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Do Civil Society Organizations Have a Role in Promoting Sustainable and Gender-Responsive Public Procurement?

Dibya Rathi

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Abstract

This study examines the role of civil society organizations (CSOs) in promoting gender-inclusive and sustainable public procurement. Through interviews with five diverse CSOs—Electronics Watch, Eating City, Swedwatch, Fair Trade Advocacy Office (FTAO), and ISLE Association this research highlights their significant influence on public procurement. CSOs regard public procurement as vital for promoting fair resource distribution, human rights, and gender equality. They engage in policy advocacy, advisory roles, capacity development, and due diligence, with some focusing on specific sectors like electronics and food procurement, others are spread over multiple sectors. Despite challenges such as limited funding and resources, CSOs collaborate with governments, academia, and other stakeholders to improve procurement policies and practices. Effective public procurement requires CSOs' active participation to ensure sustainability and gender equality. The study underscores the need for enhanced support and recognition of CSOs in public procurement to achieve broader sustainability goals. Future research should expand the range of CSOs studied and employ quantitative methods for a comprehensive analysis of their impact.

Keywords

Public procurement, sustainability, gender-responsive, civil society organizations

1. Introduction

Over the years, civil society organizations (CSOs) have gained significant prominence, experiencing substantial growth in numbers and an expansion in their range of operations. There has also been a shift in public perception toward CSOs, with a marked increase in confidence in these organizations (Egholm et al., 2020). They are receiving considerable public and scholarly scrutiny, particularly for their role in fostering social unity, advocating for active participation in society, and safeguarding the collective welfare and interests of the general population (Egholm et al., 2020). This transition has increased CSOs' engagement in policy discussions and the oversight and execution of legislation and agreements (Hutter & O'Mahony, 2004). Politicians, the news media, and other influential individuals also increasingly depend on CSOs for accurate information and expert policy guidance (Ghaus-Pasha, 2004).

Civic associations can have an advocacy or welfare focus (Wijkstrom, 2004) and strive to eradicate favouritism, prejudice, gender bias and injustice in services provided by the public sector. Further, civil society essentially fulfils three functions: contributing to the formulation of strategies,

delivering services through local community organizations and national non-governmental organizations, and serving as inspectors to ensure that the government fulfils its obligations (Ghaus-Pasha, 2004). For several years now, they have also been actively involved in tackling sustainability challenges and have played a crucial role in driving sustainability transitions by collaborating with the public sector. Sustainable development encompasses a variety of factors, ranging from planetary environmental concerns to localized social difficulties; this usually necessitates an approach based on diverse information utilization and active participation in decision-making from CSOs (Cravero, 2019). In order for them to be effective, they must possess independence, substantial capacity, ample resources, and credibility (Mafunisa, 2004). The global media and the rise of the internet have made it easier for CSOs to share their views, gain support and connect with the public and the government.

Among the many other roles, the advocacy function of civil society is essential to entail identifying unattended issues, raising awareness about them, safeguarding fundamental human rights, and expressing a diverse array of political, environmental, social, and communal interests and concerns (Ghaus-Pasha, 2004). CSOs help gather information for state regulators, monitor government policies, set standards by participating in formal processes, and try to change behaviours through campaigns, protests, and other civil actions (Hutter & O'Mahony, 2004). According to the United Nations Development Programme Poverty Report of 1998, CSOs are essential providers of information, experience, and expertise, significantly contributing to developing innovative approaches (found in Pimentel, 2005). However, they must also prioritize preserving their distinct contributions to development instead of only functioning as appendages of the state (Clayton et al., 2000).

The concept of civil society and the implementation of social responsibility has been suggested as a substitute for conventional methods of accountability (Peruzzotti & Smulovitz, 2006). Previous studies have discussed how civil society has expanded its efforts besides traditional advocacy and now advocates toward a wide range of sustainable practices and services (Frantzeskaki et al., 2016), including public procurement.

The current study investigates the role of CSOs in public procurement and, within it, their role in ensuring gender-inclusive and sustainable procurement approaches. To do so, the following research questions are examined:

R1: Does public procurement concern CSOs?

R2: What is the role of CSOs in public procurement?

R3: In what ways do CSOs support gender-inclusive and sustainable procurement approaches?

