

GENDER BASED E-PROCUREMENT WITHIN THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

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ABSTRACT

Municipalities in South Africa are expected to utilise their purchasing processes to promote gender equality. A key external goal of municipal procurement is to redress inequalities through economic opportunities and economic equity to the benefit of both men and women. Currently, most municipalities are transforming their services through electronic mode, resulting in the use of e-procurement processes which link business-to-business, business-to-consumer, and business-to-government via information and communication technologies. Using a Gender and Development (GAD) Approach, this article aims to assess the level of gender inclusivity in the municipal e-procurement processes in the City of Johannesburg as a case study. Among the questions raised in the article are whether gender mainstreaming is considered in the municipal procurement processes; and if there are any initiatives in place to capacitate men and women to ensure their participation in the e-procurement processes. The review of literature and official documents forms part of the desktop conceptual and theoretical analysis. Utilising qualitative, descriptive and analytical research approaches, the article explores the need for gender mainstreaming in the municipal e-procurement value chain processes such as e-informing, e-tendering and vendor management. The article then offers policy implications and suggestions for improvement.

Keywords: *capacity building, e-procurement, gender, information and communication technologies, municipal procurement.*

JEL Classification: Z00

INTRODUCTION

Esther Eghobamien, an interim director and head of Gender in the Social Transformation Programmes Division in the Commonwealth Secretariat (Kirton, 2013: 4) states that globally, very few “countries have designed public procurement policies which provide special derogation for competing companies based on gender (or ethnicity, for racially polarised countries)”. Gender is important for public procurement policy because it can contribute positively to ensuring equitable access and provide benefits by diversifying the supply chain. 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 (cited in Vyas-Doorgapersad & Kinoti, 2015: 97). Despite abundant scholarship on gender equality in Africa, the gendered dynamics within public procurement remains understudied (Nyeck, 2015: 28). Callerstig (2014: 53) agrees that more research is required in this field. The article therefore explores the relationship between gender and procurement and investigates the level of gender inclusiveness in procurement policies for socio-economic development.

CONCEPTUAL CLARIFICATION

Public procurement refers to the purchase by governments and state-owned enterprises of goods, services and works (Organisation for Economic Co-operation and Development (OECD), 2016: 1). E-procurement is defined as a system “incorporating all purchasing activities such as purchaser request, authorization, ordering, delivery and payment by utilizing electronic means such as internet, web technology and e-commerce” (Suleiman, 2013: 1). Before the advent of the internet, procurement functions were perceived by many to be routine and repetitive processes. This perception has since been modified by the expanding capabilities of the worldwide web (www) in recent years. Various business concerns found it both appropriate and inevitable to embrace the use of

internet facilities to enhance the performance of their tasks (cited in Suleiman, 2013: 2).

Underpinned by the Feminist Theory, this article adopts a Gender and Development (GAD) Approach because of its proposed policy implications. The GAD “addresses inequalities in women’s and men’s social role in relation to development (March, Ines and Mukhopadhyay, 1999: 9). This approach argues for “an integrated gender planning perspective” that concentrates “on the power relations between men and women” to challenge “the assumptions between traditional planning methods” (March, *et al.*, 1999: 55). Furthermore, it links the GAD with the Empowerment Approach to mainstream gender in institutional processes. Razavi and Miller (1995: 2) see this collaboration as a “strategy of relevance” which challenges established institutional dynamics and makes gender equality a key part of the development dialogue.

GENDER AND PROCUREMENT

Public procurement has great potential to promote gender equality (European Institute for Gender Equality (EIGE), 2016: 1). It has therefore been suggested that “whenever possible ... gender equality should be incorporated in the subject of the contract itself” and that this will mean “the incorporation of gender equality clauses requiring gender technical competence ... as well as the inclusion of gender criteria for the evaluation of the submitted proposals and for further implementation.” (EIGE, 2016: 1).

In the African context, as cited in Nyeck (2015: 22), procurement opportunities raise several concerns, such as “future of human and gender security given outsourcing in key sectors such as health, education, the environment and security”; and that “money lost through procurement is opportunity delayed for gender equality in the financing of development”. Djan (2015: 6) takes up the debate and mentions that there are those who argue that there is no “correlation between the processes of public procurement and gender equality” and that “public procurement itself lies outside the field of relevance ... [to] actualize social objectives (respect for equality between men and women among them)”. In other words, when public procurements are viewed solely in relation to economic development, “then their wider social impact is commonly disregarded”. This article furthermore stresses that in today’s public administration, public procurement is not only linked with economic development but also requires technological understanding to utilise the technological aspect of procurement

(known as e-procurement). This viewpoint is substantiated by Barahona and Elizondo (2012: 109) who argue that “new disruptive technologies – Internet services, social media, collaborative platforms, cloud computing – enable the development and diffusion of new disruptive models to provide services”, but caution that these must also be used to design and manage innovation and enhance the abilities and skill sets of public leaders and administrators. In addition, appropriate training must be provided for both men and women entrepreneurs to utilise the e-procurement system.

