the advocacy for increased participation of women in public procurement in Uganda. The leadership should adopt a consultative approach supported by regular feedback to members.
- **9. Monitoring and evaluation system.** For effectively allowing lesson learning and best practice development, a comprehensive system for monitoring, evaluating and review should be developed and implemented. This could be the primary country responsibility of UN-women.

Recommendations for PPDA

- **1. Procurement spend reporting.** PPDA should report on procurement spend per entity indicating the type and volume of procurement being allocated to WBOs in a financial year. A specific chapter in its annual report could as well be created for this purpose.
- **2. Production of success stories by PDEs:** PPDA should annually publish reports from PDEs on Stories of successful women suppliers who were involved in public procurement in selected entities. The nature of contracts won, the sectors, and the amounts involved should be key performance metrics. Women organisations and the UN-Women alongside the relevant government departments should also produce such success stories and annual awards could be given in different categories to encourage competition
- **3. Affirmative action oriented reporting.** There will be a need for affirmative action reporting. The ministry of finance needs to generate disaggregated data that indicate the contracts won by WOBs and in the sectors. A trend reporting approach should be adopted. PPDA needs to produce an annual status report on the implementation of affirmative action. If this information is to be integrated in the PPDA annual report, a special chapter devoted to this cause is recommended. PDEs also need to provide quarterly report upon which PPDA generates its annual report.
- **4. Rewards for commitment.** Procurement mechanisms should reward commitments made to gender. The criteria for fulfilling a tender should have a clear gender component that the applicant can respond to. Incentivizing the private sector to invest in the empowerment of women throughout their business operations, supply chains, senior management and decision making roles, and corporate social responsibility programs can also be supported.
- **5. Research and needs assessment.** There is need for regular research and needs assessment to identify where technical assistance is required and the adoption of more inclusive public procurement training programmes could help build the specific capacity of small and medium women enterprises to gain greater access as identified by the needs assessment.
- **6. Frameworks for assessment and solution mapping.** There is need to develop appropriate comprehensive frameworks at government level, regulatory level and PDE level to assess country gaps in supporting gender equality, including women's participation. This will require applying an ecosystem approach to encourage collaboration and enable women's entrepreneurship.

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SURVEY QUESTIONNAIRE ON BARRIERS AND INCREASING OPPORTUNITIES FOR WOMEN ENTREPRENEUR'S PARTICIPATION IN PUBLIC PROCUREMENT IN UGANDA

The purpose of this study is to explore the barriers and opportunities for participation of women entrepreneurs in Public Procurement in Uganda. Kindly fill in the required information to assist inform public procurement policy. The information required herein will be treated with confidentiality and will only be used for the purpose of this study. Tick (✓) where appropriate and give brief explanations where necessary. Be objective and genuine as much as possible in providing responses to the questions.

Section One: Background Information

1. **Gender:** Male Female

2. **Age:** 18-35 Years 36-55 Years Above 55 Years

3. **Level of formal education attained:**

Primary Level O-level A-level Diploma Bachelor's Degree

Masters Degree PhD Degree Others (please specify)

4. **Nature of Business (tick as appropriate)**

Services Trade Manufacturing Others (Please specify).....

5. **Number of employees in the business:**

Only owner-manager/self Below 10 Employees 10-20 Employees
More than 20 employees

6. Age of the business:

Below 1 year 1-5 years 6-10 years 11- 20 years Over 20 years

7. How often do you participate in public procurement bidding? (tick as appropriate)

Never Just once A few times Regularly Very Often

8. How often have you participated in training for public procurement? (tick as appropriate)

Never Just once A few times Regularly Very Often

9. How many times have you succeeded in getting a government contract/bid?

Never Just once A few times Regularly Very Often

10. What reasons were you given for not winning a government tender in which you participated? (tick all that apply)

Lack of Capacity Lack of Experience Incomplete Documentation

Very High Bid price Too low Bid Price No Reason at all

Other reasons (Please specify)

.....

11. What are the major reasons for not participating in some government tenders? (tick all that apply)

Beyond our Capacity Lack of Experience Too big Bid Documents

Too Technical Bid Documents Very Costly Processes Corruption

Other reasons (Please specify)

.....

