



Inclusion of women in public procurement: The Latin American experience

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Photo cover: This photo was taken at the Hivos / IIED Food Lab in Bolivia in October 2018, as part of the Sustainable Diets for All program. At the lab, 27 women got together to share their concerns, ideas and solutions to realize a shared dream: to give everyone in Bolivia access to healthy, sustainable and nutritious food.

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“No economy can develop its full potential, unless women and men participate fully.”

-Kristina Georgieva, Director of the International Monetary Fund

Public procurement is essential for national economies. In Latin America and the Caribbean, it represents about 8.6% of total gross domestic product (GDP), or about 30% of these countries' annual government expenditures (IADB, 2017). Because they are vulnerable to corruption, the countries of the region have invested in modernizing their procurement systems to make them more transparent.

Efforts to fight corruption in Latin America have included discussion of the need to modernize public procurement and make it more efficient. However, the efficiency of procurement systems depends not only on their levels of transparency, but also on how these systems improve the quality of life of those who are included in development. This is the case for minorities who traditionally have been excluded from development programs, such as women, people with disabilities, indigenous populations and the LGBT community, amongst others. Public money can also be used to benefit these sectors of the population.

This article aims to describe the status of inclusion of vulnerable groups in public procurement, specifically of women as a group, in order to generate a series of recommendations to amplify the positive effects in this sector. To that end, we analyze procurement policies aimed at women in national and sub-national cases and identify the policies that hold promise for the sector. This work stems from a prior research conducted by ILDA, in which national and sub-national policies of inclusion and social participation were mapped. In that work, the following cases were analyzed: at a national level, Argentina, Chile, Colombia, Mexico and the Dominican Republic; at a sub-national level, cases from Buenos Aires, Mexico City and Cali were examined.

This article first presents an overview of public procurement in Latin America. Subsequently, it analyzes the inclusion of women in the sector from a gender perspective and discusses the importance of generating high quality data in order to implement inclusion policies in an efficient manner. Finally, procurement policies designed and implemented by the selected local and

national governments are compared in order to identify best practices. We analyze the policies implemented in for public bidding processes, consider some of the consequences of these policies for women as a group and offer a series of recommendations for advancing on the path of social inclusion.

Overview of public procurement in Latin America

According to the Inter-American Development Bank (IADB, 2017), Latin America spent \$450 billion dollars on public procurement, including the procurement of goods, services and capital equipment. As this amount shows, procurement is a big market for the countries of the region, especially considering the type of acquisitions that micro, small and large businesses can access. This section will describe the state of public procurement in Latin America.

In Latin America and the Caribbean, public procurement represented about 29.8% of federal government spending in 2017, or 8.6% of the region's total gross domestic product (GDP). By contrast, public procurement represented 32.5% of federal government spending for the countries of the Organization for Economic Co-operation and Development (OECD), or 14% of GDP. This expenditure varies by country, from 15% of total government expenditure in Argentina and Uruguay to 47% in Bolivia and Peru (IADB, 2017). Regarding sub-national expenditure, the IADB states:

Sub-national expenditure (provincial and municipal) represents around 19% of consolidated overhead; the procurement expenditure at a state and local level represents 27% of procurement overhead and 32% of infrastructure. This is of particular importance in Argentina, Bolivia and Brazil, as their subnational expenditure is approximately 45% on average in Argentina and Brazil, which are countries with federal systems, and it approaches 32% in Bolivia, even if more than 60% of total government procurement is made by sub-national governments. The procurement expenditure at a state level is also notable in Peru and Colombia, with figures approaching 42%.

According to IADB (2017), public procurement faces two problematic scenarios: corruption and mismanagement, which translate to the waste and misuse of resources. Both problems are fostered by the complexity of public procurement and by the existence of abundant opportunities for misconduct and unnecessary overspending. The study by IADB (2017: 59) calculated that between 0.9% and 2.6% of GDP is the cost of corruption, i.e., approximately 26% of projects. The waste of resources, on its own, costs around 1.4% of GDP.

The search for solutions to improve efficiency and promote greater transparency has led to calls for modernization of procurement systems. This has resulted in investment in Information and Communication Technologies (ICT), particularly in the following areas: the development of unified websites showing procurement processes; the use of technologies for managing records, the procurement process and electronic procurement systems (World Bank, 2018), and the implementation of an open data standard for procurement (OCP).

While the narrative of efficiency has dominated in the literature on procurement systems in the region, in order to prevent misuse of expenditures and to combat corruption it is also important that public money reach as many people as possible and that it reduces people's vulnerability in the marketplace. In other words, public procurement can promote human development by generating a multiplier effect in the lives of those included in the process. Therefore, it is necessary to start framing public procurement as a policy that enables the amplification of benefits to sectors that have traditionally been excluded from development, such as women as a group. To do this, women must be considered in terms of gender and social inclusion, as in the following section.

Social inclusion: women's inclusion and the gender perspective¹

By analyzing the manner in which public procurements affect the structure of inequality between men and women, we position ourselves in an approach to this economic process that promotes the inclusion of women from a gender perspective. This point of view allows us to observe whether procurement policies include women as beneficiaries of government purchases, or whether procurement policies have differentiated effects on women. Throughout this section, we analyze why it is relevant to focus on inclusion in the procurement process (and not only on the number of female participants) as a way to reduce gender inequality.

¹ In this article, the gender perspective is reduced to the inclusion of women. Regardless, it is important to acknowledge that the notion of gender not only implies the biological and sexual difference between men and women in a binary distinction that constructs a series of cultural differences, but also refers to the construction of gender identity. This second notion includes in "gender" the different possible identities and expressions, which have also been subject to discrimination, as sexually diverse people, people with a non-binary identity and people with different sexual preferences and orientations.

