

ProcureNet 2023 Advanced Security Procurement Conference / 16-17 March 2023 – Bratislava, Slovakia

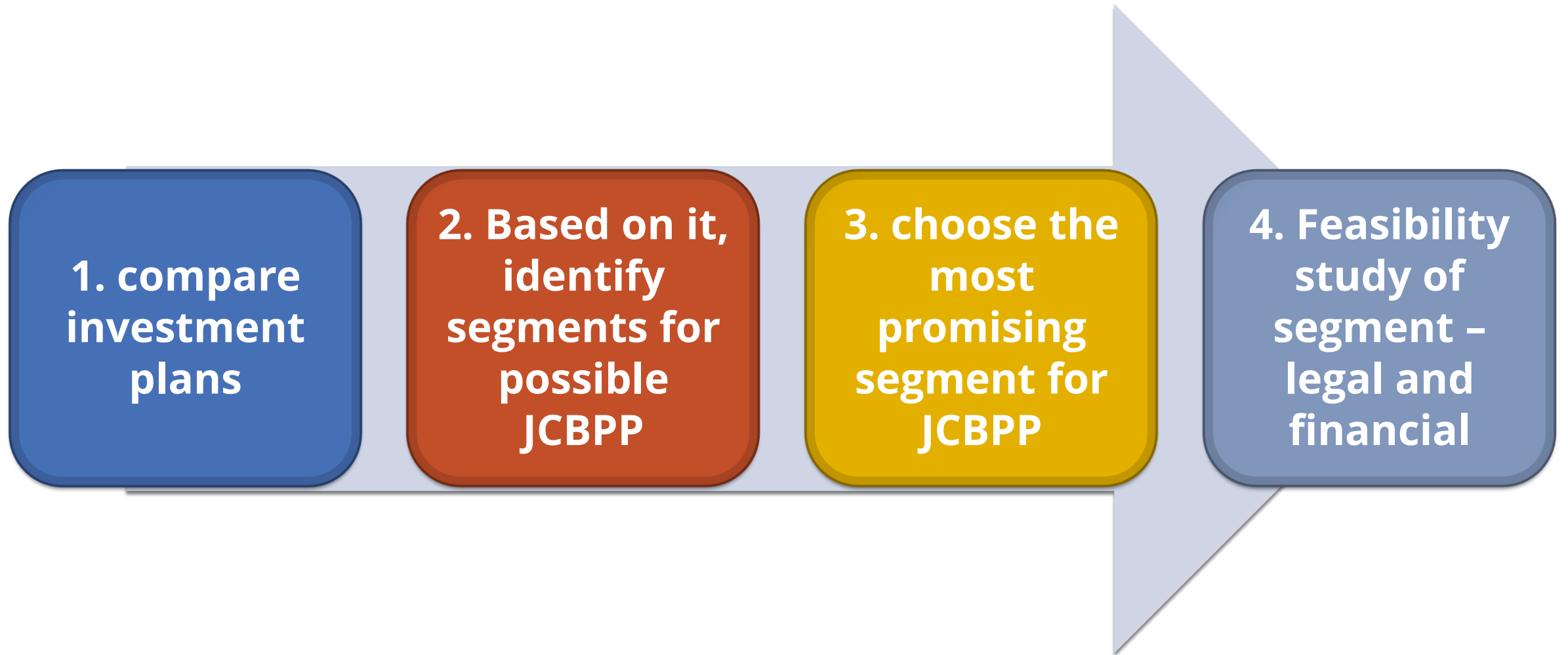
WP4 - ESTABLISHING PROCUREMENT PATHWAYS SURVEY ABOUT EXAMPLES OF JCBPP

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WHAT DO WE DO IN IPROCURENET?



WHAT DO WE DO IN IPROCURENET?

5. market analysis of each segment

6. conduct an online survey to collect examples of good practices.

7. joint procurement strategy for each segment is developed

8. Based on it, general methodology is produced.

WHAT DO WE DO?

**And we repeat the process three
time -
3 cycles of iProcureNet**

WHAT DO WE DO IN WP4?

