MULTISOURCE

Gender-responsive public-private partnerships

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1.0 INTRODUCTION

Public-private partnerships (PPPs) have in the past decades become increasingly popular. They are seen as a means to attract and increase investments for public services and infrastructure works beyond the budgetary limitations of public entities. There are additional numerous advantages to them, such as increased efficiency and expertise, accelerated infrastructure development, as well as increased flexibility and adaptability. At the same time, PPPs also come with disadvantages, among them are the potential for higher costs, the lack of public control and transparency, and unequal distribution of benefits.

ModULar Tools for Integrating enhanced natural treatment Solutions in Urban water CyclEs (MULTISOURCE) is an EU funded project striving for the systematic, city-wide planning of nature-based solutions (NBS) for urban water treatment, storage, and reuse. An important consideration in the project is ensuring social inclusion and equality, including a gender-sensitive perspective. One of the aims of the project is to co-develop new inclusive and gender-sensitive business models for construction, operation and long-term management and maintenance of urban NBS by exploring PPPs between municipalities, utility companies, private investment funds, e.g. pension funds, green bonds, EU and international financing facilities and communities.

In order to promote the commitment to gender equality, this deliverable focuses on two sets of guidelines: Guidelines for gender-responsive bidding documents and Guidelines for gender-responsive PPP contracts. The guidelines are aimed at public bodies that involve private sector actors when providing public services or public infrastructure in the field of NBS for water treatment.

The purpose of the guidelines is to present opportunities and approaches that contribute to PPPs by promoting gender equality and women empowerment. Why is considering a gender perspective important in PPPs? As mentioned above, one of the weaknesses of PPPs can be the unequal distribution of benefits and burdens, which can lead to the perpetuation or even exacerbation of already existing gender inequalities[1]. This is a consequence of the fact that private companies are not accountable to the public, but rather to shareholders, and thus, without regulations, lack the incentive to provide public services that are affordable, safe, accessible and tailored to all their end users. Through following the suggested guidelines, decision-makers can design, implement and monitor PPPs that empower women and promote gender equality and can ultimately achieve beneficial contributions to aspects of life, such as improving women's health, mobility, security and justice, employment, and education[2].

[1]Eurodad, Gender & Development Network, FEMNET. Can public-private partnerships deliver gender equality? https://static1.squarespace.com/static/536c4ee8e4b0b60bc6ca7c74/t/5c879cd7ee6eb0145fe7e780/1552391388896/1547040-can-public-private-partnerships-deliver-gender-equality-final+12.3.pdf

[2]UNECE. Promoting Gender Equality and Women's Empowerment through PPPs for the SDGs. https://unece.org/sites/default/files/202311/Promoting%20Gender%20Equality%20and%20Women%E2%80%99s%20Empowerment%20through%20PPPs%20for%20the%20SDGs.pdf

A twofold approach is suggested within the guidelines to promote gender equality in PPPs:

The first step is looking inwards at the internal change that has to occur within public entities for them to become strong supporters of gender equality. Governments and other public bodies, on the one hand, hold a commitment towards gender equality, and on the other hand are responsible for ensuring that PPPs are structured in a way that is in line with public interest. This means that strong internal commitment towards meeting the obligations on gender equality is imperative.

The second step is looking outwards and creating policies and practices aimed at private companies to apply a gender-sensitive approach in the services provided.

2.0 GENERAL CONCEPTS

Human beings are born with biological and physiological characteristics that define them as female or male, which is referred to as ***biological sex***. There are individuals that possess both sets of biological characteristics, but these characteristics tend to categorise people as females or males. ***Gender*** is a socially constructed category that refers to the characteristics, social attributes and opportunities referring to women, men, girls and boys as perceived in a specific society.

The first step in achieving ***gender equality*** is equality written in laws, which has to be followed by actions ensuring equal opportunities and options for women, men and non-binary persons, or in other words, legal, social, political, economic and social equality. It is important to recognise that people belong to different social groups and categories at the same time, stemming from their ethnicity, sexual orientation, socio-economic status and others, which, besides our gender, affect our experiences of discrimination and privilege. Exploring how different forms of social and identity discrimination intersect means applying an ***intersectional approach.***

When an approach acknowledges the existence of the perceived and ascribed differences between men, women and nonbinary persons in our societies, analyses their impact on all genders and actively works towards ensuring equality, it is considered as a ***gender-sensitive approach.*** ***Gender mainstreaming*** is one of the tools that can be used to promote gender equality. It consists of integrating the gender perspective into the preparation, design, implementation, monitoring and evaluation of projects.

