



Promising Practices in Equitable Procurement

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PUBLIC HEALTH INSTITUTE
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PARTNERS FOR HEALTH EQUITY

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About the Public Health Institute of Western Massachusetts

The Public Health Institute of Western Massachusetts (PHIWM), formerly Partners for a Healthier Community, is a 501(c)(3) non-profit organization based out of Springfield, MA whose mission is to build measurably healthier and more equitable communities through community engagement, collaborative partnerships, research and evaluation, and policy advocacy. PHIWM is committed to improving the public's health by fostering innovation, leveraging resources, and building partnerships across sectors, including government agencies, communities, the health care delivery system, media, and academia.

Health Equity Statement

A historic legacy of social, economic, and environmental inequities, such as racism and gender-based discrimination, are embedded in societal institutions and result in poor health. These unjust inequities affect communities differently with some bearing a greater burden of poorer health. These inequities can influence health more than individual choices or access to healthcare. PHIWM recognizes its responsibility to dismantle these injustices by promoting health through policies, practices, and organizational systems that benefit all. We encourage others to join in these efforts.



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We requested reviews of this document by people with expertise in equitable procurement or participatory grant-making (e.g., other people who work in public health, private philanthropy, city planning, and government procurement). We are grateful to all reviewers. This document was improved substantially by their willingness to take time and share their wisdom on this subject.

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Contents

| | |
|---|----|
| Introduction | 1 |
| Equitable Procurement | 2 |
| What Is It and Why It Matters | 2 |
| Development of this document | 3 |
| Background | 3 |
| Criteria for inclusion or exclusion in the scan of the literature | 3 |
| Note about the quality of the literature | 4 |
| How to use this document | 4 |
| Intended audience | 5 |
| Promising Practices in Equitable Procurement | 6 |
| 1. Center equity throughout procurement | 6 |
| 2. Conduct a needs assessment | 7 |
| 3. Conduct outreach | 8 |
| 4. Redesign funding opportunity materials | 9 |
| 5. Build relationships | 9 |
| 6. Build inter/intra-departmental capacity | 10 |
| 7. Build CBO capacity | 11 |
| 8. Customize payment practices | 12 |
| 9. Establish mentorship opportunities | 12 |
| 10. Engage in evaluation | 13 |
| References | 14 |

Introduction

This document, titled "Promising Practices in Equitable Procurement," provides a helpful guide to implementing equitable procurement practices. It presents a set of practices that increase investment in community-based organizations or businesses that traditionally have not received government contracts. This type of investment has shown the potential to create jobs, opportunities, and other benefits in local communities. The 10 practices discussed are as follows: center equity throughout the procurement process, conduct a needs assessment, conduct outreach, redesign funding opportunity materials, build relationships, build inter/intra-departmental capacity, build Community Based Organization (CBO) capacity, customize payment practices, establish mentorship practices, and engage in evaluation.

The document was created through a review of existing literature and best practices and vetted, and peer reviewed by various experts. These reviewers had experience implementing, evaluating, or consulting on equitable procurement or participatory grant-making. Overall, this document serves as a valuable resource for state and local governments, nonprofits, and other organizations looking to improve their contracting practices and increase equity in their procurement processes.

Equitable Procurement

What Is It and Why It Matters

Over the past few decades, state and local governments across the country, as well as the federal government, have invested time and money into improving contracting practices to increase equity. Government procurement practices that are traditionally used have led to systematic underinvestment in businesses and nonprofit organizations owned by people of color and those in other historically marginalized communities.ⁱ Complex bidding procedures, a lack of outreach to underrepresented communities, minimal connections to and lack of data about businesses and organizations in the community that have not worked with the government in the past,ⁱⁱ and other systemic factors have created significant barriers for these organizations to successfully apply and receive procurements.ⁱⁱⁱ Another issue is the accumulated, justifiable mistrust or skepticism some applicants have towards the government helping their communities. Additionally, governmental entities trying to make their procurements more accessible may face barriers to changing procurement mechanisms, including complicated and inflexible bureaucratic and legal systems. The systematic exclusion of businesses and organizations as a result of these traditional practices has stunted their growth. Having had limited access to government contracts, businesses and organizations owned by people of color and other marginalized populations have been unable to secure crucial capital, build a track record of success, and establish themselves as strong contenders for future opportunities. This creates a self-perpetuating cycle of social, racial, and economic disenfranchisement.^{iv}

Equitable procurement is a set of practices, policies, and processes that aim to dismantle inequity. Ideally, the funding is intended to support the work already being accomplished in the community without an excess of requirements and unnecessary barriers. By fostering a more transparent and inclusive contracting process, the government can create a level playing field for all. Equitable procurement includes simplifying bidding procedures, providing targeted outreach to underrepresented communities, and ensuring a diverse pool of reviewers for proposals among other activities identified in this document. Innovating antiquated systems increases government engagement in the community, strengthens community assets, and increases economic equity and opportunity^v. Furthermore, when community-based businesses and organizations thrive, it strengthens local economies, improves relationships between the funder and funded organizations, and increases social and racial equity. Creating equitable procurements is a valuable investment for both communities and government.