GENDER INCLUSIVENESS IN PROCUREMENT PROCESSES: THE CASE OF SOUTH AFRICA

By acknowledging the economic disparities entrenched by apartheid, the South African Constitution, 1996, requires that national legislation be enacted to ensure that public procurement provide for categories of preference in the allocation of contracts as well as the “protection or the advancement of persons” who have been “disadvantaged by unfair discrimination” (Republic of South Africa, 1996, section 217). The contestation for economic redress that drives the agenda for economic transformation in South Africa provides the leverage for enhancing gender equality. The result is an evolving dynamic legal framework for procurement that governs all state agencies and spheres of government. Legislation that recognizes the need to include previously excluded groups, such as all categories of women, offers the opportunity to promote gender inclusiveness through procurement. Laws such as the Preferential Procurement Policy Framework Act, 2000; and the Broad Based Black Economic Empowerment (BBBEE) Act, 2003 with its corresponding Codes of Good Practice (2007), stipulate a preferential point system that encourages the use of women-owned enterprises to benefit from preferential procurement of all state organs.

A desktop study was conducted by Vyas-Doorgapersad and Kinoti in 2015. The researchers reviewed the Department of Public Works (DPW) Strategic Plan 2012-2016 and deduced that “at the institutional structure level, the DPW, under its sub-programme: Corporate Services, set a Strategic Objective 6 that emphasises mainstreaming of gender, disability and youth development in the core business of both DPW and its related industry (Construction and Property)” confirming that “the gender aspect of DPW Strategic Plan 2012-2016 only incorporates ‘people with disabilities’” (Vyas-Doorgapersad & Kinoti, 2015: 104). This viewpoint is supported by Nyeck and Benjamin (cited in Vyas-

Doorgapersad & Kinoti 2015: 100) emphasising that even “today, the theoretical and pragmatic rationales for complete outsourcing, privatization, or a combination of both” has implications for women in the public services supply chain. Furthermore, “shifts in the role of the state as an employer of women in the service and caring occupations around the world have not received sufficient attention. The role and impact of new public-private partnerships compared to other forms of privatization for the delivery of public services for women and by women also remains under researched”. In order to address this challenge, the Ministry of Women, Children and People with Disabilities (2012) has formulated the Women Empowerment and Gender Equality Bill (WEGE) and this was published in the *Government Gazette* of 29 August 2012 for public comment. The objective is the “monitoring and the setting of targets for women empowerment to achieve equal representation of women” in the public procurement sector (Frontier Advisory, 2013: 18). The Bill is still under consideration and its impact will only be assessed in the coming years. The Presidency acknowledges that constraints on the gendered implementation of these laws still persist (The Presidency, 2009: 29). Gender integration will thus require that proactive steps be taken in the implementation of procurement and that such steps should be made more visible to service providers that are owned by women and men. One of the ways of improving visibility is by modernising procurement.

In 2015, national treasury implemented a centralised and computerised procurement system for the three tiers of government, state departments, agencies and entities through the Office of the Chief Procurement Officer (National Treasury, 2015). E-procurement makes the process more transparent and enhances accountability. This online platform utilises the e-procurement value chain that comprises e-informing, e-tendering, e-auctioning; and also vendor management, purchase order integration, e-invoicing, e-payment, and contract management. These e-procurement phases should adhere to the supply chain processes through which government purchases goods and services. This makes the recent introduction of e-procurement to be of particular importance to gender mainstreaming. In the metropolitan areas, women entrepreneurs have often been isolated from municipal procurement particularly in the larger contracts. It then becomes important for the larger municipalities to interrogate their supply chain management particularly e-procurement which encapsulates the municipal process in its entirety. The City of Johannesburg is therefore be used as a case study below.

