# Chapter 26: Gender, Procurement and Corruption


## Abstract

Public procurement processes often incorporate measures that aim to reduce the potential for different forms of corruption, and are simultaneously intended to serve as policy tools that advance gender equality. When these dual intentions come together, synergies and frictions can emerge. This chapter first explains the arguments for promoting women's economic empowerment through public procurement. Then, by drawing insights from the gender and corruption literature and running through gender-sensitive policies that apply at different stages of a procurement process, it suggests where these synergies and frictions may arise. This chapter discusses the role of gendered collusive networks in corruption and in creating barriers to women's advancement. Further, different forms of transparency pertaining to procurement are distinguished. Some forms, typically in early stages of the process, guide and support gender-equality provisions. Others, typically later in the process, may pose potential risks to gender-equality outcomes by sparking accountability that operates through a prism of traditional gender stereotypes.


## Introduction

There is little novelty in the idea of using public procurement to further governments' socioeconomic aims, including addressing historical and continuing gender inequality. As long ago as the 1880s, Trade Unions in the United Kingdom complained that the incorporation of women into the workforce–employed because they were cheaper–was partly to blame for the low wages of men working in government compared to men working for private contractors. While some unions pushed for the exclusion of women, others saw raising women's pay to that of men's as a solution to the under-cutting of men's wages (McCrudden, 2007). Since then, motivations have changed, and different permutations of procurement policies that aim to advance women's economic empowerment are quite common in the world, even if, among these, there are shortfalls in implementation and effectiveness.

Many countries now try to use public procurement as a gender-equality policy tool, but policymakers rarely consider the interaction of these measures with policy tools that are designed to reduce corruption in procurement. There is little scholarship to straightforwardly support this task. Hence, putting together these two public-procurement policy agendas requires synthesising different literatures and examining emerging insights alongside actual policies. Why is this challenging? Since the field of gender and corruption was energized at the turn of the millennium, when two World Bank reports noted cross-national correlations showing that the more women in power a country has, the less corruption it tends to have (Dollar et al, 2001; Swamy et al, 2001), progress in the field of gender and corruption has largely involved digging into these associations. It has shifted away from merely revealing curious, descriptive patterns in large datasets, and turned towards trying to identify the processes by which gender can be related to corrupt practices. Researchers have sought to make sense of exactly how corruption can affect women's access to power in politics and business, and why, in some contexts, increasing women's presence may or may not cut corruption. The broad policy implications of this work are that anti-corruption policies, including those that tackle corruption in procurement, may, perhaps inadvertently, lead to better outcomes for women, but could also backfire, depending on the form of the intervention. Conversely, there are also reasons to anticipate that efforts to incorporate women more fully into the economy, such as through gender-sensitive procurement, could, as a side-effect, stymie corruption. But this, too, depends on what those efforts are and how they are done.

This chapter explores some of these complexities. It begins by describing the arguments for procurement policies that promote gender equality. Then, noting the limited causal evidence relating procurement policies for fighting corruption to those that try to improve women's

economic empowerment, it draws on the broader literature about gender and corruption to make the case for a distinction. This is that while policies that disrupt established, collusive networks (which have been historically biased against women virtually everywhere in the world) should generally promote women's inclusion in public procurement, anti-corruption policies that heavily emphasise transparency in the later stages of procurement processes specifically are likely to have more mixed, and context-dependent gendered impacts. On the one hand, they may benefit women by contributing to the erosion of the power of male-dominated collusive networks. Yet their effects may play out in an environment in which gender stereotypes condition accountability, including informal accountability mechanisms like social sanctioning, which typically hit women harder. This chapter then moves on from discussing anti-corruption to examining, in more tangible terms, gender-inclusive and gender-responsive procurement policies, organized by the stage of the procurement process to which the policies apply, and assessing these in the light of insights from the gender and corruption literature.

**The rationale for seeking gender equality through public procurement**

What is gender-sensitive procurement, and what is the case for it? Drawing on an OECD definition, it involves "the introduction of gender requirements and considerations into public procurement policies and practices, in order to use public procurement as an instrument to advance gender equality" (OECD, 2021). Gender-inclusive procurement places the emphasis directly on raising women's participation, such as through a quota or set aside. Gender-responsive procurement has a more indirect approach, shifting the focus to interventions in processes through which gender inequalities tend to be produced and reproduced. For example, gender-responsive policies consider how companies operate in areas such as parental leave, how men and women are portrayed in companies' advertising, and so on. In

practice, there may be overlap between the two approaches, which are referred to together here, for want of a better term, as “gender-sensitive” procurement. Aside from the ambition to improve women’s economic empowerment for its own sake, these policies are also justified through the argument that they address market failures, which result from discrimination or exclusion on the basis of gender (Mayoux, 2001). In other words, gender-sensitive procurement policies are thought to be market-expanding or market-generating over time, creating spill-over effects beyond procurement markets that benefit the wider economy (Keric, 2017).

