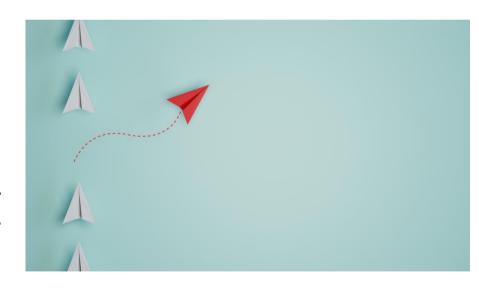




INTRODUCTION TO INNOVATION PROCUREMENT

WEBINAR 27th October 2022









Watch the replay video of the webinar via:

https://youtu.be/V6OElLiwdUk





Welcome

Stephan Corvers

CEO & Founder

Corvers Procurement Services BV





Introduction & Agenda



House rules

It is possible to ask questions in the private chat



The recording of the webinar will be made available on the EAFIP website

The list of participants will not be disseminated



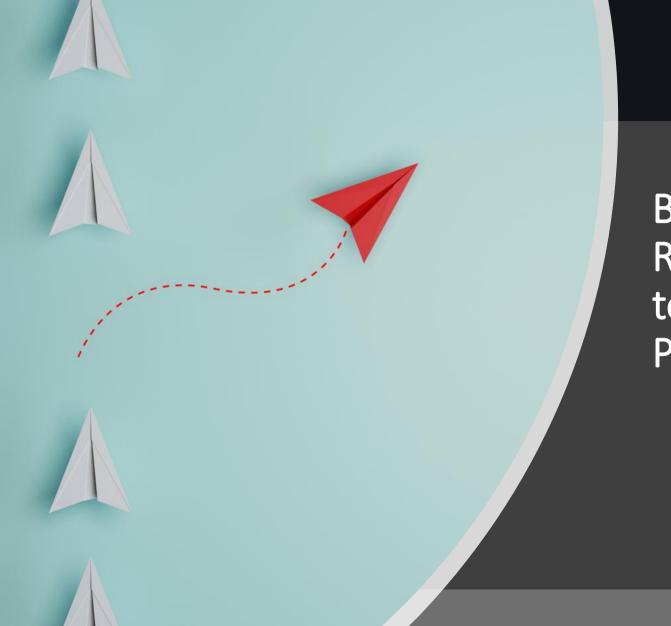
In case there are technical problems, the session will be recorded and published



AGENDA

TIME (CET)	ТОРІС	SPEAKER/PARTICIPANTS
9:55 – 10:00	Registration to the platform	Participants can ensure that the platform's functionalities are working fine
10:00 – 10:05	Welcome & Introduction House rules Agenda	Stephan Corvers CEO – Corvers
10:05 – 10:25	Background & rationale to Innovation procurement	
	 Introduction to public procurement Policy rationale for innovation procurement 	Anabel Peiró Baquedano Public Procurement consultant - Corvers
	 State-of-play in the EU EU support for innovation procurements EU funded PCP EU MS national frameworks 	Lieve Bos EC Policy Officer - DG Connect
10:25 – 10:55	Introduction to the legal framework and procurement implementation - The New EAFIP Toolkit 2.0.	
	 PCP (Pre-Commercial Procurement) PPI (Public Procurement of Innovative solutions) Prototype testing 	Beatriz Gómez Farinas Public Procurement consultant - Corvers
10:55 – 11:15	PCP and PPI cases	
	Lessons learned and takeaways in PCP and PPI initiatives	Stephan Corvers CEO – Corvers Rick Meynen Project manager Muntstroom-PCP Pim Ursem RAV Brabant MWN, NIS-PPI
11:15-11:25	OPEN DISCUSSIONS Q&A	
11:25 - 11:30	Conclusions & future events	Stephan Corvers







Background & Rationale to Innovation Procurement



Introduction

Introduction to Innovation Procurement and its policy rationale



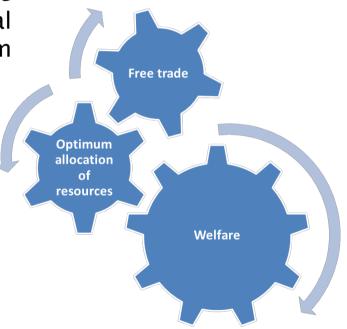
Anabel Peiró Baquedano Legal procurement consultant Corvers Procurement Services B.V.

What is Public Procurement?

Public procurement is *the process by which public authorities* (such as government departments or local authorities) *purchase* works, goods or services from companies which they have selected for this purpose.

Regulated to

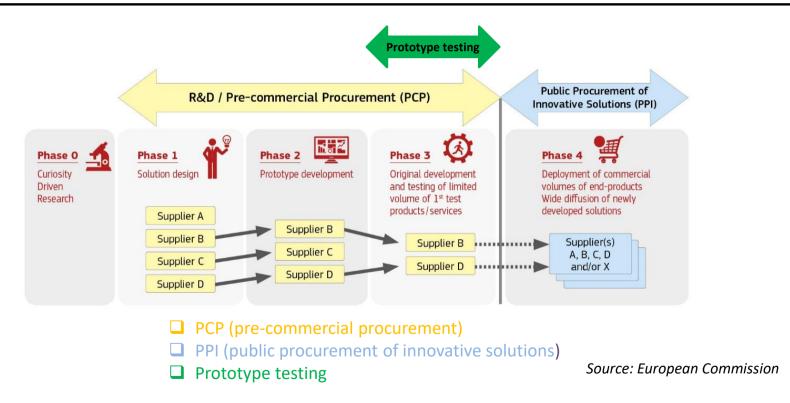
- Ensure that public funds are spent efficiently.
- On the basis of a serious assessment, following certain predetermined rules.
- Without any kind of favouritism (i.e to ensure public funds are spent honestly).
- Ensure a free market at EU level



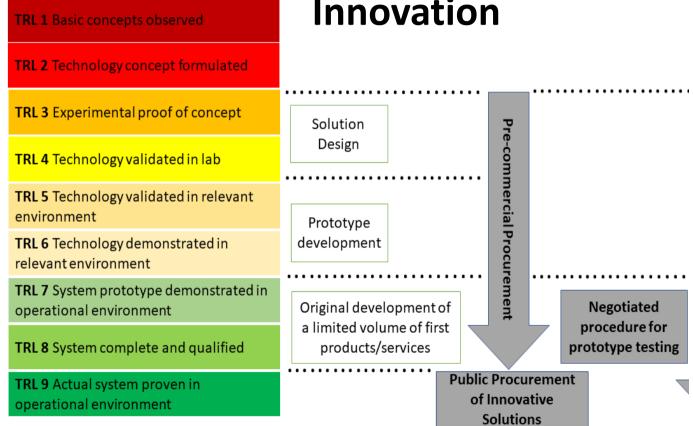
What is Public Procurement?

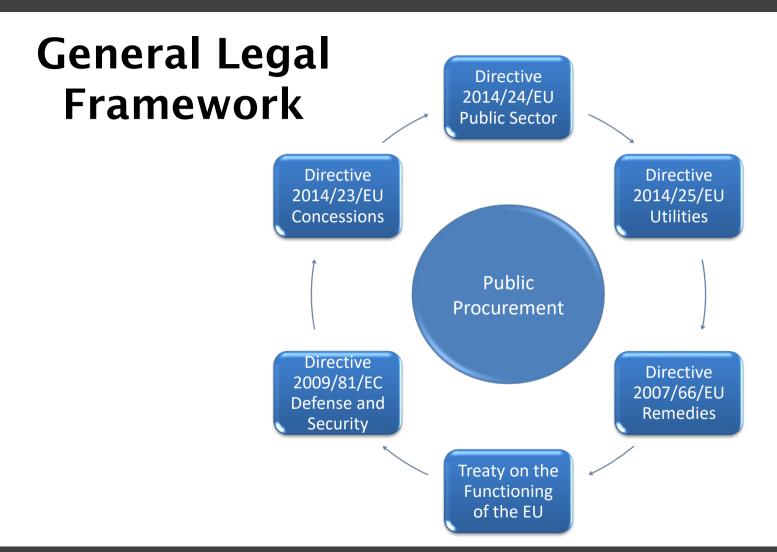
- 1) Every year, public authorities in the EU spend around 14% of GDP (around €2 trillion per year) on the purchase of services, works and supplies.
- 2) The public sector can use procurement to boost jobs, growth and investment, and to create an economy that is more innovative, resource and energy efficient, and socially-inclusive.
- 3) High quality public services depend on modern, well-managed and efficient procurement.

