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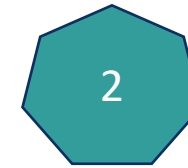
## The Tendering and Contract Execution Phase of a Cross-Border procurement

**Two important elements must be defined prior the Tendering Phase of a Cross-Border procurement. These two aspects will determine how the Tendering and Contract Execution Phase will be conducted.**

*(to be decided at the at the beginning, during or at the end of the Preparation Phase)*

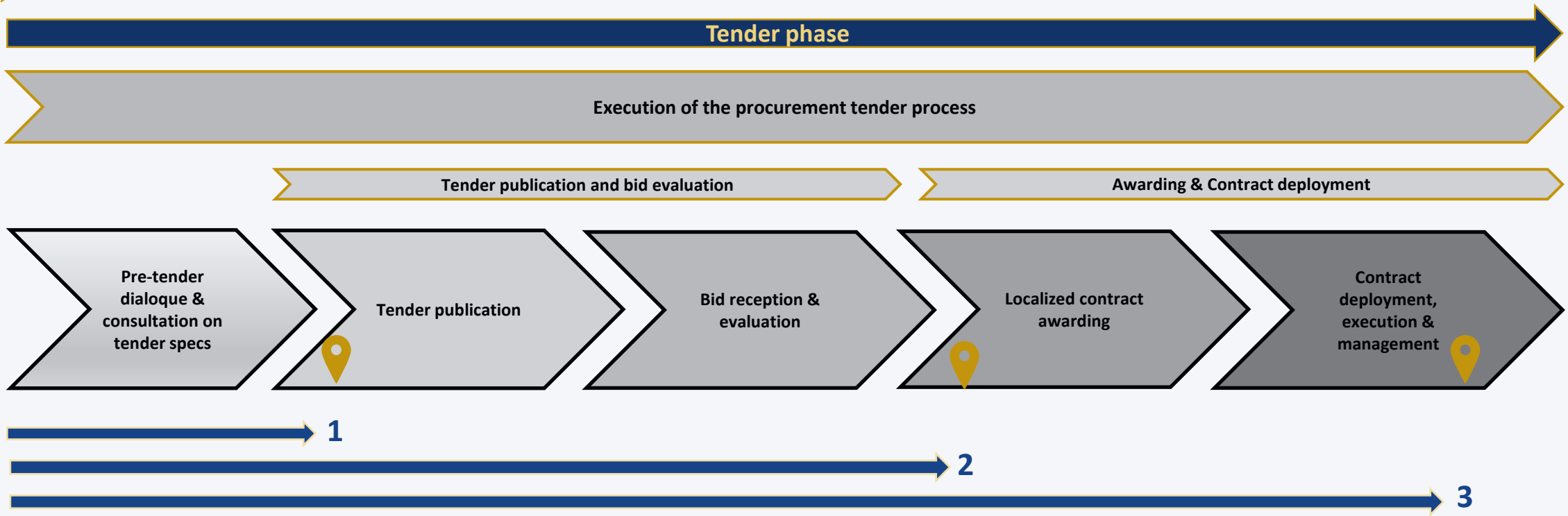


**The Cross-Border  
Procurement Model**



**The Cross-Border  
Procurement Procedure**

## 'Cross-border collaborative procurement model' enabling local decision making (2)



- **Model 1:** Full **pre-tender collaboration** followed by the issue of **individual local tenders**
- **Model 2:** Full **joint tender** having **lots per locality**
- **Model 3:** Full **joint tender** resulting in **framework agreement(s)** followed by **specific contracts per locality**

## Model 1: Full pre-tender collaboration followed by the issue of individual local tenders

*Full collaboration in the preparatory phase followed by the issue of individual public tenders by the participating organizations/partners.*

### Key characteristics

<b>Buyers Group Agreement</b>	Not necessary to sign a collaborative procurement agreement between the member of the Buyers Group, even if this is recommended to better framework the collaborative work.
<b>Prior Information Notice</b>	Each procurer member of the Buyers Group must publish its own individual PIN to the OJ (a general/common PIN can be published during the Preparation Phase, for OMC for example).
<b>Tender format</b>	Each procurer member of the Buyers Group must publish its own individual Call for Tenders : As the Preparation Phase was done in close collaboration (especially the OMC), it is recommended to simultaneously launch the individual tenders.
<b>Call for Tender duration</b>	Minimum duration depending on the chosen procurement procedure and national law (e.j. in France, 52 days for an open framework agreement). Can be different for each individual tender even if this is recommended to have the same.
<b>Evaluation criteria &amp; methodology</b>	The objective of the pre-tender collaboration is to define the best criteria and evaluation methodology based on the multiple expertise from the Buyers Group. However, this model offer the possibility to adapt the defined common evaluation criteria and methodology to the local/national specificities.
<b>Awarding process &amp; legal obligation</b>	Each procurer member of the Buyers Group must award the contract(s) by itself. Important to do: organise a meeting with the Buyers Group to exchanges lessons learnt and good practices.
<b>Contract execution</b>	Each procurer member of the Buyers Group must follow the contract execution by itself. Important to do: organise several meeting(s) with the Buyers Group to exchanges lessons learnt and good practices during the contract execution phase.