There is no internationally recognised definition of ***public-private partnership,*** but the European Commission defines PPP as a form "of cooperation between public authorities and the private sector that aims to modernise the delivery of infrastructure and strategic public service." As already mentioned, important benefits of PPP are the increase in public services efficiency

and an additional source of capital, while setbacks come in the form of lack of public control and transparency and unequal distribution of benefits[3].

Gender-responsive public procurement is one of the forms of the gender mainstreaming tool, aimed at promoting gender equality in procurement (elaborated in section 3.0 below).

Gender aspects in bidding documents can be assessed through different criteria. ***Selection criteria*** focus on the bidder and are often known as the pre-qualification stage, checking the capability of the potential private entity to carry out the contract. The ***award criteria*** focus on the bid itself, namely, which of the bidders can deliver the best end product.

3.0 INTERNAL CHANGE WITHIN PUBLIC ENTITIES

In order to request changed behaviour from private companies, it is first necessary for the change to occur within the public entities. At the same time they are the ones responsible to uphold the commitments toward gender equality at the national level. In this process, public entities can take the following steps, which will facilitate the inclusion of gender considerations into their entire functioning:

1) Adoption of Gender equality plans.
2) Institutionalisation of the role of gender specialists and/or the establishment of a gender (and inclusivity) sub-unit in the PPP division.
3) Provision of gender-related training, capacity building and incentives for all relevant employees, but especially those at senior management, without whom gender-sensitive PPPs cannot exist, as well as everyone in the procurement division.

Public entities need to establish policies and programmes that address cultural and social barriers that limit women's participation in the workforce, such as discriminatory attitudes, gender norms and roles. By implementing these incentives and providing the relevant public infrastructure (such as kindergartens), women can receive the necessary support to improve their skills, access opportunities, and become the business leaders of the future[4]. At the same time, it is important for them to raise awareness about the said structural barriers and root causes of gender inequalities among various stakeholders, and to.

[3] Carbonaro, Gianni, Catalano, Gelsomina, Delponte, Laura, Vignetti, Silvia. Research for REGI committee - Public Private Partnerships and Cohesion. European Union, 2017. https://www.europarl.europa.eu/RegData/etudes/STUD/2017/602010/IPOL_STU(2017)602010_EN.pdf

[4]UNECE. Promoting Gender Equality and Women's Empowerment through PPPs for the SDGs. https://unece.org/sites/default/files/202311/Promoting%20Gender%20Equality%20and%20Women%E2%80%99s%20Empowerment%20through%20PPPs%20for%20the%20SDGs.pdf

Public entities should be able to offer support to private companies in both the bidding and contract stages to promote their gender-sensitive approaches:

1) Public entities can create lists of women-owned businesses and women experts in all areas relevant to procurement. In this way, they can support private companies in fulfilling their obligations regarding gender parity.
2) Provision of support to companies by the public entity in terms of expertise, which can be provided in all stages, starting from writing the tender proposal to its execution. The support can be in the form of a gender expert advising the company or in the shape of training provided for capacity building and awareness raising of private company personnel. Budget needs to be allocated in public entities for this purpose.

Public entities have the responsibility to create an environment acknowledging **the importance of women-owned businesses**. By overlooking them, many corporations are missing an opportunity to expand their global markets, diversify their supply chains, and grow the economy, while simultaneously improving the lives of women and girls around the globe. There are several ways in which women-owned businesses can be promoted:

1) Gender-responsive procurement strategies should prioritise companies with strong records in recruiting women and adopted policies supporting gender equality and diversity (ie supporting career-friendly workplaces, clear policies on sexual harassment, diversity, and inclusion).
2) Promoting women's entrepreneurship, such as by improving access to financial resources like microcredit schemes or business and finance training for young women. However, policies should align with each country's commitments and cultural norms rather than a one-size-fits-all approach.
3) Incentivising private sector participation by offering bidding advantages or tax benefits for women-owned businesses and businesses that promote gender equality.