The reminder of the article is structured as follows: First, prominent literature related to the topic is discussed in an attempt to build the framework and knowledge on civil society and their link to public procurement. Then, section 3 discusses the research methodology and section 4 outlays the key data gathered. This is followed by the conclusion and discussion section and finally the contribution and limitations of the paper are mentioned in section 6.

2. Literature Review

2.1 What are civil society organizations (CSOs) and what is their scope of work?

CSOs are non-state, non-profit, autonomous entities formed by people who have shared values and needs that encompass a wide range of associations and groups, including trade unions, professional associations, religious groups, cultural and sports groups, traditional associations, and non-governmental organizations (NGOs) (Avila, 2020; Hutter & O'Mahony, 2004; Ghaus-Pasha, 2004; Mafunisa, 2004; Clayton et al., 2000). Although NGOs are a notable subgroup of CSOs and frequently engaged in development endeavours, the term CSO covers a broader spectrum of organizations which range in different sizes, funding sources, budgets, employment, membership and organization structures, operations, area of focus, etc. (Clayton et al., 2000; Ghaus-Pasha, 2004). The challenge is effectively managing these entities' diversity and unique characteristics (Hutter & O'Mahony, 2004; Cravero, 2019).

CSOs operate independently of the government and are dedicated to advancing various social, cultural, and community goals, including enhancing environmental sustainability, climate change concerns, poverty elimination, human rights protection, gender equality, empowering womenowned businesses, etc. They play a vital role in service provision and advocacy, drawing on their diverse capacities and grassroots connections, sometimes having better data on compliance and enforcement than states and international organizations and are perceived as an increasingly crucial catalyst for advancing good governance (Ghaus-Pasha, 2004). Even then, CSOs may advocate for the interests of particular groups and may not necessarily prioritise the overall welfare of the general public (Hutter & O'Mahony, 2004), hence their participation in public procurement should be well scrutinized. Analyzing whether CSOs reveal their funding sources, identify their accountability, and examine their working practices is crucial to determining their legitimacy (Caranta, 2014). The credibility of CSOs varies greatly depending on the organization and is closely linked to the public's acceptance and their adherence to good governance standards, such as transparency, accountability, and legitimacy; without these, CSOs face risks to their reputation, which can hinder their ability to have a meaningful impact without government support (Cravero, 2019).

Civic organizations have a vital function as watchdogs of democracy during the implementation phase of policies (Kelemen, 2000) by monitoring and avoiding abuses of state authority and power, pressing for changes in policies, and promoting greater citizen involvement and public oversight of the government (Mercer, 2002). Zyl (2014) emphasizes that CSOs have the power to either directly hold the government responsible or assist other individuals or groups in demanding accountability along with disseminating information to various stakeholders in formats that are both practical and easy to access for informed actions. CSOs are also more frequently included in regulatory decision-making processes, often directly and formally, to democratize participation in such matters (Hutter & O'Mahony, 2004).

Donors support civil society because it promotes democratic accountability, transparency, and sustainable good governance, with citizen participation being central to its role. As state capabilities decline in many countries, CSOs increasingly take on responsibilities previously managed by the government (Semboja & Therkildsen, 1995), including the provision of public services in a more effective manner than the public sector itself (Clayton et al., 2000), often for a fee as a way to generate income along with engaging in other income-generating avenues (Ghaus-Pasha, 2004).

Covey (1994) outlined five approaches employed by CSOs to exert influence on the development of national policies: awareness-raising, persuasiveness, cooperation, arbitration, and confrontation. CSOs can substantially influence economic and political policies that directly impact local development, especially in marginalized communities, by bringing public concerns to the spotlight (Ghaus-Pasha, 2004). They also possess the expertise, adaptability, and capability to implement projects that significantly contribute to environmental sustainability, proving their viability as credible alternatives in many instances (Aylett, 2010; Bernauer et al., 2016). Their close connection to local contexts, operational flexibility, and ability to navigate complex bureaucratic environments enable these organizations to drive transformative innovation through their actions and engagement in social and policy processes (Frantzeskaki et al., 2016).

CSOs employ various strategies and objectives, functioning independently or in alliances. However, their effectiveness is maximized when they collaborate in coalitions, combining resources and coordinating lobbying efforts (Ghaus-Pasha, 2004). It is also observed that a select few influential advocacy organizations have established dominant positions in national and international political systems, wielding significant power and influence (Ghaus-Pasha, 2004), while the rest are still trying to make their voices heard. However, their contributions are equally crucial in policy advocacy, good governance, and sustainability enhancement for the greater good of society.

