

Innovation by developing a European Procurer
Networking for security research services

Joint cross-border public procurement in Europe Analysis of the iProcureNet survey and case studies

Jozef Kubinec, Ministry of Interior of the Slovak Republic

Martin Kostolný, International Security and Emergency Management Institute (ISEMI)

In 2020, the iProcureNet project conducted an online survey among European public procurers. The aim of the survey was to learn more about existing (cross-border) joint public procurement initiatives throughout Europe, to collect examples and to identify good practices and pitfalls to be avoided.

The survey was run among all sectors of procurement, assuming that insights into obstacles and good practices in other sectors can feed into iProcureNet's study of the security sector.

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.



1 General background on respondents and first insights

Lack of experience but positive attitude

Around 75% of the respondents had a **positive attitude towards joint cross-border public procurement** (hereinafter “**JCBPP**”): 25% had experienced it whereas 50% were interested or even planned to engage in JCBPP. The rest expressed no interest.

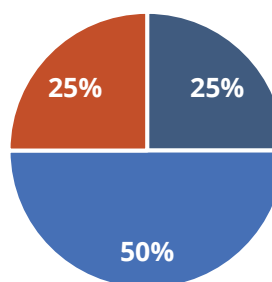
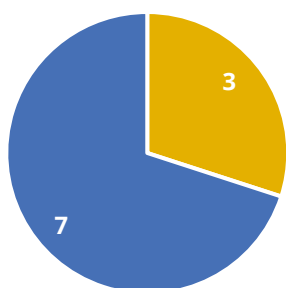


Figure 1: Attitudes towards JCBPP (all sectors)

- Experienced JCBPP
- Consider JCBPP
- Not interested

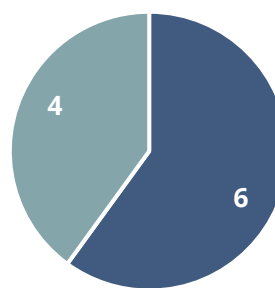
Few JCBPP examples from the security sector

Ten out of 41 respondents had **previous practical experience** with JCBPP. Of these, three had experience in the field of security and defence: two in the procurement of services, more precisely R&D services, and one in the procurement of supplies. Out of all ten examples, six were related to services and four to supplies.



- Security & Defence
- other

Figure 2: Sectors of successful JCBPP



- Services
- Supplies

Figure 3: Types of product in successful JCBPP

1.1 Overview of examples of joint cross-border public procurement

The **ten identified cases of JCBPP** have been examined more thoroughly. Information was provided either from the survey or via further research into other resources. These other resources

include the public website of the project or the tender notice if published in the EU Journal of Public Procurement.

Five out of these ten cases of JCBPP are examples of **pre-commercial procurement** (hereinafter **“PCP”**), while another five are examples of **public procurement tenders** according to the rules of public procurement of a given jurisdiction. The distinction is important because in the case of PCP, more precisely procurement of R&D, one is not obliged to follow the rules stated in Directive 2014/24/EU of the European Parliament and of the Council on public procurement (hereinafter „Directive 2014/24/EU “). In the case of the five examples of public procurement tenders, however, the procurer had to follow the rules of public procurement stated in the Directive 2014/24/EU, more specifically the rules of public procurement of the applicable legal regime (jurisdiction). For example, Estonian public procurement law applied in the case of the Joint Public Procurement for vaccines project. This difference probably allowed public procurers to be **more creative** in realizing the tender procedure itself in the case of PCP.

Still, it is important to mention that even though PCP is exempt from the application of the Directive 2014/24/EU, it remains subject to:

- the **TFEU principles** and derived principles (e.g. transparency, non-discrimination, equal treatment);
- the **EU competition rules** including specific provisions to exclude State aid;
- any applicable **national public procurement provisions** that apply to PCP specifically or to public procurements exempted from the EU public procurement directives.¹

The five examples of PCP include:

- HNSciCloud Helix Nebula Science Cloud
- ProEmpower Pre-commercial procurement of innovative ICT for patient empowerment and self-management for patients with type 2 diabetes mellitus
- RELIEF eHealth solutions to manage pain
- FABULOS Future Autonomous Bus Urban Level Operation Systems
- BroadWay Procuring Innovation activity to enable a pan-European broadband mobile system for PPDR

The five examples of public procurement tenders include:

- PPI4HPC Public Procurement of Innovations for High Performance Computing
- Eurobloodpack 1
- Joint procurement for vaccines – Estonia
- JEROME Supply of Mobile CBRN Units for Special Intervention Teams
- EWISA Early Warning for Increased Situational Awareness

2 Analysis of ten examples of joint cross-border public procurement

One of the aims of the survey was to collect examples of joint cross-border public procurement (JCBPP). The analysis of these cases has provided examples of good practices but also pitfalls of

¹ eafip Toolkit, Module 3, p. 5, available at <http://eafip.eu/toolkit/module-3-2/>

JCBPP. These suggestions can come in handy for contracting authorities who wish to coordinate their purchases with contracting authorities from other EU member states. We believe that **JCBPP has the potential to become a widely used instrument** not only in the security sector, but also in other sectors. Actually, “in the case of the European Union, cross-border procurement could become a strategic tool for strengthening the European Single market, promoting capacity building among contracting authorities, and advancing social and environmental goals”.²

Ten cases of JCBPP may seem a small number. However, almost every answer included several suggestions of good practices as well as issues that had to be overcome. The selection can therefore be considered an interesting and exploitable sample.

2.1 Good practice

The most important suggestions that were mentioned either directly in the answers to the survey or in the webpage of the projects include:

- 1) The **preparatory phase (pre-tendering phase)** of a procurement procedure is by far **the most crucial stage** of the process because the decisions taken during this phase will impact the success of the entire procedure.
- 2) **Active involvement of the end users** should be ensured.
- 3) **Key stakeholders** should be identified and **support from senior management** ensured.
- 4) 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.”³ This approach seems to be relevant in large and complicated projects not only from a technical but also from a legal point of view, in particular in case of conflict between the local law of the participating institutions and the law applied by the law procurer. Furthermore, PPI4HPC pointed out that organizing regular team meetings was important to keep the work of the teams synchronised and address issues that have both technical and legal implications. Having diverse and newly established teams also requires team building activities. This can help facilitate quick joint reactions whenever necessary, e.g. when responding to questions from suppliers.⁴
- 5) Procurement should be organized using **project-based management**: Dividing all actions into phases with deadlines and responsible persons and setting common KPIs and rules for information flow and decision-making. This can come in handy also in case the person responsible for organizing the JCBPP changes. This can cause a lot of confusion. Therefore, it is beneficial to establish official rules and a methodology for communication based on project management principles.⁵
- 6) Joint procurement also implies **language issues** and the need to **harmonize procurement practices**. For example, it can be a good idea to start by harmonizing procurement plans. For example, in the case of the Estonian Health Insurance Fund, the starts of tender procedures for vaccines were mismatched and it became impossible to launch the JCBPP.

² G.M.Racca and G.M. Racca and Ch.R.Yukins , The Promise and Perils of Innovation in Cross-Border Procurement, in G.M. Racca and Ch.R.Yukins, Joint public procurement and Innovation:Lessons across Borders, Bruylant, 2019, p. 14.

³ E. Brunel, P. Alberigo, J. Bartolome, D. Pleiter, F. Robin: PPI4HPC white paper "Lessons learned on legal aspects", Oct. 2020.; available at https://ppi4hpc.eu/sites/default/files/public/file-uploads/PPI4HPC_white_paper_2_0.pdf

⁴ Ibid.

⁵ Follow up discussion with the representative of joint procurement for vaccines in Estonia on 21 of May 2020.

