

## **BARRIERS TO WOMEN'S PARTICIPATION IN PUBLIC PROCUREMENT IN AFRICA: EMPIRICAL EVIDENCE FROM UGANDA**

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### **–Abstract–**

Global policy agendas and declarations continue to focus on the participation of women and women-owned businesses (WOBs) in the public and private sectors. The United Nations (UN) Sustainable Development Goals (SDGs) have compelled countries to adopt affirmative action (AA) strategies to ensure equal opportunities for women and men. The World Bank (2005) highlights that women constitute approximately 70% of Uganda's labour force, yet most are employed in the informal sector. Basheka's (2018b) research on Uganda's inclusive public procurement opportunities, barriers, and strategies to female entrepreneurs' participation in public procurement in Uganda substantiated these findings. In this regard, Basheka (2018b) highlights that removing gender inequality is key to economic growth and eradicating poverty. Like many African countries, Uganda faces several challenges regarding women's participation in government procurement. In line with this, this paper focuses on women's participation in Uganda's public procurement system. To help address this issue, the authors present a framework to support the participation of women and WOBs in Uganda's public procurement system. The framework was based on an empirical analysis of the barriers that women face regarding Uganda's public procurement

processes. The study collected primary and secondary information using corresponding data-collection and -analysis techniques. Interviews were conducted with key informants within Uganda's central and local government, and surveys were administered to various WOBs. Capacity, finance, information, and legal and regulation-related aspects were identified as the four key obstacles to participating in this potentially lucrative process. It is recommended that the Ugandan government establish an appropriate legal and regulatory framework supported by top-level commitment to ensure that WOBs have access to national and international trading opportunities.

**Key Words:** public procurement, government, women's participation, women-owned businesses, Uganda

**JEL Classification:** ZOO

## 1. INTRODUCTION

Public procurement has been a game changer in financial markets the world over, as governments now play an increasingly important role in the mainstream economy (McCrudden, 2004). As it is characterised by significant monetary transfers between the government and private companies, public procurement is regarded as one of the pillars of an efficient and effective public administration. Due to its significance, this core government function should be managed effectively to ensure equal opportunities for businesses run by both genders. Governments have used public procurement as a tool to promote socioeconomic objectives for many years (Quinot, 2013). Since its inception, public procurement has been regarded as a speciality field within Public Administration, as it includes elements of administrative and organisational theory, as well as personnel and public finance (Willoughby, 1927). Mainstream Public Administration scholars have a vested interest in this government function, as supply (as it was first called) is one of the foundational elements of the discipline.

The wave of New Public Management reforms of the 1980s served as a catalyst for restructuring public procurement processes in Africa. These reforms set out to create competition, improve financial transparency, and ensure accountability within public institutions (Basheka, 2018a; Hunja, 2003). While these reforms have modernised the system to some extent, it is not always characterised by the impartial allocation of tenders (Dza, Fisher & Gapp, 2013). While some countries have encouraged affirmative action (AA) in public procurement, these efforts have not rendered the desired results. Women remain wary of participating in the process, despite playing a key role in the economy. As such, this paper highlights

a lack of strategic-level interventions to include marginalised groups (women, the youth, racial minorities, and the disabled) in this system. Public procurement is widely used to facilitate socioeconomic growth, yet it is difficult to find detailed information on how the system operates on a practical level (McCrudden, 2004).

From a trade perspective, public procurement policy (PPP) commands a significant share of any given country's gross domestic product. Brody (2009) highlights that, due to the scarcity of public resources, "the efficiency of the procurement process is a primary consideration of every procurement regime. International norms and values dictate that public procurement policy should be of a particular standard and should be largely recognised as complying with 'good governance' standards". Basheka (2017) argues that AA-focused PPPs should be both horizontal and vertical in nature. To encourage women-owned businesses' (WOBs) involvement in public procurement, governments need to institute whole-system policy interventions across ministries and different tiers of government. These reforms can only be instituted based on a firm understanding of the actual barriers to women's participation.

This paper addresses the following questions:

- What prevents women from participating in public procurement in Uganda?
- What empirical evidence supports this proposition?
- What strategies should governments adopt to reverse this trend?
- What critical success factors should be implemented to ensure success?

After addressing these key questions, the paper proceeds to provide a conceptual framework, a brief literature review, the research methodology used in the study, and a discussion of the barriers to women's participation in public procurement. The paper concludes by providing a framework that can be implemented to address this lack of inclusivity.

