

# Insight N°6 Overview: Why is an Open Market Consultation crucial to Innovation Procurement?

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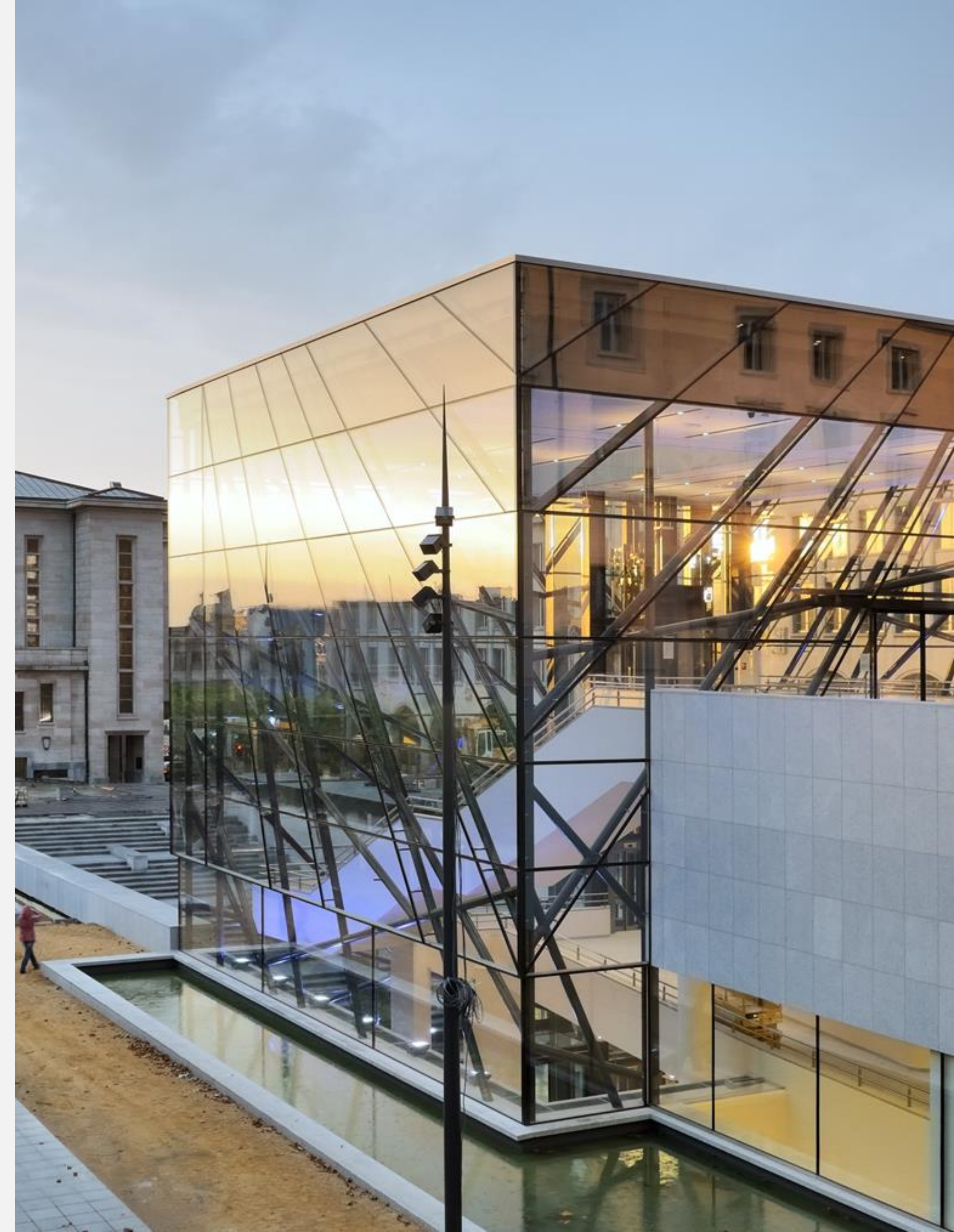
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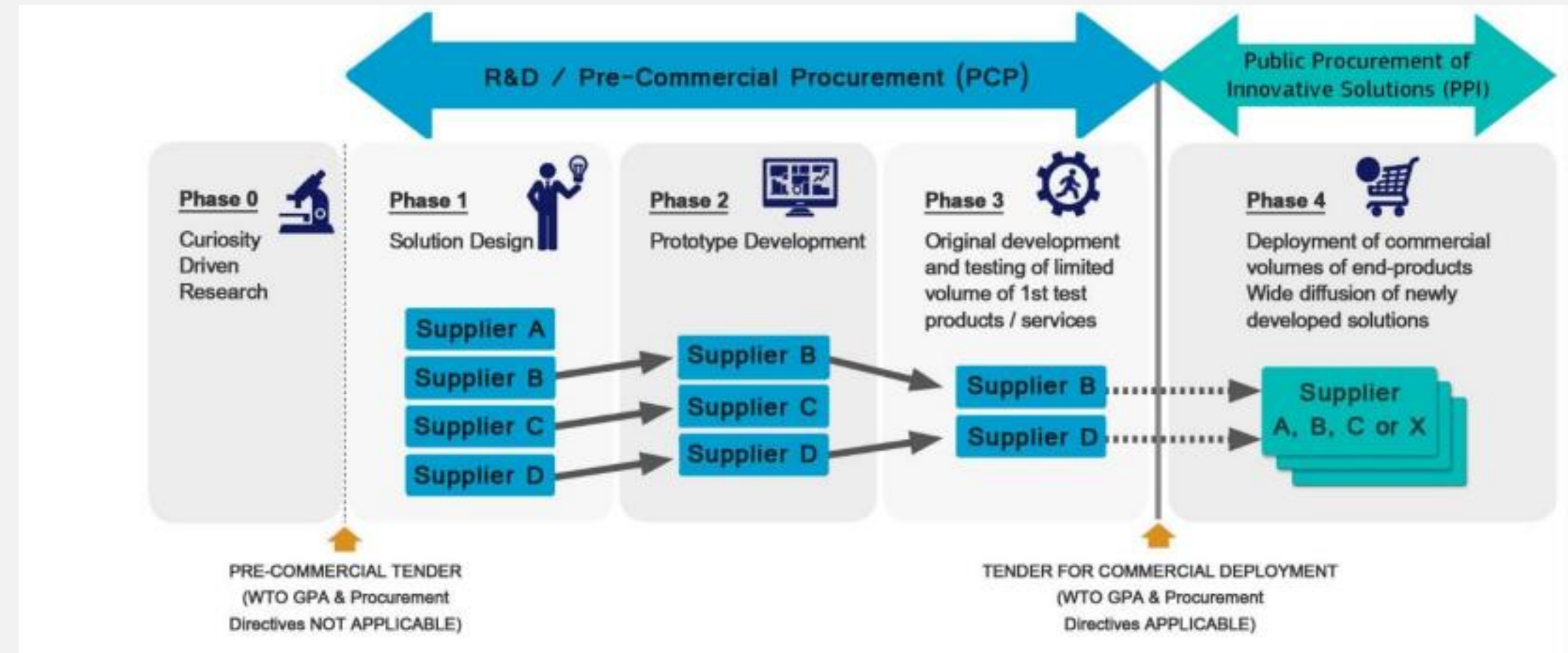