Section Two: Women Entrepreneurs' Bidding Capability

12. To what extent do you agree or disagree that low participation of women **entrepreneurs** in public procurement in Uganda can be explained by the following capability issues (tick appropriately):

	Strongly Disagree (1)	Disagree (2)	Not Sure (3)	Agree (4)	Strongly Agree (5)
Most women businesses are too small yet most government contracts are too big					
Most women entrepreneurs lack entrepreneurial skills					
Most women lack training about public procurement					
Most women entrepreneurs have limited managerial skills					
Quality requirements are too high and most women entrepreneurs cannot comply					
Most women lack information on tendering opportunities					
Most women entrepreneurs lack the legal requirements for bidding in government agencies					
Most women enterprises lack capacity in preparing competitive bids					
Most women entrepreneurs lack capacity to bid in joint ventures because of documents involved					

Please list any other major capacity challenges in your view other than the above that prevent women from participating in Uganda's public procurement:

- a)
- b)
- c)
- d)

Section Three: Financial Constraints

13.To what extent do you agree or disagree with the statements below regarding **low involvement of women entrepreneurs** in public bidding being connected to financial issues (tick appropriately):

	Strongly Disagree (1)	Disagree (2)	Not Sure (3)	Agree (4)	Strongly Agree (5)
Most women businesses are financially constrained to raise funds from banks for participating in public procurement					
Most women entrepreneur use small amounts of money where they cannot wait for delayed payment of the supplies to government					
Interest rates on loans are too high which discourages women to borrow to participate in public procurement					
Bidding costs including bid security and bid document preparation are too high for					

women owned enterprises in Uganda					
Government departments take long to pay for goods/services supplied which affects women business enterprises					
Most Contractors who subcontracts to women owned businesses receive big commissions at the expense of the women enterprises					
Most government contracts require kickbacks (bribes) that most women entrepreneurs cannot afford					
Most women entrepreneurs do not have necessary finances to use in the bidding processes					

Please list any other major finance related challenges that restrict women enterprises from participating in public procurement

- a)
- b)
- c)
- d)

Section Four: Information Accessibility

14. **To what extent do you agree or disagree with the statements below regarding information accessibility being responsible for few women entrepreneurs engagement in public procurement in Uganda (tick appropriately):**

	Strongly Disagree (1)	Disagree (2)	Not Sure (3)	Agree (4)	Strongly Agree (5)
Information on public procurement is not widely publicized to women owned enterprises					
Most women entrepreneurs are not members of key government networks for key information which makes it difficult to compete fairly					
Most of the information in public contracts is too technical for women owned enterprises to understand					
The information for most public procurements is in English yet most women entrepreneurs especially for small entrepreneurs know very little English and could easily bid for some contracts					
Websites and newspapers in which tenders are published are not easily accessible to most women entrepreneurs					

Please list any other information related challenges that restrict women from participating in public procurement in Uganda:

- a)
- b)
- c)
- d)

Section Five: Policy and Regulatory Environment

15.To what degree do you agree or disagree with the view that the following policy and regulatory issues **limit the participation of women entrepreneurs** in public procurement:

	Strongly Disagree (1)	Disagree (2)	Not Sure (3)	Agree (4)	Strongly Agree (5)
Procurement policies favor participation of male dominated businesses					
Procurement policies have no special consideration for women entrepreneurs					
Established public procurement processes are male dominated and naturally/ unconsciously bias women					
Most women entrepreneurs are not aware of procurement policies					
Most women entrepreneurs are reluctant to participate in public procurement for fear of legal implications					
Most procurement evaluation criteria do not have regard for women owned enterprises					
Most bidding documents in Uganda have no provision for special protection of small contracts for women owned enterprises					

Please list any other major challenges relating to the policy and regulatory environment in Uganda that limit the participation of women enterprises in public procurement:

- a)
- b)
- c)

Section Six: Enhancing Women Entrepreneurs’ Participation in Public Procurement

16.How best can participation of women entrepreneurs in public procurement be enhanced (rank the following ranging from **1-5**, where **1** is **least important** and **5** is **very important**)

	1	2	3	4	5
General Managerial and consultancy Training					
Entrepreneurship Training					
Training in Public Procurement					
Encouraging women enterprises to expand					
Reducing the size of government contracts					
Supporting women enterprises to access affordable financing					
Increasing access to public procurement information					
Simplifying bid documents to cater for small women business owners					
Paying promptly to women supplied businesses					
Providing legal support					
Implementing special considerations for women entrepreneurs					
Eliminate/minimize loopholes for corruption					
Establishing special percentage of contracts to be reserved for women					

17.List other strategies or initiatives which can be used by government to increase the participation of women in public procurement

- a)
- b)
- c)
- d)

18. List the specific barriers women entrepreneurs experience at each of the following key stages of public procurement

Procurement planning and budgeting

- a)
- b)
- c)
- d)

Bid preparation and bidding processes

- a)
- b)
- c)
- d)

Evaluation of bids

- a)
- b)
- c)
- d)

Contract Award

- a)
- b)
- c)
- d)

Contract Implementation

- a)
- b)
- c)
- d)

Contract Management

- a)
- b)
- c)
- d)

Thanks a lot for your valuable feedback.

