

FINANCING THE GENDER IMPERATIVE FOR PROCUREMENT IN THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

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—Abstract —

An important role that municipalities can play in procurement is for the local sphere to offer opportunities to realise economic equity for enterprises owned by women and other previously disadvantaged groups. Municipal procurement can be used to address equity concerns by opening up economic prospects for particular categories of people. Gender mainstreaming may be achieved by the conspicuous inclusion of enterprises that are owned and operated by women, which often operate on the periphery of procurement. Integrating gender into municipal procurement enables women-owned businesses to participate, benefit, and in turn enhance gendered participation in Johannesburg's local economic development (LED). This article expands the conclusions from an earlier study that was concerned with e-procurement. The article uses a qualitative analytic approach to assess how gendered procurement for the City of Johannesburg Metropolitan Municipality (CJMM) has not been conducted to benefit women-owned businesses. These are compared against the municipality's procurement policies, procedures, and reports to highlight the gender gap in municipal procurement. The article deduces that a gender gap persists in the CJMM's municipal procurement processes, which excludes women-headed businesses from benefiting from larger contracts. The article offers suggestions for improvement. The article recommends that future research is needed that will use gender-disaggregated data to analyse municipal sector procurement for LED. The article concludes with key recommendations to enhance gender equity in municipal procurement.

Keywords: economic equity, gender, Johannesburg, municipality, procurement.

JEL Classification: H76

1. INTRODUCTION

The United Nations (UN) reiterates the clarion call for gender equality and the empowerment of women in society. The global platform offers a blueprint in which states can work towards achieving the fifth Sustainable Development Goal (SDG), which is gender equality by 2030 (UN, 2015a). What will be important to the realisation of this SDG are the necessary resources, comprising financial, institutional, and human attributes that are to be directed specifically towards measures that will enhance the economic empowerment of women. Prior to the adoption of the SDGs, the Third International Conference for Financing for Development met in Addis Ababa, Ethiopia, and adopted a global agenda that guides inclusive financing for development. The Addis Ababa action plan calls for the adoption of a “transformative policy and financing actions to accelerate implementation” of the global development initiative (United Nations Department of Economic and Social Affairs [UNDESA], 2015; UN, 2015b).

Gender activists advocate for an “enabling environment for women’s empowerment and sustainable development” through the use of “strategies to support women’s entrepreneurs and women-owned businesses” (United Nations Entity for Gender Equality and the Empowerment of Women [UN Women], 2012). However, there is evidence that during “public procurement in the context of trade liberalization” in Africa, “gender does not enter contractual agreements between the state and its suppliers as a normative category” (Nyeck, 2015:47). Even so, Weewauters (2007:27) provides a model in which gender considerations for inclusivity can be mainstreamed throughout the entire public procurement process. This model offers best practice that can be adopted locally.

In South Africa, the imperative for empowerment of women is emphasised in the national gender machinery that aims to enhance the realisation of this noble agenda. Procurement processes rely on supply chain processes to effect gender mainstreaming measures to realise the mandate. The constitutional directive for gender equality and national policies require that all spheres of government, state-owned enterprises (SOEs), and municipal entities conform through preferential procurement in the sourcing of goods and services. Ambe and Badenhorst-Weiss (2012:249-250) identified specific procurement challenges in the South African public sector, namely a lack of proper skills, knowledge, and capacity to manage procurement processes; non-compliance with policy and regulations that relate to supply chain management (SCM); inadequate planning and the linking of demand to the budget; accountability, fraud, and corruption; inadequate monitoring and evaluation of the procurement process; unethical behaviour; ineffectiveness of

affirmative action policies; and decentralisation of the procurement policy. The challenges are underpinned by contestations to address inequalities that are a legacy of apartheid. Poverty and inequalities of race and income often supplant the gender debate in South Africa's juvenile democracy – a concern noted by Mannel (2012:425).