E-PROCUREMENT IN THE CITY OF JOHANNESBURG

Johannesburg retains the premier position as economic hub for the Gauteng region, South Africa, as well as the southern Africa region. This is emphasised in the municipality's vision and medium term strategy as aligned to the National Development Plan (NDP). The current integrated development plan (IDP), 2016-2021, sets "economic growth, job creation, investment attraction, poverty reduction, informal economy and small, medium and micro-sized enterprises (SMMEs) support" as key strategic objectives (City of Johannesburg, 2016: 9). Five economic transformation priorities have been identified, namely: i) industrial transformation to alter the present dominance of mining and service industries; ii) spatial transformation to restructure spatial patterns embedded by apartheid through efforts such as the corridors of freedom; iii) global positioning for the country in the international value chains; iv) competitive transformation particularly for SMMEs; and v) institutional transformation to support national development objectives. The city is using a fifteen-point economic development plan to realise these goals (City of Johannesburg, 2016: 46). This political economy places the municipality "at the coalface of facilitation of local economic development and delivery of utilities and other services necessary for sustainable communities, economic development and growth" (City of Johannesburg, 2016: 46). Being a municipality bound by international and national commitments for gender equality and the empowerment of women in local communities, compels Johannesburg to mainstream gender in its policies and programmes for economic growth and development. Municipal procurement thus increases the significance for realising economic development as determined by Nijaki and Worrel (2012: 135). Initiatives such as the Soweto Empowerment Zone; the local EPWP projects; and the Jozi Equity Fund have seen improved support for SMME and women-owned businesses (City of Johannesburg, 2013: 19). The next external role that local government can play in procurement is for the local sphere to realise economic equity for enterprises owned by women and other previously disadvantaged groups. Municipal procurement may be "specifically crafted as a tool to mediate equity concerns by targeting economic opportunities" for particular categories of people (Nijaki & Worrel, 2012: 140). This deliberate inclusion of enterprises that are on the periphery is important for gender mainstreaming because integrating gender into the municipal procurement enables women-owned enterprises to benefit and enhance their participation in Johannesburg's local economic development.

In looking to take advantage of competition between suppliers as well as “streamline the municipality’s purchase of goods and services”, efforts must also be made to ensure that gender equality is enhanced through procurement (City of Johannesburg, 2013: 19; also refer Gildenhuys, 2000: 187). The city’s procurement is managed by a Supply Chain Management policy (SCM) that is prescribed by national legislation including the Local Government: Municipal Finance Management Act, 2003. Johannesburg’s Supply Chain Management policy ascribes to a procurement system that supports Broad-Based Black Economic Empowerment (BBBEE) and the Preferential Procurement Policy Framework Act (PPPFA) regulations. The policy also commits the city to make a deliberate effort to empower women-owned enterprises and enhance their gendered participation in the local economy. Johannesburg should therefore use its municipal procurement policies and processes to realise economic development as well as economic equity. It is critical that the city be able to assess, measure and integrate gender into procurement because regular evaluation provides the means to “integrate gendered data into the policy cycle” (Ambe & Badenhorst-Weiss, 2012: 252). The gender strategies presented above should “lead to better responsiveness to purchasing needs [and] a better understanding of unique local needs” because local purchasing is closer to suppliers which in turn will facilitate the inclusion of women owned enterprises in municipal procurement (Ambe & Badenhorst-Weiss, 2012: 253). Therefore, the performance advantages of utilising e-procurement should assist in increased municipal productivity, offer access to more suppliers, enhance transparency in purchasing, reduce costs as well as to promote the use of one interface that manages the municipal bid process. These benefits should in turn provide the opportunity for women owned businesses to partake in municipal procurement. More importantly, e-procurement must highlight critical areas of concern as will be examined below where women entrepreneurs encounter obstacles in increasing their share of the municipal procurement objectives for economic empowerment and economic equity. Obstacles include timeous access to electronic platforms as well as the mandate for preferential treatment of women entrepreneurs throughout the municipal bidding process. Addressing these obstacles should enable Johannesburg to address gender bias that is inherent in its procurement processes that would otherwise not be highlighted.