## **2. CONCEPTUAL FRAMEWORK**

Public procurement refers to the processes associated with acquiring goods, supplies, services, and public works by public agencies at all levels of government. In all countries, public procurement accounts for a significant share of governments' annual expenditure and is viewed as an important instrument to promote socioeconomic and environmental objectives (Arrowsmith, 2000; Thai & Grimm, 2000). Public procurement is therefore a policy tool that can be used to

advance the interests of marginalised groups, including women (McCrudden, 2004).

Although WOBs aspire to enter this potentially lucrative market, they face a number of challenges. Basheka (2018b) argues that challenges such as procurement bureaucratic processes, corruption, lack of capacity in WOBs, and a male-dominated procurement system, among others, can only be removed through high-level political intervention. As procurement implies competition, WOBs compete with well-established male-owned businesses. Sörensson and Dalborg (2017) reported that female entrepreneurs tend to produce goods for home consumption or local markets and that female entrepreneurs who operate in nature-based industries were rarely represented in statistics since this is traditionally a male-only territory in Uganda.

Despite the reasonable representation of WOBs in various economies, only a small percentage is awarded public procurement tenders (Basheka, 2018b). Hetland (2012) estimates that approximately 1% of the US\$11 trillion global public procurement expenditure was awarded to WOBs in 2012. The figures have not fundamentally changed due to limited research in this area. Certain key characteristics make WOBs less competitive in public procurement processes. Enterprises tend to be smaller; focus on less-profitable sectors; owners are often inexperienced; and have limited access to human, financial, and social capital (Basheka, 2018b). In addition, family responsibilities come into play. High-level agendas should therefore consider whether seemingly gender-neutral rules, policies, and programmes promote inclusivity in public procurement processes (Quinot, 2013). In the United States of America (USA), for example, preferential federal policies have been enacted to promote public procurement by WOBs and minority-owned enterprises (McCrudden, 2004).

### **3. LITERATURE REVIEW**

Meyer (2018:1) recently reported how the Western industrial era, during the mid-18<sup>th</sup> century, “brought about major global changes”, although women did not participate in “mainstream economic contributions and activities”. The roles of women in this era have been clearly demarcated in society, contrasting significantly from their male counterparts. “Most developing and developed countries slowly have recently started accepting females as part of the economic sector from the late-nineteenth century onwards” (Sailus, 2015, cited in Meyer, 2018:1). The author further adds that “females received little or no education and were accorded no voting or decision-making rights” and those women who were

allowed to work were “predominantly low-earning servants or labourers employed in difficult conditions”. According to Jayachandran (2014, cited in Meyer, 2018:1) and the United Nations (UN, 2008, cited in Meyer, 2018:1), recent research on the roles of females in both developed and developing countries suggests that many women in developing nations continue to play constrained economic roles in agriculture and are restricted in participating as economic equals in these nations.

Meyer (2018:1) argues that “females are becoming essential change agents within social and economic environments and are globally responsible for making valuable contributions towards job and wealth creation and economic growth”. Meyer (2018) concludes that “notwithstanding the impact and role of females in today’s economies, their role is nevertheless still often understated and undervalued ... females still face tremendous challenges regarding the growth and expansion of their enterprises”.

According to Meyer (2018:1), “empirical data regarding female entrepreneurs’ business growth ambitions is also scarce; more data on this topic could possibly make a contribution to the existing body of knowledge in this field”. Meyer (2018:1) adds that “the empirical data is important to help formulate improved policies and support mechanisms aimed at ensuring better success rates of female-owned businesses”. Brush et al. (2006) state that women are more likely than men to start their own businesses to create a work-family balance. According to Carter et al. (2003), surveys reveal that women cite the desire for flexibility and work-family balance as the main reasons for becoming entrepreneurs. Parenthood also seems to play a key role in the decision to become self-employed in Uganda (Birley, 1989). For example, in Uganda, being self-employed allows women to work from home, which eases the burden of finding childcare (Boden, 1996).

Research has pointed to gender-based differences in terms of pursuing risk-related ventures; the types of businesses ventures; the process used to identify business opportunities; the size of start-ups; time and effort spent developing businesses; confidence in start-up efforts; challenges relating to business start-ups; expectations regarding business performance; and performance outcomes (Brush, 1992; Basheka, 2018b). WOBs have lower sales rates and have fewer employees than male-owned businesses, which may limit their participation in large tenders (Fischer, Reuben & Dyke, 1993; Basheka, 2018b). Moreover, as women need to juggle work and family responsibilities, they might find the administrative processes associated with tendering too cumbersome (Basheka, 2018b).