- **Overview of steps within WP4 we did last year**
 - Conducted **market analysis** in possible segments for JCBPP for 2nd cycle
 - Identification of **the best practices** for 2nd cycle (included in methodology of JCBPP)
 - Development of **joint procurement strategy** for possible segments for 2nd cycle
 - Development of **general methodology to be included in the Toolbox** for 2nd cycle

RELATIONSHIP BETWEEN STEPS IN WP4

Collection of examples of JCBPP

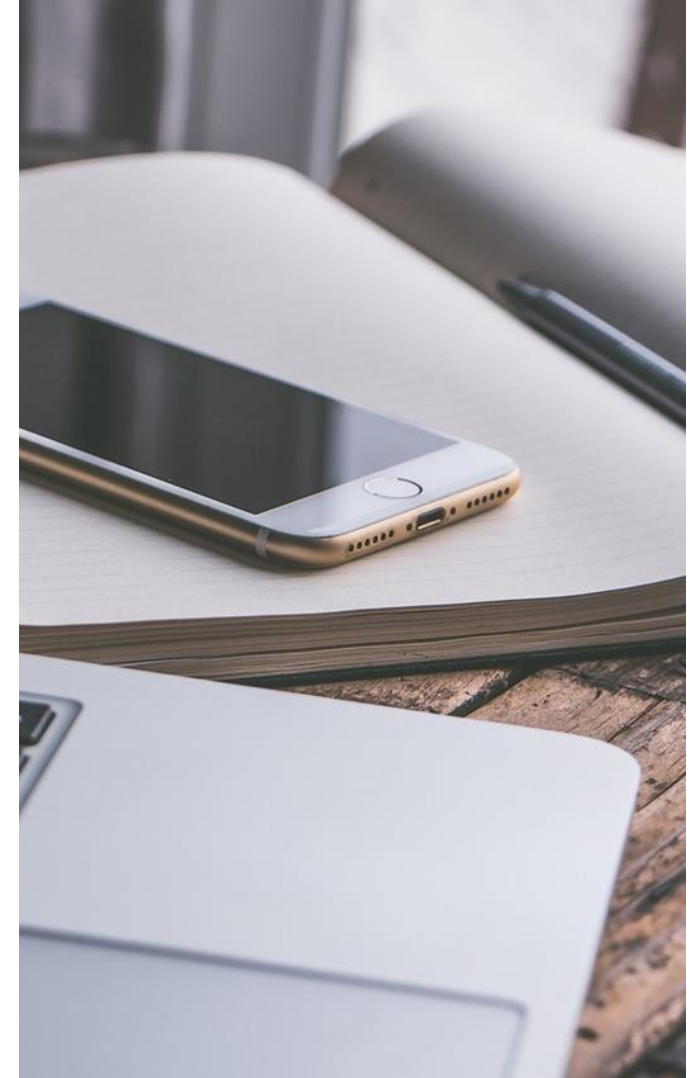
Market analysis

Joint procurement strategy for possible segments

General methodology how to conduct JCBPP

THE ONLINE SURVEY

- The iProcureNet project conducted an online survey among European public procurers.
- The aim of the survey was to learn more about existing **joint cross-border public procurement (JCBPP) initiatives** throughout Europe



JCBPP? INNOVATION?

- The JCBPP is an **innovative mechanism** of how several contracting authorities from different member states can jointly procure goods or solutions.
- And also, it can serve as an **instrument for procuring innovation** – as it allows to share of the risks, pool demand of several authorities and share expenses for the process.