Despite this, municipalities remain a focal juncture for service delivery because of the proximity of the citizens to the government. Procurement for metropolitan municipalities in turn takes on significance because in fulfilling their constitutional mandate, the municipalities will also impact local economic development (LED) and firms operating within the municipal jurisdiction. Decentralised procurement should therefore be positioned by local authorities so that it can provide “better responsiveness to purchasing needs” because of the “understanding of unique local needs”, as well as the proximity to “suppliers and taking ownership of decisions that impact on one's own budget” (Handfield, Monczka, Guinipero & Patterson, 2011, as cited in Ambe & Badenhorst-Weiss, 2012:253). Modernisation and technology gives an opportunity for government to improve the efficacy of procurement processes. More robust restructuring is also required in municipalities to be more responsive in enhancing service delivery. This was confirmed by a previous study that found that e-procurement in South Africa has not seen an improvement in the dissemination of gendered data (Kithatu-Kiwekete & Vyas-Doogapersad, 2017). The dearth of information presents an opportunity to explore further the experience of gender mainstreaming in municipal procurement.

This article examines the experience of municipal procurement for the City of Johannesburg Metropolitan Municipality (CJMM) in order to determine how far the city has progressed in terms of access in promoting economic equity for female entrepreneurs and women-owned businesses. The city contributes significantly to the national economy as an important location for businesses both locally and internationally (City of Johannesburg [CoJ], 2018:2). This positioning is important for women entrepreneurs who intend to do business with the municipality and other spheres of government.

The article is divided into four sections. The first section offers an explanation of the concepts and the methodology employed for analysis. This is followed by an overview of the legal instruments that prescribe preferential procurement and the procurement process for Johannesburg. Thereafter the findings on gender mainstreaming in Johannesburg's procurement are discussed. The final section

provides a conclusion and recommendations for enhancing the economic empowerment of women-owned business in municipal procurement.

1.1. Conceptual clarifications

Too often government policies and programmes “continue to contribute to inequalities between women and men” because there has been “insufficient attention to gender analysis”, such that “women’s contributions and concerns remain too often ignored in economic structures” (Commission for Gender Equality, 2014:284). Gender mainstreaming entails “bringing the perceptions, experience, knowledge and interests of women as well as men” to effect “policy-making, planning and decision-making” at all levels in order “to achieve gender equality” (UN, 2002:1). It may also be viewed as a “goal-oriented process that recognises that most institutions consciously and unconsciously serve the interests of men” and thus encourages “institutions to adopt a gender perspective in transforming themselves” (Commission for Gender Equality, 2014:292). This practice becomes useful in the adoption of gender-sensitive legislation and the establishment of gender machinery to advance the cause for equality.

Public procurement can be defined as the purchasing of goods and services needed by the government to perform its functions (Arrowsmith, 2010, cited in Ambe & Badenworst-Weiss, 2012:244). Through targeted measures, public procurement can enhance the participation of women-owned businesses in the local economy. Chin (2017: 41) stated that women-owned businesses “must be owned in whole, or at least by half by one or more women”. This definition is important because an explicit acknowledgement is useful for scrutinising public procurement for gender sensitivity as compared against the Black Economic Empowerment (BBBEE) criterion that has often been employed in South Africa’s preferential procurement system and process.

1.2. Methodology

Using a constructivist critical approach, this article used a qualitative lens to examine and interpret results. Document analysis was utilised to provide “rich descriptions for a single phenomenon” through the use of policies, “reports and internal communications as a source of empirical data” to assist in “drawing and developing meaning” (Bowen, 2009:28). This was done through the systematic review of relevant municipal documents including the integrated municipal plans, annual reports, policies and national legislation. The article investigated South Africa’s legal framework for preferential procurement, how the CJMM manages its municipal procurement process through gender mainstreaming and the

adoption of a holistic strategy, how the CJMM has integrated gender into its procurement, to highlight the gaps that exist for gender mainstreaming with respect to women-owned businesses in accessing procurement opportunities in these municipal processes.

2. MUNICIPAL PROCUREMENT IN JOHANNESBURG

The CJMM operates a massive budget to cater for its diverse municipal population of 4.9 million that is expected to rise to over 5.4 million by the year 2021 (CoJ, 2017:17). As an important economic hub for the country and the southern Africa region with high levels of unemployment and migration, the city should adopt economic transformation measures that engage “strategically and critically with the city’s political economy” to develop, adopt and implement “comprehensive economic policies that will fast track the transformation process” as per its municipal integrated plan (CoJ, 2017:18). The transformation must be engendered such that women-owned businesses participate and benefit in the local economy through municipal procurement. Johannesburg’s financial performance for financial year 2016/2017 is shown in the Tables below to contextualise the procurement discussion that follows. In the Table 1 Johannesburg’s financial performance is operating on a surplus where contracted services, procurement constitutes about 5% of the total expenditure of over R 43 billion.