2.2 Civil Society and Public Procurement

Civil society's involvement is not fundamentally an essential element of all public procurement systems, but there is a growing focus on its significance. The primary objective of civil society's involvement in procurement has been to ensure the efficient and effective utilization of public resources, promote competitiveness and fairness, enhance contract performance, and achieve desired outcomes. As a result, the importance of the direct involvement of CSOs has frequently been disregarded, although they could have direct participation in different stages of procurement, such as by providing inputs during the planning phase, observing bid openings, evaluating proposals, awarding contracts, and monitoring contract management and completion through social audits (Cravero, 2019). Their involvement is particularly crucial in large-scale procurements or those with significant environmental and social implications, including sustainable public procurement (Cravero, 2019). While the 2016 OECD methodology for evaluating procurement

systems (OECD-MAPS), a widely used benchmarking instrument for analyzing the strengths and shortcomings of public procurement systems, assigned civil society the task of promoting openness and integrity standards by attending information seminars, engaging in training programs (including integrity training), and serving as a component of the control system (Cravero, 2019).

In the past, most of the CSO's funding was allocated to service provision, with less emphasis on other activities like advocacy or promoting human rights (Clayton et al., 2000). However, nowadays, public policy formulation and implementation can no longer be considered the exclusive responsibility of policymakers, as the growing overlap between citizens and the state has made civil society a key intermediary (Caranta, 2014). CSOs might also directly participate in defining sustainability or integrity criteria and monitoring contract performance. However, the extent of their involvement in different procurement stages is not very clear. When considering the involvement of civil society in monitoring, two primary questions arise: how they can effectively monitor while facing restrictions on accessing confidential business information according to national laws, and who will be responsible for the expenses associated with data collection, analysis, and distribution, which tend to be higher for intricate global supply chains. These obstacles can affect the efficiency of their monitoring endeavours; hence, the act of mandating civil society organizations to monitor actively necessitates the consideration of these issues and the establishment of a legislative, institutional, and training framework that promotes openness, transparency, and knowledge sharing among important actors and stakeholders (Cravero, 2019).

In the Philippines, according to Section 13, Article V of the 2003 Philippine Procurement Reform Act, civilian observers must be present throughout the procurement process. However, these observers must not have any personal or indirect involvement in the bidding process and must belong to a reputable professional organization operating in a field related to procurement or an NGO (Cadapan-Antonio, 2007); other countries could follow suit.

Specific provisions have been enacted to ensure effective participation and transparency in procurement, and increased civil society involvement in the buying process could further promote sustainability. Civil societies play a significant role in shaping public policies, including procurement practices. While there are instances of civil society involvement in public procurement frameworks, their potential, particularly concerning specific stages and purposes of procurement, remains under-explored (Cravero, 2019). Historically, civil society has not participated in the process of contract planning or execution, as the government and contractors, respectively have exclusively handled these responsibilities and their role has not been considered as a crucial one. While civil society may have the potential to contribute to the development of selection and award criteria, as well as to foster transparency, integrity and sustainability, previous observations indicate that its involvement is typically limited to activities that occur later in the process, such as monitoring and ensuring contract performance. Nevertheless, civil society can contribute at different stages of the contracting process by engaging in varying forms ranging from a potential high degree to a low level, based on three primary pillars: communication, consultation, and participation (Cravero, 2019). Civil society must have access to procurement documentation in order to oversee the process (Berliner & Dupuy, 2018). So, it is critical to acknowledge their significance as a major participant in procurement and understand their existing engagement, potential, expectations, and strategies to improve future participation (Cravero, 2019).

Vluggen et al. (2019) elucidate that external stakeholder, such as CSOs, can ensure that municipalities adhere to sustainable procurement practices by exerting influence through lobbying, mobilizing citizens, publishing reports on municipal performance as well as offering them advice and consultations on how to realize sustainable procurement aims. The growing utilization of electronic auctions has successfully converted civil society, particularly social auditors, into capable contributors in public procurement markets (Cravero, 2019). Similarly, the growth in digital technologies like web scraping, data mining, and data visualization tools are aiding CSOs in eliminating information asymmetry and decreasing the expenses associated with analyzing and drawing conclusions from large volumes of data to oversee public procurement activities (Avila, 2020). Nevertheless, there is a potential danger that civil society may not adequately reflect the many interests and perspectives of the population due to their lack of sufficient reach, experience and expertise, leading to their ineffective involvement in policy development and implementation (Cravero, 2019).