Public procurement is a highly regulated government activity in Uganda. The related procedures involve include time-consuming and costly tendering, and compiling complex bidding documentation that may not favour WOBs (Enchautegui et al., 1997; Basheka, 2018b). These authors believe that the processes are unnecessarily complicated and differ from one department to the next. In some instances, limited notice is given of advertised contract opportunities (Enchautegui et al., 1997; Basheka, 2018b).

Countries have attempted different modalities to address these gaps, with mixed success and failure; however, countries that have remained resilient and focused have made great strides. The USA, for example, has managed to implement AA successfully after a long struggle to ensure inclusivity and AA requirements were in place by the late 1960s. These were extended to secure the employment of women under federal government contracts, and to ensure that WOBs would secure a proportion of government contracts (McCrudden, 2004). Importantly, government policies and legislation need to take cognisance of companies that create a false facade of WOBs (fronting) (Enchautegui et al., 1997).

#### **4. METHODOLOGY**

Both primary and secondary information was collected using corresponding data-collection and -analysis techniques. Interviews were conducted with key informants on both a central and local government level, while a survey instrument was administered to various WOBs in areas covered by this study. The key informants included women who had participated in tendering processes. Names were drawn from the list of prequalified service providers and the Public Procurement Regulatory Authority provider's online portal. The questionnaire survey was also administered to a group of WOBs, whose sampling frame was obtained from the Ministry of Trade and Industry, the Kampala Capital City Authority Register, as well as women-owned organisations.

As the quantitative analysis focused on descriptive statistics, collected data were disaggregated according to various classifications to contextualise further detailed analysis and the interpretation of results. The robust analysis process included coding, data entry, data cleaning, preliminary analysis, and data analysis. Hereafter, the results were clustered around the key themes of the study. To support the research findings, a secondary literature review was conducted to extend the researchers' scholarly insight into women's participation in public procurement.

## **5. DISCUSSION OF KEY FINDINGS**

A number of system-wide issues militate against WOBs' involvement in the public procurement system. In addition to challenges in accessing information on bidding opportunities, WOBs often face capacity constraints, such as a lack of managerial expertise and skilled employees to prepare quality proposals, a lack of funding to cover bidding expenses, and limited access to information and communications technology (ICT). Based on international literature, the following four major sets of barriers were identified: women's capacity, information accessibility, financing, and policy-regulatory frameworks. Each barrier includes a set of dimensions and questions that were assessed. There are various views and opinions on the factors that impede women's participation in public procurement. Each of the sets of barriers is dealt with in the subsequent sections.

A number of dimensions were analysed under the first category, women's capacity (see Table 1). Of the respondents, 92% agreed that women lacked training in public procurement, while 83% agreed that most women lacked information on tendering opportunities and 79% agreed that most WOBs lacked the capacity to prepare competitive bids. Furthermore, 76% agreed that most female entrepreneurs lacked the capacity to bid in joint ventures due to the extensive administrative processes, while 69% stated that most WOBs were too small to win large government contracts and 61% were of the opinion that most women entrepreneurs were unable to comply with the high-quality requirements. More than half (57%) of the respondents believed that most female business owners lacked managerial and entrepreneurial skills.

**Table 1: Capacity-related barriers to public procurement participation**

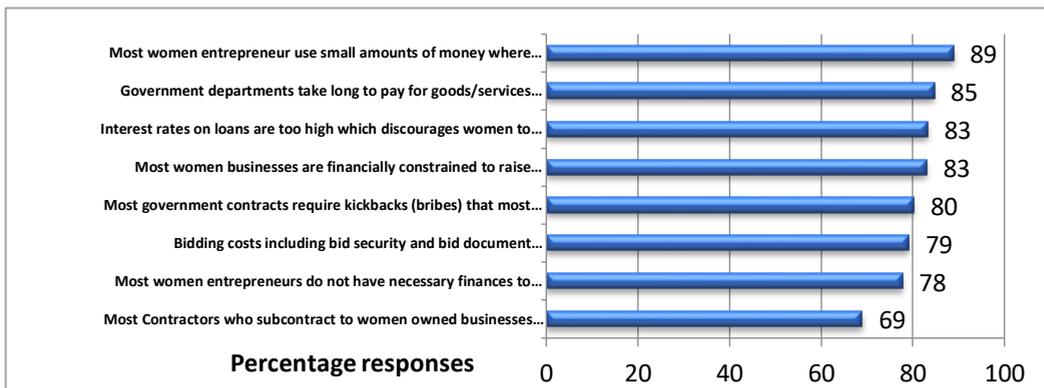
<b>Capacity Factors</b>	<b>Rating</b>
Lack of training in public procurement.	92%
Lack of information on tendering opportunities.	83%
Lack capacity in preparing competitive bids	79%
Lack of capacity to bid in joint ventures.	76%
Businesses are too small to win large government bids.	69%
Qualification requirements are too high.	61%
A lack of managerial skills.	57%
A lack of entrepreneurial skills.	57%