Table 1: CJMM’s Financial Performance 2016/17

	Amount in R ‘000 (June 2017)
Revenue	45 422 444
Expenditure	(43 762 471)
<i>Employee related costs</i>	(9 996 446)
<i>Debt impairment</i>	(3 723 735)
<i>Depreciation and amortisation</i>	(2 905 690)
<i>Finance costs</i>	(2 404 844)
<i>Bulk purchases</i>	(14 978 933)
<i>Contracted services</i>	(2 321 325)
<i>Other</i>	(7 431 498)
Net Surplus.	2 124 999

Source: Adapted from CoJ (2017:135)

The city’s contracted services were procured for the following services: information technology services; fleet services; operating leases; specialist services; and other contractors all amounting to a total of over two billion rand as shown in Table 2. These figures comprise the cumulative procurement that is done by the city’s municipal entities that are in charge of service delivery in

Johannesburg as well as the core administration departments that provide support functions for the metropolitan municipality. It must be noted that Johannesburg reports very limited gendered ramifications in the 2016/17 annual budget, specifically, that the Johannesburg City Theatres awarded 47 of the entity's procurement to women suppliers (CoJ, 2017:96). This financial information echoes the city's procurement process as discussed later.

Table 2: CJMM's Contracted Services 2016/17

	Amount in R '000 (June 2017)
Information Technology services	175 125
Fleet services	685 656
Operating leases	242 846
Specialist services	887 535
Other contractors	330 165
Total Municipal Procurement for CJMM	2 321 325

Source: Adapted from CoJ (2017:251)

2.1. Policy framework for preferential procurement

The CJMM ascribes to the national legal policy framework that is founded on the Constitution; the latter being the supreme law that seeks to redress historical imbalances in society, including those that are gendered in nature (Republic of South Africa, 1996, Section 217). More specifically, the Preferential Procurement Policy Framework Act of 2000 and the Broad-based Black Economic Empowerment (BBBEE) Act of 2003, with its corresponding Codes of Good Practice of 2007, stipulate a preferential point system that should encourage women-owned enterprises to participate in tendering goods and services to the municipality. The CJMM's procurement is also guided by National Treasury regulations and the Municipal Finance Management Act (MFMA) of 2003 and its own municipal policies on SCM (National Treasury, 2007; Republic of South Africa, 2003a; Republic of South Africa, 2003b, Section 110,111; CoJ, 2009). The government acknowledges that implementation of the preferential system has sometimes entrenched economic inequalities. The scandals in which the preferential procurement system was abused to siphon funds from SOEs is a case in point that has caused profound damage to the South African economy. This policy framework remains useful because it provides the anchor on which gendered economic equity concerns can be raised and used to interrogate the implementation of these policies in all spheres of government and in society at large.

McCrudden (2004, cited in Worrel, 2012:140) determined that there are “historical origins of equity” and “social dimensions of procurement” when seeking to cater for redress. These considerations will require the CJMM to proactively restructure its procurement process to ensure that gender is mainstreamed in order to realise economic equity for women-owned businesses that tender for municipal contracts.

This means that gendered equity concerns such as access to bid information and BBBEE empowerment deals from large firms that usually benefit from municipal procurement should also be inculcated into the CJMM’s SCM system and process so that more female entrepreneurs can leverage this opportunity. Not only must these concerns be integrated into the procurement process but must also be translated into the municipal integrated development plans, present and future. Periodic robust gendered reporting should thereafter be performed to monitor and assure that gender has inherently been mainstreamed into the CJMM’s procurement process.