Not every impact assessment supports the claim of market expansion. Yet, in retrospective studies, the identified shortcomings tend to be in details of policy implementation, instead of the logics of the idea (Orser et al, 2019). This is because of the vast evidence of widespread gender discrimination in markets, pointing to untapped human capital that could spur growth. In 2018, the World Economic Forum estimated that women do not have equal access to financial services relative to men in every four out of ten countries (World Economic Forum, 2018). In 2022, the World Bank’s Women, Business and the Law report concluded that merely a dozen countries have laws and regulations that restrict and incentivise economic participation equally for men and women, along eight dimensions that include pay, parental leave, laws affecting assets (such as inheritance), and entrepreneurship (The World Bank, 2022). Frequently, inheritance norms and occasionally inheritance laws favor men (Perrin and Hyland, 2023). In the labour market, women are often paid less, work in more precarious jobs, and generally advance more slowly than men in equivalent positions. UN Women estimates that, on average, women make eighty-four cents for every dollar a man earns (UN Women, 2020). Some studies find that the gender pay gap is accentuated by parenthood, pointing to the interconnectedness of caring responsibilities and professional remuneration. In

the United States, for example, a report by the Equal Pay International Coalition (a group formed by the International Labour Organization, UN Women, and OECD) notes prior research that found U.S. fathers to enjoy a wage premium of eleven percent over non-fathers, meanwhile U.S. mothers earned five percent less than non-mothers (The EPIC Secretariat, 2017).

That is the economy at large. But what about procurement markets? Cursory evidence suggests they, too, are male dominated. For example, among very large companies in the U.S. and Western Europe, UN Women estimates that only one-fifth of chief procurement officers are women (UN Women, 2020). But are statistics such as this a reflection of the commonplace structures of markets in general, or is there anything particular to procurement markets that means they amplify gender inequalities, and that there are specific, gendered processes occurring within them?

There are several reasons to expect that gendered, structural patterns in the private sector are accentuated by public procurement. For instance, especially in developing countries (Bonnet et al, 2019), women are disproportionately involved in the informal economy, yet formalization is essentially a requirement for public contract bidding. Similarly, the public sector procures at scale, yet, when one observes patterns in the size of companies in which women reach senior management positions, it is clear that women do so predominantly in smaller firms (Fazekas et al., 2020). Small firms struggle to devote sufficient human capital resources to be competitive in the long-winded and complex bidding and reporting processes that are common to public tenders, and their survival will be more exposed to cash-flow difficulties in the completion of large contracts, especially if payment from the public purse is not swift. Typically, government-contract terms state that payment should take thirty to sixty

days after completion, however, on average around the world (across 187 countries), the public sector takes about 100 days to pay (Bosio et al, 2022).

Figure 1 shows the relationship between the proportion of female managers in companies across all EU countries in 2016, and company size by number of employees. There is a minor uptick in women top managers as company size changes from large to very large, but otherwise the pattern is simple: the smaller the firm, the larger the share of women high-level managers. Because big corporations tend to win public tenders to build roads, schools, and hospitals, and to provide government departments with digital systems and so on, companies with relatively larger percentages of women in powerful positions will consequently be structurally disfavoured in public procurement. In Europe in 2016, the proportion of companies with majority-female board management was 4.8% higher in the wider economy than it was in public procurement markets (Fazekas et al, 2020).

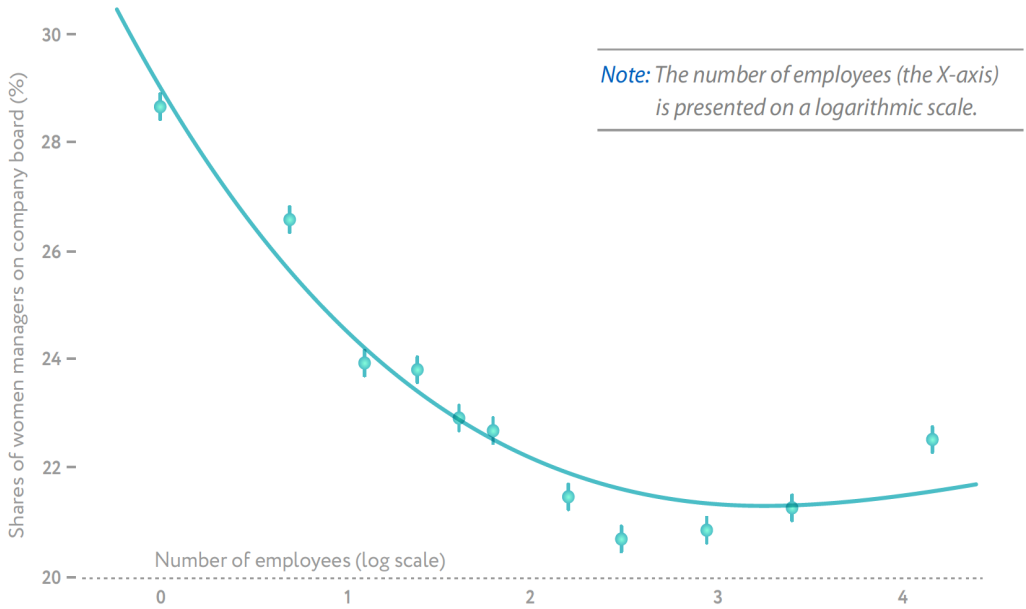


*Figure 1.* **Firm size in Europe and women managers.** The chart shows how the share of women managers on company boards gets smaller as company size grows, with a minor uptick for very large companies. Firm size is measured by number of employees (grouped into even-sized bins as the data points on the chart), using 2016 data from two million entities across all European countries (Fazekas et al, 2020).