- 7) A thorough training in **assessment preparation** should be held to get a common process and avoid long discussions.
- 8) PCP is a very good method for public sector procurers to buy R&D from several suppliers in parallel, thus **steering the development of solutions meeting their needs**.
- 9) **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. According to the EC Guidance Notice on Innovation Procurement, “functional requirements are far more innovation-friendly”⁶. Actually, this approach of using functional specifications was followed by 80% of the five EC-funded innovation procurement projects in the security sector mentioned in the assessment report on the performance of EC-funded innovation procurement projects in the security sector⁷. Does this mean that the use of descriptive requirements is not suitable for attracting innovation? Actually, no: according to the mentioned assessment report **even descriptive requirements may attract innovative solutions**, but “this becomes easier to be achieved through the use of functional requirements that focus only on the description of the need, leaving the market free to come up, through competition, with solutions fit for the challenge in question”.
- 10) The importance of **frequent communication** among partners was mentioned in the follow-up discussion with one of the respondents. From a project management point of view, weekly teleconferences are recommended because such projects need a lot of cooperation and communication. However, even when frequent communication is ensured, dissent may still arise.⁸

Very clear suggestions of good practices were identified by the **HNSciCloud project**. These were not directly mentioned in the answers to the survey, but are presented on the webpage of the project. The clear benefit of these suggestions is their division into phases of the tender process. Some of these suggestions are valid only for PCP, but others can relate to the process of JCBPP in general. For the purpose of this report, we include only the latter:

- 1) **Project Timing & Structure**
 - a. Select an integrated set of tools with consistent access mechanisms to ensure sharing of material amongst the buyer group and with the contractors.
- 2) **Tender Preparation Phase**
 - a. Prepare an in-depth needs assessment and an open market consultation activity during the tender preparation phase. Organize events where the procurers and potential tenderers can progressively refine the focus under the guidance of the expert.
 - b. Launch a survey among the known market players to allow the procurers to detect the capabilities and the willingness of the market to participate in the tender.

6 EC Guidance Notice on Innovation Procurement, C(2018) 3051 final, available at: <https://ec.europa.eu/digital-single-market/en/news/commission-notice-guidance-innovation-procurement-available-now-all-eu-languages>

7 Assessment report on the performance of the EC funded Innovation Procurement projects in the security field according to the EC Guidance Notice on Innovation Procurement, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/industry-for-security/assessment_report_innovation_procurement_dg_home_final.pdf

8 Follow up discussion with the representative of ProEmpower project on 29 of May 2020.

3) Tender Process

- a. Nominate a lead procurer that already has longstanding relationships with all members of the buyers group proved a successful approach in HNSciCloud. The close cooperation between the members of the buyer group was essential to the success of the project. Regular and intense interaction between the members of the buyers group as well as between the buyer group and the contractors has been an important element of the success of HNSciCloud.
- b. Include in the tender text a restriction forbidding a company from being a lead contractor and a participant in other bidding consortia. No more than one tender can be submitted by a natural or legal entity.⁹

2.2 Difficulties that had to be overcome

JCBPP is a complex public procurement process with many issues that the contracting authorities should be aware of before deciding to take part in one. According to Ivo Locatelli, “the challenges to be faced by contracting authorities can be legal, cultural, linked to the coordination effort required, the use of a foreign language in the procedure”¹⁰.

Several difficulties that had to be overcome during the process of JCBPP were identified in the survey responses:

- 1) 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, e.g. with regards to tender documentation: one side may use very complex and high-level tender documents based on citation from law, whereas the other may use a simpler approach. Also, the basic terminology can be different and needs to be harmonised first. Another potential issue are differences in e-procurement platforms: it must be guaranteed that bidders from different states will not have problems to present their bids.¹¹
- 2) 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.¹² Other challenges were related to the pre-tender phase (harmonizing market research results etc.) and the post-tender phase (contract management). How to approach **market research** and analyse the state of the art in a given sector? There are several ways to find information on the subject of the tender. We can basically divide them into **formal** and **informal**. In the case of informal market research this could mean simply asking within networks, “googling” solutions that exist on the market, asking colleagues or collecting information on conferences. A more formal process can mean an **open market consultation** or, as stated in article 40 of the Directive 2014/24/EU, **preliminary market consultation**. According to this article, before launching a procurement procedure contracting authorities may conduct market consultations in view of preparing the

9 Available at: https://www.hnscicloud.eu/sites/default/files/files/HNSC_BookletA5_November2018_21081123_web.pdf

10 I. Locatelli "Process Innovation Under the New Public Procurement Directives" in Joint Public Procurement and Innovation: Lessons Across Borders (G.M. Racca and C.R. Yukins eds) (Bruylant 2019), available at https://www.researchgate.net/publication/347489725_Process_Innovation_Under_the_New_Public_Procurement_Directives_in_Joint_Public_Procurement_and_Innovation_Lessons_Across_Borders_GM_Racca_and_CR_Yukins_eds_Bruylant_2019/related.

11 Follow up discussion with the representative of joint procurement for vaccines in Estonia on 21 of May 2020.

12 Ibid.

procurement and informing economic operators of their procurement plans and requirements. Another possible definition is that “the concept of preliminary market consultation roughly encompasses a multi-faceted query whereby a contracting authority ask experts and market operator to offer their contributions in order to make up the object of the contract and to define the other feature of the procedure”¹³.

There are several ways to organise preliminary market consultations, for example “physical and online meetings or questionnaires. Presentations and testing of samples allowing end-users to verify the suitability of the proposed solutions in real-life conditions can complement these meetings. Less conventional methods, such as competitions, hackathons, idea markets or category innovation roadmaps can be considered.”¹⁴ What should always be kept in mind when organizing an open market consultation is that the process must comply with the principles of equal treatment, non-discrimination and transparency stated in the Directive 2014/24/EU.

More relevant information about market consultations, including the preparation of the market survey and prior information notice, organizing an open dialogue event or one-to-one technical meetings, can be found in the **PPI4HPC** white paper "**Lessons learned on legal aspects**"¹⁵ This white paper concludes that market consultations have several benefits such as:

- for technical aspects: Help in reviewing common and lot-specific requirements; Identification on collaborative developments which, on top of existing products, can implement technology goals defined by the technology team; Improvement of definition and clarification of ambiguous requirements;
 - for legal and procedure aspects: Means to organize the procurement procedure: dematerialized procedure or full paper procedure; Conflict of laws during the procurement procedure; Subcontracting; Clarification on the application form; Language; Analysis of candidates' applications (qualification).
- 3) The **coordination** among public procurers from different countries can prove to be difficult.
- 4) Defining a **common technical requirement** and agreeing on the **assessment process** and decision. Indeed, the evaluation part of the tender can present difficulties when it comes to the evolution of offers, 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 Panel** in addition to the Technical Evaluation Committee. The regional Public Transport Authority and the national Road Safety Authorities had a role in this panel, each evaluated the sections of the offers that related to their specific expertise.

According to FABULOS, the upside of this was that it gives **increased legitimacy** to both the evaluation and the project outcomes. The downside was that it involved additional work: preparing contracts and Non-Disclosure Agreements, arranging payments etc.. The FABULOS project is an example of a PCP tender, but the use of an external evaluation

13 A.M.Lopez, Preliminary market consultations in innovative procurement: A principled approach and incentives for anticompetitive behaviors, in G.M. Racca and Ch.R.Yukins, Joint public procurement and Innovation: Lessons across Borders, Bruylant, 2019, p. 390

14 EC Guidance Notice on Innovation Procurement, p. 31, available at: <https://ec.europa.eu/digital-single-market/en/news/commission-notice-guidance-innovation-procurement-available-now-all-eu-languages>

15 E. Brunel, P. Alberigo, J. Bartolome, D. Pleiter, F. Robin: PPI4HPC white paper "Lessons learned on legal aspects", Oct. 2020.; available at https://ppi4hpc.eu/sites/default/files/public/file-uploads/PPI4HPC_white_paper_2_0.pdf

committee can come in handy also in the case of a public procurement tender, especially when it comes to using functional specifications.