Inequalities faced by women

- 130 million girls do not attend school
- The literacy rate for women is 80% (89% for men)
- More than 1.3 billion women do not have an account in a formal financial institution
- 24% of high ranking positions are held by women
- In Latin America and the Caribbean, the participation of women aged 25 - 54 in the workforce was 67% in 2019, while men accounted for 93%
- Marriage decreases the participation of women in the workforce by 60%. Divorce or separation increases it by 80%
- The LAC region has had the highest growth in economic autonomy for women in the past 10 years

Source: Own elaboration from data from the World Bank and UN-Women

However, inclusion² is a dynamic process of development that seeks to generate opportunities for those who are excluded or disadvantaged to participate in development and achieve better material living conditions from a human rights approach.³ (Reygadas, 2004; Saraví, 2006; Mora, 2010; Mancini, 2015). Women, as a group, have been excluded from development, through mechanisms and actions that promote discrimination, inequality and exclusion of women based on biological and sexual differences (Lamas, 2011). The main barriers they face in accessing the same opportunities as men and developing full autonomy include legal norms and practices,⁴ gender stereotypes, caretaking work, access to informal employment and the accumulation of lack of opportunities throughout their lives.

The inclusion of women in development depends on the implementation of policies and actions with a gender perspective,⁵ aimed at reducing inequalities

² The term social inclusion is beginning to be used by the United Nations within the framework of sustainable development, to frame the improvement of people's material living conditions as an issue of rights. In this way, the concept of inclusion goes beyond the problem of poverty alleviation and recognizes the multidimensionality of the material conditions of life and the vulnerabilities of the person, which depend not only on personal choices, but are multifaceted and exceed the individual. The term "social inclusion," for policy purposes, recognizes that the State must act to improve the material living conditions of individuals from multiple standpoints, including social investment.

³ The human rights approach focuses on the dignity of the individual above all other elements.

⁴ According to UN-Women (2020), of 143 countries evaluated, 128 have at least one legal difference that limits the full development of women. These range from laws concerning property ownership or having a bank account to accessing maternity leave.

⁵ The gender perspective allows us to identify the mechanisms and actions that promote discrimination, inequality and exclusion between men and women, which are justified on the basis of biological differences (Lamas, 2011).

between men and women through levelling measures,⁶ inclusion⁷ and affirmative actions.⁸ The aim is to achieve substantive equality⁹ and the exercise of autonomy by women, i.e., to afford women the possibility of making decisions freely. Therefore, inclusion is not merely a numerical issue, but implies eradicating those mechanisms that restrict access to opportunities to participate in development.

In the specific case of public procurement policies, the inclusion of women in the whole process can have an impact on the quality of women's lives. We can focus on the effects of these policies, but we must also focus on the use of public expenditure to affect women's economic autonomy, that is, on their ability to obtain their own resources based on access to paid work on equal terms with men (CEPAL, 2020). It is necessary to remember that women can be included in the entire process of public procurement starting from the demand side—that is, from the purchasing units—throughout the procurement process until finally arriving at the evaluation of gender-differentiated consequences. Figure 1, presents the various aspects of the gender perspective in public procurement.

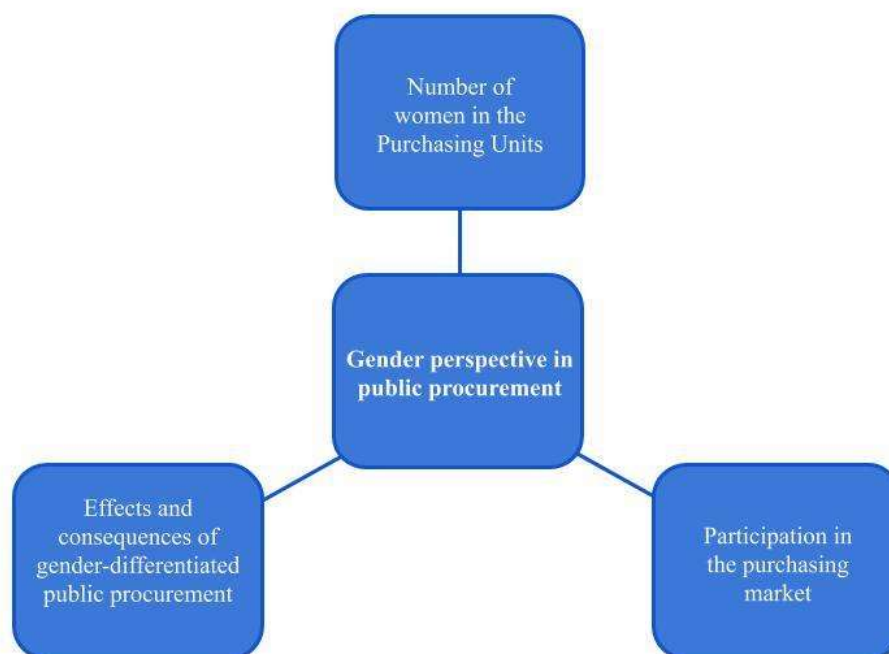
⁶ Leveling measures seek to remove physical, communication, regulatory or other obstacles that limit the autonomy of women and any other group that has suffered discrimination (Del Pino, 2015).

⁷ Inclusion" denotes policies and corrective actions aimed at eliminating exclusionary mechanisms and those that reproduce discrimination against certain groups (Del Pino, 2015).

⁸ According to Del Pino (2015), "affirmative actions" are measures of a spatial and temporal nature that very specifically seek to correct discrimination in an incisive manner as long as it persists in a particular situation. They establish differentiated or preferential treatment, but are not considered discriminatory because they are proportional to the action they seek to reverse which has excluded certain groups. This type of action can be directed at access, promotion and membership of groups that have traditionally been excluded, because they are excluded or under-represented in various areas, such as education, employment or elected office. Likewise, they must be temporary, legitimate, fair and proportional to the action to be mitigated.

⁹ Substantive equality implies moving from speech and legislation to facts and practices, that is, it means implementing effective policies to close the inequality gaps between men and women (Borja, 2014).

Figure 1: Gender perspective in public procurement.



Source: Author's own elaboration.