Development of this document

Background

The New York State Department of Health's (NYSDOH) Bureau of Health Equity and Community Engagement (BHECE) developed an innovative Equitable Procurement (EP) process as one important component of their overall strategy to continue to reduce COVID-19 health disparities among higher risk, underserved populations. Specifically, the BHECE team was funded (CDC-RFA-OT21-2103)^{vi} for the development and implementation of a "mini-grant" process they called "Small Wellness" that aimed to expand the pool of applicants who receive NYSDOH funding. The focus of their efforts was on Community-Based Organizations (CBOs) (e.g., non-profits, faith-based organizations, neighborhood block associations, etc.) that may have had barriers to accessing state funds in the past, but who are representative of and/or serve communities disproportionately affected by COVID-19. BHECE established a set of EP standards to utilize for the process that was updated continually with program learnings and feedback from applicants/awardees.

The Public Health Institute of Western Massachusetts (PHIWM) was funded by the National Network of Public Health Institutes (NNPHI) through a CDC cooperative agreement to partner with BHECE and evaluate the successes and challenges of implementation of their EP process. A key part of this evaluation was conducting a scan of grey literature, white papers, and when possible, peer reviewed articles to highlight the most promising practices in EP. A major goal of this endeavor was to compare EP process innovations created by BHECE to best practices. Authors considered literature from the fields of equitable procurement, participatory grantmaking, community engagement, and innovations in grantmaking and procurement.

Criteria for inclusion or exclusion in the scan of the literature

Most government EP practice to date has focused on commerce, such as ensuring that the government is equitable in how it distributes its printing services, construction, janitorial, or other needs. While government entities use EP to fund community-based organizations focused on public health or social services, few articles were found in this area of practice. It was unclear how activities like recruitment, application, or contracting processes might be different when the government is trying to establish a relationship to these organizations as compared to a for-profit business. Consequently, the scan was expanded to include promising practices in philanthropy, such as participatory grantmaking, as a way of enhancing information missing

from the government literature. The themes identified in this document focus on what information is useful within the structures, needs, and constraints of government entities. PHIWM also applied its own “Research and Evaluation Health Equity Standard of Practice Checklist” to the review as a useful lens through which to view the literature and what was absent from it.^{vii} Literature that did not explicitly consider equity principles in procurement practices was excluded from the review.

Note about the quality of the literature

A search of the peer-reviewed literature revealed that EP has not been rigorously evaluated. There are studies that show how successful EP implementation can increase economic growth in prioritized communities.^{viii} However, the literature would be enhanced if it looked at the extent to which each EP practice (e.g., outreach or funding materials redesign) supports applicants’ opportunities or how these practices interact and build upon each other to possibly have a greater effect. As increasing trust in government is often an impetus for the use of EP, it also would be helpful to study if or how certain aspects of EP benefit this objective. This document intends to articulate where there are commonalities and agreements on what works and matters in the EP field. Hopefully, researchers can use the practices outlined here to inform rigorous studies in the future.

How to use this document

While this document started as an evaluation tool for a specific equitable procurement initiative, it can be useful for any funding institution considering employing equitable practices in their procurements. It can be helpful across a variety of purposes, including guidance for a procurement redesign, a tool for evaluation to assess the extent to which a procurement process is equitable, and to advocate for equitable procurement with leadership or others who may want more information on how to make procurements more equitable. Of special note, this document refers to community-based organizations (CBOs) as that was focus of BHECE’s EP efforts. However, these practices apply to work with, for example, for-profit businesses owned by people of color or other types of organizations as well.

Note about legal requirements: It is important that any jurisdiction considering reform of their procurement policies, systems, and processes review and understand current local, state, and federal rules and regulations related to procurement. Potential review by legal counsel may be necessary so as not to violate the relevant legal requirements.