It is important that when planning for all of the above internal changes they are reflected in the budget of the public entity. In addition to the above, **dedicated funding** must be provided for monitoring and evaluating the gender commitments both internally, as well as in the PPPs. Taking into consideration the gender perspective in the budgetary processes is called gender budgeting.

4.0 POLICIES DIRECTED AT PRIVATE COMPANIES

Gender-responsive public procurement

Gender-responsive public procurement is procurement that encourages gender equality through the goods, services or works being purchased. This means that buyers and suppliers examine the impact of all contracted activities on women's, men's and non-binary persons' needs, interests and concerns, and design and deliver contracts in a way that reduces inequalities[5].

Why should water management be gender sensitive?

In European and other Western countries, evidence about the relation between water use / management and gender is very limited. When it comes to studies on household water consumption, it focuses on mixed-gender households. Existing gender-disaggregated research from single-gender households[6] however reveals that women's households tend to consume more water, which can be explained by the following differences:

- *women households tend to have a higher number of household members,*
- *women households tend to have a higher proportion of elderly and unemployed individuals,*
- *women tend to live in older houses,*
- *women tend to have fewer water-saving appliances,*
- *women tend to have poorer water-saving habits.*

These conclusions are in line with societal norms and roles. In the EU, the majority of single-parent households are headed by women, and single parents more often live in households with low work intensity and are therefore more at risk of poverty. This can explain the findings of the research that women tend to live in older houses and tend to have fewer water-saving appliances.

When examining the gendered impact on household water consumption, it is important to consider other personal circumstances that might impact it, such as race, ethnicity, gender identity, ability, socio-economic situation etc

Good practices of gender-responsive public procurement can be found HERE

[5] EIGE. Gender-responsive public procurement. https://eige.europa.eu/gender-mainstreaming/tools-methods/gender-responsive-public-procurement#_ftn22

[6] Balado-Naves, R. and Suarez-Fernandez, S. Exploring gender differences in residential water demand. 2024. https://www.sciencedirect.com/science/article/pii/S2212428424000070

The procurement stage is a powerful tool for advancing gender objectives, as it sits at the intersection of the government's regulatory and purchasing powers.

Governments can promote or make gender equality through gender-responsive procurement mandatory by both shaping market dynamics — through competition laws and regulations — and actively participating in the market as buyers of goods and services.

Private entities applying for bidding documents are requested to **commit to adopting a gender-responsive approach** by undertaking the following key actions:

1) Conduct an extensive gender analysis to assess how the project affects men and women differently, identifying gender-specific needs, priorities, and socio-economic factors.

   Potential indicators: Completion of a gender impact assessment report and integration of findings into project planning

2) Incorporate a gender perspective to address challenges faced by women, such as caregiving responsibilities and gender-based violence, while working to reduce gender inequalities.

   Potential indicators: The bidder considers how planning and design may affect women and men differently. This could include safety issues (e.g. lighting and visibility in streets and parks), access to transport (men more often own and use cars, while women walk, cycle or use public transportation and make frequent, shorter trips with more stops), work-life balance (timing of scheduling meetings to consider when kids are dropped off in kindergartens or when they return home, possibility to work from home), usage of recreation parks (boys and men use much larger areas, such as basketball and football courts, girls are usually limited to a small area, while women more often use them for caretaking responsibilities)

3) In case of small companies, the above requirements could be reduced to conducting a gender risk assessment of the project alongside a mitigation plan, providing that they partner with a gender expert, provided by the public entity or a private one in case the public entity could not provide for one.

   Example: Risk assessment - the staircase that is being built is in a hidden location between the buildings, it could decrease the safety of women and non-binary persons. Mitigation - the staircase will be broadened, it will be well-lit, cameras will be installed

4) Use gender-sensitive and inclusive language.