The case for addressing gender disparities in procurement goes further, however, than concerns that public procurement passively accentuates structural inequalities. In a series of statistical models that sought to pick apart which features of businesses predict a tendency to win procurement contracts in tenders with only one bid, Mihály Fazekas and colleagues controlled for corporation size (measured, as in Figure 1, by number of employees), contract value, corporate assets, and sector of the economy. After taking all these factors into account, they *still* found that gender mattered: having mostly women managers on the board was a statistically significant predictor of not winning single-bid contracts. This is noteworthy because single-bid contracts are widely acknowledged to have a greater likelihood of involving collusive practices that illicitly benefit well-connected individuals, compared to contracts awarded following multi-bid tenders (Fazekas and Kocsis, 2020; Wachs et al, 2021).

Fazekas et al's finding illustrates the point that anti-corruption procurement policies and policies to improve women's economic empowerment through procurement are likely to have interrelated outcomes. To better anticipate these outcomes, it is worth digging deeper into the mechanisms by which gender and corruption are connected. The more obvious anti-

corruption policies to such patterns in the kinds of firms that win single-bid contracts are those that try to tackle collusion (such as further restricting the kinds of tender processes that can be awarded after just one bid), and increasing the transparency of the bidding process (so that possible collusion can be investigated and revealed). These approaches could indeed promote gender equality in public procurement. However, as the next section explains, transparency may be especially tricky to get right.

**Transparency, gender stereotypes and collusive networks**

As the academic field of gender and corruption has developed and brought to light mechanisms connecting these concepts, it has become increasingly obvious that there are very little (if any) differences in men and women's innate corruptibility. One classic experiment makes the point. It was carried out in two sites, one in Montreal, Canada, and another in Ouagadougou, Burkina Faso (Armantier and Amadou, 2013). In both places, men and women were asked to give scores to a series of exam papers using a marking guide. One exam script part-way through every participant's pile contained some money along with a request for the marker to find few mistakes in that particular paper. Sometimes, participants were not told that anyone would be monitoring their efforts; other times, they knew in advance that monitoring would occur. When they did not anticipate monitoring, in both countries, men and women were equally likely to take the bribe. However, when participants were told that there would be checking of their marking, the women were less likely to accept the bribe than the men. This happened in both countries.

Transparency, in many different forms, is an incredibly important anti-corruption tool, and big-data studies demonstrate that it can lower corruption in procurement. One analysis of 3.5 million government contracts by more than 120,000 public bodies found that increasing

transparency in five basic ways–including making available the contract value and its duration–reduced the frequency of single-bidding by 2.5-6% (Bauhr et al, 2020). In that assessment, most of the anti-corruption gains arose from the introduction of forms of transparency that improve the monitoring ability of insiders, such as bidding or potentially bidding firms (composed of people one would expect to have expert knowledge), rather than forms of transparency that facilitate open monitoring of procurement by outsiders, such as civil society groups, journalists and the wider public. Another study found that greater press freedom does not significantly affect corruption in procurement per se, even though it does lead to decreases in other forms of corruption (forms involving tax officials and the giving out of construction permits, for example) (Binhadab et al, 2021).

So, while transparency can reduce collusive practices in procurement, the kind of transparency and the mechanisms by which it enables accountability are crucial to it being effective. And when transparency does reduce collusive practices, it does this because it leads to an expansion in access to tenders beyond privileged networks, which should, over time, raise women's participation in procurement to the extent that those networks are gendered. But transparency applied without consideration of the influence of traditional gender stereotypes can also lead to strongly gendered outcomes. Take, for example, microfinance. It is well known that women sometimes struggle to access finance because of supply-side biases: compared to male entrepreneurs, women have been shown to face higher interest rates than men (Alesina et al, 2013), face tougher credit limits, and are more likely required to provide collateral (Bellucci et al, 2010). But recently, demand-side dynamics have also been brought into focus: women entrepreneurs are less likely to apply for credit because they anticipate higher rates of loan rejection (Moro et al, 2017; Ongena and Popov, 2016), and, importantly, women are more likely than men to be discouraged by perceived corruption at

the firm level. The latter point was identified using data from the sixty-eight countries that take part in the World Bank's Enterprise Surveys (Statnik et al, 2022). This analysis revealed that women's degree of discouragement to apply for credit due to perceptions of corruption (as opposed to various other possible reasons) was stronger in countries where gender inequalities are larger, which is consistent with the idea that in countries where traditional gender stereotypes are more ingrained and pervasive, accountability plays out in such a way that it is more keenly experienced (and anticipated) by women than by men. Thus, any given level of corruption should be rationally more off-putting to would-be female than to would-be male entrepreneurs.