Innovation Procurement happens when **public buyers** acquire the **development or deployment of pioneering innovative solutions** to **address specific mid-to-long term public sector needs**.



TRLs and Public Procurement of Innovation





EU procurement principles

Transparency

 Publication of a contract notice to inform the potentially interested suppliers

Equal treatment

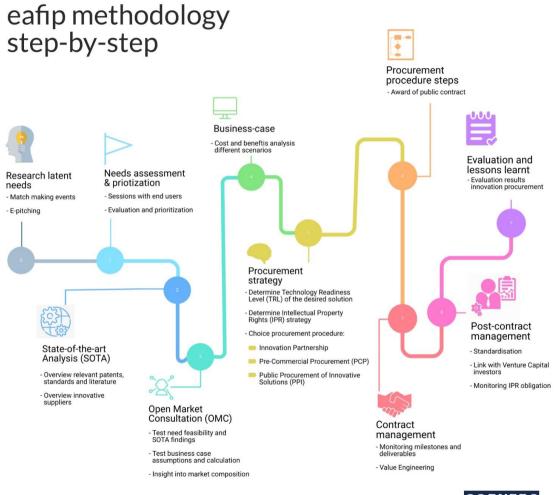
 Prohibition to modify requirements after submission of proposals

Non-discrimination

• Competition for the contract is open to all European suppliers

Proportionality

 Requirements should not be onerous or unreasonable (e.g. exclusion due to non-compliance with tax payment obligations)



CREATED BY CORVERS PROCUREMENT SERVICES BY







State of Play in the EU

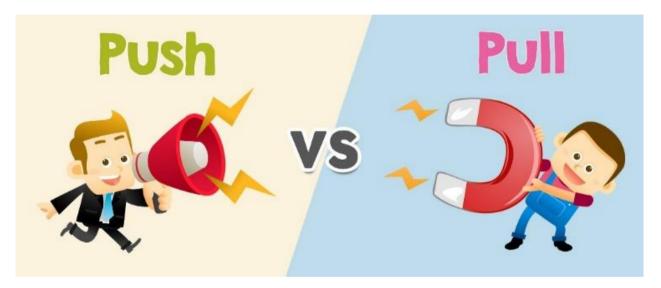
EU support, funding and EU MS national frameworks



Lieve Bos
Policy Officer, DG Connect
European Commission

Complementing push with pull R&I policies

Innovation procurement uses public procurement to drive innovation from the demand side.



Innovation procurement Key benefits for the supply side

- Open up concrete business opportunities
- Speed up time to market for innovations
- Attract investors / scale up internationally
- Create jobs / technological leadership

Innovation Procurement Key benefits for the demand side

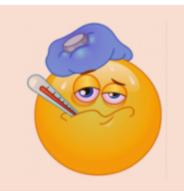
Steer and speed up the development and/or adoption of innovative solutions to:

- Improve quality & efficiency of public services
- Address wider societal challenges

Key trends and EU position in the world







How well are we leveraging innovation procurement as a driver for economic growth?

25% Innov proc

South Korea

- 5% of PP / 0,63% GDP -> R&D
- 20% of PP / 2,5% of GDP -> PPI

Dependence of economy on PP

PP = 12,5% of GDP

20% Innov proc

United States

- 3% of PP / 0,26% GDP -> R&D
- 2X innov ICTs adopted as in EU

Dependence of economy on PP

• PP = 10,8% of GDP

10% Innov proc*

Europe

- 0,5% PP / 0,1% GDP -> R&D**
- MS targets: 2-10% of PP -> innov

Dependence of economy on PP

PP = 17% of GDP

^{*} EU wide Benchmarking of innovation procurement investments

^{**} EU report on R&D procurement investments across Europe

Key enabler for economic growth

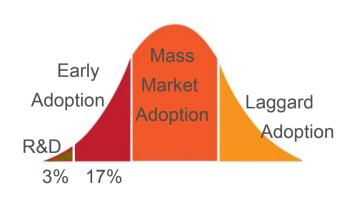


Innovation Procurement:

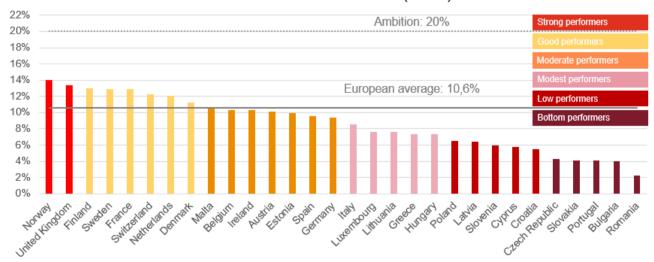
- Public sector modernization
- Addressing key challenges (e.g. green / digital transition)
- Competitiveness EU industry
- Encouraging private investment in R&I
- Creating high quality jobs, tax incomes, exports

A healthy market needs 20% innovation procurement C(2018)3051

3% of R&D procurement + 17% of Public Procurement of Innovative solutions (PPI)



But Europe is only halfway (10,6%)...



ICTs: Crucial for economic recovery

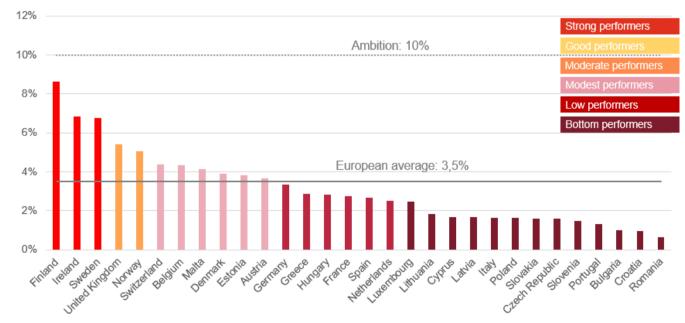


European Recovery = Twin Green Digital recovery Innovation procurement of ICTs, catalyzer for growth:

- Finding first customers: Biggest challenge for startups and SMEs (ECB)
- Public sector efficiency is higher in countries with higher ICT adoption (ECB)
- ICT generates > 60% of productivity growth, in leading economies. However,
 ICT adoption is lagging behind in Europe (ICT ~40% of productivity growth)

Europe is dedicating only 38% instead of 60% of innovation procurement to innovative ICTs

Gap is in procurement of R&D is bigger (X5) than gap in adoption (3X)



EU initiatives on innovation procurement

European Innovation Procurement Award

EC launches itself also innovation procurements e.g. disinfection robots for COVID-19 EU blockchain PCP

Strategic embedding of innovation procurement in sectorial policies (e.g. EU strategy for AI, creation of EURO-HPC, EU network of cybersecurity centers etc.)

Increasing EU guidance and funding for PCP & PPI

Digital day 2021 declarations
24 Member States commit
to leave IPR ownership with suppliers &
to procure more green ICTs

EU wide benchmarking of Innovation Procurement investments and policy frameworks across Europe (incl for digital)

Network of national competence centers on innovation procurement in the digital economy

Scale up Europe manifesto requesting targets (3% R&D procurement, 17% proc innovative solutions)

ERAC Council recommendations (requested EU wide benchmarking / tracking of innovation procurement investments and policies)

European Assistance for Innovation Procurement (helping procurers in Member States launch innovation procurements of digital solutions)

First EU funding for networking of procurers and innovation procurements

European Commission

EC communications, Council & EP conclusions, ...