2.3 Benefits of joint cross-border public procurement

Without doubt, the benefits of JCBPP are prevailing against the perils that inevitably accompanies it. Even though there are still few examples of JCBPP, it is “gaining unexpected interest from a range of stakeholders: large cities, cross-border projects involving administrations, near borders, projects aiming at using public procurement to develop innovative products or services, inherently cross-border applications such as satellite services”¹⁶.

The following **main benefits of JCBPP** have been chosen by the respondents from multiple-choice questions:

- economy of scale;
- possibility to negotiate better contract conditions;
- promotion of innovation and R&D;
- collaboration, sharing knowledge and exchanging good practice;
- standardization of technical specifications.

There are several more specific benefits of JCBPP beyond those previously mentioned. These are to some extent the concretization of the above-mentioned general benefits of JCBPP:

- 1) In the case of the **JEROME** project, the advantage of JCBPP was that authorities from both sides of the border were endowed with **identical equipment**, thus the risk of **future costs for harmonization and coordination between neighbouring countries was de-facto eliminated**. Also, the full interoperability of the intervention forces was practically established immediately once the equipment was put into operation, fostering the exchange of data and information.
- 2) Another advantage mentioned in the JEROME project was the **efficient use of project resources** given that there was only one public procurement officer at project level.

JCBPP can be the solution to some of the problems specific to the health sector. In the follow-up discussion with one of the respondents some of these were identified as follows:

- 1) The most important reason to do JCBPP was to **secure a stock** of vaccines. The reason for doing the following JCBPP was to obtain a **better price**.
- 2) Another advantage of JCBPP is linked to the 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**. As a result, it became apparent that prices in Estonia were higher than the ones in Latvia.¹⁷

16 I. Locatelli "Process Innovation Under the New Public Procurement Directives" in Joint Public Procurement and Innovation: Lessons Across Borders (G.M. Racca and C.R. Yukins eds) (Bruylant 2019), available at https://www.researchgate.net/publication/347489725_Process_Innovation_Under_the_New_Public_Procurement_Directives_in_Joint_Public_Procurement_and_Innovation_Lessons_Across_Borders_GM_Racca_and_CR_Yukins_eds_Bruylant_2019/ related

17 Follow up discussion with the representative of joint procurement for vaccines in Estonia on 21 of May 2020.

2.4 Benefits of pre-commercial procurement

As mentioned above, five of the cases of JCBPP were examples of pre-commercial procurement (PCP). The identified benefits of PCP are not the same as for JCBPP. Therefore, we mention them here in a separate section:

Within the **FABULOS** project several **benefits of PCP** were identified:

- 1) Public sector procurers can **compare the pros and cons of competing solutions**. It is a very good method for public procurers to buy R&D from several suppliers in parallel, to steer development of solutions to meet their needs.
- 2) Exemption for R&D services under Directive 2014/24/EU and WTO rules: **special legal framework** (Horizon 2020)
- 3) IPR – **Risk/Benefit-sharing**
- 4) **EU funding** of 90% is a clear benefit for cities.
- 5) Appeals particularly to **SMEs and newcomers to the field**. Larger or well-established companies sometimes consider the available R&D budgets to be too limited.
- 6) PCPs are one good way for cities to **solve societal challenges** that are too hard or too far in future to tackle with conventional procurement tools.

2.5 Sectors

We identified examples of JCBPP from security, health, transportation and research:

Security sector procurements:

- BroadWay Procuring Innovation activity to enable a pan-European broadband mobile system for PPDR
- JEROME Supply of Mobile CBRN Units for Special Intervention Teams
- EWISA Early Warning for Increased Situational Awareness

Health sector procurements:

- ProEmpower Pre-commercial procurement of innovative ICT for patient empowerment and self-management for patients with type 2 diabetes mellitus
- RELIEF eHealth solutions to manage pain
- Eurobloodpack 1
- Joint procurement for vaccines – Estonia

Transport sector procurements:

- FABULOS Future Autonomous Bus Urban Level Operation Systems

Research sector procurements:

- HNSciCloud Helix Nebula Science Cloud
- PPI4HPC Public Procurement of Innovations for High Performance Computing

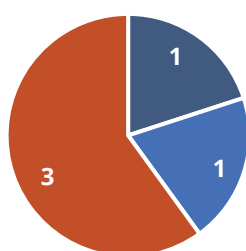
Good practices and obstacles that had to be overcome are therefore from different sectors. The question is if **suggestions e.g. from the health sector can be applied to security sector**. We believe that suggestions on procurement processes are **generally applicable**, independently of the sector. This is because the **procurement process does not change with each sector**. There

are of course certain specific procedures when it comes to public procurement tenders in the defence and security sector that fall within the scope of the Defence and Security directive¹⁸. But this was not the case in any of given examples analysed here.

2.6 Duration of each phase – pre-tender and tender

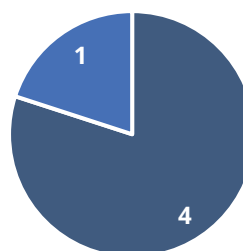
JCBPP without doubt takes longer than conventional procurement with procurers from only one country. The question is: how big exactly is difference, and **is the longer time needed** for preparing the tender and executing it compensated by the above-mentioned benefits of JCBPP?

This question needs to be answered by procurers considering doing JCBPP even before the preparation phase of the tender. Actually, answering this question would have to be a part of reaching the “political decision” of contracting authorities to engage in JCBPP.



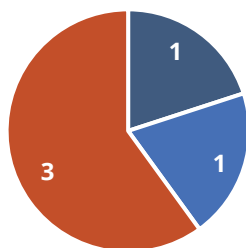
■ Less than 6 months ■ Less than 1 year
■ More than 1 year

Figure 4: Duration of preparation phase of tender (PCP)



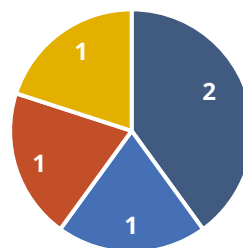
■ Less than 6 months ■ Less than 1 year

Figure 5: Duration of tender process from contract notice until signature of contract (PCP)



■ Less than 2 months ■ Less than 6 months
■ More than 1 year

Figure 6: Duration of preparation phase of tender (Public procurement tenders)



■ Less than 6 months ■ Less than 9 months
■ Less than 1 year ■ More than 2 years

Figure 7: Duration of tender process from contract notice until signature of contract (Public procurement tenders)

¹⁸ Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC.