Regarding the number of *women in the purchasing units* and their involvement in the public procurement process, while it is not always true that when women are at the forefront of public processes the processes are more inclusive, placing women at the forefront is a necessary condition for women-centered processes. For example, the Dominican Republic, after naming Dr. Yokasta Altagracia Santos as purchasing director, established clear mandates for the inclusion of women by forging a women-centered policy. In the city of Buenos Aires, Marisa Andrea Tojo, as purchasing director, bolstered the *Sello Mujer* certification (see below). In Chile, Trinidad Inostroza gave momentum to *Sello Mujer* as director of Chile Compra.

Although the evidence remains inconclusive as to whether the participation of women in public administration advances the welfare of women as a group, we can presume that including more women in the procurement process through planning, evaluation or monitoring by “social witnesses” (citizen representatives who guarantee that the principles of honesty, efficiency, effectiveness and transparency are complied with) helps to promote inclusion of women more generally.

As to the *effects and consequences* of public purchases on women, we do not have sufficient data to assess the impact. For example, we know that infrastructure megaprojects (roads, bridges, ports, etc.), resource extraction activities (mineral, oil and gas), manufacturing (industrial parks), and consumption (shopping centers, trading facilities, etc.) can generate negative effects by causing displacement of people (Gellert & Lynch, 2003). There may also be positive externalities, as in the case of the construction of infrastructure with a gender perspective such as housing solutions for women victims of violence or to increase the food security of rural women (Pezza, 2019). However, since this information does not suffice to yield any general conclusions, it is necessary to analysis the effects and consequences of public purchases on women on a case-by-case basis.

This article focuses on how the *purchasing market* can be favorable to women. We present and analyze the experiences several countries in the region have had promoting purchasing from women vendors. It is worth remembering that this market is complex. Broadly speaking, there are two types of purchases: large tenders (infrastructure, large public works) and general government purchases. For each of these types, specific policies are required to bring women on board. Next, we discuss in greater detail women as suppliers and the importance of data.

Public procurement markets as an instrument for generating inclusive policies in Latin America

The public procurement market is a great tool for promoting the inclusion of women, as it has the potential, among other things, to encourage entrepreneurship, provide funds to support women-owned businesses, diversify women's employment and/or promote women's businesses in non-traditional sectors, such as science and technology. However, due to its complexity, it is not an easily accessible market, which is why specific policies for women are needed. In this section, we analyze the characteristics of women's businesses in the region, the obstacles they face, and the kind of data we need regarding women's participation in government purchasing.

Procurement should seek to promote inclusion particularly by targeting small and medium-sized enterprises (SMEs), because it has been shown that in contexts such as Latin America "these are the main contributors to growth in developing countries" (Camarena & Saavedra, 2016: 3). In these types of economies, small and medium-sized enterprises provide women with the

possibility of self-employment, contribute to the wellbeing of their households, provide them with more flexible schedules (allowing them to carry out their caretaking responsibilities) and offer them economic alternatives.

According to Camarena and Saavedra (2016: 5), the average rate of women's entrepreneurial activity in the region is 15%. In Chile, women represent 15.5% of micro-entrepreneurs (Castillo, 2017) while in Colombia it is estimated that 40% of microenterprises are created by women (El Colombiano, 2016). In Argentina, 57.8% of firms are majority female and only 8% have at least one woman in a management position (Sacchetti, et al., 2018). Finally, in Mexico, three out of every ten SMEs are led by women (El Financiero, 2019).

Women face various obstacles to sustaining their enterprises, including informality, a high concentration in the services sector, lack of specialization, the need to reconcile paid work with household and childcare responsibilities, the size of their enterprises, among others (Camarena & Saavedra, 2016). In addition, their companies, when seeking to expand, are faced with inflexible labor and tax laws, lack of access to credit, difficulty understanding procedures, and rigid stereotypes that categorize them in certain roles, both in terms of sectors and occupations and in terms of responsibilities.

Given these characteristics of women's enterprises, in order to implement a public procurement policy, one first must know how many women can access that market, their conditions and the specific demand they can supply. Hence the importance of data, as discussed below.

The importance of data

In order to analyze women's participation in public procurement, we need high-quality data that tells us where and how women position themselves in that market, as well as their capabilities, the services they provide, their potential and the barriers they face. On the other hand, when there are policies aimed at women, we must obtain data that allow us to discern the impact of the policies on the target group. In this section, therefore, we consider the importance of good data and how some countries have worked to obtain better-quality data.

Disaggregation

The International Open Data Charter suggests disaggregating data by sex¹⁰ to ensure quality. Although countries such as Colombia and Mexico do relatively good job of disaggregating of public procurement datasets by gender, we do not know the effects of public procurement on the inclusion of women. For example, it is possible to access information using Colombia's open procurement platform and determine whether a given purchase request was made by a woman, whether a supplier applied to the bidding process and whether it was awarded. However, we cannot know whether a given supplier is the owner of the company, the majority partner or simply the one in charge of carrying out the purchasing process. This means that we know how many women are involved in the procedures, but not how the procurement process affects women's wellbeing.

Markers

More is required than disaggregation by sex (which should always be provided), because it is necessary to know which women's enterprises— and how many—are participating in the allocation processes to evaluate public procurement in terms of contracting. One strategy for achieving this is to "flag" the data, placing a marker in the database specifying that a given business is woman-owned. Highlighting woman-owned businesses in this way is called "gender marking." Markers are just specific columns or tabs that identify woman-owned businesses within the Single Registry of Providers (SRP) databases (Félix Pedro Penna, personal interview, April 1, 2020).

Despite the existence of a policy to mark or highlight woman-owned businesses, it is worth asking how one can be certain that a given enterprise is truly a woman-controlled business, and not merely a corporation seeking to game the system by using a few women as representatives without actually employing female leadership or capital. In general, the recognition of woman-owned enterprises depends on the existence of a specific policy that promotes women's entrepreneurship through promotion policies. In countries where such policies have been

¹⁰ Sex is a binary category, but it at least allows us to distinguish men and women. We must acknowledge that data collection should include other population groups: indigenous groups, people with disabilities and the LGBT community, among others.

adopted, two types can be identified: a specific marker in the database (Dominican Republic) or a certification that identifies woman-owned businesses and directly adds them to the SRP.