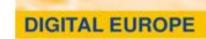
Several EU programs (2021-2027) in which innovation procurement plays a growing role





Reinforcing PCP / PPI support and the link with startup / SME support EIC and startup Europe





RECOVERY AND SILIENCE FACILITY





New Defense program

Support for PCPs

Support for green innovation procurement & Demonstration / go to market

Deployment of digital technologies to modernize the public sector Training / education on digital Testing / experimentation with public sector - DIHs



Regional Development programs Support for innovation procurement

2021-2022 calls in support of PCP and PPI

2021 (95,5 M€)

PCP actions

Situation awareness in civil protection:
 6 M€ (<u>SSRI-01-04</u>)

RIA actions involving PCP or PPI

International connectivity Research & Education:
 15 M€ (NET-01-FPA)

CSA actions

- New and existing ESFRI research infrastructure projects: 36 M€ (<u>DEV-02-01</u>), 7,5 M€ (<u>DEV-02-02</u>)
- Healthcare Innovation Procurement Network:
 5 M€ (CARE-05-04)
- Coordination... adoption of trustworthy AI, data and robotics: 13 M€ (HUMAN-01-02)
- Joint procurement of local energy related digital services: 4 M€ (D3-02-11)
- Zero polluted seas and oceans:
 3 M€ (ZEROPOLLUTION-01-04)
- Preparing PCP on climate change adaption and mitigation: 2 M€ (GOVERNANCE-01-15)
- Building capabilities in innovation procurement startups / SMEs: 4 M€ (<u>CONNECT-01-02</u>)

2022 (170,7 M€)

PCP actions

- Building resilience of healthcare systems in the context of recovery: 25 M€ (<u>CARE-08-02</u>)
- Boosting green economic recovery and open strategic autonomy in strategic digital technologies: 9 M€ (RESILIENCE-02-01)
- Public sector as Galileo or Copernicus user:
 5,2 M€ (<u>SPACE-02-52</u>)

RIA actions involving PCP

• R&D for next generation scientific instrumentation, tools and methods: 110 M€ (TECH-01-01)

PPI actions

 Building resilience of healthcare systems in context of recovery: 15 M€ (CARE-08-03)

CSA actions

 Stronger grounds for PCPs on Innovative security technologies: 2 M€ (<u>SSRI-01-03</u>)

Programme Cofund actions

• Stimulating innovation procureme 4,5 M€ (CONNECT-02-02)



Example: National PCPs -> EU funded PPIs

Procurement of R&D

Pre-commercial procurement

Solution design, prototyping, development, testing and installation of first products

- Co-creation shortens time-to-market for innovations
- □ First customer reference
- ☐ Attract financial investors / Scale up internationally
- Create jobs / technological leadership 'in Europe'



EXAMPLE

PCP by Norwegian

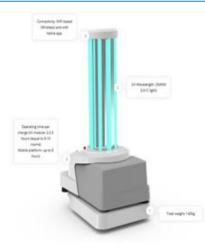
government resulted in

deployment (EFTA funding) of
the world's first and largest
full scale carbon capture,
transport and storage facility.
This will reduce by 14%
the CO2 emissions
across the entire EU.



Wider diffusion of solutions across different customers and markets

- Diffuse solutions widely
- Diversify the offering to new market segments
- ☐ Business expansion: Grow really big



EXAMPLE

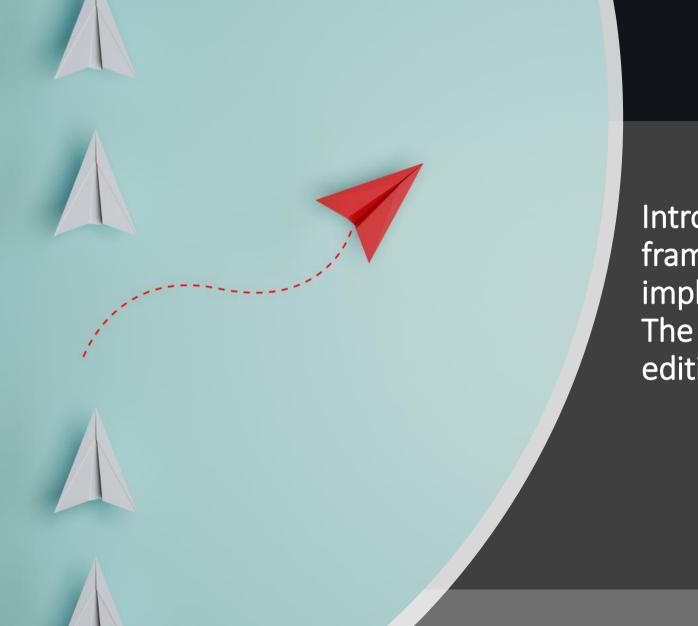
PCP by Danish hospitals

Blue Ocean Robotics

(Danish startup grew into unicorn)

Its disinfection robots kill 99% of all viruses, bacteria and are sold worldwide to fight COVID-19.

EC procured 200 robots for hospitals across Europe, speeding up wider diffusion.





Introduction to the legal framework and procurement implementation
The EAFIP Toolkit - upcoming edition





Innovation Procurement

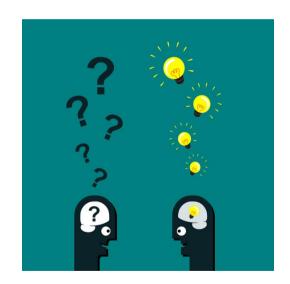
Pre-commercial procurement, public procurement of innovative solutions and prototype testing

Beatriz Gómez Farinas
Legal procurement consultant
Corvers Procurement Services B.V.

Contents

- 1. Pre-Commercial Procurement (PCP)
- 2. Public Procurement of Innovative solutions (PPI)
- 3. PPI example: Prototype testing
- 4. Presentation of the upcoming EAFIP Toolkit 2.0
- 5. Conclusions

1. Pre-Commercial Procurement (PCP)



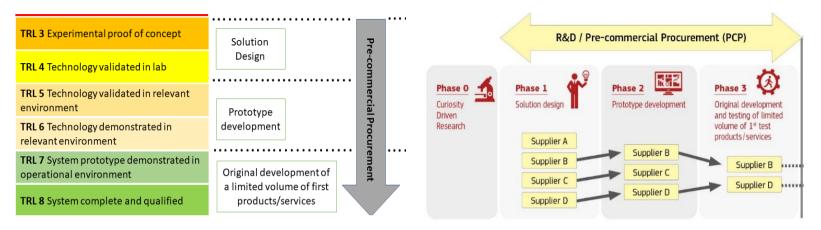
PCP approach

- R&D is needed to identify an innovative solution to satisfy public procurers' needs.
- No solutions exist yet on the market that meet public procurers' needs and, based on a search conducted by the procurers, it does not seem that such a solution will be available on a short-term notice.



- (1) Improvements are needed but don't require new and significant R&D (only integration, incremental adaptations and improvement, customization...), so authority can act as early adopter of innovative commercial end-solutions newly arriving on the market
- (2) There isn't any solution or the problem is so technologically demanding that a radical and breakthrough new solution and significant R&D is needed.

PCP approach



PCP is a public procurement of Research and Development **(R&D)** services characterized by:

- **ompetitive** development in **phases**
- **overall of the order ord**
- a clear **separation** between the procurement of the R&D from the deployment of **commercial volumes of end-products**

Legal Framework for PCP

> PCP falls outside the scope of the European Public Procurement Directives

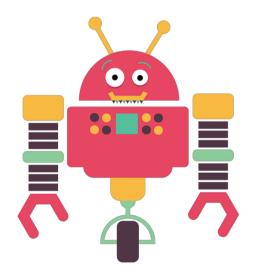
Article 14 D. 2014/24/EU, Article 32 D. 2014/25/EU and Article 25 D. 2014/23/EU

"this Directive shall only apply to public service contracts for research and development services [...] provided that both of the following conditions are fulfilled: (i) the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs, and (ii) the service provided is wholly remunerated by the contracting authority".