Intended audience

This document was written with state health departments as the intended audience. We also believe the practices can be useful for local or federal government institutions who conduct procurements, philanthropies and foundations, and other funding institutions that sub-contract with community organizations or businesses.

Promising Practices in Equitable Procurement

For each practice there is an explanation of why the practice is considered important as well as a set of key activities that are either from the literature or have been suggested by experts in the field. Each practice is placed in roughly chronological order though the reality is that design and implementation of EP is highly iterative, and many practices may be revisited throughout the process. Depending on what a funding institution is interested in addressing within their procurement, the order in which practices are addressed may change. The practices are numbered simply for ease of reference when using this document.

1. Center equity throughout the procurement
2. Conduct a needs assessment
3. Conduct outreach
4. Redesign funding opportunity materials
5. Build relationships
6. Build inter/intra-departmental capacity
7. Build CBO capacity
8. Customize payment practices
9. Establish mentorship practices
10. Engage in evaluation

1. Center equity throughout procurement

Purpose: Embed a steady and continuous commitment to racial and social justice, fostering trust in government, and ensuring a more equitable distribution of power throughout the procurement process actively dismantles historical barriers and creates opportunities for historically excluded businesses.^{ix}

While equity should be a central focus and incorporated throughout each of these practices, it is named as its own practice in an effort to specifically call out key equity activities within this work. Government departments and agencies should name and define these practices within their specific context and create metrics to operationalize and measure the effectiveness of these practices.^x

Key activities may include some or all of the following:

- Advocate for sustainable change in procurement systems and structures beyond one example or pilot procurement.

- Listen to community to understand where government technical assistance and support is needed.
- Conduct periodic conversations around equity, power distribution, and internal equity within a department.
- Ensure that all materials are in plain English and accessible for non-English speakers or those who are visually impaired.
- Include community voice at the table during design, planning, implementation, and evaluation, ideally with some level of decision-making or decision-informing power to avoid tokenism.
- Consider equity in internal hiring (e.g., having at least one member of the core staff who has extensive experience working in community/“non-government” work).^{xi}
- Pay community members for their time, including time spent planning for or administering the award.
- Recognize the expertise in the community and prioritize that over typical government requirements (e.g., in-depth work plans).

2. Conduct a needs assessment

Purpose: To gather data on resources and barriers community-based organizations have experienced when attempting to obtain government contracts or grants.¹ A central element of this data collection process is identifying which groups (e.g., demographic populations, cultures, communities, or geographic areas) experience inequitable access to government funds to understand the barriers to access from multiple, diverse perspectives. Ideally, these activities would include CBOs in the entire assessment process.

Key activities may include some or all of the following:

- Conduct community outreach (e.g., community forum) to identify and better understand:
 - Barriers to accessing government funds.
 - Community perceptions of the government’s procurement process.
 - Community strengths and needs as it relates to the sector the government is intending to fund.
 - Organizational assets and strengths such as how communities or organizations have secured alternate funding when government funds were inaccessible.^{xii}
 - Reasons for historic and current mistrust in government agencies driving organizations to not pursue government contracts.

¹ While disparity studies delve into root causes of inequity, this document focuses on needs assessments that identify community gaps and priorities. Both approaches are valuable but serve distinct purposes; needs assessments inform specific procurements, while disparity studies inform broader systemic changes.

- Gather data about the types of organizations typically funded by the department or bureau. This includes organizational characteristics such as size, funding structure, and industry or sector, in addition to characteristics of the communities they serve such as race/ethnicity, geography, rurality, or other factors that have typically been underfunded.

3. Conduct outreach

Purpose: To modify or customize outreach and advertising of funding opportunities to align more closely with the prioritized organizations or businesses the government intends to reach.

Key activities may include some or all of the following:

- Continue outreach and communication with organizations beyond the conclusion of a contract or procurement cycle.^{xiii xiv}
- Customize communications to be specific to each funding opportunity.
- Redesign all outreach materials to be clear, inviting, and accessible:
 - Ensure all outreach materials are available in plain English, multiple languages, and are accessible to those who are visually impaired.
 - Supplement materials with a guide to government contracts that explains acronyms and terminology to help those who are new to government contracting.
- Incorporate feedback from the needs assessment into the development of outreach materials.
 - Consider if redesigned outreach materials and processes will be accessible to priority groups as compared to more traditional outreach materials and processes.
- Reconsider pathways used for promotion of new funding opportunities (e.g., going beyond posting on a .gov website). Successful initiatives have tried to:
 - Hire personnel solely focused on reaching specific communities or regions who can establish ongoing trusted relationships with CBOs.
 - Advertise in places where CBOs are located and in ways that are familiar to them (e.g. popular local radio stations, neighborhood business associations, billboards).^{xv}
 - Provide more opportunities for pre-application communications (e.g., Q&A sessions, an email address and phone number where people can ask questions and get a quick answer).
- Establish a Community Advisory Team (CAT) who can provide invaluable recommendations for reaching communities and insights into navigating obstacles.