THE DISTINCTION BETWEEN PCP, PPI AND PUBLIC PROCUREMENT TENDERS

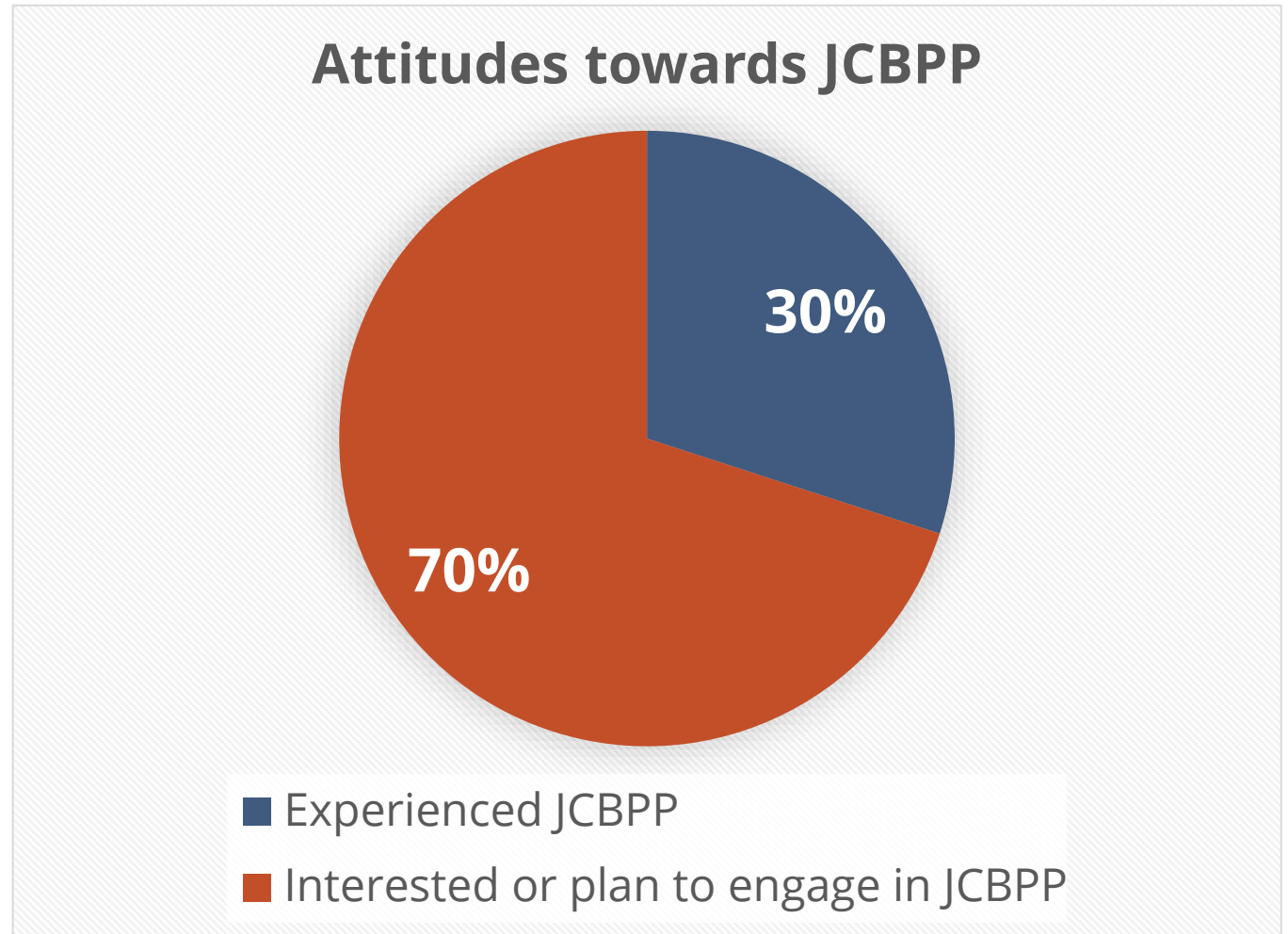
- The distinction is important because, in the case of PCP, more precisely **procurement of R&D services, one is not obliged to follow the rules stated** in Directive
- In the case of the five examples of public procurement tenders, the procurer **had to follow the public procurement rules** stated in the Classical Directive