   Example of inappropriate language: The supplier must produce evidence that an appropriate manager has been nominated for consultation and issue resolution, and that he has sufficient and current knowledge…

Gender-sensitive language: The supplier must produce evidence that an appropriate management representative has been nominated for consultation and issue resolution, and that the person has sufficient and current knowledge…)

5) Include gender-sensitive stakeholder consultations to take into consideration the priorities and needs of women, men and non-binary persons from different groups, including marginalised groups, those from rural and isolated communities (where relevant), and those traditionally excluded from decision-making processes:

   - Create an inclusive consultation plan that describes what the consultations will cover and how they will be implemented (methods, tools, schedule, responsibilities)

   - Engage a gender expert to assist in planning and carrying out the consultations

   - Engage women stakeholders in all their diversity through consultations to ensure the design meets their needs and enhances women's safety and inclusion. Additionally, set minimum participation requirements for female designers, addressing their underrepresentation in the infrastructure sector.

   - Implementing rules to prevent harassment or exploitation during the consultation process, ensuring a safe and inclusive environment for all participants

   Potential indicators: Inclusive consultation plan with a minimum of 40 % of women, taking into consideration other personal circumstances, such as race, ethnicity, gender identity, sexual orientation, capability etc; Evidence of employed gender expert; Dedicated funding for gender expert; Minimum percentage of female participation in design teams set and enforced; Adopted rules to prevent harassment and reporting mechanisms to tackle it;

   Practical tips on how to ensure open and inclusive spaces: here and here.

6) An equality quota is mandatory and included in the tender.

   Potential indicators: percentage of men, women and non-binary persons involved in engagement at all levels. Inclusion of women and non-binary persons is more influential in the initial stages of the project, specifically in the situational analysis and planning, as well as at decision-making levels

7) Support women-led companies in competing for tenders through targeted training programs and specific support mechanisms, helping them gain a stronger foothold in the market

   Potential indicators: **5% target of women-owned businesses present in vendor procurement**

How to stimulate bidders to follow a gender-sensitive approach in the procurement phase? The following approaches can be used to stimulate bidders from the private sector to include some of the above criteria in their bids:

1) Setting exclusion grounds for those bidders that have violated equality obligations or have no gender equality mechanisms in place.

2) Applying selection criteria to choose those bidders that have knowledge and capacity with regards to gender-sensitive approaches.

> ***For example:** gender criteria is awarded points as part of the total score. Requirements are devised - for example if the bidder has a gender equality plan, if the gender analysis and risk assessment are part of the bid, if there is evidence of gender expertise and/or a gender expert etc - for which points are awarded. If the requirements are not met, the bidder is not awarded points and thus has a smaller possibility to win the procurement.*

3) Applying award criteria for the inclusion of the above key actions with well-defined indicators (see the section below for types of indicators) in the bids, as well as for the bidders' innovative solutions

> ***For example**: set a minimum % of overall marks that have to address gender equality; an equal representation policy has been adopted for the execution of the very specific project.*

4) Requesting as part of the bid adopted strategies, action plans and certifications as proof of active engagement regarding gender equality issues.

Gender-responsive contracts

The contractual stage offers an important potential for including stipulations that on one hand allow for increasing the benefits for women and on the other hand ensure that these benefits can be measured. As the public entities are the ones providing the means for the implementation of an investment, they can also set the framework in which the investment has to occur.

It is in this regard important to mention that while women-owned businesses have over the past years grown in numbers, they usually do not fall under the category of large businesses[7], but are more likely to be small or medium-sized. Public entities can thus commit to a minimum target of the total value of yearly contracts which will be awarded to small and medium-sized businesses, out of which a dedicated share will go to women-owned small businesses (for example no less than 25 % of the total value).

To bring about gender equality in public-private partnerships, **contracts have to include the following elements**:

1) Integrate long-term gender commitments, targets and gender-sensitive indicators into the PPP contract in a way that can be measured and monitored, such as:

   - Equal pay for equal work for all employees.

     Potential indicators: Information on equal salaries provided to public entities; In case the gender pay gap exceeds 5 %, include action plans on how to reduce the gap.

   - Reporting on the company's progress regarding its commitments to gender equality as part of the reporting on executed activities.

     Potential indicators: Reporting on the progress, achieved in the gender equality plans or any other policies and/or mechanisms, set in place to ensure gender equality (to combat GBV at a workplace, against potential violence incidents, to promote work-life balance, on provisions for carers, to promote gender balance in promotion and leaderships, on executed training on gender issues etc)

   - Minimum share of women involved in all stages, especially in analysis, design and management. As this can in practice prove to be difficult to uphold, it is the duty of public entities to support companies in their endeavour, as suggested in the section on internal changes.