- Utilize consultants to interface with communities who are familiar with the communities, the area of the application’s focus, or who have experience working with equity issues.^{xvi} This activity is of particular use when a department is prohibited from doing certain types of outreach or communications during the application receipt and review process but can have consultants do so.

4. Redesign funding opportunity materials

Purpose: To create materials and systems that are accessible, inclusive, and transparent for all CBOs in every phase of procurement; planning, outreach, application, review, and contracting.

Key activities may include some or all the following:

- Collaborate with Information Technology and compliance departments to create application systems that are easy to navigate and user-friendly. Ensuring accessibility is a key component of this process. Sometimes testing by the end-user (e.g., potential applicants) is also involved.
- Establish a Community Advisory Team (CAT) to work with government employees to co-create applications, Request For Proposals (RFPs) and RFP overviews, and other elements of a procurement.
- Redesign all materials to be clear, inviting, and accessible:
 - Co-create review criteria with past applicants.
 - Ensure all materials are available in plain English, multiple languages and are accessible to those who are visually impaired
 - Ensure all information is communicated to applicants up front including timelines, criteria for acceptance and structure of payments.
 - Make review criteria available to applicants.
 - Provide guidance such as a “guide to government contracts” and “guide to the application portal” that explains acronyms, terminology, and systems to help those who are new to government contracting.^{xvii}
- Create flexible application requirements that value a wider range of experiences rather than typical requirements (e.g., complete budget or past grant experience).
- Reevaluate requirements that CBOs must have to be eligible to participate in grants (e.g., having specific insurance).

5. Build relationships

Purpose: To build connection with communities through increased face-to-face engagement, active listening to the concerns of both CBOs and the communities they serve, and seeking ways to collaboratively address potential barriers within funding opportunities.

Key activities may include some or all of the following:

- Incorporate historical perspective and context into the materials and presentations that acknowledge past harms and what is being done to address them.^{xviii}
 - Explain what programs or services the government has initiated in the community – historically and currently – and if they had any positive or negative effects.
 - Explain what policies and practices business, government, and communities have championed and implemented – historically and currently – and if they had positive or negative effects.
- Spend time “out of the building” at community events.
 - This could involve getting to know members of the community and leaders of various organizations who have not previously done business with the government, in-person assistance with the procurement process, or other training.
- Demonstrate commitment to relationship maintenance and program follow through even beyond the completion of the grant.^{xix}
- Provide individualized, available support for administrative needs throughout the application, contracting and implementation (see *Build CBO Capacity*) to build strong relationships.
 - Make sure internal staff are ready and able to communicate with CBOs who need language interpretation support, have limited digital access, or scheduling challenges.

6. Build inter/intra-departmental capacity

Purpose: This practice involves equipping teams across departments with knowledge and skills about implementing equitable procurement strategies. It fosters collaboration, leadership buy-in, and a shared understanding of equity principles, creating a more sustainable, effective, and equitable procurement system.

Key activities may include some or all of the following:

- Determine whether there is any active or passive discrimination against specific types of groups.^{xx} It is recommended to work with an external party to do this assessment.
- Creating and sharing “key learnings” documents.
 - Share documents that explain what EP is with examples that help others understand the value of this approach.
- Hold periodic debriefings during and after an EP cycle is completed within and across departments to learn what is working and to brainstorm how to address challenges or roadblocks.

- Advocate for certain EP system changes considered “innovative” to become codified and integrated into “business as usual” practices, policies and procedures.^{xxi}
- Work within institutions and with those who have been most negatively impacted to discuss and address systemic racism and other oppressions and how they impact procurement processes.
 - Examine power dynamics between the government and the community that would impact aspects of the procurement processes and within the government itself. Also, examine past and current harms. While it is challenging for a government entity to engage in this kind of work because it is time consuming and does not necessarily fit neatly into the standard operations or functions of government, building the capacity within institutions to examine the role of power and discrimination is critical to equity work.^{xxii}
- Solicit feedback on the application to contract process (e.g., interviews, surveys) to learn what works well or might be changed from those who received funding, those who did not receive funding, and those who expressed initial interest but did not complete the application.