GENERAL BACKGROUND ON RESPONDENTS AND FIRST INSIGHTS

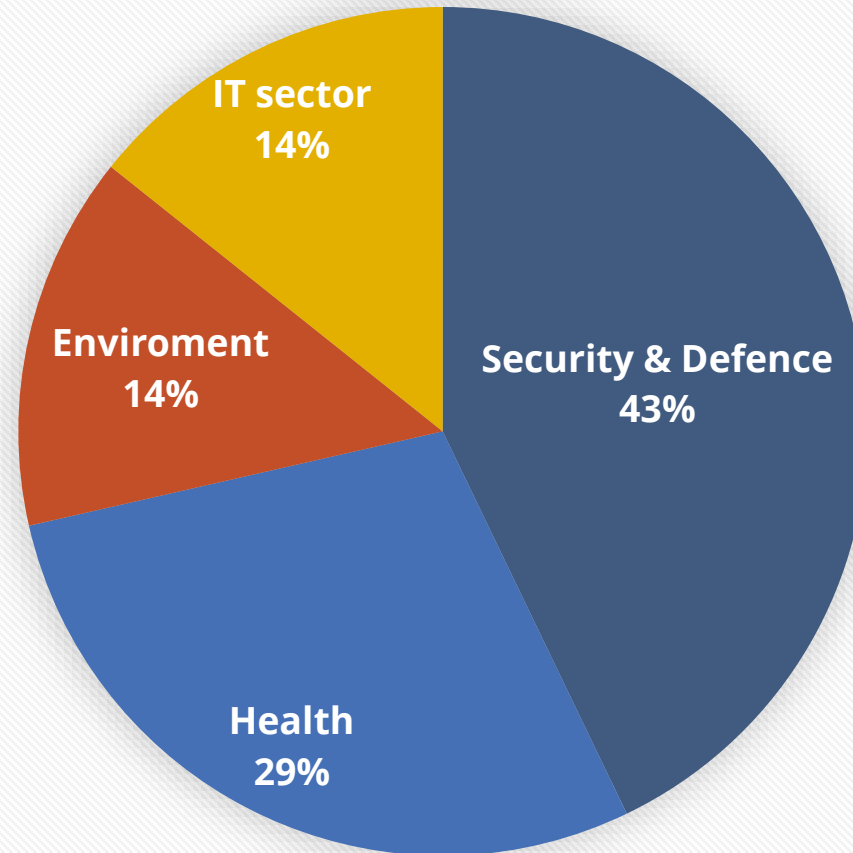
- Overall, we obtained 23 responses from 11 countries
- All 23 respondents had a **positive attitude towards joint cross-border public procurement**
- **7 identified cases of JCBPP** (2 PCP, 5 examples of tenders according to directive 2014/24/EU)

GENERAL BACKGROUND ON RESPONDENTS AND FIRST INSIGHTS

- Lack of experience but **positive attitude**
- 30% had experienced it
- whereas 70 % were generally interested in JCBPP or plan to engage in JCBPP



SECTORS



■ Security & Defence ■ Health ■ Environment ■ IT sector

QUESTION?

- The question is if **suggestions from one sector can be applied to other sector, e.g. from the health sector to the security sector?**



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On a scale of 1 to 10 (1 being lowest and 10 being highest) how likely is it that suggestions from one sector can be applied to other sector, e.g. from the health sector to the security sector?