## Model 2: Full joint tender having lots per locality

*Full collaboration in the preparatory phase followed by the issue of a (single) joint public tender in which every participating organization/partner holds its dedicated lot. This lot is tailored to the specific needs of the organization and is awarded separately.*

### Key characteristics

<b>Buyers Group Agreement</b>	Necessary to sign a joint procurement agreement between the member of the Buyers Group, including at least the following articles: Object of the collaboration, Allocation of responsibilities, Obligations of the parties, Applicable laws (tendering process AND contract execution), Rules concerning legal challenges from third parties. At least, lead procurer must be appointed.
<b>Prior Information Notice</b>	The lead procurer must publish the PIN on behalf of the Buyers Group.
<b>Tender format</b>	The lead procurer must publish the Call for Tenders of behalf of the Buyers Group.
<b>Call for Tender duration</b>	Minimum duration depending on the chosen procurement procedure and national law of the country of the Lead Procurer (e.j. in France, 52 days for an open framework agreement). Is the same for the whole Call for Tenders and so for all lots.
<b>Evaluation criteria &amp; methodology</b>	If there is one lot per country, this is possible to define different evaluation criteria per lot. This need to be clearly specified in the tender documents. The evaluation of the offers can be done in collaboration (more complex and difficult) OR each buyer can evaluate the offer received for its lot/country (as 1 lot = 1 contract).
<b>Awarding process &amp; legal obligation</b>	The lead procurer must award the contracts on behalf of the Buyers Group.
<b>Contract execution</b>	Each procurer member of the Buyers Group must follow the contract execution for its lot. Important to do: organise several meeting(s) with the Buyers Group to exchanges lessons learnt and good practices during the contract execution phase.

## Model 3: Full joint tender resulting in framework agreement(s) followed by specific contracts per locality

*Full collaboration in the preparatory phase followed by the issue of a (single) joint public tender resulting in the awarding of a framework agreement. Next, the local implementation of the framework agreement is executed through specific contracts concluded between the individual participating organization/partner and the party to the framework agreement.*

### Key characteristics

<b>Buyers Group Agreement</b>	Necessary to sign a join procurement agreement between the member of the Buyers Group, including at least the following articles: Object of the collaboration, Allocation of responsibilities, Obligations of the parties, Applicable laws (tendering process AND contract execution), Rules concerning legal challenges from third parties. At least, a lead procurer must be defined.
<b>Prior Information Notice</b>	The lead procurer must publish the PIN on behalf of the Buyers Group.
<b>Tender format</b>	The lead procurer must publish the Call for Tenders of behalf of the Buyers Group.
<b>Call for Tender duration</b>	Minimum duration depending on the chosen procurement procedure and national law of the country of the Lead Procurer (e.j. in France, 52 days for an open framework agreement). Is the same for the whole Call for Tenders and so for all lots.
<b>Evaluation criteria &amp; methodology</b>	As there is not lot per country, the evaluation criteria are common. The evaluation of the offers has to be done in collaboration between the Buyers Group with the participation of all the procurers OR one or several procurers can be appointed to do this specific task (need to be clearly indicated in the joint procurement agreement).
<b>Awarding process &amp; legal obligation</b>	The lead procurer must award the contracts on behalf of the Buyers Group.
<b>Contract execution</b>	The lead procurer must follow the contract execution on behalf of the Buyers Group. This can also be done by another member of the Buyers Group appointed for this specific task (need to be clearly indicated in the joint procurement agreement). Important to do: define a reporting process to all the member of the Buyers Group can timely follow the contract execution.

## Selection of the most suitable public procurement procedure

<b><u>Procurement procedures</u></b> ref. D2.1/CMS	<b><u>Option 1:</u></b> Full pre-tender collaboration & issue of individual tenders	<b><u>Option 2:</u></b> Full joint-tender and lots per locality	<b><u>Option 3:</u></b> Framework agreement & mini-competitions per locality
Open Procedure (OR)	X	X	X
Restricted Procedure (RP)	X	X	X
Competitive Procedure with Negotiation (CPN)	X	(X)	-
Competitive Dialogue (CD)	X	(X)	-
Innovation Partnership (IP)	X	-	-
PCP / PPI (PCP per locality / PPI distributed awarding)	(X)	-	-