# Agenda

- 1- What is Innovation Procurement?
- 2- The Role of Open Market Consultation
- 3- What Happens During an OMC?
- 4- OMC Example from PROCURE4HEALTH
- 5- Legal Framework for OMC
- 6- Best Practices for OMC



# + What is Innovation Procurement?



- Represents 14% of EU GDP.
- A strategic tool to acquire pioneering solutions.
- Two main types: Pre-Commercial Procurement (PCP) and Public Procurement of Innovative Solutions (PPI).
- Opportunities for SMEs and economic growth.

# Innovation procurement modalities

## Main procedures:

- **Pre-Commercial Procurement (PCP)**

The development of innovative solutions through the procurement of Research and Development (R&D) services.

- **Public Procurement of Innovative Solutions (PPI)**

The procurement of innovative solutions that are not yet available or do not exist on the market; or the procurement of innovative solutions that do exist but are not yet widely available on the market.

- **Innovation Partnership** - *Only in exceptional cases when the procurer needs products or services that are so unique / specialised that the procurer is the only potential customer for the solution and there are no other potential providers on the market outside of the innovation partnership*





# The Role of Open Market Consultation

## Why Conduct an Open Market Consultation?

The market consultation is important in several ways:

- ❑ It enables you to **cross-check** the previous market analysis (SOTA) and helps validate the innovation potential of the need.
- ❑ It provides **feedback on how to raise interest from the market** to answer to the upcoming call for tender, the type of players on the market and what they can offer.
- ❑ It creates **awareness** within the suppliers' market regarding the public procurers' needs.
- ❑ It allows to cross-check the **feasibility and market acceptance** of the envisaged contract set-up (key contractual conditions, budget, timeframe, etc.).



- (1) Improvements are needed but don't require new and significant R&D (only integration, incremental adaptations and improvement, customization or non-R&D type innovation such as organisational/process innovation...), so procurer can immediately act as early adopter of innovative commercial end-solutions newly arriving on the market
- (2) There isn't any solution on or close to the market and the challenge to be addressed is so technologically demanding that a radical and breakthrough new solution and significant R&D is needed.

# What Happens During an OMC?

## Key points:

- Engaging technology providers.
- Validating the market analysis.
- Testing assumptions about solutions and cost.
- Collecting input for tender specifications.

Example of P4H



Date	Event
5 January 2024	Publication of the general Prior Information Notice (PIN) on TED: <a href="https://ted.europa.eu/en/notice/-/detail/6662-2024">https://ted.europa.eu/en/notice/-/detail/6662-2024</a>
March 2024	Publication of the Prior Information Notice (PIN) on TED (specific for this challenge).
4 March 2024	Publication of the OMC documents on the project's website: <a href="http://www.procure4health.eu">www.procure4health.eu</a> Publication of the EU Survey questionnaire: <a href="https://ec.europa.eu/eusurvey/runner/Procure4Health-water-treatment">https://ec.europa.eu/eusurvey/runner/Procure4Health-water-treatment</a>
3 April 2024	OMC Event in English (online) (10:00 – 11:30 CET).
18 April 2024	Deadline for the submission of questions via the OMC questionnaire (17:00 CET).
6 May 2024	Publication of the OMC findings, including all questions and answers to the OMC questionnaire.
8 May 2024	Closure of the OMC.



# OMC Example from PROCURE4HEALTH

<https://procure4health.eu/omc-on-site-treatment-of-hospital-wastewater/>

**Event Date:** 3 April 2024 (Online OMC Event)

**CHALLENGE**

## On-site treatment of hospital wastewater

**WATCH A REPLAY!**

**OPEN MARKET CONSULTATION**

**3rd April 2024 (10:00 – 11:30 CET)**

**Online event**

- General PIN published on TED - 5th January 2024
- Specific PIN published on TED - March 2024

Lead procurer: Reseau Des Acheteurs Hospitaliers IDF

**Interested in the presentation?**

**Recording**

**WATCH NOW!**

**Slides**

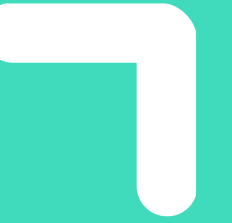
**DOWNLOAD PDF**

**DOWNLOAD Q&A**

## Market Consultation Report

Find out the results of the Open Market Consultation for the future PreCommercial Procurement of R&D services concerning on-site treatment of hospital wastewater.