3 Details of ten examples of joint cross-border public procurement

3.1.1 HNSciCloud

IDENTIFICATION DETAILS

Name of institution	CERN
Type of the contracting authority	European institution/agency or international organization
Main activity	Publicly funded research

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	HNSciCloud Helix Nebula Science Cloud
Short description	Under this PCP, R&D services are procured by public research organizations to develop solutions for the set-up of the HNSciCloud Hybrid Cloud Platform, taking into account the performance, security and management aspects of a hybrid cloud infrastructure, including technical standards, interoperability, portability, as well as building trust and confidence in cloud computing services. The innovative Infrastructure as a Service-level services will need to be integrated with a range of resources operated by public research organisations and publicly funded e-infrastructures to form a hybrid cloud solution.
Year	2016-2018
Institutions involved	CERN (Switzerland) CNRS (Centre National de Recherche Scientifique) (France) DESY – Deutsches Elektronen-Synchrotron (Germany) EMBL – European Molecular Energy Laboratory ESRF – European Synchrotron Radiation Facility IFAE – Institute for High Energy Physics (Spain) INFN – National Institute of Nuclear Physics (Italy) KIT – Karlsruhe Institute of Technology (Germany) STFC – Science and Technology Facilities Council (UK) Stichting EGI (Netherlands) SurfSARA (Netherlands) Trust-IT Services https://www.hnscicloud.eu/hnscicloud-user-groups
Applicable law	Belgian
Contract in the field of defence and security?	No

Type of contract	Services
Duration of the contract	3 years
Framework agreement?	Yes
Value of tender	5,300,000 EUR
Type of procedure	PCP (Competitive procedure with negotiation)
Number of bidders	10
Identification of successful bidder (Name, Country, SME or big companies)	https://www.hnscicloud.eu/hnscicloud-tender-winning-bidders-of-the-design-phase#Consortium1
Duration of preparation phase of tender (preparing tender documents)	Less than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: HNSciCloud
Link to call	https://www.hnscicloud.eu/the-hnscicloud-tender

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<p>Project Timing & Structure</p> <ul style="list-style-type: none"> • Foresee a period of 2 months for each phase transition. • The PCP execution process could be simplified as a single work package spanning design, prototype and pilot phases. • Select integrated set of tools with consistent access mechanisms to ensure sharing of material amongst the buyers group and with the contractors. <p>Tender Preparation Phase</p> <ul style="list-style-type: none"> • Invest effort in the preparation phase (between 9-12 months) to agree and precisely define the R&D challenges, the objectives and expected outcome of the PCP.
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- Prepare an in-depth needs assessment and an open market consultation activity during the tender preparation phase. Organize events where the procurers and potential tenderers can progressively refine the focus under the guidance of the expert
- Launch a survey among the known market players to allow the procurers to detect the capabilities and the willingness of the market to participate in the tender

Tender Process

- Nominating a lead procurer that already had longstanding relationships with all members of the buyers group proved a successful approach in HNSciCloud. The close cooperation between the members of the buyers group was essential to the success of the project. Regular and intense interaction between the members of the buyers group as well as between the buyers group and the contractors has been an important element of the success of HNSciCloud.
- Include in the tender text a restriction forbidding a company from being a lead contractor and a participant in other bidding consortia. No more than one tender can be submitted by a natural or legal entity
- Include provisions in the selection criteria to ensure that proposed solutions by competing consortia are sufficiently distinct and multiple solutions for each PCP challenge are developed.
- Strive to contract a higher number of consortia during each phase to ensure sufficient competition and increase the likelihood of a successful completion.
- Schedule intermediate reviews and payments as important checkpoints for the buyers group and contractors, to ensure all parties remained active and engaged.

Execution Phase

- Establish mechanisms for the buyers group to prioritise the challenges, communicate these priorities to the contractors and take them into account when allocating resources during the execution phase.
- The buyer group should consider how to deal with change requests and their impact on the execution of the project by the contractors.
- Consider the concept of an early adopter programme from the very beginning of the PCP, during the planning of funding projects

Commercialization Plans

- A Total Cost of Ownership (TCO) study for selected use cases was introduced in the pilot phase to help the buyers group understand the impact of the commercialization plans for their organizations.

	<ul style="list-style-type: none"> • Consider including a Total Cost of Ownership (TCO) study as an award criterion for each phase of the PCP execution (design, prototype and pilot). • Consider engaging a specialist to review the tender specifications so that they are compatible with market offerings, to estimate the current market costs of the IaaS capacity requested and to determine if the resulting services are competitive compared to the market prices • In order for TCO studies to be a useful tool in service provisioning decisions, cost transparency needs to be increased for in-house provisioned service by public sector research procuring organizations. <p>Resource: https://www.hnscicloud.eu/sites/default/files/files/HNSC_BookletA5_November2018_21081123_web.pdf</p>
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Possibility to negotiate better contract conditions, for example terms of delivery; Standardization of technical specifications; Promotion of innovation and R&D
What are disadvantages of cross-border JPP?	The process of procurement is longer than usual; It is hard to coordinate all stakeholders.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	General public services
Would you consider again being part of cross-border JPP?	Yes
General information	https://www.hnscicloud.eu/

3.1.2 ProEmpower

IDENTIFICATION DETAILS

Name of institution	Ministry of Health of Turkey
Type of the contracting authority	Ministry or any other national or federal authority, including their regional or local subdivisions
Main activity	Health

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	ProEmpower Pre-commercial procurement of innovative ICT for patient empowerment and self-management for patients with type 2 diabetes mellitus
Short description	<p>Public procurers in ProEmpower will address the challenge of a diabetes pandemic by procuring a disease self-management solution that will make person-centred care a reality. The project assumes that the quality of medical decisions can be enhanced by personalised decision support tools that summarise patient clinical characteristics, treatment preference and ancillary data at the point of care.</p> <p>The procurement will take the form of a pre-commercial procurement (PCP) under which R&D service contracts will be awarded to R&D providers in parallel in a phased approach. This will make it possible to compare competing alternative solutions. Each selected operator will be awarded a framework agreement that covers three R&D phases. The three phases are: solution design, prototyping, original development, and validation and testing of a limited set of first products or services. After each phase, intermediate evaluations will be carried out to select the best of the competing solutions. The contractors with the best-value-for-money solutions will be offered a specific contract for the next phase.</p>
Year	2016-2020
Institutions involved	Ministry of Health (Turkey) Murcia Health Services (Murcia-Spain) SPMS (Portugal) So.Re.Sa., Campania (Italy) and 7 other technical partners
Applicable law	PCP (pre-commercial procurement) guidelines are followed for procurement. Turkish Law is to be applied in case of dispute settlement.
Contract in the field of defence and security?	No
Type of contract	Services
Duration of the contract	Phase 1 – 2 months Phase 2 – 7 months Phase 3 – 12 months
Framework agreement?	Yes
Value of tender	1st phase – up to 450,000 EUR 2nd phase – up to 900,000 EUR 3rd phase – up to 1,650,000 EUR

Type of procedure	PCP
Number of bidders	15
Identification of successful bidder (Name, Country, SME or big companies)	<p>1st phase: Gnomon Informatics (consortium) Linkcare Hemosoft Bilisim ve Egitim Hizmetleri (consortium) Health Insight Solutions (consortium) Tech4Care (consortium)</p> <p>2nd phase- DM4ALL - Gnomon Informatics (consortium) CarpeDiab - Health Insight Solutions (consortium) DiaWatch - Tech4Care (consortium)</p> <p>3rd phase- Gnomon, Greece, SME Tech4Care, Italy, SME</p>
Duration of preparation phase of tender (preparing tender documents)	More than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: European Union's Horizon 2020 ProEmpower Pre-Commercial Procurement Project
Link to call	<p>TED link: https://ted.europa.eu/udl?uri=TED:NOTICE:24518-2018:TEXT:EN:HTML&src=0</p> <p>Official call: https://proempower-pcp.eu/news/details/proempower-releases-call-for-tenders-to-develop-innovative-ict-for-diabetes-mellitus-self-management.html</p>

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	<ul style="list-style-type: none"> • The PCP tool itself (not that it is difficult but it is new to us). • Long approval time of the EC.