Recital 47, Directive 2014/24/EU and Recital 57, Directive 2014/25/EU

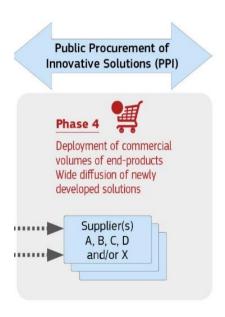
- The general principles of the TFEU are applicable.
- Communication from the Commission, "Pre-commercial procurement: driving innovation to ensure sustainable high quality public services in Europe", COM(2007) 799 final, 14.12.2007
- Commission Staff Working Document, Example of a possible approach for procuring R&D services SEC(2007) 1668
- 2014 Framework for state aid for R&D&I

2. Public Procurement of Innovative Solutions (PPI)



PPI approach

Purchase of innovative solutions which are not yet available on a large-scale commercial basis.



PPI is characterized by:

- It does not include R&D (it has already been conducted or it is not needed).
- ✓ The contracting authority act as a launching customer of innovative goods or services to trigger a market response.
- It may include conformance testing.
- It falls within the scope of the European Public Procurement Directives.

Legal Framework for PPI

> PPI falls within the scope of the European Public Procurement Directives

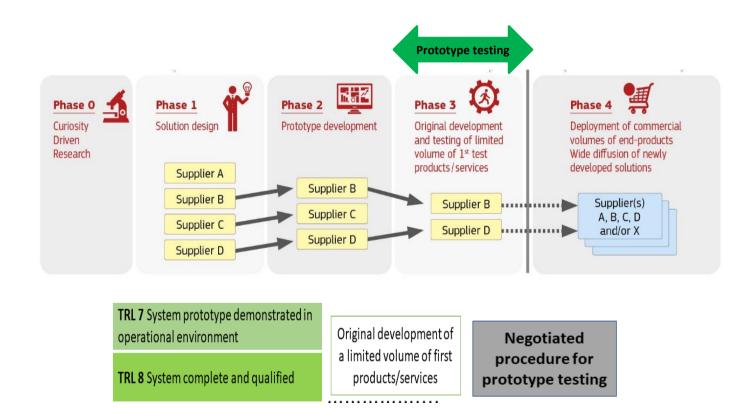
Use the procurement procedures contemplated in the Directives (Article 26 of D.2014/24/EU and similarly Article 44 D.2014/25/EU):

- Open procedure
- Restricted
- Negotiated (with and without prior publication)
- Competitive dialogue
- Innovation Partnership
- The **general principles of the TFEU** are applicable
- ➤ PPI is not another procurement procedure, but it covers as an umbrella term- the Public Procurement of Innovative solutions.

3. PPI example Prototype testing



Prototype testing approach



Legal Framework for Prototype testing

Regulated in the Public Procurement Directives

Art. 32(3)(a) Directive 2014/24/EU and art. 50(b) Directive 2014/25/EU Recital 50 Directive 2014/24/EU

The negotiated procedure without prior publication may be used for public supply contracts:

(a) where the products involved are manufactured purely for the purpose of research, experimentation, study or development; however, contracts awarded pursuant to this point shall not include quantity production to establish commercial viability or to recover research and development costs.

4. Upcoming EAFIP Toolkit 2.0



NEW 2022

EAFIP Toolkit 2.0

TOOLKIT

NEW EDITION 2022



Your one-stop destination for online help in preparing your innovation procurement

The eafip Toolkit provides support to policy makers in designing PCP and PPI strategies, and to procurers and their legal departments in implementing such procurements. It consists of three modules:

- Module 1: A strategic module addressed to policy makers, providing economic and case evidence about the
 impacts and benefits of PCP and PPI, together with concrete guidance on how to embed PCP and PPI into
 innovation strategies;
- Module 2: An operational module addressed to public procurers aimed at clarifying the pre-requisites and key steps to design and implement an innovation procurement process (PCP and PPI); and
- Module 3: A legal / operational module addressed to legal services aimed at clarifying legal issues and provide practical 'how-to' guidelines, supported by templates.



Module 1

Module 2

Module 3

FAQ

Toolkit - European Assistance for Innovation Procurement - eafip

MODULE 1

Strategic module addressed to policy makers

LINKING INNOVATION PROCUREMENT WITH OTHER POLICIES

- EU strategic autonomy and resilience
 - Russian sanctions
 - IPI Regulation
- Climate policies and Green
 Public Procurement
- Open data and Artificial Intelligence
- Cybersecurity, essential services and critical infrastructure
 - NIS II Directive
 - Cyber Resilience Act

MODULE 2

Operation module addressed to public procurers

NEEDS IDENTIFICATION

Case example of a PCP driven by acute problem:
 The Hurtigbåt project – Emission Free Ferry (Norway)

LINK TO REGULATION AND STANDARDIZATION

 SMART.MET PCP - link between PCP and creating common standards for interoperability

BUILDING THE BUSINESS CASE

- Case example of PCP
- Case example of PPI

DRAFTING THE TENDER DOCUMENTATION

- EU strategic autonomy and resilience procurement considerations and techniques
- Implication for tenders and public contracts of the Russia sanctions Regulation
- How to procure Artificial Intelligence (AI) solutions

ANNEX

PRICE SCORING FORMULAS FOR INNOVATION PROCUREMENT TENDERS

MODULE 3

Legal / operational module addressed to legal services

DRAFTING TENDER DOCUMENTATION

- Legal considerations on EU strategic autonomy and resilience
- Case example: EU Blockchain PCP case
- Case example: Broadway PCP case
- Case example: Contractual clauses for algorithms



NEW 2022

Upcoming EAFIP Toolkit 2.0



EAGER TO KNOW MORE?

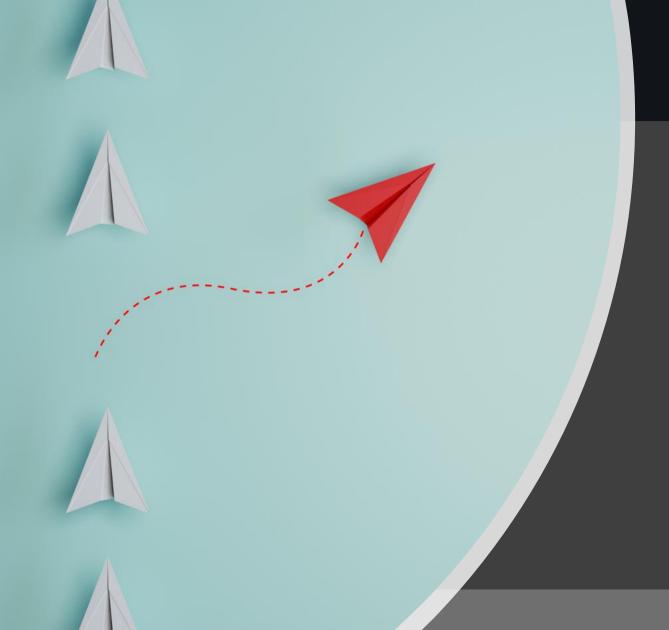
Stay tuned: https://eafip.eu/



NEW 2022

5. Conclusions

The legal framework provides a variety of procedures, but it is essential to know how and when to use each of them. CHECK OUT THE TOOLKIT!!