ANSWER

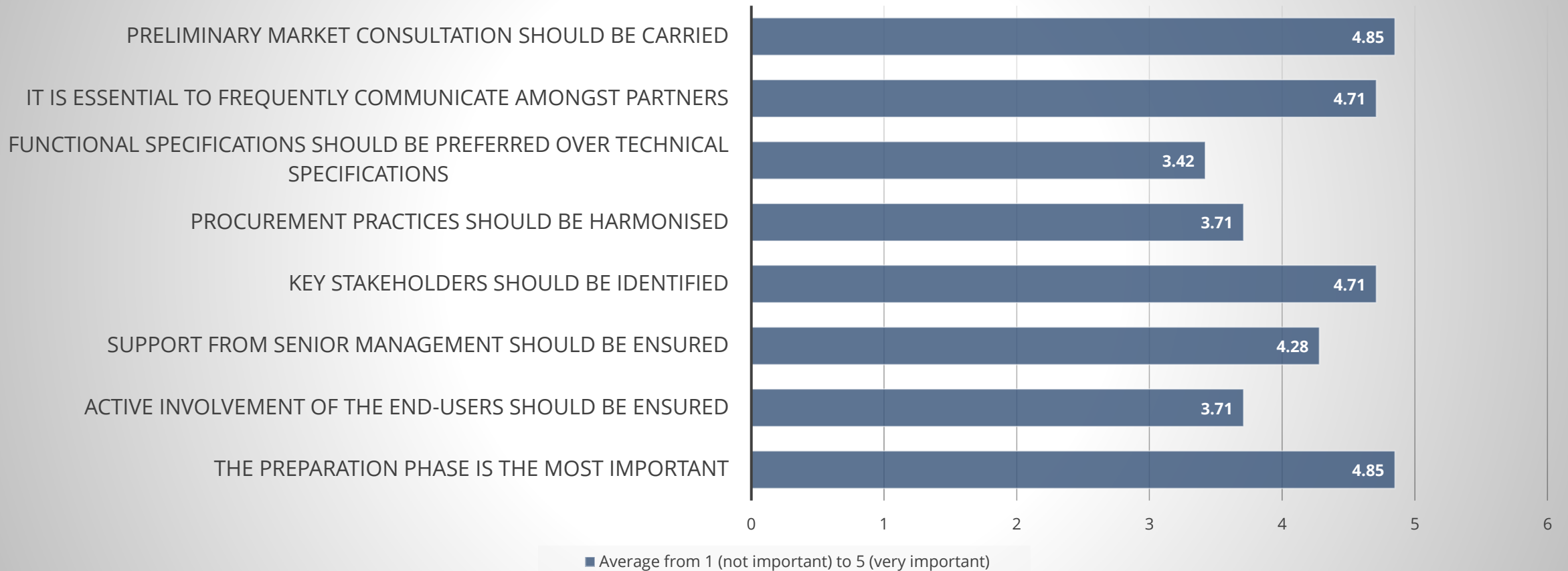
- We believe that these are **generally applicable, independently of the sector.**

- Reasons?
 - It is because **the procurement process does not change with each sector**
 - exception in the case of defence and security directive
 - good practices are to some extent focusing on the questions of **coordination of different subjects coming from other member states.**

Best practices as enabling factors for JCBPP

BEST PRACTICES AS ENABLING FACTORS FOR JCBPP

Best practices as enabling factors for JCBPP



THE MOST CRITICAL SUGGESTIONS

- **Preparation is key:**
 - all the buyers have the exact **needs and share a common objective**
 - **Regular communications** among the partners are essential
 - **legal issues** of the other MS should be identified and discussed
 - the **market should be informed about the envisaged project.**
 - full **procurement strategy** should be developed based on the preparation phase.