What specifically about traditional gender stereotypes makes accountability mechanisms often sensitive to them? Among traditional gender stereotypes in many cultures is the belief that women are and should be purer, and less corruptible, than men. This means that women can be consciously or unconsciously held to a higher standard for perceived ethical transgressions. Survey experiments in Mexico and Brazil, for instance, have confirmed that voters do indeed punish perceived corruption more harshly when they think that identical activities were performed by a woman than by a man (Batista Pereira, 2021). The perception and expectation of women's relative incorruptibility is so widespread across the world that it is thought to explain the correlation in the two World Bank papers that energised the field of gender and corruption at the start of the millennium. Extending those original studies, Esarey and Schwindt-Bayer showed that the pattern of few women in power and high corruption (or many women in power and low corruption) holds among countries with high press freedom, but not in those without it (Esarey and Schwindt-Bayer, 2018). Similarly, they found that is it more strongly present where electoral systems encourage or require citizens to vote for individual politicians rather than for party labels (which make holding an individual

accountable harder). As per the explanation of the results from the experiment in Canada and Burkina Faso, these authors argue that gendered accountability mechanisms lie behind global patterns. In short, transparency as a means of facilitating accountability can hurt women's prospects when applied in a context where traditional gender stereotypes prevail.

Organizational cultures can, of course, subdue (or intensify) the silent gendered elements of accountability. Stensöta et al demonstrated this by first taking data from European countries, and showing that among this group, the more women in parliament, the lower corruption levels, as per the classic global pattern (Stensöta et al, 2015). They then showed a different pattern: the proportion of women in the bureaucracy in the very same group of countries had no relationship with the level of corruption. They explained this by arguing that bureaucracies are distinct organizational environments that tend to dampen gender norms through an adherence to gender-equal pay scales, routine work, meritocratic hiring procedures, and so on. They further made their point by showing that the classic pattern of more women and less corruption was stronger where countries' civil services incorporated fewer of these bureaucratic principles.

To summarize the policy implications of transparency interventions for women's empowerment, the evidence suggests that in the short term, raising transparency with the aim of triggering accountability mechanisms has a context-dependent potential to deter women's involvement in business and other forms of public life, even if it gradually helps to erode the power of male-dominated collusive networks over time by making these networks' operations generally harder. Anti-corruption policies that wittingly or unwittingly rely on actual or anticipated differential sanctioning of men and women for ethical transgressions—such as female police units—if they work as intended, may simply reinforce traditional

gender stereotypes, contributing to women's lesser social empowerment. The microfinance study suggests that it is possible that transparency policies promising to expose individuals involved in improper practices end up working against women's long-term economic empowerment. Of course, not all forms of transparency are intended to trigger punitive accountability mechanisms. Transparency can also open opportunities for wider participation and empowerment by providing opportunities for voice among groups that are not normally heard. This distinction between different types of transparency in procurement is discussed later in the chapter.

Just as it is important to dig into the relationship between gender and transparency to make sense of how policy interventions can generate complex outcomes, it is also worth elaborating how gender tends to be bound up in collusive networks. One reason for the male dominance of collusive networks appears to be behavioral: acting in accordance with gendered norms is thought to demonstrate to a group of one sex that an individual of the same sex is similar to them, hence more predictable to them. So, performing in a way that is in keeping with masculine norms can become a bonding behavior that is valuable in situations where predictability and secrecy are paramount within a group–such as collaborating in anti-competitive and potentially illegal acts. Taking the argument forward to explain why it is certain masculine rather than feminine norms that gain ascendency, the present-day starting condition in most societies is that economic and political power rests predominantly with men. Hence, it is men who can authentically demonstrate a culturally dominant (hegemonic) form of masculinity, and who are accepted as part of a collusive network by current members. Women, and men who do not convincingly behave in accordance with culturally dominant group norms, are kept out of the group.

Ethnographic observation of patronage networks has proposed the term 'homosocial capital' to describe this phenomenon. Working in Thailand, Bjarnegård has examined how such informal, hierarchical networks operate in connection to clientelist political parties, and noticed how they do indeed prioritize predictable secrecy among group members (Bjarnegård, 2013). In doing so, current group members allow into the group only those who can demonstrate this form of social capital by adhering to masculine norms that already bond the network together. Similar observations have been made by scholars working in very different contexts, where close connections are formed between politicians and businessmen (Johnson et al, 2013). For these reasons, understanding gendered logics of appropriateness is important for policymakers who wish to reduce pressures towards anti-competitive practices in procurement. These mechanisms of within-group acceptance in informal, secretive networks may underpin Fazekas and colleagues' finding that gendered collusion appears to partly explain why European companies with majority female management are under-represented in procurement markets (Fazekas et al, 2020).