7. Build CBO capacity

Purpose: For community organizations to use learning from interactions with the government EP process to be able to find, apply and receive funding from government institutions and other entities such as philanthropies or foundations.

Key activities may include some or all the following:

- Conduct outreach to existing and potential applicants to explain the policies and rules of procurement and why those are in place.²
 - Communicate to organizations what can and cannot change and why. Transparently explaining the purpose of certain policies that exist can reduce frustration or resentment.
 - Abstain from telling organizations that systems cannot change “because it has always been that way.” This type of statement can be construed as laden with structural racism and viewed as excusing stagnation in bureaucratic systems.
- Provide feedback to organizations about applications if they do not receive funding.
- Provide capacity building practices like technical assistance (TA) or training to increase knowledge of the contracting process and increase skills (e.g., creating a budget shell,

² Explaining who or what entities can apply and why may have an additional benefit of sparing some frustration at the government for applying for something they are not eligible for and/or increasing knowledge of what is needed to apply for the next opportunity.

articulating a problem statement, or showing how key activities will lead to the intended outcomes).

- Assist with any certification processes needed to apply or receive the award.^{xxiii}
- Encourage applicants and grantees to take advantage of mentorship opportunities.^{xxiv}
- Provide templates, when possible, to explain things like how the products or systems created for one RFP could be repurposed for other opportunities, or how to leverage inter-agency partners to assist with certifications or applications needed to apply.

8. Customize payment practices

Purpose: To expand ways of distributing funds, which may include increasing frequency of payment or other innovative fund distribution practices that address barriers that CBOs have identified.

Key activities may include some or all of the following:

- Meet as a budget team to brainstorm ways funds might be allocated to applicants beyond traditional payment methods. Examples include distributing smaller payments across the length of the contract versus as a lump sum at the end of the contract.
 - Legal and fiscal constraints are an integral part of this discussion.
- Explain how funds will be allocated in the application materials.
- Work with financial entities or departments to ensure timely payments and if needed, to communicate and be transparent if there is a delay beyond the expected date of receipt.
- Provide TA to assist applicants with creation of a budget (e.g., if needed in the application stage).
- Pay sub-vendors at the same time as or before the primary awardee.^{xxv}
- Provide upfront payment (e.g., 40% of grant funds upon contract execution) to allow small-budget organizations to pursue these types of contracts more easily.
- Allow grantees to choose their own reimbursement schedule rather than having fixed schedules.

9. Establish mentorship opportunities

Purpose: To include mentorship opportunities so that CBOs have support and guidance throughout the application to contracting process.

Key activities may include some or all of the following:

- Hire mentors who have expertise in the topic area of the procurement and in supporting the types of groups that have not applied or felt welcome to apply in the past.^{xxvi xxvii}

- One example is to create a procurement aimed at engaging mentor organizations. Clarify expectations of mentoring at the onset and compensate mentors for their time.^{xxviii}
- Establish peer-to-peer learning or networking opportunities for grantees, current and former, who can share with each other in real time during a grant period or act as mentors to other organizations during RFP cycles.
 - This should be modified based on the type of funding opportunity, organizations the government intends to reach with an RFP, and the needs of organizations in each procurement cycle.

10. Engage in evaluation

Purpose: To gather feedback from participants to support the internal EP team in areas such as accountability, progress towards intended outcomes in current and future funding cycles, recommendations for process improvements, and enabling course corrections as needed.

Key activities may include some or all of the following:

- Conduct end of application cycle debriefings utilizing interim and end of cycle findings.
- Define intended outcomes or impact of equitable procurement prior to implementation, so that progress towards these goals throughout implementation can be measured. This includes creation of evaluation tools like Logic Models, Theories of Change, and Evaluation Plans.
- Examine trends in the data over time to see the impact of the initiative and to what extent the EP process is achieving its goals.^{xxix xxx}
- Include past and/or potential CBO grantees in all steps of evaluation along with internal staff and an external evaluation professional. Doing so increases the power of grantees, the relevance of the evaluation, buy-in, and participation by other CBO grantees. It also offers an opportunity for capacity building.
- Report back to CBO awardees about evaluation findings.
- Conduct periodic data collection activities using methods such as rapid evaluation and plan-do-study-act (PDSA) to solicit feedback and identify areas for modification from grantees and unawarded applicants.
- Use data to inform a plan for sustainability. This includes:
 - Plan for the maintenance of data collection.
 - Determination of communication and follow up with the prioritized groups long after the grant opportunity ends.

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