Comparative literature suggests that financial criteria remain the largest stumbling block for female entrepreneurs and WOBs in Africa (International Trade Centre, 2014). When bidding for government contracts, organisations need to submit audited financial reports. Female business owners and organisations in Africa have highlighted this requirement as a major stumbling block. Many female entrepreneurs do not have the business acumen required to maintain financial records, and they can also not afford to have their records audited annually. Other financial requirements, such as performance bonds, bid guarantees, and tender document fees, also fall beyond the scope of most WOBs. Like all qualification criteria, financial requirements need to be reviewed and tailored; however, rationalising and tailoring technical and financial qualifications should not lead to a compromise in standards. In terms of financing, 89% of the respondents agreed that most female entrepreneurs did not have the financial liquidity to wait for delayed government payments, and 85% agreed that government departments took long to pay for goods/services supplied, which had a detrimental effect on WOBs' cashflow. Of the respondents, 83% agreed that interest rates on loans were too high, which discouraged women from taking out loans to participate in public procurement. Moreover, participants agreed that due to financial constraints, women were unable to raise funds from banks to participate in public procurement.

Furthermore, 80% of the respondents agreed that most government contracts required kickbacks (bribes) that most female entrepreneurs cannot afford, and

79% agreed that bidding-related costs (including bid guarantees and preparing bidding documents) were too high for WOBs in Uganda. Similarly, 78% of the respondents agreed that most female entrepreneurs did not have the necessary finances to participate in bidding processes. Notably, 69% of the respondents agreed that most subcontractors received hefty commissions at the expense of female enterprises (see Figure 1).

**Figure 1: Financial constraints to women’s participation in public procurement**



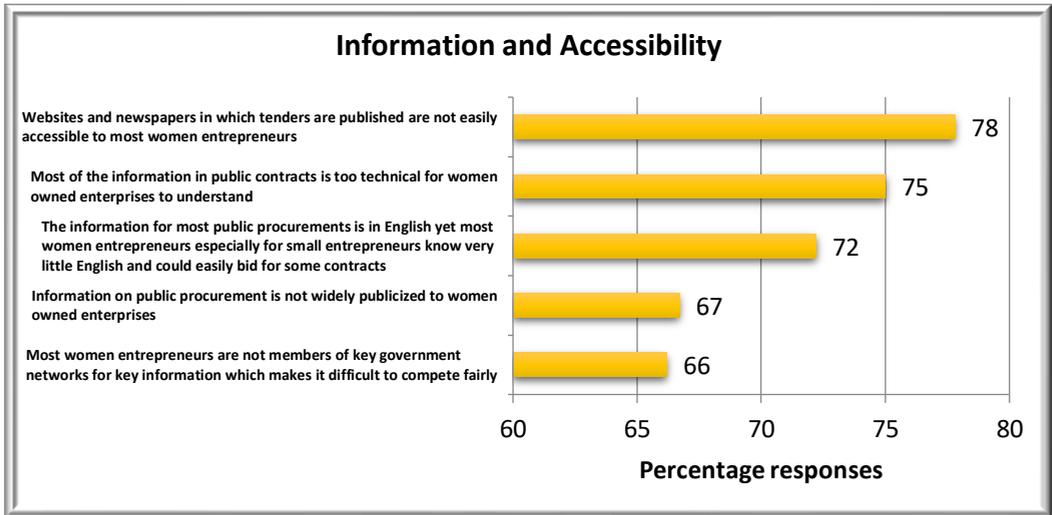
Source: Authors’ own construction

To participate in public procurement, bidders need access to vital information, and WOBs are often unaware of available contracting opportunities. Most literature on WOBs points to the issue of a lack of information relating to procurement processes (Enchautegui et al., 1997). Moreover, when information is made available, it is often unnecessarily complicated and differs from one department to the next. In some instances, the advertised contract opportunities have limited notice periods. In line with this, 78% of the respondents agreed that female entrepreneurs seldom have access to websites and newspapers where tenders are published. The following section outlines key findings of perceptions of policy and regulatory barriers to women’s participation in public procurement.

