

Advancement of women through public procurement -

Example BERLIN

Legal bases

- **§ 13 Equal Opportunities Act for Berlin
(Landesgleichstellungsgesetz, LGG)**
- **Regulation on the advancement of women and the
reconciliation of work and family life in public
procurement
(Frauenförderverordnung, FFV)**
- **Berlin law on tendering and procurement
(Berliner Ausschreibungs- und Vergabegesetz, BerlAVG)**

§ 13 Equal Opportunities Act for Berlin (LGG)

Advancement of women through public procurement:

- **Value of contract more than 25.000 € for services and supplies and more than 200.000 € for construction works**
- **Company has more than 10 employees**
- **Berlin Senate is entitled to issue a regulation that regulates the details**

Regulation on the advancement of women (FFV)

Content of the official announcement about the invitation to tender:

- **Information about § 13 LGG and the Regulation on the advancement of women**
- **Applicants have to give a declaration**

Regulation on the advancement of women (FFV)

Content of the declaration:

- Compliance with the applicable equal treatment law
- The number of employees
- In case of more than ten employees: which measures for the advancement of women are carried out, continued or introduced (§ 2 FFV)

Regulation on the advancement of women (FFV)

Measures for the advancement of women (§ 2 FFV):

- **21 possible measures for the advancement of women, e.g.:**
 - qualified plan for the advancement of women
 - increasing the percentage of women in higher positions
 - women's representative
 - flexible working hours
 - internships for girls and young women
 - checking equal pay
 - internal or external child care facilities

Regulation on the advancement of women (FFV)

Number of measures for the advancement of women of the catalogue in § 2 FFV to be taken depend on the size of the company:

- **11-20 employees: 1 measure (from measures 1-20)**
- **21-250 employees: 2 measures**
- **250-500 employees: 3 measures**
- **More than 500 employees: 3 measures (at least one measure from measure 1-6)**

Further procedure for awarding a contract

- **Companies submit offer and declaration**
- **Awarding authority checks whether declaration in accordance with § 2 FFV is enclosed and has been completed as required**
- **Only in this case the tenders are opened and assessed**
- **Contracts are awarded only on the basis of the usual criteria of public procurement (suitability of the tenderer and economic efficiency)**



Monitoring implementation

- **Contractors have to follow and implement their obligations concerning the measures for the advancement of women**
- **At least for 5% of their annual public contracts, awarding authorities shall check if contractors follow their obligations**
- **Additional control: “Central group of control of Berlin contract awarding authorities”**

Sanctions

- **Contractual penalty**
- **Termination of contract**
- **Exclusion from public procurement for a maximum of 3 years**

Control of proofs and statistics

- **Awarding authorities have to collect data**
- **Awarding authorities submit data to the member of Senate responsible for women's issues**
- **Senate analyses the data and every two years publishes a report**

Summary

- **At least 11 employees**
- **Value of contract more than 25.000 €/200.000 €**
- **Advancement of women = qualification criterion; contracts are awarded only on the basis of criteria of public procurement**
- **Monitoring of implementation; sanctions are possible**

**Thank you
for your kind attention.**