Before moving on to discussing gender-sensitive procurement policies, it should be emphasised that the operations of collusive networks are a common theme in the literature on corruption in procurement (Adam et al, 2022). Reports of collusive networks in procurement can be found all over the world, and often emerge where politics has more opportunity to influence the procurement process. Illustrating this point, one recent estimate stated that thirty-five percent of U.S. federal government contracts showed clear features of non-competitive procedures and outcomes, even though the country's Competition in Contracting Act prescribes open competition in government contracts (Dahlström et al, 2021). The frequency of these features is much more common in federal agencies with a large proportion of political appointees. In Brazil, companies specializing in public works that donate to

political campaigns can expect a fourteen-fold return on investment through public procurement favouritism (Boas et al, 2014). In the Czech Republic, companies that give to political campaigns face less competition in procurement processes and win with bids that have inflated costs (Titl and Geys, 2019). In Japan, thirty-seven percent of procurement auctions in construction show evidence of non-competitive behaviour among firms (Kawai and Nakabayashi, 2022). Meanwhile, in numerous studies, firms owned or managed predominantly by women report paying bribes less frequently than those owned or managed by men (Breen et al, 2017; Swamy et al, 2001), and women working in government procurement offices view corruption as more problematic than do men in the same position (perhaps because they are less frequently given opportunities to benefit from it) (Detkova et al, 2021). Moreover, when men experience corruption, it tends, on-average, to take on a different form to the kinds of corruption experienced by women, with men being more exposed to corruption in situations of greed (a category under which corruption in public procurement would typically fall), and women more exposed to corruption in situations of need (Bauhr and Charron, 2020).

A crucial question in considering the gendered role of collusive networks in procurement in combination with gender-sensitive policies is to ask how sticky the gendered element of collusion really is, and whether it can be easily dislodged or replaced with other means of demonstrating in-group trust. There is little research on this. What is known is that women who gain power appear to act against grand corruption (an umbrella under which corruption in procurement falls), likely, because grand corruption acts as a barrier to their own career advancements, and because having women in power is also associated with reductions in corruption in sectors where women experience the brunt of the problem (Bauhr et al, 2019). As time passes, however, opportunities may gradually open for women who enjoy power to

act as network insiders, though the micrologics of how this plays out remain obscure. Such patterns that have been identified in France, where newly-elected female mayors reduce corruption in their municipalities, but re-elected female mayors do not (Bauhr and Charron, 2021). Somehow, it seems, they adapt to survive in office alongside (or perhaps, sometimes, within) corrupt networks. This again underscores the point that women are not by nature less corrupt than men. Hence, although gender-sensitive procurement policies may sometimes reduce corruption in procurement, if they do so, it is through their relationship with the meanings that society attaches to the sexes, and because those benefiting from the policies are historical outsiders to power. It is not, in any simple, biologically deterministic sense, due to the sex of the individuals involved.

**Procurement policies that seek to improve gender equality**

These insights from the gender and corruption literature can be held up against gender-sensitive procurement policies. As procurement policies intended to address gender inequalities have developed, there has been a move away from policy design that specifically encourages women-owned businesses (descriptive inclusiveness)—though there are many such policies in place around the world—and towards more gender-responsive, process-oriented approaches. There are several reasons for the shift. First, it helps to address sincerity concerns. Similar to allegations of 'fronting' in public procurement schemes that have sought to promote black economic empowerment in South Africa (Shai et al, 2019), definitions of women-owned businesses can be gamed, with companies giving tokenistic ownership positions to women who may be family members of male owners who retain more substantive power in a firm (Williams-Elegbe, 2021). A second reason for the trend is that, for large companies, identifying owners can be a fraught task, as these firms often have complicated ownership structures with shell companies registered in tax havens, for which

there may or may not be illuminating records in beneficial ownership registries. This is why some specialists propose that the proportion of women managers rather than owners is a more reliable indicator or female empowerment within a firm (Fazekas et al, 2020). Third, even with full information about a company's ownership structure, specifying "women-owned" presents a myriad of definitional options to policymakers. Should it be operationalized as a policy stipulation for bidding companies to have seventy percent of female shareholders, as in Kenya, or fifty-one percent female shareholders plus women managing day-to-day operations, as exists in the United States? And fourth, any definition of women-owned (or women-managed) companies in public policy invokes positive discrimination, which may face political opposition in the form of arguments claiming that it goes against the principle of fair competition. Such affirmative action policies may also be illegal in some countries (UN Women, 2020).

Countries tend to stipulate gender requirements for particular stages of the procurement process (OECD, 2021), even though, as with anti-corruption procurement policies, the more ideal approach would be holistic, across stages, and–crucially–coherent with policy efforts in other areas of government function. The paragraphs below therefore run through the classic three stages of public procurement, explaining how gender equality is sometimes promoted within each stage, and occasionally mentioning where the gender and corruption literature provides pause for thought, or suggests that certain policy elements will be more or less successful in contributing to intended outcomes.