	<ul style="list-style-type: none"> • Short time for tender evaluation.
What are advantages of cross-border JPP?	Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D; Development of common and standardised practices from the technical, legal and financial perspective.
What are disadvantages of cross-border JPP?	It is hard to coordinate all stakeholders.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	Health
What are your main sources of information regarding JPP?	EC sources
General information	https://proempower-pcp.eu/

3.1.3 RELIEF

IDENTIFICATION DETAILS

Name of institution	Jaggaer
Type of the contracting authority	Other
Main activity	Procurement Solutions (PPI Consultancy) PPI Consultancy (specialized in Health and Social Care PPI H2020 projects)

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	RELIEF eHealth solutions to manage pain
Short description	<p>Develop and test eHealth solutions for improving chronic pain self-management.</p> <p>Priorities of intervention have been identified such as care coordination, assessment and measurement, self-management, monitoring, information and education.</p> <p>Although there is a wide range of high-tech devices aimed at treating pain, it is still necessary to cover the gap between Research and Commercialization. Only a small percentage of the existing solutions are clinically validated. A wide variety of ICT could provide solutions to this challenge.</p>

	RELIEF is mainly focused on technologies improving self-care, which go beyond the standard telecare and telehealth, virtual reality, augmented reality, apps, remote access to therapist, gamification, etc. These technologies could lead to personalized medicine and improve patient safety enhancing the efficiency of the public healthcare system
Year	2017
Institutions involved	RESAH – Réseau des Acheteurs Hospitaliers (France) (Central Purchase Body) Andalusian Health Service (Spain) Council Uppsala (Sweden)
Applicable law	French
Contract in the field of defence and security?	No
Type of contract	Services
Duration of the contract	2017 - 2020
Framework agreement?	Yes
Value of tender	1,890,000 EUR
Type of procedure	PCP
Number of bidders	17, composed by 35 entities coming from 8 different countries
Identification of successful bidder (Name, Country, SME or big companies)	<p>Phase 1 - Feasibility Study Tech4care srl. ARTICA TELEMEDICINA S.L. INVESTIGACIÓN Y DESARROLLO INFORMÁTICO EIKON, S.L. (IDI EIKON) Foundation for Research and Technology – Hellas Linkcare Health Services HealthCareCoCreation GNOMON INFORMATICS</p> <p>Phase 2 – Prototype Development Tech4care srl. ARTICA TELEMEDICINA S.L. GNOMON INFORMATICS Linkcare Health Services</p> <p>Phase 3 – Prototype Performance Tech4care srl. GNOMON INFORMATICS</p>

	http://relief-chronicpain.eu/tenderResults.html#
Duration of preparation phase of tender (preparing tender documents)	Less than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: Horizon 2020 programme under grant agreement no 689476
Link to call	https://ted.europa.eu/udl?uri=TED:NOTICE:351202-2016:TEXT:EN:HTML

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	<ul style="list-style-type: none"> • The coordination among public procurers from different countries is really difficult. • Timings are also underestimated for implementing the different PCP phases. • Co-creation with contractors is not easy.
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<ul style="list-style-type: none"> • Managing a public tender in H2020 programme is really difficult without being flexible with the option of asking for extensions. • Between phase 2 and phase 3 it is necessary to leave enough time for performing a pilot test to avoid that prototypes don't work properly during the field testing. • Recruitment of patients should involve enough time and careful recruitment plans from each site to ensure the recruitment.
What are advantages of cross-border JPP?	Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D
What are disadvantages of cross-border JPP?	It is hard to coordinate all stakeholders.

Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	Environment; Health
What are your main sources of information regarding JPP?	EC guidelines; other PCP projects; EAFIP toolkits
General information	http://relief-chronicpain.eu/index.html

3.1.4 FABULOS

IDENTIFICATION DETAILS

Name of institution	Forum Virium Helsinki
Type of the contracting authority	Regional or local agency/office
Main activity	Other - Smart City, Smart Mobility and Innovation

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	FABULOS Future Autonomous Bus Urban Level Operation Systems
Short description	<p>The FABULOS project seeks new solutions and technologies to prepare cities for the future of mobility, including concepts such as self-driving buses. Novel transport solutions will be developed and acquired by utilising a Pre-Commercial Procurement (PCP), which allows the Procuring Partners to share the risks and benefits with the suppliers. The expected outcome of the FABULOS project is the demonstration of automated minibus service as part of the public transport system.</p> <p>For the companies, the FABULOS pre-commercial procurement process offers the first instance of their solution in use, in addition to financial assistance. The result, including the Intellectual Property Rights (IPR), remain with the suppliers. For the other stakeholders, the FABULOS pre-commercial procurement serves as source of new information on regulations and the practical implementation, covering the type of technology required, benefits and overall impact, including on a societal level.</p> <p>Pre-commercial procurement is exempt from the WTO Government Procurement Agreement, the Directive 2014/24/EU and the national laws that implement them. This is because it concerns the procurement of R&D services where the benefits do not accrue exclusively for the contracting authority.</p> <p>The pre-commercial procurement process consists of three clearly defined phases: concept design, prototype development and field-</p>

	testing rIn each of these phases, significant budgets are available for suppliers to support their work the total budget being up to 5 500,000 EUR.
Year	2018-2020
Institutions involved	Forum Virium Helsinki (Finland) (Lead Procurer) City of Lamia (Greece) City of Helmond (Netherlands) City of Gjesdal (Norway) Ministry of Economic Affairs (Estonia) STCP Public Transport Operator Porto (Portugal)
Applicable law	Finnish law
Contract in the field of defence and security?	No
Type of contract	Services
Duration of the contract	3 years
Framework agreement?	Yes
Value of tender	Total budget up to 5,500,000 EUR
Type of procedure	PCP
Number of bidders	5
Identification of successful bidder (Name, Country, SME or big companies)	Now in Phase 2, with 4 consortia. In the final Phase 3, we will have 3 consortia.
Duration of preparation phase of tender (preparing tender documents)	Less than 6 months
Duration of tender process from publishing contract notice till signature of contract	Less than 1 year
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: Horizon2020, Grant Agreement number 78031. 90% financed by the European Commission.

Link to call

<https://fabulos.eu/download-tender-documents/>

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?

Yes

What were the most difficult issues that had to be overcome?

- PCP is about Procurement of R&D of new innovative solutions before they are commercially available. It is a challenge to determine the exact State of the Art, the appropriate "innovation" level of the Challenge and to stay ahead of the sometimes very fast developments in the market. The Challenge needs radical innovation: no solution 'on' or 'close to' market yet. The high degree of innovation and R&D effort required brings a long a high(er) risk of failure. Defining the objective ("challenge") so that it is highly innovative/ambitious but still feasible (in 2-3 years) is difficult. Thorough Open Market Consultation is therefore essential.
- The clear PCP process (4 pre-defined Phases, according to strict time schedule) can be benefit but also imposes rigidity: you base contracts on the initial Request for Tenders. Changing criteria during the process (to take lessons, new developments into account) is only possible to very limited extend. E.g. evaluation weights are locked from start to end.
- PCP has great potential but it's still an experimental tool. Lack of knowledge at authorities, companies and even EC. To fulfil its full potential it needs continuous development, also from the side of the European Commission.

Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?

