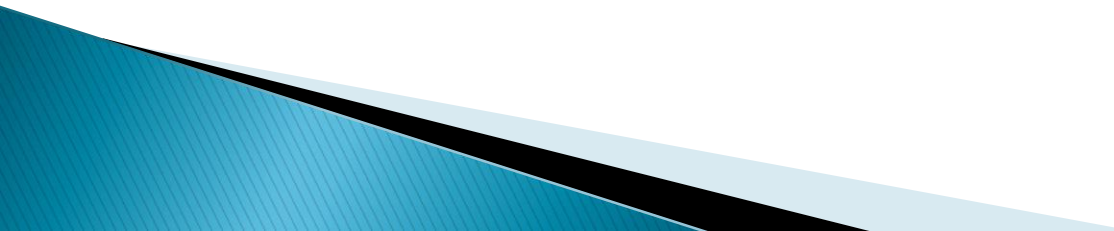




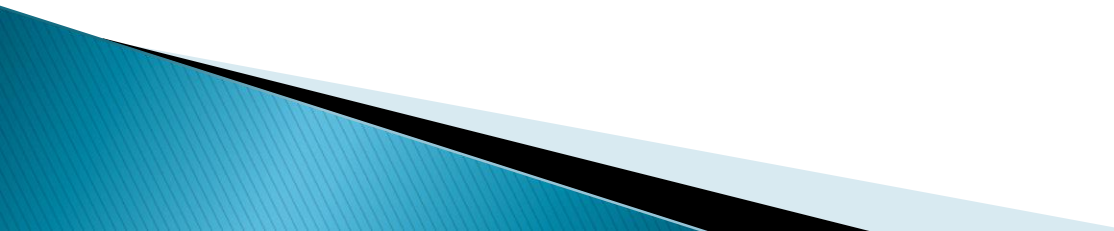
Boosting Women-led Enterprises through Public Procurement

The Case of Zambia

Presentation Outline

- ▶ Public Procurement Act No. 8 of 2020
 - ▶ Non- discrimination from participation
 - ▶ Citizen bidders
 - ▶ Enhanced participation of citizen bidders
 - ▶ Reservation & Preference schemes
 - ▶ Challenges faced by women bidders
 - ▶ Promotion of economic development of citizen bidders
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The Public Procurement Act [PPA] No. 8 of 2020

- ▶ Public Procurement Act No. 8 of 2020– regulates public sector procurement activities in the republic of Zambia.
 - ▶ The PPA is the principal Act; implemented through subsidiary legislation, the **Public Procurement Regulations**, Statutory Instrument No. 30 of 2022.
 - ▶ Provisions for citizen focused public procurement proceedings; inclusive of women empowerment in economic activities.
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Non– discrimination from participation

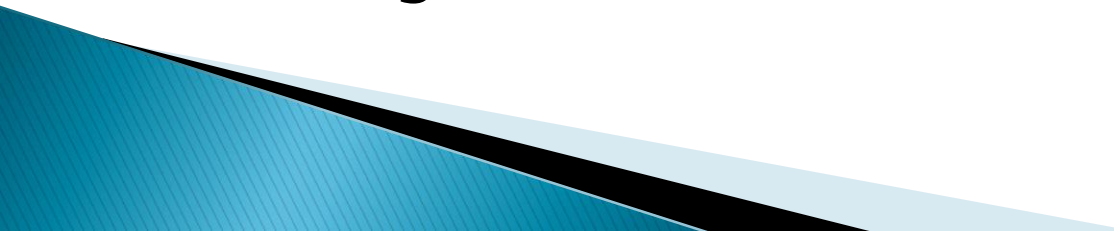
- ▶ No one shall be excluded from participating in a procurement requirement on the basis of nationality, race, religion, gender or political affiliation not related to persons eligibility (Section 13 of PPA).

New definition of Citizen bidder

- ▶ PPA No. 8 of 2020, defines citizen bidder/s or supplier are follows:

- a. an individual, a bidder or supplier who is a citizen;
- b. a firm or company, whether corporate or unincorporated, a firm or company wholly owned by a citizen; and
- c. a body of person wholly comprising citizen

Section 39[2] Enhanced citizen bidder participation

- ▶ Participation in **open national bidding** shall be limited to **citizen bidders** and in the absence of successful citizen bids to **local bidders**.
 - ▶ A **local bidder** awarded a procurement contract shall **partner** with a **citizen supplier**.
 - ▶ Participation in **open international bidding** shall be open to all bidders, including citizen bidders, local bidders and **foreign bidders** in partnership with **citizen bidders** or **citizen suppliers**.
 - ▶ **Bidding is citizen centric and in tiers now!**
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RESERVATION & RESERVATION SCHEMES

- ▶ The Public procurement system in Zambia has an allowance for the application of preference and reservation schemes as prescribed in the Public Procurement Act (Section 91) and its Regulations (Regulation 227).
- ▶ Reservation schemes are aimed at restricting certain procurements for specified target groups.
- ▶ Objective is to develop businesses among target groups, by reserving certain procurements for such groups.