The first stage of a procurement process involves understanding the improvement to people's lives that is being sought through government contracting, as well as additional research to inform decisions around bid specifications and the planning of the whole process. For gender-

sensitive procurement, doing this first stage well means conducting a user-centered needs analysis, an impact assessment, and market research with gender considerations front of mind (what is often called using a "gender lens") (OECD, 2021). Ideally, all aspects of the first stage–as per later stages–should both include and go beyond a consideration of men and women as two simple categories to probe needs, perspectives, and impacts as they relate to different kinds of men and women (intersectional groups) and to non-binary people, as fits the type of public goods or services and the context under consideration.

Within the first stage, needs and risk analyses tend to be under-emphasized. Nyeck warns that, when this happens, gender-sensitive policies can end up as "one-sided empowerment schemes", with women in business front of mind rather than women as taxpayers and as users of the procured goods and services, who foot part of the costs of public procurement and feel its impacts (Nyeck, 2020). A needs analysis requires thinking through people's eventual use of what is being procured and should identify how entitlements and norms affect people of different genders in the relevant context. These considerations can then shape the definition of the specific need that public procurement is aiming to address so that it avoids exacerbating, and ideally reduces, existing gender inequalities. In Berlin, tenders for public buildings have in recent years often incorporated a requirement for gender-neutral toilets, following a gender-sensitive needs analysis (Burgi, 2019). An impact or risk assessment does not focus on usage, in contrast to a needs analysis, but forecasts the ways that a procurement process could lead to knock-on effects that work against gender equality. For instance, if the fulfilment of a government contract might incentivize firms, in their seeking to minimize costs, to purchase inputs from places with weak or poorly enforced gender and labor rights, then by foreseeing this risk, bid specifications can incorporate measures to avoid this.

In this first stage of public procurement, transparency can be more straightforwardly leveraged in the service of gender equality than in later stages. Further downstream in the process, transparency's primary role is to trigger accountability mechanisms that may be filtered through traditional gender stereotypes. But here its purpose is to give voice to those who are often overlooked. Comments on the envisaged use of goods and services and on the completeness and accuracy of risk assessments, can be invited from civil society organizations, or from groups or experts who are familiar with the specific ways that intersectional gender groups are discriminated against or frequently overlooked. Open days and special events sometimes provide productive feedback that can be incorporated into bid specifications (OECD, 2021).

A helpful example of how to think about the first stage of gender-responsive procurement comes from Sweden, where the Swedish National Public Procurement Strategy falls under the national platform for gender mainstreaming that was adopted in 2011. The platform gives direction as to how gender mainstreaming should be done across different levels of government, and this has been incorporated into a guide for public procurement from SALAR, the Swedish Association of Local Authorities and Regions. SALAR suggests, for example, that when considering the impact that public procurement could have on women, men, girls and boys, planners should think in advance about the treatment of these groups during and as a result of the procurement, and about how the distribution of power and resources among them might be affected (OECD, 2021).

SALAR also provides concrete guidance for contracting authorities while carrying out market research–the next part of the first stage–by taking the perspective of a feasibility study. For the market-research phase to be gender-sensitive, it should not only dig into the structure and

capacity of firms to meet the defined need, but also into firms' abilities to do so in a manner that substantively promotes gender equality inside companies, through their interactions with other firms, and through their marketing and the way they represent themselves in society. Market research also has an important value within gender-sensitive procurement by engaging firms. Through the process of back-and-forth between contracting authorities and business, information asymmetries about expectations and possibilities are reduced, assumptions are examined, and know-how that has been built up about how companies can meet gender-equality requirements can be shared (UK Equality Human Rights Commission, 2022).

All the aforementioned aspects of the first stage of public procurement should inform the writing of bid specifications: the clarification of the need in gender-sensitive terms, the gender-equality risks that should be mitigated, and whether there are many or few market actors that are well positioned to meet expectations. In line with Figure 1, market research often reveals that women have more managerial power (and are more able to progress their careers to a managerial level) in smaller companies as opposed to larger ones, which is an argument for "unbundling" (splitting into parts) procurement contracts for which only large firms could realistically bid, turning them into prospects for smaller companies. In Tanzania, where the guidelines accompanying the country's 2016 Procurement Act amendments took effect in 2020, unbundling of government contracts is permitted subject to an approval process that takes other considerations into account, such as the potentially higher overall costs to the public purse. As part of effective unbundling, the bureaucratic demands on bidding companies should also be reasonably scaled down so that they are commensurate with the capacity of smaller firms.