Juan Figueroa, in a personal interview on March 5, 2020, noted that the Dominican Republic had placed a legally required marker in the SRP for female-led businesses or those in which women are a majority of their employees through the SRP's Women's Data Desk.¹¹ The marker identifies businesses with female-majority participation so that purchasing units have access to clear information about the companies with whom they are contracting. In addition, the government proactively sought to register woman-owned businesses. The number of registered woman-owned suppliers increased from 2,000 to 15,000.

Certificates

Chile and the City of Buenos Aires, for their part, have implemented the "*Sello Empresa Mujer*" certificate, which distinguishes companies supplying goods and services to the State that are led by women. In Chile, this distinction is validated by the *Sello Mujer* certificate, which is automatic for individuals and, for companies/businesses, the seal is granted when more than 50% of the company is owned by women or their legal representative is a woman. In the City of Buenos Aires, the "*Sello Empresa Mujer*" certification is a voluntary identification for businesses that belong to the city's SRP and it is awarded when 50% of the business's capital is held by one or more women or when 50% of the control and administration of the business is in the hands of women. (Ciudad de Buenos Aires, 2019).

¹¹ This information is available on the website <https://www.dgcp.gob.do/visualizaciones/>

Table 1. “Sello Mujer” differences in Chile and Buenos Aires.

		Chile	Buenos Aires
Usage		<ul style="list-style-type: none"> • Uses the differentiated treatment cause for women's companies • Generates training programs aimed at women 	<ul style="list-style-type: none"> • Identifies women on a voluntary basis in the Single Registry of Providers
Certification process	Individuals	Automatically	When the legitimate administrator is a woman
	Businesses	<ul style="list-style-type: none"> • When more than 50 % of the company is owned by women • When their legal representative is a woman. 	<ul style="list-style-type: none"> • When 50% of the capital is held by one or more women • Or when 50% of the control and administration of the business is in the hands of women.

Source: Own elaboration

Data disaggregation initiatives

From the above, we can see that disaggregation by sex does not suffice to inform us whether a given supplier is a woman-led business or whether woman-led businesses are being duly identified by the purchasing units. The quality of this data depends not only on disaggregation by sex, but also on the transparency of the information and on the ability to identify which women are being benefited, in which type of purchases, with which contracts, and how contracting affects their economic condition. For these reasons, it is necessary to have gender markers that allow us to analyze the status of women as suppliers to the State. Regarding access to information, the countries of the region do not necessarily enable users to determine the number of women in the SRP, even when the SRP database has a gender marker. Therefore, it is necessary to maximize the accessibility of open data. This information is summarized in Table 2.

Table 2. Data disaggregation initiatives and their usefulness for identifying suppliers to the State.

Type of initiative	Data type and recipient	Function	Limitations/successes in terms of inclusion
International Open Data Charter	Sex-disaggregated binary data as recommendations to the government for the integration of databases.	Enables one to determine the number of women who bid on purchasing contracts and who might have been awarded the contract.	Enables one to determine the number of women participating in the procurement processes.

<p>Single Registry of Providers (SRP)</p>	<p>Government database that records all the individuals and businesses supplying good and services to the State. Data is usually organized by name, legal representative, address, type of services provided, etc.</p> <p>Purchasing units are the recipients.</p>	<p>Serves to identify the State's suppliers and to integrate supplier information in a single accessible database to facilitate the link between suppliers and purchasing units and to increase the transparency and modernization of the system.</p>	<p>The SRP is not always public or in open data format or may not be easily navigable (Argentina, City of Buenos Aires)</p> <p>The SRP does not have the information disaggregated by gender (Colombia, Mexico)</p> <p>In the case of gender disaggregation, an SRP does not specify what place women occupy within the company (ownership or a majority partner), such as in Colombia.</p> <p>Enables one to determine the size of the company, but not whether it is a woman-led company</p>
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<p>Specific markers in the SRP</p>	<p>Data on women providers within the SRP.</p>	<p>Markers disaggregate the information in the SRP by sex, identifying woman-owned or woman-led suppliers—both individuals and businesses—to enable purchasing units to fulfill their legal obligations to hire woman suppliers.</p>	<p>In the Dominican Republic, it provides a way of tracking woman-led businesses and suppliers, as it allows woman-led businesses to be identified and monitored. Specific reports are produced by the Women's Desk.</p>
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Sello Mujer	<p>Certifications that allow purchasers to identify suppliers who voluntarily affiliate with the program.</p> <p>It is intended for use by purchasing units, but could (and should) be made public.</p>	<p>Allows purchasers to identify woman-led businesses to steer contracts toward.</p> <p>The Single Registry of Providers identifies woman-led businesses with a data column indicating that these businesses qualify for the <i>Sello Mujer</i> (so far, an internal indicator).</p>	<p>Chile and Buenos Aires have developed the <i>Sello Mujer</i> certificate to identify which businesses are owned by women and are suppliers to the State.</p>
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“The table above supports the conclusion that, as previously stated, disaggregation by sex is not sufficient. In order to determine the effects of policies in terms of inclusion for development, one needs a way to monitor the women who participate in the procurement process, either as suppliers or as part of a social clause (legal provisions). Marking procurement data is one way to achieve such monitoring and to improve data quality.”

Source: Interview with Dahiana Celine Goris and Juan Figueroa Guzmán, from the Public Procurement Directorate, on March 5, 2020. PowerPoint presentation provided by them.

The process of public procurement to promote the market

The inclusion of women in the public procurement process requires a public policy that encourages the incorporation of women as suppliers or in another role within the framework (for example, as employees within the contract or under some other scheme). In the same sense, proactive policies are needed to translate participation processes into levelling, inclusion and affirmative action measures. Specifically, it is necessary to balance the level at which women participate (mainly through providing information) and to generate specific policies aimed at reducing inequalities and barriers that women's businesses face. In this section, we analyze these types of measures.