3. Research Methodology

Bryman (2016) suggests while attempting to study less-widely investigated topics, qualitative research methods such as semi-structured in-depth interviews offer the possibility to explore different prospective and viewpoints, expanding the research outcomes to capture a broader set of opinions and experiences on a given topic. Hence, to explore the underlying topic of the role of civil society in public procurement, five CSOs having different development agendas, work and funding structures yet being involved in some ways with public procurement were identified. These CSOs were:

1) *Electronics Watch*; a Netherlands-based independent monitoring organization that unites procurement departments and civil society organizations with human rights and supply chain experts to ensure fair working conditions in electronics manufacturing through labor-based monitoring and grievance solutions (Electronics Watch, n.d.).

2) *Eating City*; a France-based think tank primarily aiming to stimulate social and business dialogue around sustainable food, it produces guidance, research outputs and aims to connect youths, academics and public buyers for a more sustainable food procurement system (Eating City, n.d.).

3) *Swed Watch*; a Sweden-based CSO aiming to empower rights holders and promote responsible business practices and inclusive growth by fostering change through stakeholder dialogue and engagement, conducting research and investigations, and building the capacity of civil society actors and public buyers (Swed Watch, n.d.).

4) *Fair Trade Advocacy Office (FTAO)*; a Belgium-based CSO whose mandate is to advocate for EU policies that support Fair Trade and Trade Justice and to strengthen the FTAO and the Fair Trade networks and their members' capacities to interact with and maintain an ongoing dialogue also on public procurement related issues with the EU Institutions (FTAO, n.d.).

5) *I.S.L.E. Association (ISLE)*; a global network of individuals, organizations and researchers focused on sustainability-concerns working on education, innovation and outreach related to sustainability themes, by fostering collaboration between like-minded actors (ISLE, n.d.).

Interviews were conducted with a representative of each of these organizations either in-person or online via MS Teams and lasted for 50-65 minutes. Key data was extracted from these interviews. The author also had a chance to observe the operations of one of the CSOs FTAO for 2 months during her research stay there. Insights from the observations drawn during general consultations in this period are also included. The data was then anonymized and aggregated to present an overview of CSOs' views and the author's understanding of their role in sustainable and gender-responsive procurement. These outcomes are presented in the following section.

4. Key Outputs from the Data Collected

For research question R1, which aimed to understand if public procurement concerns CSOs, the CSO interviewees unanimously agreed that it does. As a civic body, these organizations seek to contribute towards the better political, social and economic environments of the countries they operate in and, in this case, the European Union in general. For them, public procurement spending exerts power to influence and create equality in the markets in terms of fair distribution of resources to the workers and not just the owners, ensuring the respect of human and labour rights, enhancing gender equality by encouraging participation of women and girls in the supply chain, etc. Public procurement is an important government function concerning a significant share of public spending and taxpayers' money; hence, monitoring it is considered an essential element by CSOs.

To understand R2, the role of CSOs in public procurement, the 5 CSOs chosen were deliberately chosen to be working in different fields of public procurement, which ensured a more broader coverage of their role. Interviewees were asked several questions, such as what they were doing in public procurement, what kind of policies they targeted, how they chose those particular policies, etc. It was observed that as stakeholders in public procurement, the CSOs work closely with public buyers to enhance public procurement. However, not all of them were working in the same capacities; some worked at the policy advocacy level, others as advisors and capacity developers, dialogue enhancers by bringing the public buyers and general public together, while some others had supportive roles, responsible for smoothening the procurement process by conducting due-diligence and supply chain checks along with bringing the voices of suppliers and supply-chain participants to the policymakers in an attempt to change policies to benefit these participants. Furthermore, not all CSOs were working exclusively on public procurement; for some, like Electronics Watch and Eating City, they were exclusively working on public procurement, while

for ISLE, the focus was on sustainability and for FTAO, the focus, in general, was fair trade-related advocacy and public procurement was just one aspect of their work.