     Potential indicators: Minimum share of women, employed on the project at each of the stages; Share of gender-sensitised staff included in project.

   - Stakeholder engagement plans that include women to ensure their voices are heard

     Potential indicators: No of engagement events for women to provide input into the investment design; No of changed decisions due to engagement events.

   - Key performance indicators that focus on specific benefits women, girls and non-binary persons will obtain from the NBS.

[7]OECD/European Union. Policy Brief on Women's Enterpreneurship. 2017. https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/06/policy-brief-on-women-s-entrepreneurship_acbac5bb/dd2d79e7-en.pdf

Potential indicators: No of urban gardens that do not reproduce gender stereotypes; No of parks in which men and women, girls and boys equally use their surface; Increase in the percentage of women using parks (as a consequence of safe urban green spaces, enough toilets provided for changing diapers, enough safe and clean toilets provided for women so that they can use them even when they have their periods or are pregnant); No of rainwater retention and stormwater reduction solutions based on end-user preferences of all genders; Lower share of water bills as part of total income due to grey water reuse by gender - due to gender pay gap, lower bills would on average impact women more than men.

2) Require the private partner to **include gender-related commitments in supplier agreements and subcontractor obligations**, such as:

- Commitments related to gender-sensitive procurement, such as preferential procurement of women-owned businesses / of businesses that employ a minimum percentage of women and the inclusion of codes of conduct to promote ethical treatment for all employees

  Potential indicators: Commitment to a minimum target of the total value of yearly contracts awarded to women-owned businesses.

- Commitment towards gender equality within subcontractor entities

  Potential indicators: Adoption of equality and diversity policy by the subcontractor/ with respect to the subcontractor's employees engaged in agreement.

- The existence of supplier diversity plans that include both female and male-led suppliers

  Potential indicators: Compliance with the supplier diversity plan by the operator, kept and maintained in records by a subcontractor.

- Stakeholder engagement plans that include women to ensure their voices are heard

  Potential indicators: Adoption of engagement plans that ensure a minimum of 40 % of women are involved in all engagements providing inputs; Adoption of gender-sensitive communication plans for meetings.

3) Include **mechanisms in contracts that provide for consequences in case of non-compliance with all gender-related requirements**, such as:

- Meeting gender targets and commitments can be made conditional for payment.
- Renewal of contracts can be made contingent on gender audits and meeting gender targets.
- Provision of support to companies by the public entity in terms of training to ensure that the targets and commitments can be made, as well as budget allocated for this purpose.

Types of indicators

Throughout the document, indicators and examples are provided in order to make the document applicable, practical and understandable. At the same time, **indicators**[8] are important, both qualitative and quantitative, for tracking gender-sensitive outcomes, such as *the number of women employed, the percentage of women-owned businesses contracted, and the improvement in women's access to services.*

Following are the types of indicators that ought to be included in the bidding and contract stages of PPPs, as well as in the evaluation stage that follows after the project has been concluded.

- ***Input Indicators***

These should measure proactive steps taken, such as the number of women engaged in consultations, the number of female apprentices trained, or the number of women-led businesses contracted. It is important to move beyond quantitative indicators, even though it is usually more difficult to measure them (example).

- ***Process Indicators***

Measure how gender-sensitive processes are implemented, such as the number of women involved in planning and decision-making or the creation of gender-inclusive stakeholder engagement frameworks.

- ***Output Indicators***

Demonstrate how the project has impacted women directly, such as the number of women employed on-site, the number of women benefiting from infrastructure, or improvements in local women's health and educational access.

- ***Outcome Indicators***

Track long-term changes, such as increases in female employment or reductions in gender inequalities in the region. These indicators will be crucial for assessing the project's legacy and its contribution to SDGs.

[8]https://ppp.worldbank.org/public-private-partnership/sites/default/files/2024-08/PIDG-IFC_Gender%20Impact%20of%20Private%20Public%20Partnerships%20in%20Infrastructure.pdf

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URBACT. Gender-responsive public procurement case studies 4/4 https://urbact.eu/toolbox-home/gender-responsive-public-procurement-case-studies-44

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enhanced natural treatment solutions

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