Figure 2: the various stages or phases of the public procurement process.



Source: Author's own elaboration, based on a graphic created by Open Contracting Partnership (n.d.) "The Contracting Process." Implementation and evaluation phases added.

The procurement process requires differentiated policies at each stage, as well as recognition of the challenges that each stage implies for the inclusion of women. For example, while planning requires establishing processes related to women or setting incentives for their inclusion, bidding requires accompanying women in the procurement process. Table 3 links the stages of the public procurement process, summarizes the actions for inclusion in the purchasing market through specific policies, indicates what type of inclusion strategy is proposed, and what the relevant cases are in this analysis.

Table 3 - Stages of the procurement process and respective actions for inclusion

Stages of the procurement process	Actions on the public procurement market (development of suppliers)	Strategy for inclusion (Cruz, 2020)	Cases
Planning	Processes directed at women	Information to raise awareness and empowerment	Dominican Republic, Chile Compra, City of Buenos Aires
	Budget labeled for women's businesses	Legal provisions	Dominican Republic
	Social clauses for the inclusion of women	Legal provisions / Recommendations	Colombia Cali
	Framework contracts	Legal provisions	Colombia
Tender	Websites with inclusive language and differentiated content	Spaces, platforms and networks	Chile Compra Dominican Republic
	Workshops and networking meetings for women	Information to raise awareness and empowerment	Chile Dominican Republic Buenos Aires Colombia

	Markers of woman-led businesses	Standards	Chile, Buenos Aires
	Social inclusion meeting for the implementation of the social clause	Legal provisions	Cali
Award	Direct treatment causality	Legal provisions	Chile
	Project lottery	Legal provisions	Dominican Republic
	Inclusion meeting	Legal provisions	Cali
Implementation	Witnesses (individuals or organizations) who verify the implementation of the contract award	Legal provisions	Mexico (but not for inclusion)
	System of indicators and sub-indicators that weight the inclusion of women	Standards	Dominican Republic
	Supervision of social clauses	Legal provisions	Cali, Colombia

Evaluation	Women's Desk	Information to raise awareness and empowerment / Spaces, platforms and networks	Dominican Republic
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Source: Own elaboration

Planning

The **planning** phase of the procurement cycle is the most relevant for establishing the general framework for the development of the inclusion policy. If there is no consideration of how to include women at this stage, they are likely to be invisible in the procurement process. In order to plan to include more women as suppliers to the State, legal provisions can be generated to oblige purchasing units to hire them, or to promote incentives to increase the number of women. The mechanisms used are basically reforms to the legal framework and/or the generation of recommendations and incentives.

The Dominican Republic opted for *legal provisions* in order to include more women in procurement. In 2013, the Small and Medium-Sized Enterprises Legislation (SMEs) was reformed through Law 340-06, to indicate that goods and services acquired by public institutions had to be of national origin, manufacture or production and that purchasing units should favor SMEs, especially those owned by women. Several initiatives emerged from this, implemented by the Dominican Republic Public Procurement Directorate, involving a model based on proactively incorporating women into the public procurement process from the planning stage. For

The Municipality of Cali has implemented social clauses to include women in public procurement processes, by integrating them into the contract value chain. This is done through successive contracts that involve staff in the execution of the contract. In these contracts, the supplier is obliged to have at least 10% of its staff be women who are the heads of their household.

A social inclusion meeting is held in order to link the person supervising the contract and the contractor. The number of personnel required for the execution of the contract is determined in the meeting.

The Municipality of Cali had its first exercise in 2017 with the hiring of surveillance personnel, which included 103 mothers who were heads of their household. In 2019, the social clause became mandatory in municipal contracts.

example, there is a budget for small and medium-sized enterprises that is equivalent to 15% of purchases, but if the SMEs are women-owned businesses the budget increases to 20%.

Colombia created a *Socially Responsible Public Purchasing Guide* (Colombia Compra, 2018) with the objective of issuing recommendations to the purchasing units. In this document, the *standard social clauses* are specified, which provide an umbrella of inclusion by focusing on those who should be included in government procurement during the procurement value chain. These social clauses imply that, when awarding a contract to a supplier, the purchasing unit undertakes to hire a certain number of women so that they become part of the contract's value chain. Thus, in theory, the inclusion of women can occur within a framework contract that groups together a number of female providers or by promoting employment by compelling the provider to hire a percentage of women.

The Municipality of Cali has strongly put these social clauses into practice, identifying the personnel in the value chain with responsibility for executing the contract. A "socially responsible public supplier" is a public purchasing unit that signs a contract affirming that at least 10% of the employees are women, specifically heads of household. This is the only municipality in Colombia that has mandated use of this clause to include vulnerable populations in the contracting processes. Cali requires evaluation of this policy every 6 months, but as yet there is no public information about it because it is still new.

Finally, *framework contracts* are another type of device that has the potential to promote inclusion. A framework contract is a procurement strategy based on an agreement that allows several suppliers to be grouped together. In Mexico (Compranet, 2020), it takes the form of a voluntary agreement that a purchasing unit or entity enters into with two or more possible suppliers, which includes a series of technical and quality specifications, scope of work, prices and conditions that will regulate the purchase or provision of services. In Chile, on the other hand, framework contracts are a type of coordinated purchase that is managed electronically and brings together in one catalogue all of products and services to which suppliers can have access. It is carried out in the framework of a tender, and allows small suppliers to access the public market through an electronic platform (Chile Compra, 2000).

As a framework for contracting among many suppliers, this type of contract may favor woman-owned enterprises, particularly those whose capacity can fulfil only part of a large contract. Here we can highlight the provision of services, such as catering, cleaning, gardening and fumigation.

It should be noted that the modernization of information technology platforms and the accessibility they provide to these framework contracts can have positive effects on the incorporation of a greater number of women and their businesses, since they facilitate entry processes. However, there is not enough data to measure the results of these processes.