To analyze R3, in what ways CSOs support gender-inclusive and sustainable procurement approaches, the interviewees were asked about their work approaches, their selection strategies, what policy they want to work on, etc. Diverse answers were unfolded. For example, in the case of Electronics Watch, as an organization that has expertise in electronics procurement, it exclusively focused on this sector. They are approached and commissioned by public buyers to investigate the supply chains of the allotted public tenders in order to detect inconsistencies, human rights violations and other supply chain risks. In doing so, they also look into social, environmental, and economic sustainability factors that benefit the lesser represented genders, such as women participating in public procurement.

Similarly, Eating City and ISLE were focusing on sustainable food procurement ensuring fair wages are paid to farmers and the use of short supply chains, aspects which have been shown to benefit women and enhance gender equality even though women currently form a significant workforce (43%) in the agriculture labour force; they do not have enough power and control due to lack of land and livestock ownership, discriminatory wages, and no decision making power (FAO, n.d.). Similarly, SwedWatch and FTAO were found to be working on different aspects of public procurement based on their in-house expertise and the developments in the field. During the interview, FTAO focused on aspects of food procurement and human rights due diligence, and both FTAO and Swedwatch focused on the EU's corporate sustainability due diligence directive (CSDDD). These CSOs mentioned that their focus on workstreams depended on the market and political needs of the EU, the local countries in which they work, and their stakeholders.

Scarcity of funds and competent human resources was cited as a persistent problem across all the CSOs, which obstructed them from venturing into new projects and procurement policy advocacy. Training both procurement professionals to make better use of resources and comply with regulations and CSO staff to make the most out of existing data and information was considered another important avenue to make an impact. Training additionally included aspects like communicating and negotiating with public buyers, other CSOs and suppliers, the ability to conduct interviews and extract critical information, writing policy briefs, etc. Also, sustainability and gender-equality were agreed by most of the CSOs to be inter-related and go hand in hand, as without first having gender-equality in public procurement, sustainable procurement systems could not be sustained.

Coalitions and collaboration between CSOs were agreed by all to serve as a highly effective mechanism for addressing advocacy and procurement policy change implementation challenges as it amalgamates their expertise, work, and assets, unifies their objectives, and amplifies their influence and negotiating ability. Furthermore, CSOs highly valued collaborating with academia to draw insights from their expertise and clarity on policy changes, do impact analysis, publish findings together, participate in grants and share workload, and organize webinars, seminars, for

dissemination, etc. They also stressed, although fruitful, collaborations could sometimes be challenging even when the end goal is the same but the approach and values of different CSOs do not match, leading to compromise and sometimes dissatisfaction, hampering future opportunities to work together and even the outcomes of the current joint efforts to pressurize public procurement reforms. In such a case, it was identified that, initial agreement could be reached as a remedy to build expectations, establish authority, flow of work, etc.

Overall, the CSOs had diverse agendas related to public procurement, sometimes focusing on the broader area of public procurement and other times only on specific sectors such as food procurement or electronics procurement, etc. While some of them work as a lobbyist in an attempt to advocate policy changes in favour of their members, others work in support functions to help governments implement sustainable, gender-responsive and inclusive public procurement and transparent supply chains. However, all of them had monitoring and training roles to drive public procurement toward sustainability and gender equality by creating a dialogue around the issue, identifying inconsistencies and causes of concerns, as well as offering strategies, best practices and alternative solutions for resolving them.

5. Discussion and Conclusion

As CSOs have increasingly taken on service provision roles, governments that were once wary of them have come to appreciate their contributions (Clayton et al., 2000) and are even collaborating with them. CSOs are becoming increasingly influential in promoting the integration of sustainability into public procurement strategies (Cravero, 2019) by bringing local communities, the public and the private sector together to share expectations and information (Hutter & O'Mahony, 2004) and advocating for regulatory measures, closely monitoring government actions, and assisting in the administration of responsible public procurement practices. However, they face the challenge of balancing several activities that they could potentially influence and must determine where they can be most influential by integrating national advocacy and local service provision to maximize their impact (Clayton et al., 2000). We also need to keep in mind that there are a large number of CSOs all aiming to influence the different scope of operations within public procurement, with their own agendas to push forward that benefit their stakeholders; they cannot be involved in every public procurement related policy advocacy endeavor nor all voices and concerns can be satisfied or all CSOs be consulted by the public buyers simply because there can be conflicting asks among CSOs which may not be truly beneficial for the population at large (Hutter & O'Mahony, 2004).