To achieve the above objectives, the municipality’s gender policy provides specific guiding strategies to mainstream gender into its municipal purchasing, namely: i) to ensure that 25% of all procurement contracts in non-traditional areas

are granted to women and youth; ii) to develop systems and mechanisms to identify women involved in the informal economy and SMME level; iii) to create a data registration for SMMEs and traders in the informal sector; iv) to put in place a programme to capacitate women who run SMMEs and enable successful tenders for city projects; v) to strengthen links with entrepreneurial institutions to benefit women entrepreneurs; vi) to make available funding for women entrepreneurs through a community development bank to improve their capacity to deliver on tenders; vii) to develop a programme for women in the informal sector to enable them to participate in the mainstream economy; viii) to review the procedures of the payment system specifically for SMME because current procedures disempower women; ix) to disaggregate data on the Expanded Public Works Programme (EPWP); x) to monitor procurement trends and patterns in the city with a focus on gender; xi) to develop a strategy for women's access to credit and capital; xii) to review (with the goal to increase) the tender point system for the women's category; and xiii) to ensure that there is regular reporting on the awarding of contracts to women business owners and suppliers of services (City of Johannesburg, 2013: 19). The city must make use of online platforms for e-procurement processes that should be gender sensitive.

The following analysis on specific aspects of the city's e-procurement gives an indication of the level of gender integration on the online platforms. Three of the strategies from the above list are used, namely: reviewing the e-procurement tender process with a focus on gender; monitoring the city's procurement trends and patterns; and the disaggregation of data on Johannesburg's purchasing processes. The process of e-tendering and vendor management should provide information on: the pre-bid phase where potential service providers are invited to register on the city's database; the bidding process that includes the bidding period, evaluation of bids, adjudication period and finally the bid award to selected service provider. Information should also be available on the post-bid phase which involves the contract management by the Supply Chain Management (SCM) within the municipality (City of Johannesburg, 2009). E-informing involves communication to current and potential service providers on procurement processes and tenders. The SCM policy requires the city to use its official website, www.joburg.org.za as a platform for e-informing. As an example, it provides details on tender and bid documents. In addition, it must be acknowledged that the city offers free Wi-Fi in the Braamfontein area via the Braamfontein wireless mesh. Wi-Fi is also available in municipal libraries and clinics. This means the public is able to access the internet and furthermore, at

municipal libraries computer facilities are available to check for tenders (City of Johannesburg, 2015). Johannesburg's e-procurement platform is available on the city's website

https://joburg.org.za/index.php?option=com_content&id=309&Itemid=152 . A screenshot is presented below

Bids/Proposals

Contents:

Bids/Proposals

- | Bid Opening Registers
- | Cancellation of Proposals
- | List of Awarded Contracts
- | Supply Chain Management
- | Previous Tenders
- | Additional Important Information (Policies and Procedures)
- | Pikitup Tenders
- | Joburg Water Tender Awards
- | Metropolitan Trading Company Tenders

Invitation to register on Supplier Database

The City invites interested businesses, particularly SMMEs owned by women, youth and people with disabilities to apply for registration to be included on the City's list of approved prospective suppliers. [Read more](#)

Supplier Database of the City of Joburg

Registered and accredited suppliers on the City's Supplier Database are hereby required to complete and submit to Group Strategic Supply Chain Management all of the Municipal Bidding Document (MBD) forms, by not later than 31st January 2017. [Read More](#)

[Supplier Application Form Download Application Form](#)

Bids/Proposals

2017

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Tender Forms

MBD 4 - Declaration of interest [PDF, 108.91kb]

MBD 5 - Declaration for procurement above R10 million (vat included) [PDF, 10.8kb]

MBD 6.3 - Regulation 2001 Promotion of small businesses [PDF, 18.9kb]

MBD 6.11 - Regulation 2001 Enterprises located in a specific Municipal area [PDF, 13.8kb]

MBD 8 - Declaration of bidder' past supply chain management practices [PDF, 16kb]

MBD 9 - Certificate of Independent bid determination [PDF, 83,9kb]

Declaration on State of Municipal accounts [PDF, 8.2kb]

What is the procedure for City of Johannesburg Tenders?

Copies of the tenders are available only in printed form, at a cost of R100, or, in certain cases, an amount as specified on the tender document. Tender documents are available from the contracts section on the 15th floor, Metropolitan Centre, Braamfontein.

Who do I contact about tenders?

NO LATE TENDERS, COPIES OR FAX COPIES OF THE TENDER DOCUMENT WILL BE ACCEPTED.

Is there a fee for tenders?