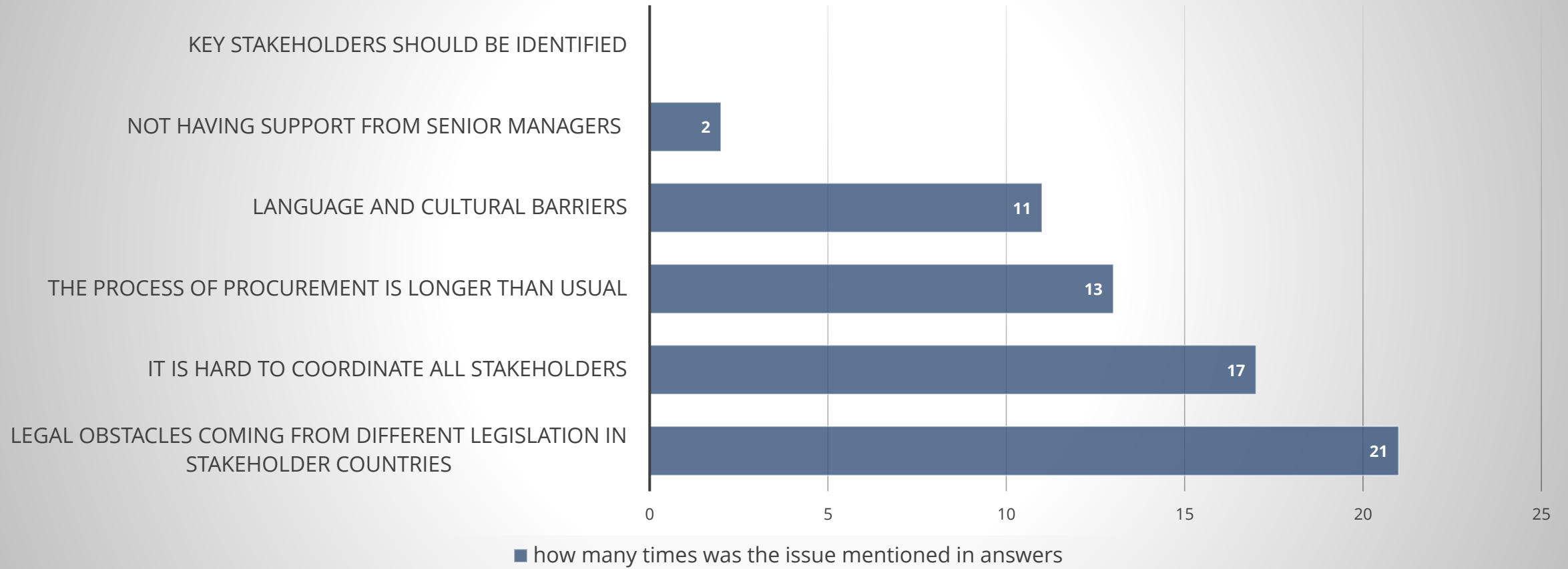
Difficulties that had to be overcome

DIFFICULTIES THAT HAD TO BE OVERCOME

- **JCBPP is a complex public procurement process** with many issues that the CAs should be aware of before deciding to participate in one
- “the challenges to be faced by contracting authorities can be **legal, cultural, linked to the coordination effort required, using a foreign language** in the procedure” I. Locatelli

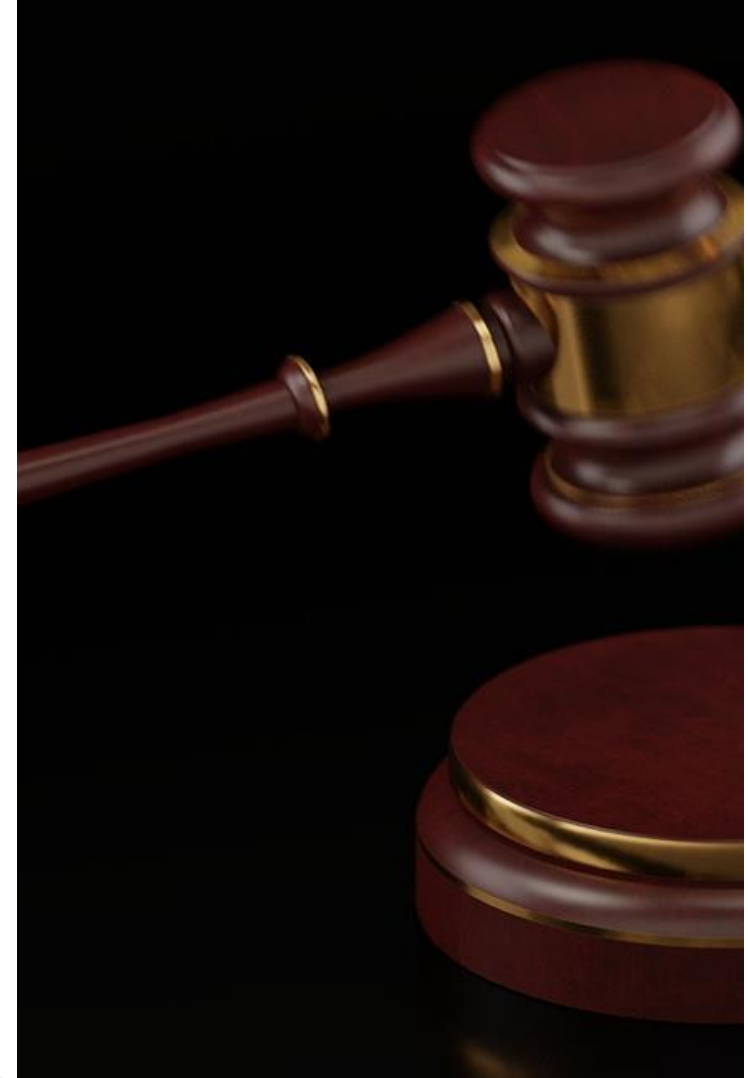
DIFFICULTIES THAT HAD TO BE OVERCOME

The most challenging issues or obstacles that had to be overcome in JCBPP



DIFFICULTIES THAT HAD TO BE OVERCOME

- **Legal obstacles**
 - coming from different legislation in stakeholder countries
- Project team is **not planning sufficiently ahead** and is not involving top management