There are key processes within municipal procurement that should be gender mainstreamed so as to benefit women-owned businesses. Initially, at the registration stage as a service provider for the CJMM, there should be deliberate measures provided to cater for female entrepreneurs. In addition, it is during the tendering and bidding phases when these vulnerable suppliers may be eliminated because they fall short on technical requirements whereby strategic sourcing can be used to “emphasize on removing barriers” that women-owned businesses face and “developing the capacities of these suppliers to compete with other businesses” (Chin, 2017:49). These are highlighted next.

2.2. The CJMM’s procurement process

The CJMM’s procurement is centrally managed by its SCM unit and although municipal entities such as Johannesburg Water, City Power, and Metrobus directly undertake procurement individually, city-wide reporting is done by the SCM (CoJ, 2009). The SCM policy prescribes the process as follows: The entrepreneur (firm) must register with the SCM as a vendor; the CJMM periodically issues a call through print and broadcast media, including its website, which potential vendors must timeously respond to; and finally the SCM evaluates the bid and awards the tender to the preferred bidder (CoJ, 2009).

To be registered as a vendor, the firm which also applies to women-owned businesses, must submit: a completed CoJ registration form, which includes a signed declaration and in some cases a declaration certificate for local content and

production and content for designated sectors; company registration documents to confirm legal existence; current South African Revenue Services, SARS tax clearance and value-added tax, VAT compliance certificates; relevant company shareholder and partnership agreements or certificates including their identity documents; certified and current business bank account details; and additional relevant statutory affiliations. These requirements exclude a majority of women entrepreneurs because they are presently not able to meet all the requirements for instance VAT requirements which are given to businesses that have been operating to be able to invoice and register for VAT with SARS. The CJMM gender mainstreaming process outlined below show the city's intention to enhance the capacity of female business to get to this level.

After registration, service providers can respond to bids. By bidding, the firm can respond to the various types of bids advertised by the CJMM for goods and services, which could be written quotations for amounts between R2 000.00 and R200 000.00 excluding VAT; competitive bidding process for any amount above R200 000.00; as well as negotiations, sole suppliers, and unsolicited bids of any amount (CoJ, 2009:31). A major concern for women-owned businesses is not being aware of and not knowing where to look for public procurement opportunities. Besides, the application process can "dissuade any women-owned business" or small business to become suppliers because of "limited time and resources" (Chin, 2017:50). Moreover, given the dominance of large firms in securing government tenders, both nationally and municipally, unless these explicitly call and make allowances for women-owned businesses to respond, they will fail to do so.

The city's SCM policy prescribes that three separate specific committees be used for the contracting process to ensure that the process is open, fair, and transparent. These committees and their corresponding functions are shown in Table 3. An important question at this point is that although the bidding process remains a technical one and the committees are to ensure transparency, if there are no gendered targets at this point, besides the BBBEE targets prescribed in policy, how can women-owned businesses challenge the status quo and ensure that their bids are even considered?

Table 3: CJMM’s supply chain management (SCM) committees

Committee	Function	Composition
Bid Specification Committee	Compiling technical specifications that incorporate set criteria for the CJMM’s requirements to be acquired.	At least three city officials, comprising officials from the user department and SCM representatives. When necessary: representatives from the Legal and Compliance Department, and external specialist advisors.
Bid Evaluation Committee	Evaluation of bids, compilation of comprehensive reports, and making recommendations for consideration by the respective adjudication committees.	At least three city officials, comprising an official from the user department, SCM representatives, representatives from the Finance and Legal and Compliance Departments, and when necessary, external specialist advisors.
Bid Adjudication Committee	Consideration of the recommendations, making final awards, and/or referring back to the Bid Evaluation Committee for further analyses.	As per terms of reference.

Source: CoJ (2009:55)

Finally, the SCM must submit reports of the council bids that are awarded each month, detailing the amount of each award; the name of the person to whom the award was made; the reason why that award was made to that service provider; the BBBEE status of that service provider; and details of the acquisition plan versus the expenditure for the particular month (CoJ, 2009:19, 20). The city’s web page¹ maintains a chronological log of the SCM bid process, including the advertised tenders, bid opening registers that show the number of companies responding to various bids, and their BBBEE status level. Contracts awarded to the various council departments and municipal entities are also maintained by the SCM unit. These documents are available as far back as five years. Table 4 shows an example of contracts awarded by Pikitup, a municipal entity concerned with refuse collection in Johannesburg.