Notably, 75% of the respondents agreed that most information relating to public contracts was too technical to understand, and 72% of the respondents stated that information relating to public procurement opportunities was often in English, while most female small business owners had a limited understanding of English. Of the respondents, 67% agreed that information on public procurement did not reach WOBs. Furthermore, 66% of the respondents pointed out that most female

entrepreneurs were not members of key government networks, which made it difficult to compete in bidding processes.

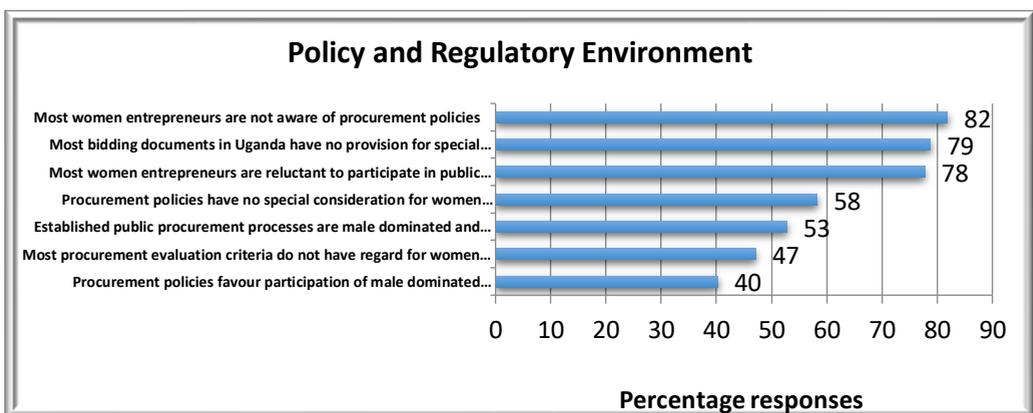
**Figure 2: Information-related barriers to women’s participation**



Source: Authors’ own construction

Appropriate legislative, policy, and regulatory frameworks are the cornerstones of facilitating greater participation of WOBs in public procurement. In this regard, these frameworks need to create sustainable AA initiatives.

**Figure 3: Policy and regulatory environment**



Source: Authors’ own construction

The results show that 82% of the respondents agreed that most female entrepreneurs were unaware of procurement policies, and 79% of the respondents agreed that most bidding documents in Uganda made no provision for protecting small contracts with WOBs. In fact, 78% agreed that most female entrepreneurs were reluctant to participate in public procurement as they feared legal implications, while 58% agreed that procurement policies made no special consideration for female entrepreneurs. Furthermore, 53% of the respondents agreed that the established public procurement processes were male dominated, while 47% agreed that most procurement evaluation criteria sidelined WOBs and 40% agreed that procurement policies favoured male-dominated businesses.

## 6. ADDRESSING WOMEN'S PARTICIPATION

The findings point to areas of concern regarding women's participation in public procurement. These barriers could serve as possible areas for policy intervention. The barriers that women face in their attempt to participate in public procurement programmes transcend regulations that govern this system. Enterprises or businesses owned by women can benefit from micro-credit programmes to start and expand their businesses. In this regard, a participatory framework that takes a holistic approach to women's access to public tenders that provides sustainable solutions to women's access to public procurement in Uganda is needed.

The framework needs to involve key stakeholders and requires a systematic and coordinated approach to addressing structural and systemic challenges. The analytical framework provided below is based on key processes that require high-level tactical and operational interventions targeting specific areas, including the following:

- **Defining the concept “women-owned business”:** This is a fundamental parameter due to varying opinions on what constitutes a WOB. Kenya, for example, defines an WOB as an entity where the woman is the signatory to accounts and stakeholder consultation. As Stage 1 of the proposed framework, Uganda needs to develop its own acceptable, standard definition that considers the country's unique context and variables.
- **Defining eligibility criteria:** Once a definition of a WOB is established, a set of participation parameters and criteria should be developed. Criteria should vary according to the size of the enterprise and the sectors in which the WOBs participate. A classification scheme of procurement categories (either by supplies,

services and works, or agreed-upon thresholds) should be established to facilitate targeted AA initiatives.