Lessons learned PCP and PPI cases





Muntstroom

Pre-Commercial Procurement (PCP)

Rick Meynen

Project manager Munstroom PCP

STIB-MIVB

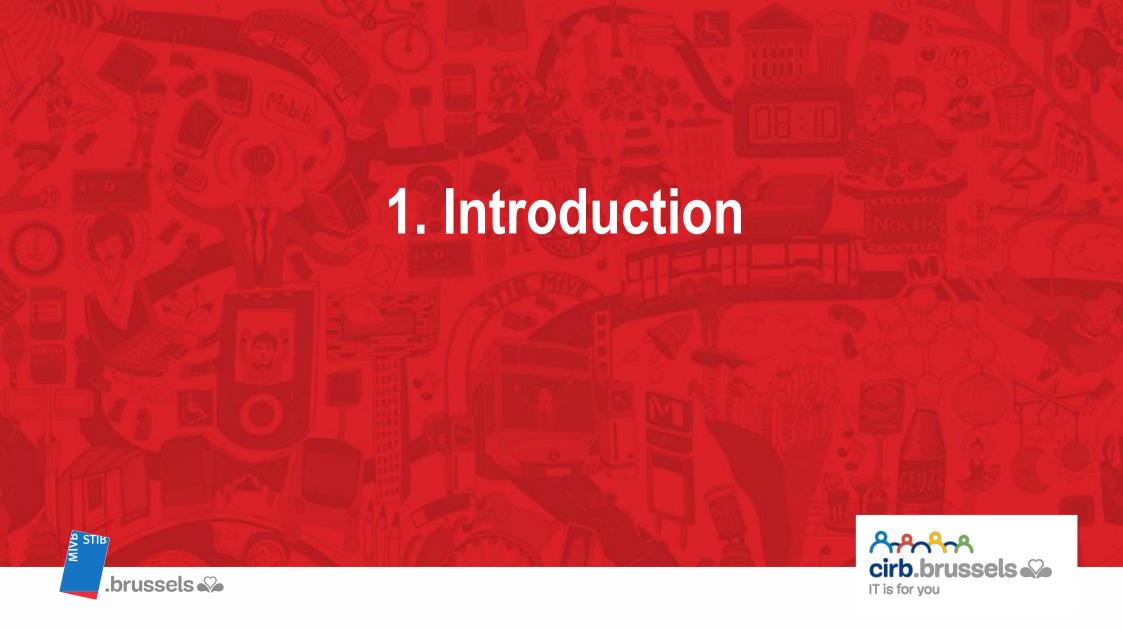


Content

- 1. Introduction
- 2. Initiation phase
- 3. PCP-phase 0
- 4. PCP tender
- 5. PCP-phase 1
- 6. Summary of first lessons learned







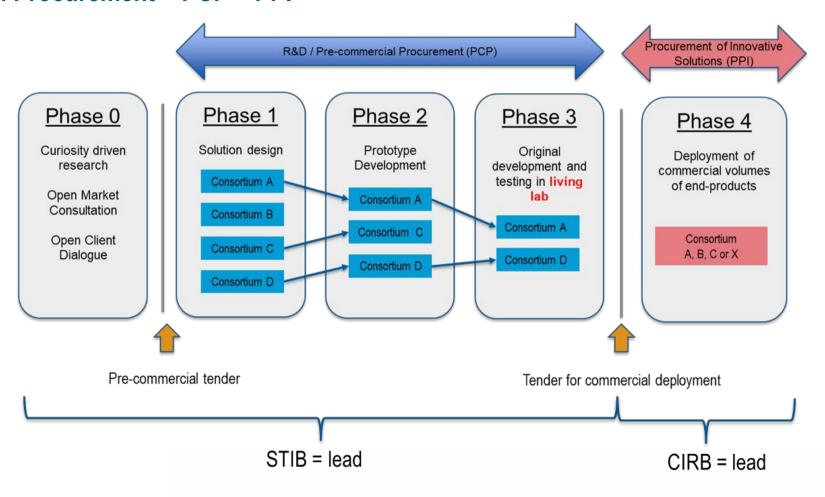


https://www.youtube.com/watch?v=jUYMmYl4ebg



The living lab is shaped through an Innovation Procurement

Innovation Procurement = PCP + PPI





First elaboration (2018/2019) was inexpertly

- Based on a simple desk research the choice for a PCP was justified.
- Focus on the technology instead of functional requirements.
- Concept RfT documents were drafted by a juridical layman, based on templates and RfT of other example projects.
- There was no experience with market consultations in the project team.
- Original planning quickly proved incomplete and too optimistic.

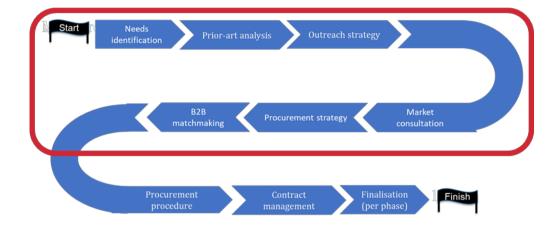






ICT-innovation is complex and requires thorough preparation

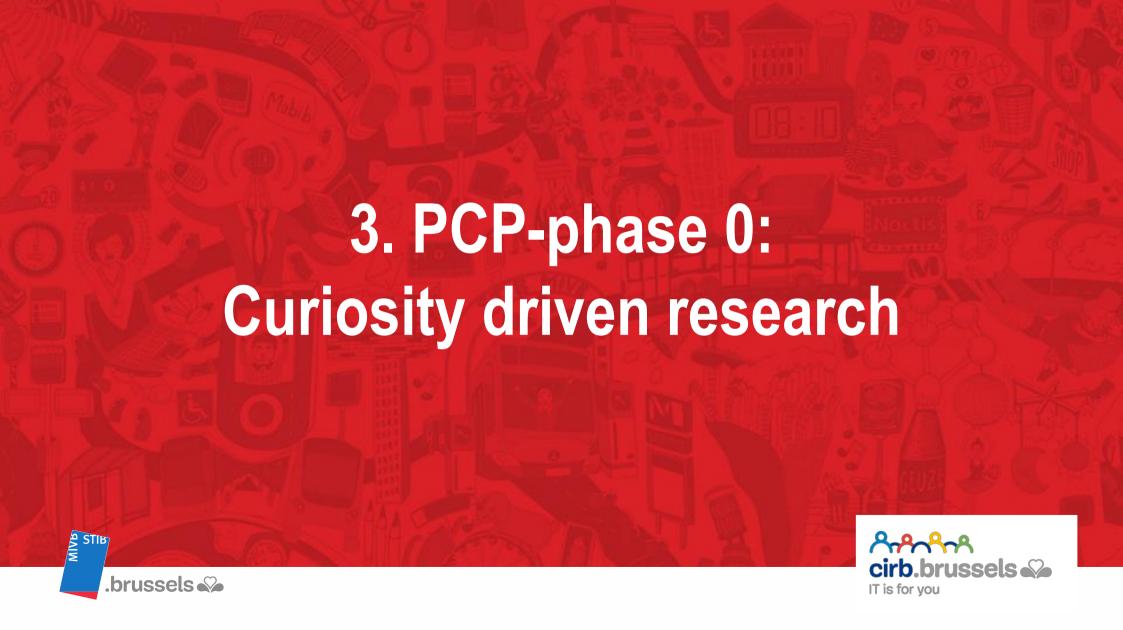
- Via the assistance programme EAFIP gathers best practices.
- The best practices are bundled in a threeapart toolkit and the EAFIP-approach.
- The thorough preparation of the EAFIPmethod helps to
 - 1. Structure your project (step-by-step).
 - 2. Determine the need for innovation
 - Create enthusiasm & commitment of the private sector.



Source: https://eafip.eu/toolkit/







Regional end-users have different research questions, but all <u>around the same people flow</u>

Use cases

Analytics

Pedestrians analytics

Crowd analytics: security

Event analytics

Analysis of reasons of movements

#16

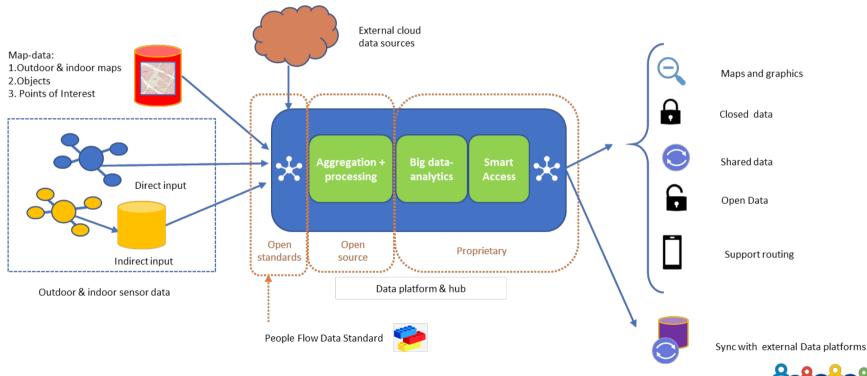






Reverse engineering pulls experts out of their comfort zone

Functional requirements





cirb.brussels IT is for you

Privacy is NOT a fixed boundary, it is an innovation challenge!