DIFFICULTIES THAT HAD TO BE OVERCOME

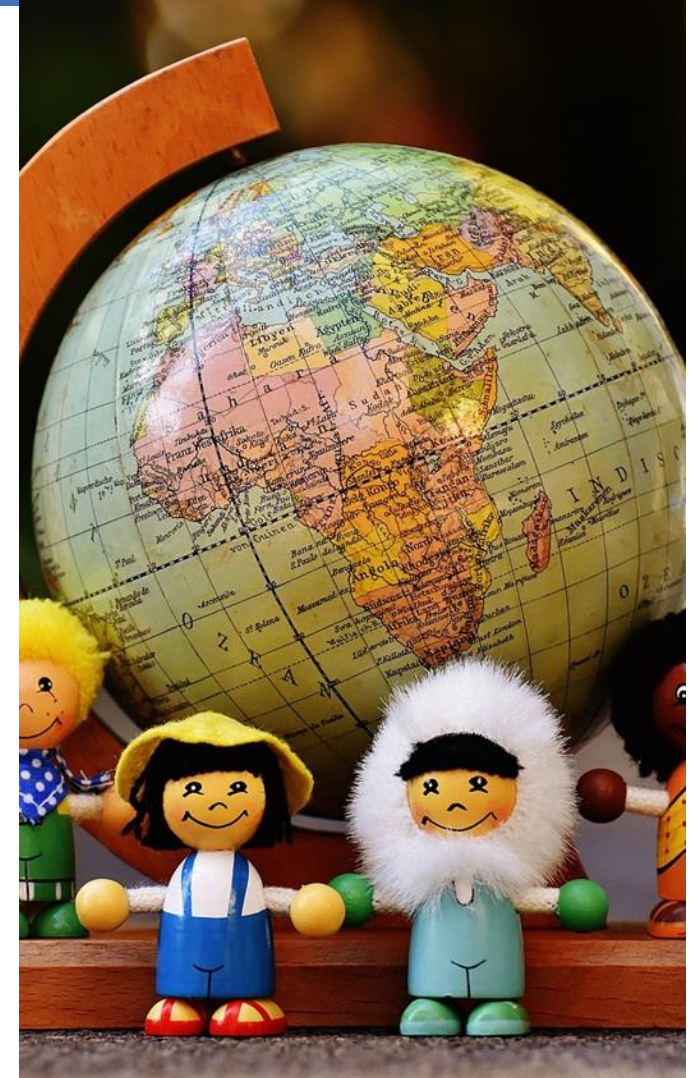
Project HAPPI

- criticalities of the JCBPP model are related **to monitoring the proper execution of subsequent contracts contracted nationally**
- In some MS **governed by public in other by private law**, depending on the legal system
- Need for **further harmonization** in execution phase



DIFFICULTIES THAT HAD TO BE OVERCOME

- Different **language and culture.**
 - A common language should be agreed upon in the beginning of the cooperation.
 - In most cases, English is the first language (procurement of vaccines in Estonia)
- Different **processes.**
 - There can be differences in procurement practices in the beginning of the cooperation.
 - Therefore, it is good idea to start by identifying different practices and harmonizing them.