¹ www.joburg.org.za

Table 4: Contracts awarded by Pikitup March 2017

Description	Awarded to	Amount	BBBEE	Points
PUD15/2016 Supply and deliver general cleaning materials and equipment as and when required Period: 2 years	Mpumo Supply and Distribution Cc	R3 363 424.2	Level 1	100
PUD 19/2016 Supply, deliver, installation, and maintenance of multifunction printers Period: 3 years	Konica Minolta South Africa	R4 033 539.12	Level 1	98
PUD20/2016 Deliver and maintain ICT hardware Period: 2 years	Vukani Technologies	R4 373 573.50	Level 1	95

Source: Adapted from CoJ bids awarded 2017 CoJ website

Table 2 confirms that scrutiny is done on applying firms for BBBEE credentials, as well as on large firms for partnering small firms with BBBEE status to provide the opportunity for the smaller firms to participate in the larger contracts (CoJ, n.d.a; n.d.b). Although it is by implication that women-owned firms are to be awarded the highest BBBEE credentials, their response in bidding for the city’s large tenders is not captured at this stage. This is a lost opportunity for capturing gender-disaggregated data at the commencement of the procurement process.

2.3. The CJMM’s gender policy

As a metropolitan municipality that complies with the country’s ratification and adoption of international, regional, and state instruments for the promotion of gender equality, Johannesburg has adopted a gender policy (CoJ, 2013). The gender policy is useful as a self-checking tool for the city’s internal and external processes. This policy identifies seven essential areas of gender mainstreaming, which include policy and planning; basic service delivery, which encompasses job creation and access to municipal services; and LED and economic empowerment (CoJ, 2013). The participation of women-owned businesses can be enhanced through municipal tendering and procurement with the assistance of gender

mainstreaming techniques incorporated into procurement. Evidence can be found in the gender policy.

The gender policy also provides specific guiding strategies to mainstream gender into its municipal purchasing, which are: ensuring that 25% of all procurement contracts in non-traditional areas are granted to women and youths which can be checked throughout the contracting process in SCM; developing systems and mechanisms to identify women involved in the informal economy and small, medium, and micro-sized enterprise (SMME) level; creating a data registration database for SMMEs and traders in the informal sector where emphasis on emerging women owned businesses is highlighted; putting in place a programme to capacitate women who run SMMEs and enable successful tenders for city projects; strengthening links with entrepreneurial institutions to benefit female entrepreneurs; making funding available for female entrepreneurs through a community development bank to improve their capacity to deliver on tenders; developing a programme for women in the informal sector to enable them to participate in the mainstream economy; reviewing the procedures of the payment system specifically for SMMEs because current procedures disempower women; disaggregating data on the Expanded Public Works Programme (EPWP); monitoring procurement trends and patterns in the city with a focus on gender; developing a strategy for women's access to credit and capital which is important to maintaining sustainable cash flow in the companies for the long term; reviewing (with the goal to increase) the tender point system for the women's category; and ensuring that there is regular reporting on the awarding of contracts to female business owners and suppliers of services (CoJ, 2013:19).

The strategies listed above call for the CJMM to interrogate each stage of its procurement municipal process with the intention of gender mainstreaming. The first strategy of checking whether 25% of all contracts are awarded to women entrepreneurs should be included in the SCM reporting requirement will in turn give effect to the final strategy on the gendered tender point system. These strategies can only be effective when the city's SCM can implement gendered procurement.

3. GENDERED IMPLICATIONS FOR THE CJMM'S PROCUREMENT

The CJMM has a national and municipal framework to promote gender equality in its procurement. More importantly the strategies given earlier implies that there should be deliberate gender mainstreaming within SCM that will increase the

numbers of women-owned businesses participating and benefiting from procurement. To check whether indeed that the strategies are being utilised, aspects of the city's procurement are compared against the international standard of strategic sourcing (Chin, 2017) Strategic sourcing is proposed as a viable option that will facilitate the entry and participation of women-owned businesses in the procurement of large conglomerates, which can be achieved through increasing access to information and social networks, streamlining the contracting process, limiting contract sizes, establishing appropriate award criteria, providing feedback, and paying promptly (Chin, 2017:48).