- PCP is based on the nature of the problem and not limited to existing products or services. Used when there are no near-to-market solutions yet. Public sector procurers can compare the pros and cons of competing solutions. It is a very good method for public sector procurers to buy R&D from several suppliers in parallel, to steer development of solutions to meet their needs. Suppliers compete through different phases of development.
- An evaluation committee that only consists of representatives of the Procuring Partners does likely not have enough in-house expertise. It is important to give the most important and knowledgeable stakeholders a role in the evaluation process. In our FABULOS PCP an External Evaluation Panel was set up, in addition to the Technical Evaluation Committee. For example, the regional Public Transport Authority and the national Road Safety Authorities had a role in this panel, each evaluation the sections of the Offers that related to their specific expertise. The upside of this activity is that it gives

	<p>both the evaluation as well as the project outcomes increased legitimacy. The downside was the additional work involved (preparing contracts, Non-disclosure Agreements, arranging payments etc).</p> <ul style="list-style-type: none"> • Exemption for R&D services under Directive 2014/24/EU and WTO rules: special legal framework (Horizon 2020) • Functional (as opposed to technical!) specifications focused on long-term needs. • Competitive development in at least 3 phases. with each Phase the number of Contractors decreases and the budgets per Contractor increase. • IPR – Risk/Benefit-sharing • Extensive Open Market Consultation Phase, in which we determined: <ul style="list-style-type: none"> ○ Is our challenge innovative enough / not too innovative? ○ Will companies take part in the competition? ○ What can we, procuring entities, do to help companies? ○ What we did: Surveys for companies on current state of market, Surveys for procuring entities (needs assessment), Desk research on State of the Art, Various workshops / events to explain process and discuss Challenge with potential Suppliers, Facilitate matchmaking between companies. Based on the outcomes, we wrote the Request for Tenders. • EU funding of 90% is clear benefit for cities. However: dependent on suitable calls from the EC (~3 PCPs a year) • Appeals particularly to SMEs and newcomers to the field. Larger or well-established companies sometimes consider the available R&D budgets too limited. • Important to find a good balance between an iterative process / regular dialogue without imposing too much work on companies and procurers. • PCPs are one good way for cities to solve societal challenges that are too hard or too far in future to tackle with conventional procurement tools!
<p>What are advantages of cross-border JPP?</p>	<p>See above mentioned lesson learned</p>
<p>What are disadvantages of cross-border JPP?</p>	<p>It is hard to coordinate all stakeholders; Legal obstacles coming from different legislation in stakeholder countries.</p>
<p>Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?</p>	<p>No</p>

What sectors are suitable for cross-border JPP?	General public services; Environment; Health; Urban mobility and energy; Innovative solutions
What are your main sources of information regarding JPP?	European Commission Pre-Commercial Procurement guidance
General information	https://fabulos.eu/

3.1.5 Broadway

IDENTIFICATION DETAILS

Name of institution	Ministry of Interior of France
Type of the contracting authority	Ministry or any other national or federal authority, including their regional or local subdivisions
Main activity	Public order and safety

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	Broadway Procuring Innovation activity to enable a pan-European broadband mobile system for PPDR
Short description	Procure Innovation activity to develop and demonstrate TRL8 technologies that will enable a pan-European interoperable broadband mobile system for PPDR, validated by sustainable testing facilities
Year	2019
Institutions involved	Astrid (Belgium) Nakit (Czech Republic) FRMOI (France) ITMOI (Italy) Estonia Greece STS (Romania) Irish police (Ireland) Errilisverkot (Finland) National police (Nederland) Guardia Civil (Spain)
Applicable law	Belgium
Contract in the field of defence and security?	Yes
Type of contract	Services
Duration of the contract	3 years

Framework agreement?	No
Value of tender	11,000,000 EUR
Type of procedure	PCP
Number of bidders	4
Identification of successful bidder (Name, Country, SME or big companies)	<p>Phase 1 - Solution Design - Successful Consortia</p> <p>Consortium A: Airbus DS, France (Large company) – Lead Contractor Belgacom International CARrier Services SA, Belgium (Large company) Retevision IS.A. (Cellnex Telecom), Spain (Large company) Proximus S.A, Belgium (Large company) StreamWide Technology, France (SME) Nokia Solutions and Networks Oy, France (Large company)</p> <p>Consortium B: Frequentis AG, Austria (Large Company) - Lead Contractor Nemergent Solutions SL, Spain (SME) Halys Sas, France (SME) Electronique Telematique Etelm, France (SME)</p> <p>Consortium C: Leonardo S.p.A, Italy (Large company) - Lead contractor Vodafone Portugal - Comunicações Pessoais S A, Portugal (Large company) Ubiwhere Lda, Portugal (SME) Proef Sgps SA, Portugal (Large company) TELESPAZIO SPA, Italy (Large company) Athonet S.R.L, Italy (SME) Sas Telespazio France, France (Large company) Bittium Wireless, Finland (Large company) Radiolabs Consorzio Università Industria - Laboratori Di Radiocomunicazione, Italy, University Alma Mater Studiorum Università di Bologna, Italy, University</p> <p>Consortium D: Rohill Technologies B.V., The Netherlands (SME) - Lead Contractor Strict B.V., The Netherlands (SME) https://www.broadway-info.eu/phase-1-consortia/</p>

Duration of preparation phase of tender (preparing tender documents)	More than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: H2020 Broadway project

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	<ul style="list-style-type: none"> • Gathering the partner countries; • Defining a common technical requirement; • Agreeing on assessment process and decision.
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	Have a thorough training in assessment preparation to get a common process and avoid long discussion.
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D; Standardization of technical specifications; Development of common and standardised practices from the technical, legal and financial perspective
What are disadvantages of cross-border JPP?	Legal obstacles coming from different legislation in stakeholder countries; It is hard to coordinate all stakeholders.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	General public services; Recreation, culture and religion; Defence; Health; Education; Public order and safety; Housing and community amenities; Environment

What are your main sources of information regarding JPP?	Experience in H2020 projects
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General information	https://www.broadway-info.eu/
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3.1.6 PPI4HPC

IDENTIFICATION DETAILS

Name of institution	Institute for Advanced Simulation (IAS) Jülich Supercomputing Centre (JSC)
Type of the contracting authority	Body governed by public law
Main activity	Research

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	PPI4HPC Public Procurement of Innovations for High Performance Computing
Short description	This procurement takes place within the PPI4HPC project funded by the European Commission under the call EINFRA-21-2017. It involves four public procurers (BSC, CINECA, FZJ/JSC and GENCI) located in four different countries (Spain, Italy, Germany and France) working together in a joint procurement. The purpose of the procurement is, for each public procurer, to buy an innovative high performance supercomputer and/or an innovative high performance storage system that will be integrated in their computing centre. These systems are expected to be deployed in the 2019-2021 time frame. In combination these systems should allow to cover a large range of applications including traditional HPC applications, HPDA and AI. These systems are furthermore supposed to address common topics of innovation
Year	2018
Institutions involved (name and state)	BSC (Spain) GENCI + CEA (France) CINECA (Italy) Forschungszentrum Juelich (Germany)
Applicable law	French
Contract in the field of defence and security?	No
Type of contract	Supplies
Duration of the contract	3-6 years
Framework agreement?	No

Value of tender	82 633 129 EUR
Type of procedure	Competitive dialogue
Number of bidders	Up to 5 per lot
Identification of successful bidder (Name, Country, SME or big companies)	See formal contract notice here: https://ted.europa.eu/udl?uri=TED:NOTICE:219297-2020:TEXT:EN:HTML&WT.mc_id=RSS-Feed&WT.rss_f=Computer+and+Related+Services&WT.rss_a=219297-2020&WT.rss_ev=a
Duration of preparation phase of tender (preparing tender documents)	More than 1 year
Duration of tender process from publishing contract notice till signature of contract	More than 2 years
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: PPI4HPC
Link to call	https://ted.europa.eu/udl?uri=TED:NOTICE:256030-2017:TEXT:EN:HTML&src=0

