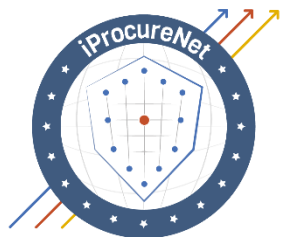


Joint cross-border public procurement: Experiences, obstacles, pitfalls

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JOINT CROSS-BORDER PUBLIC PROCUREMENT: EXPERIENCES, OBSTACLES, PITFALLS



Innovation by developing a European Procurer
Networking for security research services



Jozef Kubinec,
Ministry of
Interior of
Slovak
republic

THE ONLINE SURVEY

In 2020, 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

THE ONLINE SURVEY

WHY?

THE ONLINE SURVEY

- to collect examples of JCBPP
- to identify good practices
- and pitfalls to be avoided

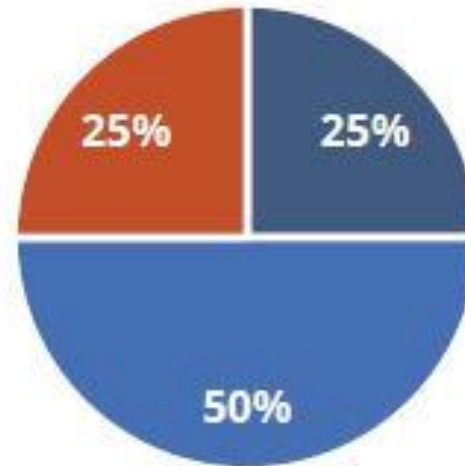
FEEDBACK RECEIVED

- An overall of **41 responses** from 14 countries (Germany, Ireland, Romania, Turkey, Estonia, France, Switzerland, the US, Portugal, Italy, Finland, Greece, Slovakia, and one unspecified) was obtained.

- What we found out?
- **Lack of experience but positive attitude**

LACK OF EXPERIENCE BUT POSITIVE ATTITUDE

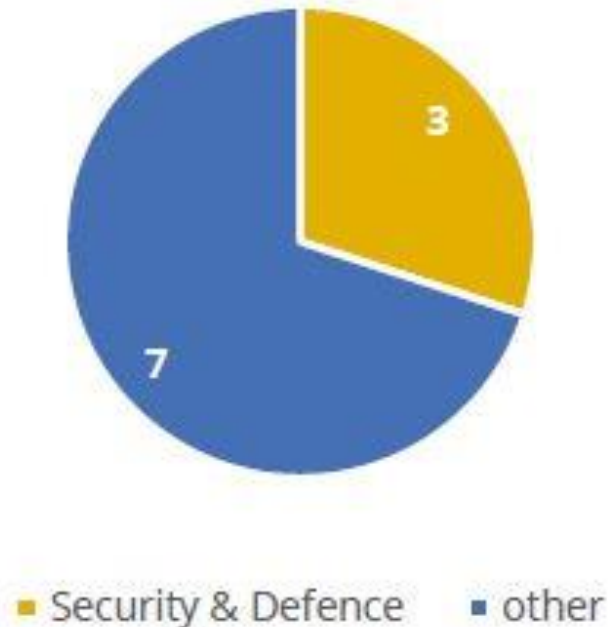
- Around 75% of the respondents had a **positive attitude towards JCBPP**
- 25% had experienced
- 50% were interested or even planned to engage in JCBPP



- Experienced JCBPP
- Consider JCBPP
- Not interested

FEW JCBPP EXAMPLES FROM THE SECURITY SECTOR

- From ten, three had experience in the field of security and defence



Good practices?

GOOD PRACTICE

- Building **motivated and available teams in early stages of the project** is key to success.
 - For example, in the PPI4HPC project, it was decided, „even before the start of the project, to establish two working groups, one dealing with technical issues, one with legal issues.“
- **Active involvement of the end users** should be ensured.
- **Key stakeholders** should be identified and **support from senior management** ensured.

GOOD PRACTICE

- Procurement should be organized using **project-based management**
 - Dividing all actions into phases with deadlines and responsible persons and rules for information flow and decision-making (ex. vaccines in Estonia)
- **Functional specifications** should be preferred over technical specifications because they focus on **long-term needs**.
 - This was mentioned when referring specifically to PCP, but it can be applied also to the public procurement tenders in case the contracting authority wants to promote innovation.