Two of the above criteria are selected to discuss the shortfalls of the CJMM's strategies for gender mainstreaming its procurement process as presented earlier. In terms of increasing access to information and social networks, female entrepreneurs are already concerned with the "lack of formal business networks through which they can obtain information" or the "lack of time and resources or notification about contract opportunities" (Chin, 2017:49). While the CJMM implemented a database and an empowerment programme for women-owned businesses in the informal economy, there seems to be no space in the SCM tendering process where women-owned businesses that are captured from this gendered parallel process are directly afforded the platform to tender. It must be acknowledged that there are instances where the advertisements do call for EMEs (exempt micro-enterprises with turnover of less than R5 million) to apply as prescribed in preferential procurement policies, but this is not nearly sufficient to harness the potential of women-owned businesses within this municipal jurisdiction. It is also important that the SCM unit transforms and adopts a gendered stance for real empowerment to take effect, otherwise the "onus of fulfilling the promise of gender equality and the empowerment falls squarely on the shoulders of women's rights advocates and their allies" (Razavi, 2016:39).

Secondly, and equally important is the common use of price as the preferred selection criterion often isolates women-owned businesses. This is because larger firms will be able to rely on other economies of scale, such as institutional and human resources, to offer much more competitive pricing than the smaller firms owned by women. The suggestion made here is that other value determinations, for instance "technical merit, quality, cost effectiveness, and after sales services be considered" when evaluating bids, as emphasised by Chin (2017:52).

Presently, the status quo in Johannesburg rests on price and BBBEE status, with gender as a peripheral classification that is not considered in the bidding process, as shown earlier in Table 4. This needs to change. This will require that

“challenging inequality” to “involve questioning and shifting the economic model that has been promoted”, which may prove too tedious a task for the city officials to undertake since it “involves profoundly questioning power and current economic model” (Fukuda-Parr, 2016:30). This may explain why the status quo of BBEE reporting supersedes gendered reporting for the CJMM despite evidence of the city’s strategy for gender equality and the empowerment of women entrepreneurs.

4. FINDINGS ON ENHANCING THE GENDER IMPERATIVE

The CJMM has adopted and implemented a comprehensive SCM policy that complies with international protocol as well as national legal framework for economic redress through procurement. International experience shows that policies alone often cannot substantially empower previously disadvantaged groups. Barriers to SMME involvement persist in India’s experience with procurement and therefore “targets and the concomitant SMME friendly policies by itself do not guarantee full implementation, thereby hampering SMME participation” (Patil, 2017:403). These findings collaborate with “experiences from [the] UK, EU and South Africa whose policy reviews highlight problems of lower SMME representation despite a host of SMME support programmes” (Patil, 2017:404). The anecdotal evidence presented above can be equated to the experience of female entrepreneurs who can participate minimally in the CJMM’s procurement.

Although the goal is not yet achieved, it is also important that gender-disaggregated data remain a centrepiece of gender mainstreaming the CJMM’s procurement process for two main reasons. “The purpose of accountability mechanisms is two-fold”, “part corrective by making it possible to address individual or collective grievances” and “preventative function entailing positive duties”, “important uses of timely reliable disaggregated data ... “enable different actors to track progress on the implementation of the agreed upon goals and targets” that “enable rights-holders to hold duty-bearers responsible” (Razavi, 2016:38).

5. CONCLUSIONS AND RECOMMENDATION

Gender mainstreaming is a continuous process that will require the proactive engagement of all stakeholders involved particularly in procurement to ensure that

women entrepreneurs have participate and benefit from substantial government contracting. The United Nations reiterates this clarion call for member states including South Africa to implement.

As an important economic hub for South Africa, Johannesburg has a profound impact in promoting gender equality and the empowerment of women on how it implements its procurement policies. The city's policy framework for its SCM strives to achieve the external goal for economic equity in terms of race but equally important in terms of gender. To achieve this goal and give effect to the national gender framework, the CJMM must accelerate the economic empowerment of women-owned businesses that are on the periphery by proactive inclusion so that this business category can become and remain active contractors for the municipality. This gendered information must be captured in the city's periodic reporting framework so that the community of CJMM can measure the attainment of the fifth SDG.

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