Effective public policy formulation and delivery requires collaboration among national governments, the international community, civil society, the commercial sector, and other stakeholders. Nevertheless, the process of forming these partnerships is complex because of the heterogeneous composition of the individuals participating, the differing levels of stakeholder engagement depending on the specific policy, and the potential procedural complexities that might

arise from an excessive number of participants. Civil society expressly necessitates focused consideration due to its distinct interests and functions in policy processes. Frequently, their participation is disregarded or restricted to mere observation, lacking significant impact on policy outcomes (Cravero, 2019). The involvement and openness of civil society aim to enhance the integrity of public procurement and can have a crucial impact on overseeing ethical standards and anti-corruption efforts within a national framework; however, their effectiveness as independent monitors is contingent upon receiving government assurances to operate and gaining widespread public support and recognition (Cravero, 2019) along with the availability of adequate funding and staff, as most of them are dependent on few donors to support their endeavours. Although some have started to attempt to become self-sufficient by generating income from the consultation activities (e.g. Electronics Watch) or participating in several EU and other sources funded grants/research projects (e.g. FTAO, Eating City, ISLE), they still lack adequate funds to diversify their scope of operations. Kaul (2001) suggests a revised tax revenue distribution formula that involves all policy actors, including CSOs, with taxpayers' ability to make direct financial contributions to CSOs to strengthen their autonomy and enhance their participation in the policymaking process.

It was also noted that the surge in information technology and communication tools has enhanced their ability to gather, organize, filter, and disseminate information on various specialized topics (Ghaus-Pasha, 2004) to reach the grassroots, both collaborate and network with other CSOs and stakeholders, to form a bigger pressure group by combining monetary, human resources, data and findings leading to an overall greater voice towards public procurement ensuring actions towards sustainability and gender equality. For this, information on public procurement processes and spending needs to be made available to CSOs for them to be able to audit the government to ensure a fair procurement process without any corruption, leading to no wastage of public funds (Avila, 2020) as monitoring becomes difficult when information is not shared due to confidentiality clauses in public procurement contracts, data being costly and time-consuming to gather or even when the quality of data collected is doubtful.

Further, it was observed that CSOs are not always competing against the government; they have a more supportive role of bringing diverse perspectives to enhance public procurement policies formulation, implementation and refinement along with providing ancillary services in enhancing the impact to ensure the efficacy of the public procurement process with value for money approaches while also pushing for non-price objectives of social, economic and environmental sustainability. External stakeholders like CSOs keep an eye on the developments in the private sector and can update the public procurers on the latest market sentiments and technological and other enhancements. Furthermore, market parties do not reject the inclusion of sustainable requirements in public contracts; instead, they highlight that public organizations do not fully capitalize on all emerging (sustainable) technology (Vluggen et al., 2019); this assertation enhances the role of civil society in bringing market updates on sustainability to public buyers for them to be able to make public procurement processes more competent.

This research agrees with Zyl (2014) that CSOs have little influence while operating independently; their impact is enhanced when they establish connections with receptive and capable media outlets, legislative bodies, auditors, donors, and political parties. Also, public buyers should not be threatened by CSOs; instead, consider them a helping hand that is eager to work together to improve public procurement in diverse ways, such as with Electronics Watch focusing only on electronics procurement, Eating City focusing only on food-related procurement along with other civic issues.

6. Contribution and Limitations

The article provides several significant contributions. Firstly, it contributes to the existing body of knowledge on societal responsibility and helps in the understanding of the working of CSOs. It further adds to the existing literature on public procurement by looking into a lesser investigated relationship between CSOs and public procurement. It also contributes to the sustainability and gender equality research fields by showcasing the role of CSOs in furthering these objectives. However, since only 5 of the innumerable CSOs were interviewed, it might have not been able to capture the overall picture of the role of civil society in promoting sustainable and gender responsive public procurement. To contribute further to the understanding of the role of CSOs in public procurement, future research should conduct detailed interviews and integrate opinions from a broader range of CSOs along with using concrete statistical data to analyze the impact of CSOs in a more comprehensive manner on public procurement.

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