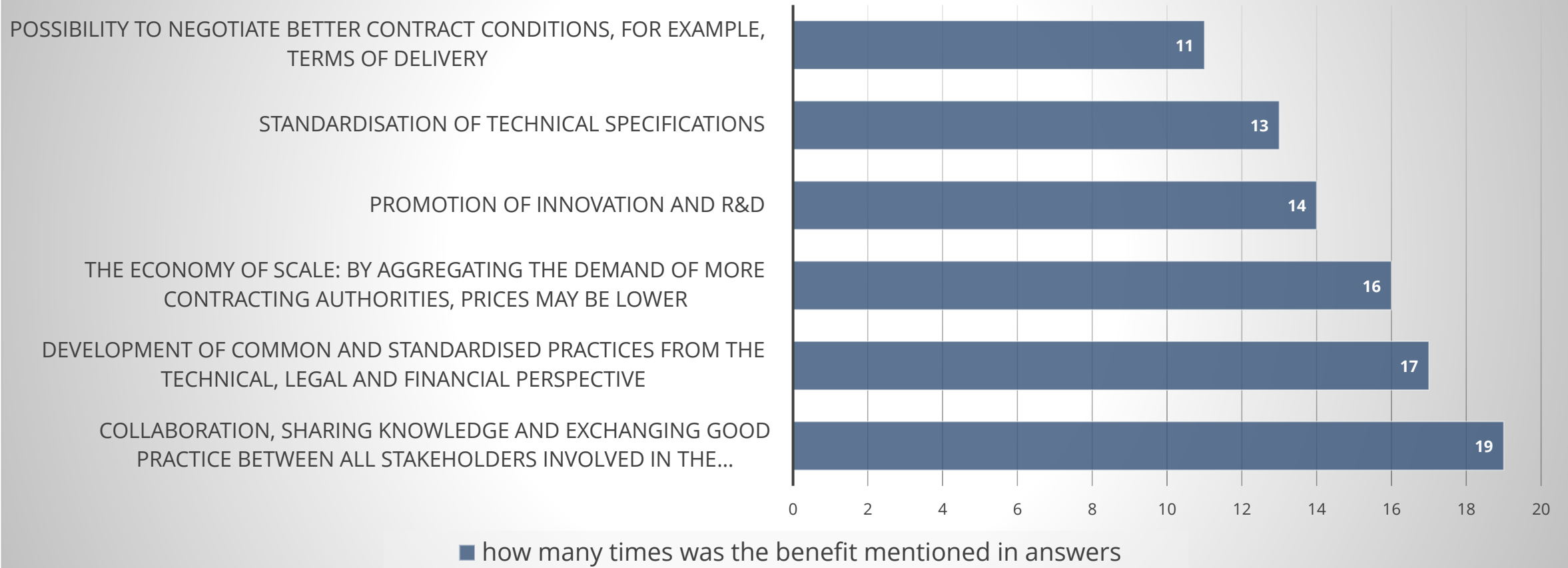
DIFFICULTIES THAT HAD TO BE OVERCOME

- In the study conducted by RAND and E&Y regarding the **“Study on the Factors Influencing the Uptake of EU-Funded Security Research Outcomes”**, the authors identified 10 factors of relevance:
 - End user involvement
 - Project duration
 - collaboration and information flow
 - Protection and clarity of IP rights
- Similarities with outcomes of the survey
 - Key stakeholders should be identified (survey)
 - The process of procurement is longer than usual (survey)
 - It is hard to coordinate all stakeholders (survey)
 - Legal obstacles (survey)

Is it even worth it?

BENEFITS OF JCBPP

Benefits of Joint cross border public procurement



BENEFITS OF JCBPP

- JCBPP can be the solution to some of the problems specific to the **health sector but also security**
 - high level of confidentiality in the health sector
 - different kinds of agreements for confidentiality are typical here
 - in the case of joint procurement for vaccines in Estonia, JCBPP had the effect of **revealing prices and opening up the market.**

**benefits of JCBPP prevail against the perils
that inevitably accompany it**

So we conducted the survey and what?

- Suggestions are part of the general methodology how to conduct JCBPP
- Generally available and publish as part of online toolbox
- <https://www.iprocorenet.eu/home/toolbox/>

THANK YOU FOR YOUR ATTENTION!

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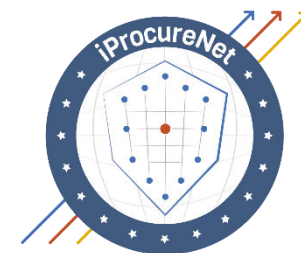
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Networking for security research services