In summary, the planning phase implies having legal provisions, policies and actions that generate incentives for the purchasing units to decide to include women and their businesses in the procurement processes. In this phase, we must also include the process of data organization, since a mapping of the market of women suppliers makes it possible to better plan their inclusion in the bidding processes.

The existence of data on women suppliers to the State and their inclusion in policies allows for the proper planning of procurement processes, but this must be accompanied by similar efforts in the bidding phase, when woman-owned businesses compete to participate in public procurements. The design of the bidding process can include differential evaluation criteria for those competing in the process, specifically by awarding extra points to woman-owned enterprises, or by using this characteristic as a tiebreaker between equally qualified suppliers. This will be addressed again when discussing the procurement stage.

Tender

After the design of the tender, there must be reliable, accessible and complete information about the processes in order to provide equal access to them. Because procurement processes are complex, it is necessary to bear in mind that women may feel little motivation to participate in them if they cannot comprehend them. Consequently, both the proactive strategy of disseminating public information and the strategy of accompaniment and outreach by purchasing units to potential suppliers are essential to encourage women's participation.

Websites are essential tools for publicizing information about the bidding process. For more than a decade, Latin America has made progress in placing all bidding processes on a single website, usually available in the procurement department. This site consolidates bidding information, including the annual procurement plan and procurement market procedures. Most of these are complex sites, a feature that makes it necessary for users to have a degree of specialization in order to access the tenders, understand the processes and use them as a guide for purchases.

Websites that are more accessible, inclusive and that employ strategies that target women can have a greater impact on democratizing access to the procurement market. Chile, for example, stands out for providing clear and accessible information for women. Their website includes videos and guides explain how to access the purchasing processes, with some basic training guides. Their use of inclusive language is also notable.

Table 4 lists the various public procurement websites and the information that was available on them, with the aim of comparing the level of accessibility that women enjoy in the procurement processes, based on the assumption that they require more guidance to motivate them to participate in the tenders.

Table 4. Inclusion in the public procurement websites of various countries and cities.

City / Country	Website	Information on public purchases and procurement plan	Trainings and tendering guides	Bidding guidelines for women	Inclusive language	Actions aimed at women
Argentina	https://comprar.gob.ar/	X	X			
City of Buenos Aires	https://www.buenosairescompras.gob.ar/	X	X (Requested)			X (Information on <i>Sello Mujer</i>)

Mexico City	https://tianguisdigital.cdmx.gob.mx	X				
Mexico	https://compranet.hacienda.gob.mx/	X	X			
Colombia	https://www.colombiacompra.gov.co	X	X	X (Socially Responsible Public Purchasing Guide)		
Chile	https://www.mercadopublico.cl/Home	X	X	X	X	X
Dominican Republic	https://www.dgcp.gob.do/ (Women's Data Desk: https://www.dgcp.gob.do/visualizaciones/)	X	X	X		X

Source: Author's own elaboration based on the countries' public procurement websites.

Information on recruitment is a necessary, but not sufficient, condition for the inclusion of women. This phase also implies training them to overcome the information barrier and to motivate them to participate in the purchasing process. According to the information gathered in two interviews, one conducted with Dahania Celis from the Dominican Republic (March 4, 2020) and the other with Felix Pedro Penna from Buenos Aires (April 1, 2020), the women attending the procurement workshops expressed that it was very complicated to access this market, so they needed guidance. In this sense, it is necessary to look for women (particularly through markers or market studies) and invite them to participate in the purchasing processes. In other words, a proactive policy is required that offers specific training, such as those carried out by the Dominican Republic, Chile, the City of Buenos Aires and, recently, Colombia. Chile, on the other hand, has made available some videos for virtual training on specific topics.

The workshops on public procurement have different formats, but they primarily seek out female buyers and help them become familiar with the public procurement process. In addition to training them, the workshops have other positive effects: they give women confidence to participate in the processes, knowing their needs in the market through the identification of barriers, and linking them with government agents and purchasing units. In short, they help suppliers to develop networking strategies and knowledge of the rules of the game, while buyers benefit in the design of subsequent processes that address the identified barriers. This strategy of face-to-face meetings has been implemented by the Dominican Republic, where women's events connect them with purchasing units at "procurement fairs". The City of Buenos Aires has also held workshops for small numbers of people, where focus groups are introduced. Finally, in March 2020, Colombia held an event with a suppliers' fair and conferences.

Therefore, for the bidding phase, in addition to the clarity required by the process itself, barriers that women face must be eliminated, which is why it is important to train them and provide them with complete information. The *Sello Mujer* certification, as an indicator of woman-owned businesses, offers an approach to those who could be suppliers, and at the same time, focuses attention on the barriers they face.

Finally, it should be noted at this point that the municipality of Cali holds a social inclusion meeting for the implementation of the social clause during the tendering process. Here, the potential supplier meets with the mayor's office to discuss and agree on the terms of the contract.

Award

During the **award** stage, the winners of the contract are decided. As mentioned above, at this point it is possible to apply some affirmative actions to level the playing field for woman-led companies and allow for fair competition with larger, more established or formal companies.

For example, extra points can be awarded to woman-led companies or the awarding of the contract to a woman-led company may be used as a tiebreaker. Chile uses the direct treatment cause to give preferences to woman-led companies in an express purchase, or to assign them extra points for the resolution of a tender; a mechanism that works in direct hiring of less than 10 Monthly Tax Units (MTU).¹²

The affirmative actions described above also require very clear data. In this sense, a certification as a woman-led companies is fundamental, because without it preference could be given to companies that are not led by women, but instead have women as legal representatives.

The Dominican Republic has two award mechanisms. The first, as mentioned above, is linked to having "preferences" or a budget allocation for woman-owned SMEs. Thus, purchasing units must comply with the legal requirement to award a certain number of contracts to woman suppliers. The second, called "project lottery," allows purchasing units to use a raffle to choose to whom to award a contract. This mechanism places all competitors on an equal footing, and, according to personnel from the Dominican Republic's Public Procurement Directorate, levels the playing field for those who are less likely to be awarded a contract.