RESERVATION & RESERVATION SCHEMES

- ▶ A preference scheme targeted suppliers has the objective to develop businesses owned that group through giving such businesses a competitive advantage by deducting a specified margin to the evaluated price of bidders who are eligible for the preference during the financial evaluation of bids.

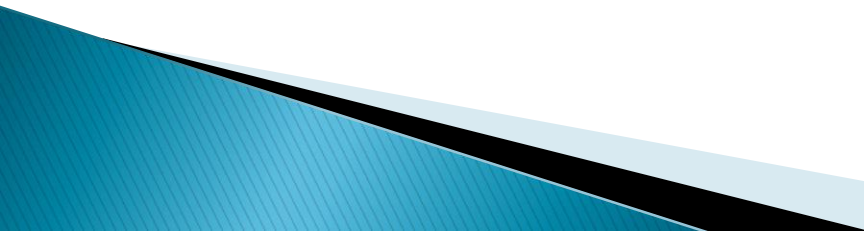
Mandatory Preference and Reservation Schemes

- ▶ Section 91 – Despite section 13, a Procuring entity shall as prescribed:
 - a. grant a margin of preference for the benefit of bids by a target group offering, goods, works or services manufactured or performed by the target group.
 - b. grant a prescribed margin of preference to a bidder offering goods, works or services with local content.
 - c. reserve or set aside certain procurement requirements for a target group, by restricting bidding to the target group.

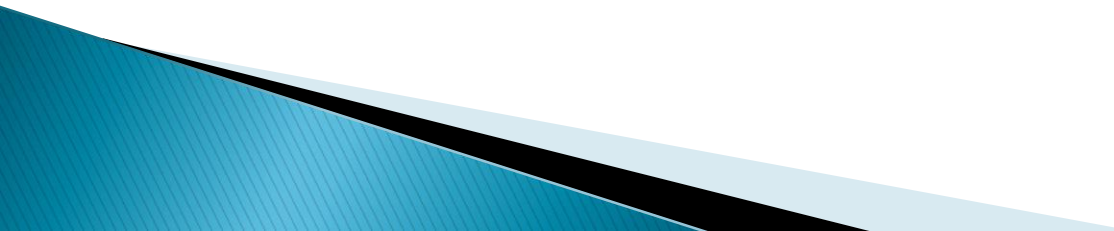
Mandatory Preference and Reservation Schemes – cont'd

- ▶ (Section 91 (2) PPA) A target group for any preference or reservation schemes shall be determined in accordance with Government economic and social policies and may include:
 - a. citizen or local suppliers;
 - b. goods, works or services manufactured in or provided from the republic or a particular region or performed by citizens or persons from a particular region;
 - c. citizen supplier in a particular industry or economic sector;
 - d. small and medium sized enterprises;
 - e. enterprises owned by women, youths or persons with disabilities; or
 - f. any other group designated by the Government policy

Mandatory Preference and Reservation Schemes – cont'd

- ▶ ZPPA has, in consultation with other Government bodies responsible for economic and social policy, may formulate a preference or reservation scheme which states:
 - (a) the target group and eligibility requirements;
 - (b) the percentage of the preference, where applicable;
 - (c) the period for the operation of the scheme; and
 - (d) the objectives of the scheme and the means of measuring its effectiveness in achieving those objectives
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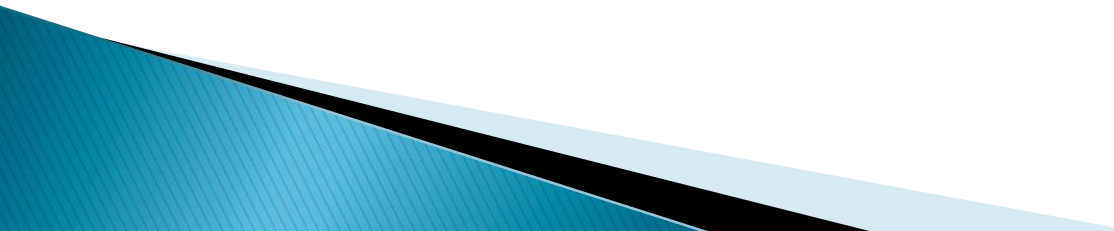
Challenges – Bids from Women Entrepreneurs

- ▶ Most fail to be found substantially responsive at technical evaluation stage
 - ▶ Some do not supervise the preparation and compilation of the bid and rely on third parties
 - ▶ Lack of appreciation of the power of joint ventures
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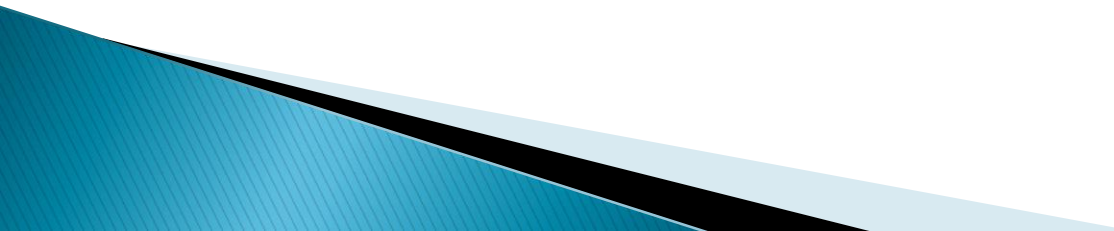
Promoting economic development of citizen bidders and suppliers

