



European wide Innovation  
Procurement in Health and Care

**WP2 – Guidance to select procedure to use and legal  
consideration on cross-border VB PPI/PCP**

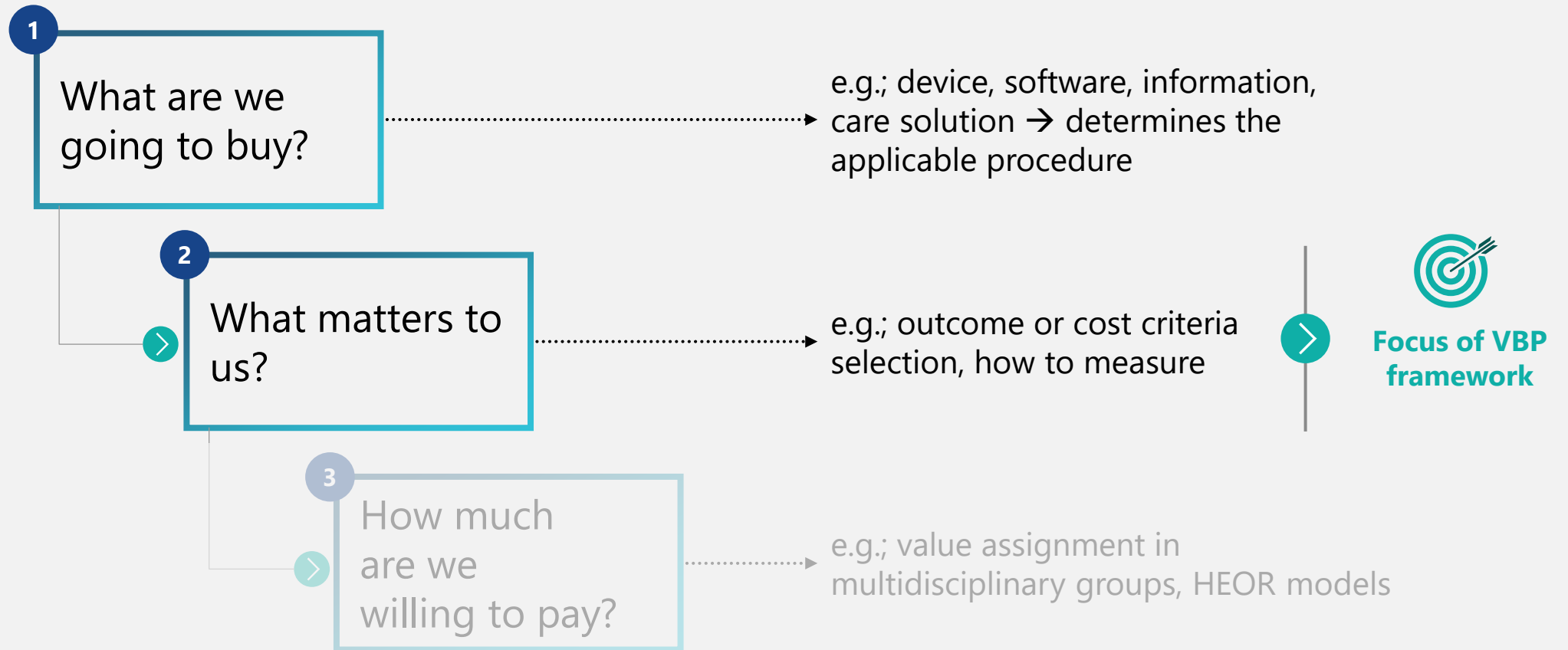
WP2

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# Value-based procurement: 3 key questions



# What do we want to buy?

Product/solution totally new (without commercialisation)

- → **PCP**

Already existing product/solution

- → **open procedure**

Product/solution to be developed (R&D phase) + deployment/comemrcialisation

- → **innovation partnership**

Product/solution to be adapted/developped (without R&D phase)

- → **competitive procedure with negotiation**

Impossible to describe the product aimed to achieve the objective

- → **competitive dialogue**

Several buyers/suppliers; need to specify the need in a second step

- → **framework agreement**

# Impact of cross border collaboration

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**PCP** Unformal procedure (not submitted to the directives on PP)

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→ Works well for cross border operations

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Pitfall: no commercialisation of the product/solution once created (new PP needed)

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# Impact of cross border collaboration

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**Open  
(restricted)  
procedure**

Strict (formal) procedure

**Competitive  
procedure  
with  
negotiation**

More complicated to organise cross border  
(language; administrative/legal specificities;  
applicable law; etc.)

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Ideas:

- Organise the pre tender dialogue jointly and the procedure locally;  
OR
  - Organise the procedure jointly but divide into lots to enhance competition and address the specificities per local institution
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# Impact of cross border collaboration

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**Competitive  
dialogue**

Strict (formal) procedure

**Innovation  
partnership**

Complex legal procurement framework

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Too complex to organise the whole process  
cross border

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→ Organise the pre tender phase jointly and  
the procedure locally

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# Impact of cross border collaboration

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## **Framework agreement**

Strict (formal) procedure (choice between the applicable PPI procedures)

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Can be complicated to organise cross border:

- language;
  - administrative/legal specificities;
  - applicable law;
  - difficulties to address local needs;
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But, ideas:

- Organise the pre tender dialogue jointly and the procedure locally; OR
  - Organise the procedure jointly but divide into lots to enhance competition and address the specificities per local institution; OR
  - Organise the framework agreement jointly and mini competitions locally
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