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<ul style="list-style-type: none"> • Building motivated and available teams in early stages of the project is key to success. Having some members with double competency, organizing joint meetings of the teams is important in order to keep the work of the teams synchronised and to address issues that have technical and legal implications at the same time. Team building facilitates quick joint reactions whenever necessary, e.g. when responding to questions from suppliers. • Legal consultancy is very important and it is recommended to engage a law firm that has knowledge about the relevant

	<p>legal aspects, not only in the country of the lead procurer but also in the countries of the local procurers.</p> <ul style="list-style-type: none"> • Clear definition of the role and liability of the different partners during the whole procurement procedure (formalised in a Joint Procurement Agreement) is necessary for ensuring smooth relationship between the partners during the process. This takes some time but makes possible to avoid conflicts and time loss later on. • Strategies to reduce the likelihood or at least the impact of conflicts between the law of the country of the lead procurer and the law of the countries of the local procurers needs to be devised; the law of the lead procurer should be chosen so that it provides sufficient flexibility. For this point, as well as for the previous one, legal consultancy was very helpful. • Wide and fair information to the market should be organised. Such market consultation results in improved organisation of the procurement and also on improved tendering package both from technical and legal point of view. • Awareness among all relevant stakeholders involved at the procuring sites about the legal procedures and continues exchange of information during the execution of the local procurement procedures was found to be important. This included, e.g., raising awareness about crucial steps like contract awarding to be formally executed by the lead procurer in the name and on behalf of the local procurer.
What are advantages of cross-border JPP?	<p>Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D; Development of common and standardised practices from the technical, legal and financial perspective</p>
What are disadvantages of cross-border JPP?	<p>It is hard to coordinate all stakeholders.</p>
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	<p>No</p>
What sectors are suitable for cross-border JPP?	<p>Research</p>
General information	<p>https://ppi4hpc.eu/</p>

3.1.7 Eurobloodpack 1

IDENTIFICATION DETAILS	
Name of institution	Irish Blood Transfusion Service
Type of the contracting authority	Body governed by public law
Main activity	Health
IDENTIFICATION OF CROSS-BORDER JPP	
Title of procurement	Eurobloodpack 1
Short description	<p>The current Framework Agreement for Eurobloodpack 1 (Whole blood Collection and Ancillary Packs) has been awarded for the period 01 May 2013 – 30 April 2017.</p> <p>The technical specifications contain:</p> <ul style="list-style-type: none"> • three product specifications for primary collection systems including Top and Top Collection System for whole blood filtration, Bottom and Top System for Red cell concentrate (RCC) filtration and a Bottom and Top System for RCC filtration with Integral Plasma Filter. • ten product specifications for ancillary processing packs: <p>Contract management operations consist of:</p> <ul style="list-style-type: none"> • Ongoing supplier performance reviews, looking at joint defect monitoring, business continuity stock levels and tracking purchase volumes. • Ongoing specification/ change control meetings.
Year	2013
Institutions involved (name and state)	NHSBT (UK) IBTS (Ireland) SNBTS (UK-Scotland) WBS (UK-Wales) NIBTS (UK-Northern Ireland)
Applicable law	European Procurement Directive
Contract in the field of defence and security?	No
Type of contract	Supplies
Duration of the contract	4 years
Framework agreement?	Yes
Type of procedure	Open
Number of bidders	3

Identification of successful bidder (Name, Country, SME or big companies)	Macopharma, France, Large Company
Duration of preparation phase of tender (preparing tender documents)	More than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 9 months
Was the procurement related to innovation?	No
Was the procurement related to a project and/or program (partially) financed by European Union funds?	No

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	<ul style="list-style-type: none"> • Language; • Different processes; • Culture
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<ul style="list-style-type: none"> • Identifying key stakeholders and decision makers upfront • Ensuring buy-in and support from Senior Management
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Possibility to negotiate better contract conditions, for example terms of delivery; Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D; Development of common and standardised practices from the technical, legal and financial perspective
What are disadvantages of cross-border JPP?	The process of procurement is longer than usual; It is hard to coordinate all stakeholders; Legal obstacles coming from different legislation in stakeholder countries.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No

What sectors are suitable for cross-border JPP?	Health
What are your main sources of information regarding JPP?	Chairing a Procurement Group within the European Blood Alliance
General information	https://europeanbloodalliance.eu/activities/collaborative-procurement/eurobloodpack-1/

3.1.8 Joint procurement for vaccines - Estonia

IDENTIFICATION DETAILS

Name of institution	Estonian Health Insurance Fund
Type of the contracting authority	Body governed by public law
Main activity	Health

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	Joint procurement for vaccines
Short description	The purpose of the public procurement is to find bidders for the purchase of vaccine against rotavirus (1 lot – RV vaccine) and diphtheria, tetanus, acellular pertussis, inactivated poliomyelitis, hepatitis B + Haemophilus Influenzae type b combination vaccine (2 lot – hexavalent vaccine) within the framework of the national programs of the Republic of Estonia and the Republic of Latvia. Tenders submitted must comply with the technical specifications set out in point 5 of the tender documents.
Year	2018
Institutions involved (name and state)	Ministry of Social Affairs in Estonia (as of 1 January 2019 all central procurements for medicines in Estonian Health Insurance Fund) National Health Service in Latvia
Applicable law	Estonian Public Procurement Law
Contract in the field of defence and security?	No
Type of contract	Supplies
Duration of the contract	3.5 years
Framework agreement?	Yes
Value of tender	8 876 280 EUR
Type of procedure	Open

Number of bidders	1 lot – 1 bidder 2 lot – 2 bidders
Identification of successful bidder (Name, Country, SME or big companies)	Estonian and Latvian pharmaceutical wholesalers. 1 lot: GlaxoSmithKline Eesti OÜ and GlaxoSmithKline Latvia SIA (joint bidders) 2 lot: AS Oribalt Tallinn and Oriola Riga SIA (joint bidders)
Duration of preparation phase of tender (preparing tender documents)	Less than 2 months
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	No
Was the procurement related to a project and/or program (partially) financed by European Union funds?	No
Link to call	https://ted.europa.eu/udl?uri=TED:NOTICE:271809-2019:TEXT:EN:HTML

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	<ul style="list-style-type: none"> • This was the second joint procurement for Baltic cooperation in the field of medicines. • As a result, we had already overcome the problems related to procurement documentation. • New challenges were mainly related to pre-tender phase (harmonizing marketing research results etc.) and post-tender phase (contract management).
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<ul style="list-style-type: none"> • Our main conclusion was that each joint procurement has to be organized using project-based management. • You need to divide all actions into phases with deadlines and responsible persons, setting common KPIs and rules for information flow and decision making. • The first attempt for joint procurement also highlighted language issues and the need to harmonize procurement practices.