Section 6(2)(d) of the PPA 2020

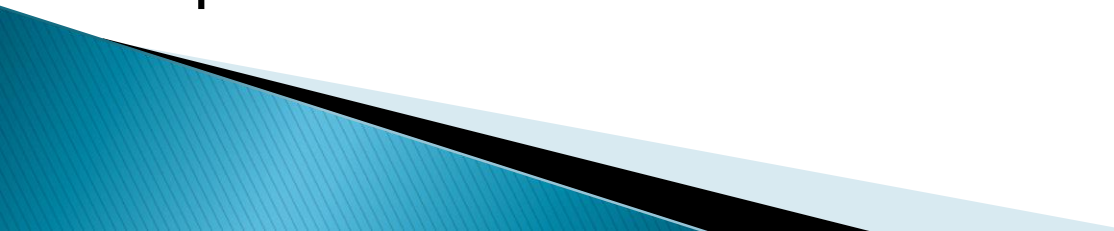
Recommend and ensure the application of preference and reservation schemes to promote economic development of citizen bidders and suppliers in collaboration with appropriate Government institutions



Promoting economic development of citizen bidders and suppliers (cont.)

- ▶ **Ministry of Community Development and Social Services and Ministry of Education**
 - Girls' Education and Women's Empowerment and Livelihoods (GEWEL), a flagship social protection project of the Government of the Republic of Zambia.
 - GEWEL, World Bank (IDA)-funded project, supports access to secondary education, and women's empowerment and livelihoods initiatives in Zambia.
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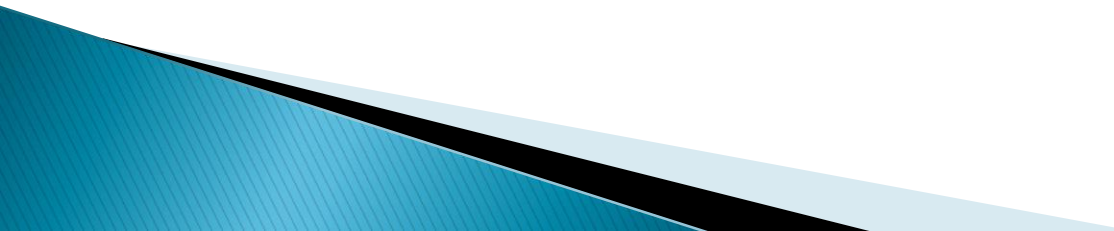
Promoting economic development of citizen bidders and suppliers (cont.)

- ▶ **Ministry of Agriculture**
 - Orients and exposes women entrepreneurs through District, Provincial and Agricultural Shows and Trade Fairs
 - The exposure provides a platform for networking (enabling joint ventures), interaction with various government departments who facilitate various requirements for participation on public procurement
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Promoting economic development of citizen bidders and suppliers (cont.)

- ▶ Ministry of Agriculture
 - Training on entrepreneurship is provided to women who display innovation and commitment to their business engagements

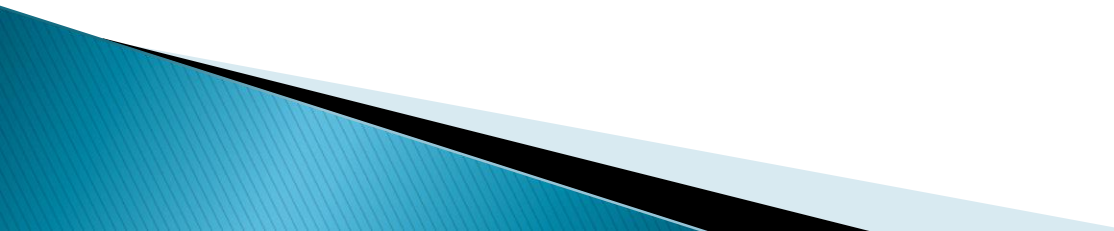
Promoting economic development of citizen bidders and suppliers (cont.)

- ▶ Appropriate and relevant training will lead to the submission of responsive bids and effective execution of contracts.
 - ▶ Effective execution of contracts translates to a high vendor rating and subsequent inclusion on shortlists for contracts
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Promoting economic development of citizen bidders and suppliers (cont.)

▶ Zambia Public Procurement Authority

Capacity building for Potential bidders and various stakeholders :

- on the preparation and submission of bids
 - The use of the Electronic Government Procurement (eGP)
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Promoting economic development of citizen bidders and suppliers (cont.)

▶ ZPPA

- Prompting the enforcement of section 75 of the PPA – notify bidders that are not successful and give reasons for the decision

Conclusion

- ▶ ZPPA is liaising with other Government bodies and in the process of formulating a new preference or reservation scheme for target groups which will include the women owned enterprises:

**new PPA provisions on citizen bidders are in conflict with CEEC Act of 2006 and CEEC SI No. 36, on preference and reservation schemes and require harmonization by reviewing and amending the CEEC legislation.*