As noted above, an inclusion meeting must be held for the social clause award in the Cali municipality. This meeting defines the number of female heads of household that each supplier will employ to fulfill the contract, as well as the mechanisms for monitoring and supervising the contract. Without this meeting, the contract is not awarded.

¹² In December 2019, each UTM was 49,623 Chilean pesos, equivalent to \$59.10 USD in May 2020. 10 UTMs correspond to \$590 USD (Internal Revenue Service, Chile, 2019).

Implementation

The **implementation** is the next stage in the purchasing process. This is precisely the step that makes it possible to realize inclusion through evaluations and monitoring of the contract.

Cali's standard social clause provides that the contract's supervisors or inspectors will assess compliance with the requirement that at least 10% of the suppliers on a given contract be female breadwinners. The only problem with the design of this clause is that it is not clear what happens when the supervisor is no longer involved in the process.

The Dominican Republic has a strategy that makes it possible to provide support for women and to indicate compliance with contracts. As stated by Dahania Celine Goris, the Purchasing Department provides guidance to the first sale in the public market when women require it, provided they are registered in the public contracting processes. The strategy consists of providing suppliers with technical assistance and access to communication mechanisms, as well as follow-up to grievances.

Per Juan Figueroa, the Dominican Republic relies on electronic procedures, as they have developed a system to monitor compliance with Law 340-06 and its related regulations within the National System of Public Procurement and Contracting (NSPPC). This system developed a compliance indicator that has a set of sub-indicators that monitor how often purchasing units comply with requirements related to purchase planning, process publication, process management, contract administration and purchases from micro and small enterprises and from woman-led businesses. In the monitoring system, purchasing from woman-led businesses yields the most compliance points. In this way, the Dominican Republic ensures that the process of purchasing from women continues and that the legislation is complied with.

Mexico, on the other hand, included in its legislation a role for "social witnesses," i.e. citizen representatives who guarantee that the principles of honesty, efficiency, effectiveness and transparency are complied with. Although there are only four female social witnesses and the mechanism is not used to assess social inclusion, we include it here because it could be a useful mechanism for monitoring the inclusion of women.

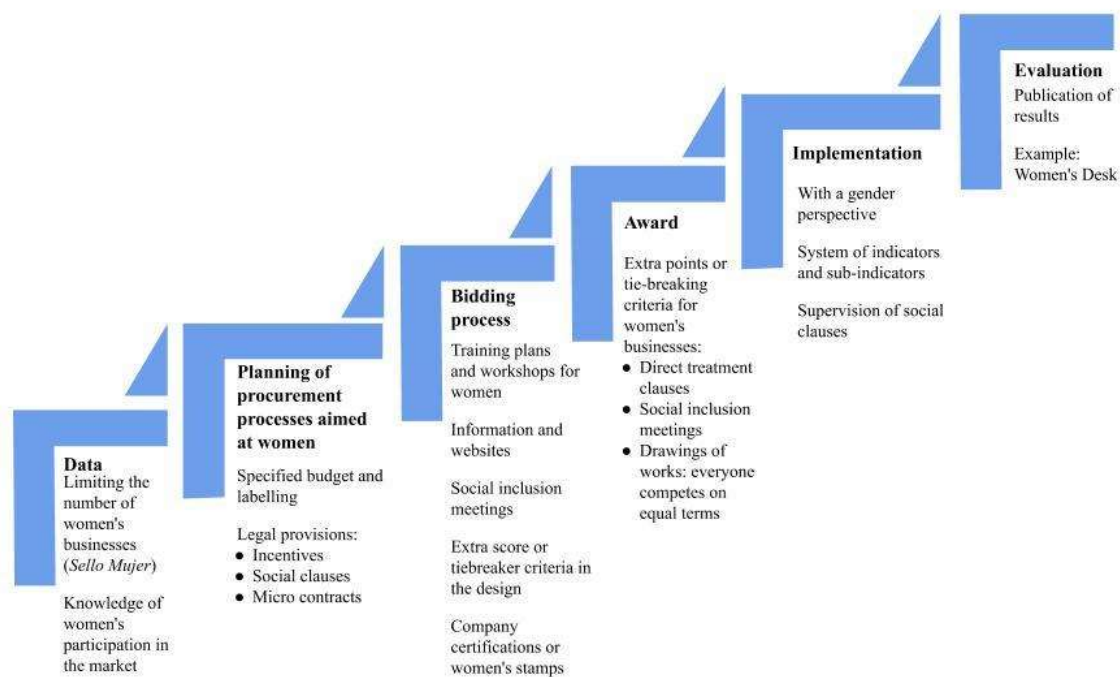
Evaluation

The last step in the hiring process is the **evaluation** of the policy, which is a crucial operation for analyzing whether there has been an increase in the inclusion of women. So far, the use of data serves as an internal tool for purchasing departments to plan how they will include more women or to understand the purchasing market, (interview with Felix Pedro Penna). It is important that local or national governments seeking to promote inclusion of women publish their inclusion assessments, which thus far only the Dominican Republic has done.

The Dominican Republic has evaluated its policy based on the "Women's Desk," which can be found on the website <https://www.dgcp.gob.do/mujer>. This site includes the repository of data on women's participation in the public procurement process and provides an assessment of how women's participation has increased both in terms of the number of businesses and in terms of which procurement processes women are involved in. During the 2012-2016 period, participation increased to 15,000 woman-led businesses, representing a total of \$1.04 billion in purchases.

The various actions undertaken by various countries and cities in Latin America are successful when they position the inclusion of women at the center of procurement policies, as this allows them to design a successful strategy based on knowledge of the market and of services in which women participate. Moreover, because public procurement processes are often complex and have many barriers to entry, policies must be proactive. Some countries and cities have generated successful strategies to involve more women in public procurement to improve their quality of life, as summarized in Figure 3.