Legal requirements

Very complex Data is pulled out - 01101 10101 111000 - 01101 - 101011 - 111000 - 01101 - 101011 - 11000 Data flow Data sharing $\triangle \hookrightarrow \triangle$ Privacy-by-design strategies Capture of personal and non-personal data





Outreach strategy is important

Outreach strategy

- Need of intermediate parties for the outreach to market parties
- Make use of the interests of each party
 - The wish to involve more Brussels SMEs and start-ups
 - The wish to promote Innovation Procurement projects
 - >
- 2 market consultations were organised:
 - > Open Market Consultation (parties interested in the PCP tender)
 - Open Client Dialogue (potential users of the to-be-produced people flow data)









Members of the outreach group of the Muntstroom PCP



Proof of pudding is in the eating



- Together with the DPO's and ICT experts the (sub)award criteria and it's valuation were elaborated.
- The main award criteria will be used during the whole procedure and will thus not be changed in the upcoming phases.

No.	Weighted award criteria	Max points
Α.	Quality of the measures on Privacy (ethics), Data Protection and security 100	
В.	Level of originality and innovativeness of the proposed solution and ability of generating a technological advance beyond the state-of-the-art.	
C.	Level of completeness and responsiveness of the solution to meet the functional requirements.	25
D.	Technical validity and robustness of the solution proposed.	25
E.	Commercial and standardization potential.	25
F.	Ability to minimize the whole life-cycle cost / TCO.	25
G.	Quality of the risk management and mitigation plan.	25
	Total	300





B2B matchmaking organised by Agoria and Hub.brussels

Outreach strategy

- Via the Conversation starter platform
- 60 persons participated
- Muntstroom PCP group:
 - "Only" introduced the Muntstroom project and the Innovation Procurement-approach

04.05 2021

Matchmaking dans le cadre du projet Muntstroom

DIGITAL . RELGIQUE . RRUXELLES

Organisation: hub.brussels & Agoria - Les inscriptions sont fermées

Fournisseurs euses de technologies appliquées au traitement massif des données ou à l'analyse des flux piétonniers, la Région recherche des profils comme les vôtres pour répondre à un appel d'offre big data en vue de faciliter les flux piétons à Bruxelles. Lors de notre évènement matchmaking en ligne, le 4 mai, de 13h à 17h, nous vous encourageons à créer des consortia en vue de saisir cette opportunité.

Muntstroom est un projet porté par la STIB, le CIRB, parking.brussels et Bruxelles

Mobilité et qui a pour but de développer et de tester un système automatisé de
surveillance piétons pour le comptage, le positionnement, l'acheminement et l'influence
du flux de personnes en extérieur et en intérieur. Le but? Encourager le mode piéton!

Mais pas que... améliorer la mobilité combinée, orienter le flux, servir de base à la
planification des interventions d'urgence ou encore évaluer l'impact des évènement
sont tant de résultats attendus suite à ces contrôles.





Tender procedure included explication of the Belgian e-Procurement platform

Outreach strategy

- To reach out to Europe's most innovative companies the RfT was published in Dutch, French and English
- The RfT documents were published both on the Belgian e-Procurement platform and on EU Tenders Electronic Daily (TED).
- Offers could only be submitted via the Belgian platform. So an additional webinar was organised to explain the Belgian platform, to foreign companies



Year	When	What	
	wnen		
2021		Pre-commercial tender	
	14 September	Publication of contract notice and tender documents on Belgium e-Procurement platform and TED	
	23 September, 17h CEST	Deadline for registering for webinar 1 (via muntstroom@stib-mivb.brussels)	
	24 September, 10-11h CEST	Webinar 1: registration e-Procurement platform	
	27 September, 17h CEST	Deadline for registering for webinar 2 (via muntstroom@stib-mivb.brussels)	
	28 September, 10-11 CEST	Webinar 2: Request for Tender docs	
	12 October, 16h CEST	Deadline for sending in questions (via Belgian e-Procurement platform)	
	22 October	Publication Question & Answers-document (on Belgian e-Procurement platform)	
	29 October, 10h CEST	Deadline for submitting offers (via Belgian e-Procurement platform)	
	29 October, 10:30h CEST	Opening of the tenders	
		Evaluation offers + next steps	
	19 November	Provisional award	
	13 December	Final award decision + GO framework contracts PCP-phase 1	
		PCP-phase 1	
	14 December	Start PCP-phase 1	

Result

- 8 consortia made an offer
 - > From 4 different European countries
 - >Offers mainly in English
- 4 consortia were selected
 - > 2 consortia with a local SMEs lead
 - >2 "global" consortia





Challenge: shaping the collaboration with the private sector

- Kick off meeting with all 4 selected consortia
- Monthly status meetings with every consortia
- Consortia expressed the need to exchange ideas between themselves

•







Muntstroom is not a legal or technical challenge but a cooperative mission

- > To gain intelligent, integrated insights across various silos you need collaboration instead of solitaire thinking
- Functional specification pulls all experts (policy officers, ICT, privacy, legal, procurement,...) out of their comfort zone
- Continuously, repeated, explanation of the project <u>and innovation</u> <u>procurement</u> needed
 - to managers and experts of the 4 public project partners
 - to potential suppliers, Hub.brussels and Agoria.
 - to the knowledge centers, like the SPECTRE project
 - to funding parties like Innoviris

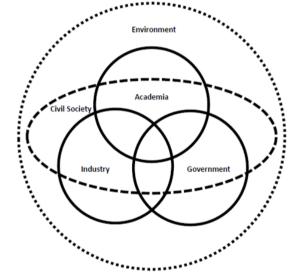


Figure: Stakeholders in a quadruple helix model





Quality takes time

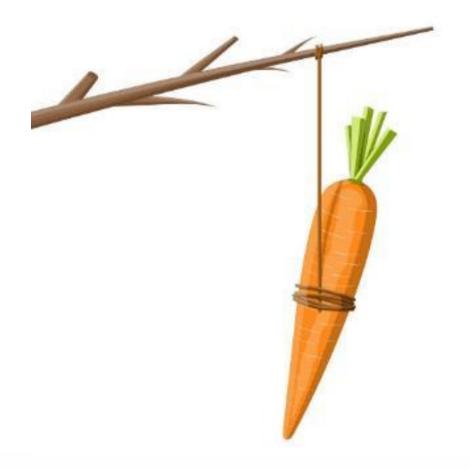
- 1. Muntstroom is Brussels first Innovation Procurement (IP) of ICT-based solutions.
- 2. The ICT-challenge is very complex. Amongst others due to privacy and security.
- 3. The EAFIP-method gives guidance in this unknown territory: Whether the project succeeds or fails depends on the proactive involvement of the quadruple helix.
- 4. However, the involvement of each partner requires a recurrent explication of the context and thus takes time.







Outreach strategy is essential







Need for a wider uptake

"Through combining the Muntstroom project with a <u>Brussels community of data experts</u>, STIB and other Brussels agencies are creating a wider ecosystem with the private sector to explore the many facets of data sharing, including business models, privacy and security."

Researchers of the European Investment Bank in the Technical Note on Data Sharing in Transport, 2021





Muntstroom PCP





R&D of end-to-end solutions for monitoring multi-faceted people flow

Developing and testing an integrated end-toend solution for the future management of people flow.

Result of a project call by Innoviris for Smart Mobility Living Labs.



Four public partners:

Public transport operator STIB-MIVB

Brussels Regional Informatics Centre CIRB –

CIBG

Regional authority Brussels Mobility Regional agency Parking Brussels



Collaboration and cooperation as a challenge and a lesson learnt. GDPR issues.

Open Market Consultation

Companies that could provide (elements of) the desired end-to-end solution, regardless of the sector that companies are working in:

- Inform market parties regarding the upcoming PCP.
- 2. Obtain market parties' input on the viability of the future envisaged procurement plans and conditions to understand the market parties' capabilities to satisfy the needs of the Muntstroom PCP Group.