Various strategies are used around the world to write gender inclusiveness aims (often via women's ownership or management criteria) and gender-responsiveness (through items such as exclusion rules, whereby firms that have a record of having lost gender-unequal pay or sexual harassment tribunals are not allowed to participate) into bid specifications. Set aides are a commonplace policy. These typically stipulate a percentage of public procurement value that must be awarded to firms that meet defined criteria of female ownership or management. They can be nested within sectors, as in South Korea, where the 'Act on Support for Female-owned Businesses' states that five percent of public procurement of products or services are set aside for women entrepreneurs, contrasting with the three percent set aside in construction (Daein, 2021). Or they can be nested within higher-level set asides for small businesses, or for under-represented groups in general. Tanzania, like Kenya, has a higher-level set-aside policy rule that thirty percent of annual public procurement value be awarded to "special groups", including women with youth, elderly, and people with disabilities. Within the higher-level set aside, in the Tanzanian case, the government has issued formal guidance that one sixth of the total (or five percent of public procurement value) should go to firms that have only women in leadership positions in addition to seventy percent of their share value being owned by women.

Points-based systems can offer many options for dextrous policymakers to adapt the weight given to the promotion of gender equality against other concerns in policy design, as fits the context. They provide a means to stipulate how much contract awarders should balance short-term value-for-money pressures on the public purse against policies that serve social ends. The Seoul Metropolitan Government has a points-based system, whereby it awards up to forty-five points for capacity to deliver on a contract, up to fifty-five points for bidding price, and a handful of additional points for female-ownership, separate from points that are given

for small business status, job creation capacity, and environmental certification (Daein, 2021). Japan awards points for gender-responsiveness, applying them to bidding firms that receive certifications for supporting childcare. Rather than using points, gender-equality criteria are employed as a tie-break among bidding firms in Israel that are otherwise considered equally preferable suppliers (OECD, 2021). This is also a means of weighting gender-sensitive criteria—though necessarily subordinating them relative to the defined criteria with which bidding firms are considered to be equal.

The extent to which these policies have the potential to chip away at bid rigging and other kinds of corrupt practices in public procurement (that are assisted by the operations of homosocial capital), will depend in part on whether the policies are robustly effective against tokenistic leadership and ownership arrangements. They can be written in ways that do or do not align with the sectors in which male-dominated corrupt networks tend to flourish. A 2018 white paper from South Korea's Fair Trade Commission, summarising 578 cases of cartel-like conduct in procurement between 2009 and 2017, found that bid rigging was concentrated in construction and civil engineering, and was rare in the public purchase of goods and services (Daein, 2021). So, it is hard to see how a set-aside policy for any social group that is associated with lower levels of corruption is going to maximize its potential contribution to reducing corruption if it provides a higher standard (five percent female ownership) in an area of procurement where this is rare, and a lower standard (three percent female ownership) in an area where corruption is more common. Similarly, if, in a particular context, corruption in procurement is predominantly a phenomenon that occurs among men in big companies, policies that nest set-asides for women-managed firms within small-company set-asides will not be directly relevant to fighting it. Contrast these with set asides or points-based policies that target sectors of the economy with under-representation of women, buttressed by policies

that broadly support outsiders to established business networks with know-how and investment.

The second stage of procurement is when the finalised bid specifications are announced and advertised. Inclusive advertising to announce a procurement opportunity entails making available information pertaining to it—the process, key dates and bid criteria—in such a way that does not advantage some potential bidding firms over others. Just as the highly selective sharing of this information by public officials is an established strategy in corrupt networks, the same practices are also likely to disadvantage women insofar as the firms that are frequently advantaged in this way are part of male-dominated networks. Brierley outlines how the passing of secret information about cost estimates to favoured firms in procurement processes in Ghana is one of two primary mechanisms by which bid-rigging occurs there (the other is restrictions on the availability of tender-application documents) (Brierley, 2020).

At this stage, if firms are not already certified, the gender-inclusive or gender-responsive practices of potential contractors will need to be assessed. Bidding firms will also need to be registered, and their bids evaluated against formal specifications. Only then can a contract be awarded. Certification brings advantages because, once complete, it simplifies the task of those assessing procurement bids—though having achieved a threshold or standard, obviously firms can let standards slip unnoticed if there are no subsequent checks. Done well, gender-sensitive certifications may, over time, benchmark new norms of good practice.

Certification sounds simple but can be tricky to implement in a way that ends up contributing to the economic empowerment of women through public procurement. Sometimes difficulties are obscure, as in the United States, where the Women-Owned Small Business Federal

Contract Program, set up in 2011, requires firms to seek third-party certification that they are indeed majority women-owned and primarily women-managed, to bid within the women-owned business set-aside. Various organisations promoting women in business provide certification, from the El Paso Hispanic Chamber of Commerce to the National Women Business Owners Corporation. However, in one independent assessment, there was no increase in the bidding frequency among certified firms, nor improved success at winning contracts (Orser et al., 2019). In fact, less than one percent of contracts were going to certified firms even though the law targets five percent; the four percent remainder appeared to be going to groups benefiting from longer-established set-asides. The study authors suggest that the problem may lie with federal procurement officers, who potentially view certification as an admission of "need" for special treatment by a firm, and thus treat it as a signal of weakness relative to other suppliers.