Figure 3. Policies that have increased the inclusion of women in the public procurement market.



Source: Author's own elaboration.

Conclusions and recommendations

Over the past decade, the narrative regarding public procurement in Latin America has focused on modernizing processes by generating open data, consolidating information on websites and automating processes. The aim of these actions was to reduce corruption and generate greater transparency in government procurement processes. However, it is also necessary to think about how public procurement can affect social inclusion processes, particularly for women.

Including women in public procurement processes improves their economic autonomy by strengthening woman-led enterprises. Inclusion can impact job generation, reduce women's level of informality, diversify their economic activity and elucidate the difficulties usually faced by woman-owned enterprises (such as balancing care work and unpaid work). The characteristics of women's businesses and the complexity of public procurement processes end up representing barriers to their participation.

Several Latin American countries (Dominican Republic, Chile, and Colombia) and some sub-national governments (the city of Buenos Aires and the municipality of Cali) have generated proactive policies that have increased women's participation in the procurement process. The development of various actions and mechanisms, described throughout this article, include everything from certification programs to highlight woman-led enterprises, training and workshops, to policies for preferential consideration in bidding and award processes.

However, there remain several areas of opportunity. First, the issue of data is relevant, as we do not know exactly how many women could be suppliers to the State. Nor do we have public access to information about which woman-led businesses are in the Single Registry of Providers. Although *Sello Mujer* and certification programs help to recognize women's businesses, we do not know whether the certified businesses are the same suppliers that existed prior to the implementation of the program or whether the program has increased the number of participants in the bidding processes. Finally, when data do exist, we do not know how it is used to generate incentives for purchasing units to contract with a greater number of female suppliers.

There is also a lack of information on the consequences of the implementation of inclusion policies. There is not enough information to assess whether the policies are successful in promoting women's economic wellbeing, whether women have diversified the services they provide or whether the policies have been successful at reducing the barriers faced by women.

Further research is needed to better match the specific needs of women with how purchasing units address them and to determine whether these units also have barriers to including women.

Social clauses are an interesting mechanism to increase women's participation in procurement processes, but there is not enough experience with their application in Latin America. Therefore, we do not know whether it is a mechanism that can be used or whether it generates negative externalities. For example, if a contract is generated to include women in security companies, and they are given the night shift, we cannot assess whether this effect is positive or negative for them. Impact assessments are required.

The narrative concerning the inclusion of women still has more questions than answers, as there are no single paths to incorporate women. Civil society organizations have yet to push governments to adopt this perspective and use the procurement mechanism to promote the economic empowerment of more women. A clear path for the inclusion of women needs to be devised, which will enable women to improve their conditions of participation in the procurement market. The following are a series of recommendations.

Recommendations

1. Higher quality data.

In the production of data for public procurement, a binary sex distinction is not the only information required to determine how many women have been awarded contracts or how many of them are involved in the procurement process. There is a need to generate higher quality data, so it is important to include gender markers in the data records, particularly in the Single Registry of Providers. These markers help identify woman-owned businesses within the database, by a column, a code or an identifier.

Gender markers can be placed within the database itself, or from identification stamps or certifications that incentivize purchasing from women. These should also be used so that the purchasing units can give preference to woman-led businesses in awarding contracts. In addition to the markers, there should be data about the market in which women's companies participate in order to better understand their needs and the procurement processes in which they can participate.

In addition, it is important that data be generated on how many woman-owned businesses were awarded contracts, what type of contracts were awarded to them, and for what amount of expenditure. This will allow us to understand the effects of public procurement on provision of services, its effects on economic autonomy, or whether procurement reproduces stereotypes by giving women care, cleaning or cafeteria work instead of other services, such as technological supplies.

Data is also needed on the number of women who take part in procurement workshops and participate in ministry outreach strategies and what effect these efforts have on women's entry into procurement processes and on their chances of winning contracts. This information will allow us to recognize and evaluate the policies implemented to inform and train women.

2. Make information on government procurement transparent and more accessible.

The websites of the purchasing and procurement departments, while they consolidate the processes, are very complex for small and medium enterprises, and in the case of women, this can be a barrier. This is why it is necessary to make information transparent and easy to access so that there are more competitors in the market.

Chile offers a good example of grouping framework contracts and of enhancing the accessibility of the public procurement market. Their websites are simple to use, guide the process with videos and facilitate understanding. Other countries in the region still have to work on increasing access to the public procurement market for non-specialists.

- 3. Websites should use inclusive language** to invite more women into the procurement community. Short online workshops, guides and inclusive language have a positive effect on women who want to enter the market.
- 4. Continue the policy of providing training and encouraging networking** among potential suppliers and purchasing units.

Both the information gathered in the interviews we conducted and that which forms part of the literature we consulted warn that women tend to face a greater number of barriers to entrepreneurship and even more so in the sphere of public procurement processes. Therefore, training and networking strategies usually have positive effects: woman entrepreneurs feel more

confident participating in the processes and, on the other hand, purchasing units know the limitations women face.

5. **Develop a policy of including women** through affirmative actions that promote women's access to the purchasing market:
 - a. Designate a portion of each unit's budget for purchasing from women suppliers;
 - b. Generate social clauses in order to hire a certain number of women to provide services at some point in the value chain;
 - c. Generate incentives for purchasing units to award contracts to woman-led businesses;
 - d. Incorporate legal frameworks that establish provisions favoring women.

There are a several measures that have not been tested but which may promote inclusion of women:

- a. Framework contracts as an umbrella for small suppliers to provide services;
- b. Social witnesses who monitor the implementation of inclusion policies;
- c. The inclusion of feminist organizations in the design and observation of the processes, so that the needs of women are considered.

In general, there is a need for cities and countries in the region to emphasize inclusion and to implement policies to achieve this end. Governments also need to be proactive in their approach to the issue, to be aware of the market for woman suppliers, and to invite women to take part in the public tendering process.

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