Copies of tenders

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Through the review of official documents (City of Johannesburg: Point Claim forms, Undated a,b), it can be emphasised that the online invitation to register on the city's supplier database is given periodically. This call for interested service providers makes specific mention of SMMEs owned by women to make submissions. Despite the city's commitment to collect gendered data on procurement, there is no evidence of gendered data in the tender forms that should be completed by potential service providers and included in their tender submissions. The forms that regulate the promotion of SMMEs during service provider registration illustrate this deficiency. Interested SMMEs should supply information in compliance to the PPPFA which is the verification on the SMME status and business location within the municipal jurisdiction of Johannesburg. The forms do not include a gender component that the SMME can provide when completing the application. The absence of this requirement constrains the ability of the city to capture gendered data for the interested enterprises registering on the database. The website gives information on the bid process through the bid registers and reports going back at least five years; on cancelled proposals; on awarded contracts and previous tenders, including municipal entities such as Johannesburg Water and the Metropolitan Trading Company. The SCM also manages the contracts for successful tenders. In addition, the city's website provides reports by the SCM on the contract management for approved projects. The SCM reports indicate which companies bid for the tenders; specific details of the company that was awarded the contract; the work provided by the service provider; as well as the value and duration of contract including any amendments

to the contract project deliverables via status reports. Reports provided online comply with MFMA regulations and show the status of current tenders that are implemented by the city including any changes in prices or duration of the tenders. The data on the city's reports on the contracts and awarded bids also highlight the motivation for selecting the particular bidders by citing specific reference to PPPFA requirements on the point system. However, the reports give no indication of SMME empowerment in these projects. In addition there is no mention of whether or not the service providers are women-owned enterprises.

Moreover, from Johannesburg's e-procurement value chain highlighted here, service providers do not provide evidence of gender inclusion in their operations. Tenders are still increasingly awarded to larger, more established companies than to women-owned enterprises. As a result, the "present BEE model benefits a relatively small number of individuals" and a rather skewed implementation of the BEE, whereby "ownership and senior management receive disproportionate emphasis". This is evident in the preferential point system in the awarding of municipal bids while the empowerment regulations "do not incentivise employment creation" or deliberately provide support for SMMEs (Ambe & Badenhorst-Weiss, 2012: 253). Therefore, while the city's procurement trends and patterns can be monitored in terms of type of contracts, corresponding values awarded and whether these projects are aligned to local economic development goals, it is difficult to determine whether service providers are women-owned enterprises and/or women SMMEs. The absence of gender disaggregated data throughout the e-procurement value chain impedes the city's ability to track and to improve gender thresholds through its procurement.

POLICY RECOMMENDATIONS

The City of Johannesburg operates its procurement and e-procurement as per its SCM policy which is guided by a national framework that acknowledges the need to proactively implement measures that enhance gender equality and the empowerment of women-owned businesses within its municipal jurisdiction. This article finds that gender mainstreaming in the implementation of the city's SCM has yet to be done adequately. Although the city has a gender policy to guide internal operational procedures as well as municipal service delivery, the e-procurement value chain for Johannesburg does not reflect any gender integration measures in the procurement process; there are no measures that may be used by women-owned enterprises to enhance their participation and visibility. While it is important to create a space for women-owned enterprises, it is also critical to

transform the procurement space that large enterprises occupy so that gender mainstreaming can also be meaningfully implemented with the larger municipal contracts. Decuyper (Undated: 2) recommends three main approaches that can be used to integrate gender in public sector procurement, namely: in the selection criteria (exclusion of discriminating companies); the contract award criteria (by including gender as a sub-criterion when evaluating the quality of the offer); and in the contract performance conditions (the obligation to take the gender perspective into account when executing the commissioned tasks). Firstly, the service providers should be required to mainstream gender in their operations and gendered data should be collected during the bid process and implementation of the procured contracts. Johannesburg should therefore include gender criteria in the procurement processes such as e-registration and e-tender submission, whereby service providers be required to give “details concerning the promotion of equal opportunities” for women and men in their operations and support to women-owned SMMEs (Weewauters, 2007: 14). The reporting on the e-procurement value chain should also encapsulate gendered data to enhance gender mainstreaming. Therefore, going forward the city’s SCM should collect gender disaggregated data from service providers throughout the e-procurement value chain to enhance the participation of women entrepreneurs in its municipal e-procurement.

CONCLUSION

This article finds that municipal procurement is critical in enhancing local economic development as well as attaining economic equity particularly for women entrepreneurs. Women are often marginalised from supplying goods and services to Johannesburg. E-procurement offers the opportunity to enhance gendered reporting of the process, but fails to do so. Johannesburg must adopt far-reaching strategies in its municipal procurement practices to ensure that gender is mainstreamed and that women-owned businesses, SMMEs as well as large enterprises adopt gender sensitive measures to win contracts with the municipality. It is important that the collection and provision of gendered data throughout the city’s e-procurement process be made visibly available for women SMMEs as well as potential service providers.

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