Iceland has a gender-responsive certification system that is a requirement for any public procurement bidding–not just as a tool that benefits a firm in a points-based system or enables a company to bid for contracts within a set-aside. Since 2018, all bidding firms with at least twenty-five employees must undergo equal pay certification, demonstrating that male and female employees receive the same pay and terms for equal work (Iceland Act 120/2016 (Art. 50)). The effectiveness of this approach has yet to be assessed, but its sweeping coverage suggests that procurement officer biases, as are suspected in the U.S. context, are unlikely to stand in the way of the policy contributing to women's economic empowerment. And, in terms of anti-corruption, because strategic avoidance by firms is harder, this policy may erode the influence of male-dominated, collusive networks bonded through masculine norms, as have been described at length during the period prior to the 2008 global financial crisis in Iceland (Johnson et al, 2013).

Transparency during the second stage of public procurement can also serve gender equality by facilitating the holding to account of firms for their gender equality commitments, by both insiders and outsiders. Transparency here refers to clarity and openness in the details of the bid specifications; the list of firms considered to have managed (or failed) to meet the gender-equality elements of those specifications; and how winning firms propose to implement gender-equality policies during the contract. It provides opportunities for civil society voice in how the public sector interprets assessment criteria and how it verifies implementation.

The third and final stage of public procurement is when firms that have been awarded contracts are monitored, allowing reflection, learning and feedback to occur. If firms fail to meet criteria laid out in contract clauses, then the contracting agency should take corrective action, from communicating advice to potentially cancelling the contract. Monitoring can take many forms, classically typed as "fire alarms" (or open systems, such as hotlines) and "police patrols" (in this context, audits, or other forms of centralized and direct monitoring of the contracted firm) that may be either regular (Bobonis et al, 2016) or random (Zamboni and Litschig, 2018) in timing and in the parts of the contract assessed. Monitoring is made easier when gender-equality (and anti-corruption) elements within procurement contracts are clearly defined, with measurable targets that refer to what should be achieved within the contract and by when. Monitoring might include checks on line-manager training in sexual harassment, male parental leave, or training relating to the menopause; on targets that pertain to gendered impacts on supply chains; or on the collection and appropriate use of gender-disaggregated data to inform project development along the way. Contract clauses for what can occur if firms are found to be falling short of targets should be stipulated from the outset.

In the federal state of Berlin, the list of binding targets for which failure to deliver can lead to contract cancellation include (not) increasing the proportion of women in senior positions, and (not) providing childcare and training for women in sectors where they are under-represented (OECD, 2021). In Switzerland, which has a public procurement law with similar across-the-board, prerequisite, gender-equal pay provisions as in Iceland (except that it applies to companies with at least fifty employees, not twenty-five), procurement offices have the power to carry out random controls, or bring in external assistance with monitoring from authorities such as the Federal Office for Gender Equality. They also have the power to issue penalties and terminate signed contracts if a firm is found to have breached gender wage equality principles. To support these policies, the government has also created a freely available web tool called Logib (available in versions for both large and small companies) that enables firms to test where there is a statistically significant difference in how much men and women are paid. This has won various awards, and inspired a similar tool, Logib-D, in Germany (European Commission, 2022).

The rest of the third stage feeds learning and success for the future. In wrapping up the procurement process, an assessment and reflection should take place covering all three stages and should consider how well the whole process was aligned with other gender-equality and anti-corruption policies that originated outside of public procurement. Transparency towards the end of the process, where it provides the means of revealing potentially corrupt or incompetent practices by firms and individuals, has particular potential to trigger accountability through the prism of gender bias, by invoking traditional gender stereotypes about women's incorruptibility or unsuitability for business. Here, police-patrol monitoring can provide more control for a contracting authority over the gathering of information and

communication of findings than fire-alarm approaches, and thus more opportunity to avoid some of the often-subtle incentive structures set up by gendered accountability.

An ex-post evaluation is an opportunity to evaluate how distinct forms of transparency are serving anti-corruption and gender-equality at each stage of the process. It is also a chance to explore the empirical realities of the expectation put forward in this chapter, that anti-corruption policies that disrupt established, collusive networks should generally promote women's inclusion in procurement, while those that emphasize transparency to spark accountability will have more mixed, context-dependent impacts that could end up working against women's economic empowerment. An ex-post-evaluation is also a key moment to learn from the contracted company about frictions and synergies in implementing gender-sensitive policies alongside anti-corruption policies, such as the niceties of whistle-blower policies, and to use this learning in developing guidance for future procurement processes, internal training, and feedback across government—including how government can broadly support the sector's integrous and gender-sensitive development.

Learning and feedback are crucial and should be done with nuance that is sensitive to intersectional groups and to non-binary individuals. As noted at the start of the chapter, there is limited scholarship to directly support policymakers who want to understand how to design and implement public procurement processes that serve both gender-quality and anti-corruption. While the literature on gender and corruption highlights the importance of creating policies that break up collusive networks for both of these purposes, and calls attention to nuance in transparency's types, context, and outcomes, continuous learning about procurement processes with these dual intentions has great potential to substantively provide this support.

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