GOOD PRACTICE

- The need to **harmonize procurement practices**.
 - For example, it can be a good idea to start by harmonizing procurement plans.
- Tender Preparation Phase
 - Prepare an in-depth needs assessment and an open market consultation activity during the tender preparation phase.
- Tender Process
 - Nominate a lead procurer that already has longstanding relationships with all members of the buyers group proved a successful approach in CERN project - HNSciCloud.

How to organize preliminary market consultation?

GOOD PRACTICE

- Physical and online meetings,
- Questionnaires,
- Presentations and testing of samples allowing end-users to verify the suitability of the proposed solutions in real-life conditions,
- Less conventional methods, such as competitions, hackathons, idea markets

What not to forget when conducting preliminary market consultation?

GOOD PRACTICE

- process must comply with the principles of equal treatment, non-discrimination and transparency stated in the Directive 2014/24/EU

GOOD PRACTICE

- Preliminary market consultation has several benefits such as:
 - for technical aspects:
 - Help in reviewing technical requirements;
 - Improvement of definition and clarification of unclear requirements;
 - for legal and procedure aspects:
 - Conflict of laws during the procurement procedure;
 - Subcontracting;
 - Clarification on the application form
- (PPI4HPC white paper "**Lessons learned on legal aspects**")*

Difficulties that had to be overcome?

DIFFICULTIES THAT HAD TO BE OVERCOME

- 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.
- 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)

DIFFICULTIES THAT HAD TO BE OVERCOME

- The **coordination** among public procurers from different countries can prove to be difficult.
 - Organize frequent (weekly) telco
- Agreeing on the **assessment process** and decision.
 - the evaluation part of the tender can present difficulties,
 - especially in the case of prescribing the subject of the tender using functional specifications.
- In the case of the **FABULOS** project, this issue was approached by setting up an **External Evaluation**

BENEFITS OF JOINT CROSS-BORDER PUBLIC PROCUREMENT

Is it even worth it?

BENEFITS OF JOINT CROSS-BORDER PUBLIC PROCUREMENT

- The following **main benefits of JCBPP** have been chosen by the respondents from multiple-choice questions:
 - economies of scale;
 - possibility to negotiate better contract conditions;
 - promotion of innovation and R&D;
 - collaboration, sharing knowledge and exchanging good practice - professionalization
 - standardization of technical specifications.

BENEFITS OF JOINT CROSS-BORDER PUBLIC PROCUREMENT

- JCBPP can be the solution to some of the problems specific to the health sector.
 - 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.**

Significant results?

SIGNIFICANT RESULTS

- We were able to collect
 - examples of good practices in JCBPP,
 - examples of difficulties that had to be overcome,
 - benefits of JCBPP,
 - benefits of pre-commercial procurements.

SIGNIFICANT RESULTS

**and not only that but much
more**

NOT ONLY THAT BUT MUCH MORE

- Closely cooperate with established networks, projects and other actors
 - The survey allowed us to establish contact with other experts who have experience in participating in cross-border PP.
 - direct contact allows us to share their experiences and suggestions - professionalization
 - In most cases, they were very eager to shared their experiences

RESULTS – NOT ONLY THAT BUT MUCH MORE

- The responses have enabled us to deepen our understanding of the current situation in Europe in terms of common cross-border PP
- Ensure appropriate dissemination of iProcureNet results, prepare training and recommendations.
 - good practice but also pitfalls will be shared with other practitioners not only in the security sector but also outside it

NEXT STEPS

- **Next steps?**
- **Please share with us your experience with JCBPP**

YOU CAN FIND MORE

Link to the analysis of the survey:

https://www.iprocurenet.eu/wp-content/uploads/iProcureNet_JCBPP-survey_Feb21.pdf

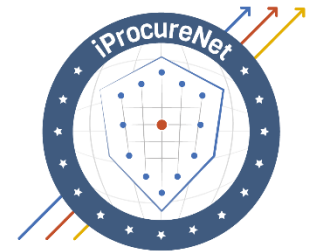
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