Open Client Dialogue

Companies that would like to use the People Flow-data to develop new apps/services for commercial purposes, regardless of the sector that they are working in:

- Inform market parties regarding the upcoming PCP
- Obtain feedback from private parties interested in these multi-faceted people flow measuring technologies and in the use and re-use of open and shared data (needs, potential services, insights and requirements on collecting, sharing and re-using open and shared data)
- 3. Obtain an overview of parties who would be interested in testing Open and shared data during the Living Lab phase (PCP-phase 3) and/or who would like to participate in discussions on People Flow related events during the PCP.



More information

- 1. Check the EAFIP-website
- 2. Check www.muntstroom.brussels
- 3. Contact me.





Thank you for your attention!









Navigation Information System

Public Procurement of Innovative solutions (PPI)

Pim Ursem

Navigation and Information System PPI

RAV Brabant MWN



IT Coordinator Ambulance RAV Brabant MWN (Regional Ambulance Department Brabant Mid West North)

Project lead tender 'Navigation and information system'





Wagenpark



70x ALS Ambulance



15x LMC Ambulance

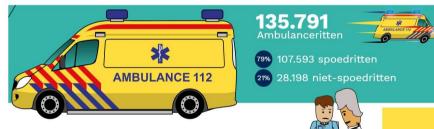


4x Calamiteitenvoertuig



10x Rapid Responder

Ambulance services



102.161 patiënten vervoerd naar het ziekenhuis **33.630** patiënten thuis behandeld



Gemiddelde responstijd:

Ter plaatse na melding:

A1 10 minuten A2 15 minuten binnen 15 minuten 91% binnen 30 minuten 97%





RAV Brabant MWN



Navigation and Information System for ambulances in the Netherlands

In order to inform the economic operators about its needs and the upcoming procurement, RAV Brabant MWN launched an OMC.



RAV Brabant MWN wanted to understand the technology providers' capabilities to satisfy these needs and obtain their input on the viability of the procurement plans and conditions



OMC started on May the 6th - publication in TED – and ended on June the 1st - with the publication via TenderNed and TED of the OMC report: Webinar and an online questionnaire (EU Survey).

End-to-end solution, easy to replace in case of breakdown, with increased location precision, immediate response time and less margin of error.

Based on a map/application that already includes considerable amounts of geolocation information and Points of Interest, but should also allow RAV Brabant MWN to include new information.

The information that has to be shared to provide for a <u>better</u> <u>health service</u> has to be protected/encrypted because it is sensitive information.

Working solution for the navigation and basic patient information by Q1 2023/Q4 2022 → TRL 8 of the proposed solutions

RAV Brabant MWN working with VZVZ to ensure the deployed solution is compliant with high personal data and security standards.



Important lesson learned (and still learning)

- If you want something innovative there is a big chance it's not going to be easy.
- That doesn't mean there is something wrong with what you are asking from the market.
- The market usually only wants to 'move' if they really, really have to.
- Resistance is therefore normal, don't let it hold you back.

* Forward managing is key





Open discussion Q&A

Conclusions and future events





Future events



WEBINAR

Construction, infrastructure & energy innovations in ICT related projects

16 February 2023

More information & registration on:

www.eafip.eu/events/webinars/upcoming-webinars/



The last call of 2022 to apply for free assistance under EAFIP is now open





Deadline call: 16 January 2023

For more information – see: <u>www.eafip.eu</u>

Or apply directly via:

https://ec.europa.eu/eusurvey/runner/EAFIP2022



Thank you for your attention

Corvers Procurement Services BV

The Netherlands

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www.corvers.com

For any questions regarding EAFIP-Assistance and/or applying for free assistance, please contact:











EAFIP WEBINAR #2 INTRODUCTION TO INNOVATION PROCUREMENT

27th October 2022

Q&A



Part I. BACKGROUND AND RATIONALE TO INNOVATION PROCUREMENT

Introduction to public procurement and policy rationale for innovation procurement

Speaker: Anabel Peiró Baquedano. *Public procurement consultant, Corvers Procurement Services B.V.*

	Question	Answer
1.	How do we analyse if Public Procurement is considered PPI? Is it according the CPV codes or is there other important information to consider?	Analysing whether a procurement is an innovation procurement does not happen based on the CPV codes but based on whether the object of the procurement concerns innovation or not: If what you need to buy is R&D then your procurement can classify as an R&D procurement. If what you need to buy is an innovative solution (a solution that is not adopted by more than 20% of the market yet) then your procurement can classify as a public procurement of an innovative solution.
		For procurements of R&D (such as PCPs) see the CPV 73000000-2 onwards under the Commission Regulation (EC) No 213/2008 of 28 November 2007 amending Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV.
		You can find it here: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0213
		For procurements of innovative solutions (PPI), there is no specific CPV code. The CPV depends on the specific subject-matter of the contract (e.g., a PPI procurement that wants to buy innovative health solutions needs to use a CPV code for healthcare related products & services).
2.	As the PPI is under the scope of the EU Procurement Directives, one could imagine that the best solution coming out of the PCP, cannot be withheld during the PPI. Can you include in the PCP already the PPI as a later phase?	The PCP procedure, exempted from the Directives, covers the R&D phases and concludes with the testing/piloting phase of the solution and can include the deployment of limited volumes of the solution that were tested during the PCP. However it cannot include the purchase of larger commercial volumes of solutions that were not tested during the PCP.



It is necessary to start a new procurement procedure for the deployment of large commercial volumes of the solutions.

If the procurer chooses NOT to include inside the PCP procedure the purchase of the **limited set of products that were tested during the PCP**, then the procurer can buy them directly from one of the suppliers that participated in the PCP by using the negotiated procedure without publication (see article 32(3)(a) in directive 2014/24/EU and corresponding articles in the utilities and security/defence directives).

If the procurer wants to deploy the solutions on large commercial scale (beyond the volumes that were tested during the PCP) it is necessary to start a new procurement procedure. How open this procedure needs to be, depends to which extent the type of procurer and the type of goods/services that are procured are covered by the EU public procurement directives and by international procurement agreements between the EU and other parts of the world.

To understand the features of PCP and avoid state aid, please see the Communication of the Commission:

https://eur-

<u>lex.europa.eu/LexUriServ/LexUriServ.do?uri=CO</u> M:2007:0799:FIN:EN:PDF

3. Roboterr Sewerage Construction is an SME from Romania, and we have created an invention patented at an European level, about sewerage construction without workers inside the trench and without support panels, which reduces the aggression footprint of the construction by over 50%, as well as the carbon footprint by more than 50%.

We want to mention that in Romania alone there are still about 15,000 km of sewerage networks to be built, the equivalent of several billion euros. And currently, the sewerage construction is carried out with the help of workers that enter the sewerage trench, that is wider that it should be in order to make room for the workers, and also the asphalt over the

If after assessing their needs, conducting a thorough State-of-The-Art and implementing an Open Market Consultation (OMC) to crosscheck the findings with the market operators (i.e., following the step-by-step EAFIP methodology), the Public Authority, Contracting Authority/Entity has sufficient grounds to justify that only one company can provide with the service, they can implement a negotiated procedure without prior publication based on the exclusive rights, including intellectual property rights (see Article 32.2.b.iii of Directive 2014/24/EU and Article 50.c.iii of Directive 2014/25/EU).

The EAFIP methodology plays an important role because it can serve to demonstrate that there is no reasonable alternative or substitute and that the absence of competition is not the result of an



networks needs to be removed and restored afterwards.

For the past 4 years, it could not be applied in public procurement, because it is patented, and the authorities in Romania cannot integrate it in public procurement due to the fact that the law of standards, and the law of project verifiers do not allow the design of projects for technologies innovative, and implicitly cannot be introduced in public procurement.

How could we go about to solve our issue using the information you provided in this Webinar? The main problem is that the current methods have a number of disadvantages that we solve, such as either high costs, high carbon footprint or the destruction of overlapping utilities and infrastructures, but creating criteria to avoid this would limit the market to us, and the public procurers that we talked to regards this as discrimination.

We think that a good solution would be to implement a new criteria of innovative solutions, that would allow and incentivize bidders with innovative technologies to participate in public tenders.

artificial narrowing down of the parameters of the procurement.