	<ul style="list-style-type: none"> • A well-organised, planned and executed market research is a prerequisite for successful cross-border joint procurement. Market conditions change, especially in small markets and it is crucial to understand the developments and current situation in the specific procurement field.
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Possibility to negotiate better contract conditions, for example terms of delivery; Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Development of common and standardized practices from the technical, legal and financial perspective
What are disadvantages of cross-border JPP?	Legal obstacles coming from different legislation in stakeholder countries
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	Yes: In the health sector there are obstacles which often require political will/ institutional cooperation to be overcome. For example, there are different legal provisions in the context of medicines legislation (provisions for unregistered products etc) or different requirements in the context of health policies (health technology assessments etc).
What sectors are suitable for cross-border JPP?	General public services; Defence; Public order and safety; Environment; Economic and financial affairs; Health
What are your main sources of information regarding JPP?	Direct contacts
General information	https://ted.europa.eu/udl?uri=TED:NOTICE:271809-2019:TEXT:EN:HTML

3.1.9 JEROME

IDENTIFICATION DETAILS

Name of institution	National Research and Development Institute for Materials Physics, Bucharest
Type of the contracting authority	Body governed by public law
Main activity	Research and innovation

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	JEROME Supply of Mobile CBRN Units for Special Intervention Teams
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Year	2017-2018
Institutions involved	National R&D Institute for Materials Physics (Romania) General Inspectorate of Romanian Police Ministry of Interior of the Republic of Bulgaria
Applicable law	Romanian
Contract in the field of defence and security?	No
Type of contract	Supplies
Duration of the contract	4 months
Framework agreement?	No
Type of procedure	Open
Number of bidders	1
Identification of successful bidder (Name, Country, SME or big companies)	SC ROM TECH SRL, Romania / SME
Duration of preparation phase of tender (preparing tender documents)	Less than 6 months
Duration of tender process from publishing contract notice till signature of contract	Less than 6 months
Was the procurement related to innovation?	No
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: INTERREG V-A Romania- Bulgaria Territorial Cooperation Programme 2014-2020

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Possibility to negotiate better contract conditions, for example terms of delivery; Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Development of common and

	<p>standardised practices from the technical, legal and financial perspective.</p> <p>The most important advantage:</p> <ul style="list-style-type: none"> • Authorities from both side of the border where endowed with identical equipment, thus the need for future costs for harmonization and coordination between neighbouring countries being de-facto eliminated. • Full interoperability of intervention forces was practically established immediately the equipment was put-into operation, fostering exchange of data and information. <p>Second important advantage:</p> <ul style="list-style-type: none"> • Efficient use of project's resources: there was only one public procurement officer at project level.
What are disadvantages of cross-border JPP?	No disadvantages were identified.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	Defence; Public order and safety; Environment
What are your main sources of information regarding JPP?	TED-OJ; Romanian Law no.98/2016 and Directive 2014/24/EU
General information	http://jerome-robg.eu/

3.1.10 EWISA

IDENTIFICATION DETAILS

Name of institution	Center for Security Studies, Greece
Type of the contracting authority	Body governed by public law
Main activity	Public order and safety

IDENTIFICATION OF CROSS-BORDER JPP

Title of procurement	EWISA Early Warning for Increased Situational Awareness
Short description	The overall project objective was to provide an operational and technical framework that increased situational awareness and improve the reaction capability of authorities surveying the external land borders of the EU.

	EWISA provided an innovative system for warning about possible threats and enhancing the effectiveness and efficiency of all border control relevant systems, equipment, tools and processes for the surveillance in selected areas.
Year	2017
Institutions involved	KEMEA – Center for Security Studies (Greece) Finish Border Guard (Finland) Romanian Border Police (Romania) Guardia Civil (Spain)
Applicable law	Greek
Contract in the field of defence and security?	Yes
Type of contract	R&D Services
Duration of the contract	18 months
Framework agreement?	No
Value of tender	2x 2,717,000 EUR
Type of procedure	Restricted
Number of bidders	8
Identification of successful bidder (Name, Country, SME or big companies)	Intracom Telecom, Greece (Large company) ONEX, Greece (Large company)
Duration of preparation phase of tender (preparing tender documents)	More than 1 year
Duration of tender process from publishing contract notice till signature of contract	Less than 1 year
Was the procurement related to innovation?	Yes
Was the procurement related to a project and/or program (partially) financed by European Union funds?	Yes: GA 608174
Link to call	http://www.ewisa-project.eu/images/Contract_Tender_2017/ENOTICES_nmi_pante-2017-004056-NF02-EN.pdf

SPECIFIC QUESTIONS CONCERNING THE PROCESS OF PUBLIC PROCUREMENT

Would you consider again being part of cross-border JPP?	Yes
What were the most difficult issues that had to be overcome?	Identifying common ground for end users
Lessons learned: any good practices that you would suggest and any pitfalls to avoid when doing cross-border JPP?	<ul style="list-style-type: none"> • The preparatory phase (pre-tendering phase) of a procurement procedure is by far the most crucial stage of the process because the decisions taken / selections made during this phase will influence the success of the whole procedure • Active involvement of the end users should be ensured
What are advantages of cross-border JPP?	Economy of scale: by aggregating the demand of more contracting authorities, prices may be lower; Possibility to negotiate better contract conditions, for example terms of delivery; Standardization of technical specifications; Collaboration, sharing knowledge and exchanging good practice between all stakeholders involved in the procurement process; Promotion of innovation and R&D; Development of common and standardised practices from the technical, legal and financial perspective
What are disadvantages of cross-border JPP?	It is hard to coordinate all stakeholders.
Are you aware of any national legislation that prohibit or create obstacles for cross-border JPP?	No
What sectors are suitable for cross-border JPP?	General public services; Defence; Public order and safety; Environment; Health; Education
What are your main sources of information regarding JPP?	EAFIP, Directive 2014/24/EU
General information	http://www.ewisa-project.eu/index.php

4 References

EAFIP Toolkit: <https://eafip.eu/toolkit/>

HNSciCloud: <https://www.hnscicloud.eu/>

ProEmpower: <https://proempower-pcp.eu/>

RELIEF: <http://relief-chronicpain.eu/index.html>

FABULOS: <https://fabulos.eu/>

Broadway: <https://www.broadway-info.eu/>

PPI4HPC: <https://ppi4hpc.eu/>

PPI4HPC white paper "Lessons learned on legal aspects", Sep. 2020:
<https://ppi4hpc.eu/news/ppi4hpc-whitepaper-%E2%80%9Clessons-learned-legal-aspects%E2%80%9D-just-published>

Eurobloodpack 1: <https://europeanbloodalliance.eu/activities/collaborative-procurement/eurobloodpack-1/>

Joint procurement for vaccines – Estonia: <https://ted.europa.eu/udl?uri=TED:NOTICE:271809-2019:TEXT:EN:HTML>

JEROME: <http://jerome-robg.eu/>

EWISA: <http://www.ewisa-project.eu/index.php>

Assessment report on the performance of the EC funded Innovation Procurement projects in the security field according to the EC Guidance Notice on Innovation Procurement, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/industry-for-security/assessment_report_innovation_procurement_dg_home_final.pdf

EC Guidance Notice on Innovation Procurement, available at: <https://ec.europa.eu/digital-single-market/en/news/commission-notice-guidance-innovation-procurement-available-now-all-eu-languages>

I. Locatelli "Process Innovation Under the New Public Procurement Directives" in Joint Public Procurement and Innovation: Lessons Across Borders (G.M. Racca and C.R. Yukins eds) (Bruylant 2019), available at https://www.researchgate.net/publication/347489725_Process_Innovation_Under_the_New_Public_Procurement_Directives_in_Joint_Public_Procurement_and_Innovation_Lessons_Across_Borders_GM_Racca_and_CR_Yukins_eds_Bruylant_2019/related

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G.M.Racca and Ch.R.Yukins , The Promise and Perils of Innovation in Cross-Border Procurement, in G.M. Racca and Ch.R.Yukins, Joint public procurement and Innovation: Lessons across Borders, Bruylant, 2019, p. 14.

5 Glossary

EAFIP	European Assistance for Innovation Procurement	PPDR	Public Protection and Disaster Relief
EC	European Commission	PPI	Public Procurement of Innovative solutions
ICT	Information & Communications Technology	R&D	Research & Development
IPR	Intellectual Property Rights	SME	Small & Medium Enterprise
JPP	Joint Public Procurement	TED	Tenders Electronic Daily
JCBPP	Joint Cross-Border Public Procurement	TFEU	Treaty on the Functioning of the European Union
PCP	Pre-Commercial Procurement	WTO	World Trade Organisation



Thank you to all survey participants
for their contributions and their
authorisation to publish.



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