- **Developing certification and training programmes:** WOBs should attend specialised training programmes on meeting specific public procurement criteria. The training programmes should not only cover the procurement cycle, but also management skills and entrepreneurial and basic consultancy practices. After fulfilling a certain set of requirements, women should be certified to participate in public procurement. This quality assurance mechanism will facilitate a degree of standardisation and ensure the quality and capacity of WOBs.
- **Addressing systemic issues in government:** Several systemic issues prevent WOBs from participating in public procurement. Some of these issues are at a strategic level, while others are related to systems, structures, staff, skills, and shared values. Moreover, certain challenges can be ascribed to existing procurement frameworks and the operation thereof. Registration systems, requirements for audited accounts, complex bidding documents, and accessibility to information need to be addressed. Similarly, delays in remuneration, corruption, and evaluation criteria can be addressed to support the participation of WOBs in public procurement.
- **Implementing targeted procurement reform:** The success of these recommendations will require targeted procurement reforms in countries where there is a focus on promoting inclusivity. Technical tendering restrictions based on the legal existing framework need to be addressed through appropriate reforms. From a legislative perspective, a specific percentage of contracts should be allocated to women and the youth. Bidding documents should be modified according to the above criteria (Stage 2). Preliminary-level eligibility requirements need to be changed to consider certification-level bidders.
- **Formulating special guidelines and frameworks:** Respective countries' procurement regulation agencies should formulate special frameworks so that procurement entities have set guidelines to enforce agreed-upon AA initiatives. The guidelines could offer guidance on networking with WOBs, reserved contract sizes, sectors, reporting arrangements, and timelines for bidding processes.
- **Creating compliance assessment frameworks:** Regulatory procurement bodies such as Uganda's Public Procurement and Disposal of Public Assets Authority (PPDA) will need to design a universal compliance assessment framework to assess all procuring entities. The framework should include an AA plan as a

contract compliance requirement. Compliance should be rated according to different levels, and the framework should have meaningful indicators to allow easy measurement.

- **Implementing compliance reporting and rating systems:** All entities should provide quarterly and annual reports on the implementation of AA plans, as well as the key challenges, best practices, and lessons learned. Regulatory procurement bodies should base their reporting templates on the compliance assessment framework of AA interventions. The templates should allow for rational scientific assessment to facilitate annual compliance rankings. The system should also document WOB role models in different sectors so that their success stories can be documented for mentorship purposes.
- **Implementing monitoring and review systems:** The system will work well where there is continuous monitoring and evaluation to assess what worked and what did not. This will require evaluating the impact, outcomes, and outputs of agreed affirmative actions.
- **Compiling annual procurement regulatory reports:** Regulatory bodies like the PPDA should be required to compile a comprehensive gender-participation status report. It could be made a separate report, or a special chapter in its annual report can be used for this purpose.
- **Conducting research:** The system should be based on regular evidence-based research to inform decision making. Annual research studies must be commissioned and the findings should be shared extensively among a wide range of stakeholders.
- **Implementing ICT-enabled systems:** Business processes management engagements have changed and the system should emphasise ICT-enabled solutions to allow instant tracking of progress.

## 7. CONCLUSION

The research was unable to determine the exact volume and value of public procurement contracts awarded to women or their enterprises in Uganda's public procurement system. It was found that there was no system in place at the Ugandan PPDA and Ministry of Finance, Planning and Economic Development to capture disaggregated data for evidence-based decision making. Although the above scenario is within the Uganda context, it is likely to be similar in other countries.

The current research was based on small and micro WOBs. The majority of WOBs that participated in public procurement fell in the supply and trade categories. These sectors offer high procurement volumes compared to lucrative consultancy and works tenders. The research found that the barriers to women's participation in public procurement were spread across the entire public procurement cycle (planning, budgeting, specification criteria, bidding, evaluation, awarding of contracts, and contract management). Some barriers were structural and legal, while others related to systems, the people managing the systems, shared values, and the styles and strategies adopted.

Snyder (2000) states that the contemporary story of female entrepreneurs in Uganda mirrors that of the country's recovery from civil war and its legacy of death, destruction, and fear. Uganda's case is unique because "a veritable explosion of Ugandan African entrepreneurship was born out of the need to survive amidst chaos" (Snyder, 2000:17); however, the time has come to change this narrative. It is recommended that the Ugandan government establish an appropriate AA-focused legislative and regulatory framework, supported by top-level commitment, to ensure that WOBs can access national and international trading opportunities. Ongoing PPDA amendments should integrate both gender and youth issues in public procurement legislation. Moreover, there is a need for increased capacity building and technical assistance for WOBs to access national and international trading opportunities.

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