Another possibility is that the Public Authority, Contracting Authority/Entity launches an open call for tender that seeks for innovative solutions that can reduce aggression and carbon footprint and invites all tenderers on the market to make offers for this. In this case all the tenderers and tenders must comply with all the tender requirements (incl. selection and award criteria). If these requirements are so innovative that only one company can comply with them, they will have to award the contract to this company.

In any of the cases, there is no breach of the principle of equal treatment.

Public procurers are also encouraged to use public procurement in a strategic way to foster innovative solutions beyond the state of the art.

The subject-matter of the tender could seek such objectives. Selection and award criteria can be defined so that they aim for innovative solutions that, for example, can reduce the footprint of the construction by over 50%, as well as the carbon footprint by more than 50%.

State of play in the EU, support, EU funded PCP and EU MS national frameworks

Speaker: Lieve Bos. Policy Officer, European Commission - DG Connect

	Question	Answer
4.	What if the PCP follows a PPI. Is it not strange that the winner of a previous PCP could not be the best in the following PPI?	The winners of a PCP may submit a tender for a PPI and therefore, they have a fair possibility to be the best tenderer as they have already test evidence from the PCP that their solution meets the requirements.
		Since PPI falls under the scope of the EU Public Procurement Directives (and the World Trade Organisation General Procurement Agreement and other trade agreements), the PPI should be



awarded following one of the regulated procedures (see Art. 26 of Directive 2014/24/EU, Art. 44 of Directive 2014/25/EU, Art. 25 Directive 2009/81/EC).

If a PPI cannot be restricted only to suppliers from a preceding PCP, then this does not mean that the "winners" of the PCP (the contractors that completed the three phases of the PCP) cannot submit a tender to participate in a PPI and be selected. It just means that they will face competition, which actually benefits the Public Authority, Contracting Authority/Entity, as competition increases the chances of a better quality solutions for a lower price.

For more information see question 2.

Part II. INTRODUCTION TO THE LEGAL FRAMEWORK AND PROCUREMENT IMPLEMENTATION -THE NEW EAFIP TOOLKIT

Pre-commercial procurement (PCP), Public Procurement of Innovative solutions (PPI) and prototype testing

Speaker: Beatriz Gómez Farinas. Public procurement consultant, Corvers Procurement Services B.V.

	Question	Answer
5.	When dealing with Start-ups, traditional procurement award procedures tend to ask for challenging requirements, such as references, high market volumes, etc TRLs are useful to assess the maturity of the product/technology from a technical perspective. But what about the methodology/criteria for assessment of the start-ups in terms of their ability to perform the expected work (like financial capabilities and prior experience). What are the EAFIP recommendations? Does the PPI toolkit 2.0 include guidance for such criteria?	Traditional procurements require for more challenging financial and professional guarantees because they typically focus on buying commercial volumes of solutions and need to ensure that large scale deployment of solutions is done in a reliable and safe way. PCPs are different because they don't focus on large scale deployment yet. The EC therefore encourages public procurers in PCPs to set the tender criteria in such a way that they avoid any hurdles for Start-ups in order to foster their participation. The phased PCP approach, with gradually growing contract sizes that follow the natural growth path of innovative start-up companies, also facilitates the access of small innovative firms to the procurement market. There are plenty of examples of start-ups that have participated in national or EU funded PCPs who have successfully grown their business



during and after the PCP and successfully brought their solutions to the market.

The EAFIP Toolkit provides a step-by-step guidance on how to implement PCP and PPI. One of the sections addresses considerations for the selection and award criteria in order to foster participation of start-ups and comply with the principle of proportionality.

Additionally, it is important to add in the tender documentation the possibility of submitting tenders in consortia and the possibility of subcontracting.

6. In what kind of situation can competitive dialogue be used in PPI? (PPI is for buying what is available in the market, so how does competitive dialogue fit when there is no need to negotiate?

The conditions for using the competitive dialogue are explained in the EU public procurement directive (see e.g. in Directive 2014/24/EU article 26(4)(a)). Member States can allow the competitive dialogue to be considered in various situations:

(a) with regard to works, supplies or services fulfilling one or more of the following criteria: (i) the needs of the contracting authority cannot be met without adaptation of readily available solutions; (ii) they include design or innovative solutions; (iii) the contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity or the legal and financial makeup or because of the risks attaching to them; (iv) the technical specifications cannot be established with sufficient precision by the contracting authority with reference to a standard, European Technical Assessment, common technical specification or technical reference within the meaning of points 2 to 5 of Annex VII of the directive.

Please note that it is up to each Member State in its national public procurement rules to identify whether it allows procurers to use the competitive dialogue in all the above situations or not.

Conducting an open market consultation can help to identify whether the procurer is in one of the above situations in which the use of the competitive dialogue is possible. Once it is verified that a competitive dialogue can/will be used, the competitive dialogue allows the



procurer to carry individual discussions with the technology vendors and, as a follow up, the procurer may request them to adapt their offers in accordance to the public need (see article 30 in the above directive).

Part III. PCP AND PPI CASES

Lessons learned and takeaways in PCP and PPI initiatives

Muntstroom Pre-commercial procurement (PCP)

Speaker: Rick Meynen, *STIB-MIVB, Brussels*

	Question	Answer
7.	What would you suggest to an innovative start up that is willing to approach the PCP-PPI market for the first time?	The example of the Muntstroom PCP shows that an innovation procurement is, for now, both a challenge for companies as well as public buyers. Of course, Tenders Electronic Daily (TED) provides companies with information about upcoming public procurements, however, more actions are needed to involve them. To specifically involve ambitious startups and SMEs, the Brussels public buyers also teamed up with the European Innovation Council, technology federation Agoria and Hub.brussels, a member of the Enterprise Europe Network (EEN). So also via similar organisations, ambitious start-ups and SMEs are informed about upcoming projects. As start-ups are used to a Business to Business environment, Hub.brussels and Agoria even supported the Muntstroom PCP by organising a B2B matchmaking. This helps companies to find other companies that might have capabilities they are lacking, in order to submit a bid together.
		In PCP there is a clear benefit for start-ups to develop innovative solutions in line with mid-to-long term public sector needs. To do so, it is important that also start-ups invest time to well understand the added value of PCP to the public buyers. Because both interests meet in an innovation procurement project. A PCP is a great chance for start-up to grow and develop. The best ways forward is to seek for
		develop. The best way forward is to seek for information about upcoming public procurement (for example in TED at EU level:



https://ted.europa.eu/TED/browse/browseByBO.do or the public procurement platform in Belgium: https://enot.publicprocurement.be/enot-war/) and join matchmaking events.

RAV NIS Public procurement of innovative solutions (PPI)

Speaker: Pim Ursem, RAV Brabant MWN, The Netherlands

	Question	Answer
8.	Is it worth it for a technology vendor/supplier to participate in an OMC? What are the benefits for the supply side that is providing with information?	The answer is yes. By participating in an OMC, suppliers will better understand the needs and expectations of the contracting authority and will be able to inform the contracting authority also about what the market can provide to meet the needs. With the information that suppliers provide in an OMC (usually filling a questionnaire and participating in a webinar), the contracting authority will finetune their expectations and procurement strategy.
		So for example, if a supplier knows that a requirement is impossible to fulfil, the timeline is too strict but offers an alternative, the contracting authority can consider this in their tender documents, and the chances of being selected for the actual project increase.
		In some extreme cases, a supplier demonstrates during an OMC that they have a patent on the technology and are the only ones that can provide the innovative solution that the contracting authority is looking for. In this case the contracting authority can either decide to open up its requirements to allow more suppliers to participate in the procedure, or if that is not possible it can decide to stick with them and justify the use of a negotiated procedure without prior publication based on the exclusive rights, including intellectual property rights (see Article 32.2.b.iii of Directive 2014/24/EU and Article 50.c.iii of Directive 2014/25/EU).
9.	Can you give an example of award criteria in your tender?	RAV uses Best Price Quality Ratio (BPQR) as the award criterion.