**DOWNLOAD**



### Challenge:

Treating toxic substances and pathogens in hospital wastewater.

### OMC Objective:

- Engage technology providers for innovative wastewater treatment solutions.
- Assess market readiness for on-site hospital wastewater treatment.

### Solution Requirements:

- Remove chemicals, microbial agents, and hazardous materials.
- Centralized treatment facility for hospital wastewater.
- Stable performance despite high disinfectant levels.
- Treat persistent organic pollutants.
- Monitor water parameters like pH, dissolved oxygen, and pollutant levels.





# Legal Framework for OMC



## TFEU principals

- Equal treatment.
- Non-discrimination.
- Transparency.

## EU Public Procurement Directives (2014)

Article 40 of the Public Sector Directive: Legal basis for market consultation.

Article 58 of the Utilities Directive: Guides the preparation of procurement through consultations.

## EU Competition Rules

Prevents distortion of competition, ensuring fair information exchange.

## Key Legal Cases

Stadt Halle Case (C-26/03): Clarifies what counts as judicially reviewable and ensures the OMC remains preliminary to the procurement process.

Succhi di Frutta Case: Transparency principles; clear, precise, and unequivocal rules for the procurement process.

Spain-Seville: Health services  
OJ S 4/2024 05/01/2024  
Prior information notice  
Services

Legal Basis:  
Directive 2014/24/EU

#### Section I: Contracting authority

##### I.1. Name and addresses

Official name: Servicio Andaluz de Salud  
Postal address: Avenida de la Constitución 18  
Town: Seville  
NUTS code: ES618 Sevilla  
Postal code: 41071  
Country: Spain  
Contact person: Sandra Leal  
E-mail: [hello@procure4health.eu](mailto:hello@procure4health.eu)

##### Internet address(es):

Main address: <https://www.sspa.juntadeandalucia.es/servicioandaluzdesalud/>  
Address of the buyer profile: [www.procure4health.eu](http://www.procure4health.eu)

##### I.1. Name and addresses

Official name: Skane Lans Landsting  
Town: Kristianstad  
NUTS code: SE224 Skåne län  
Postal code: 291 89  
Country: Sweden  
Contact person: Magnus Wallengren  
E-mail: [hello@procure4health.eu](mailto:hello@procure4health.eu)

##### Internet address(es):

Main address: <https://www.skane.se/>  
Address of the buyer profile: [www.procure4health.eu](http://www.procure4health.eu)

##### I.1. Name and addresses

Official name: Reseau Des Acheteurs Hospitaliers IDF  
Postal address: Rue de Charonne 45  
Town: Paris  
NUTS code: FR101 Paris  
Postal code: 75011  
Country: France

Contact person: Louis Potel  
E-mail: [hello@procure4health.eu](mailto:hello@procure4health.eu)

##### Internet address(es):

Main address: <https://www.resah.fr/>  
Address of the buyer profile: [www.procure4health.eu](http://www.procure4health.eu)

##### I.1. Name and addresses



# Best Practices for OMC

## How to Conduct an Effective OMC?

- ❖ Publish a Prior Information Notice (PIN) on TED.
- ❖ Utilise Request for Information (RfI) surveys for feedback.
- ❖ Combine in-person and online events.
- ❖ Publish findings through an OMC report.

# Conclusions

- OMC is essential for innovation procurement success.
- It aligns public sector needs with market capabilities.
- Promotes transparency, fairness, and competition.

## 4. References

European Assistance for Innovation Procurement, "Eafip Toolkit". Available at: <https://eafip.eu/toolkit/> (accessed: 2 August 2023).

European Commission, *Communication on Pre-commercial Procurement: Driving innovation to ensure sustainable high quality public services in Europe*. Brussels, 14.12.2007, COM(2007) 799 final.

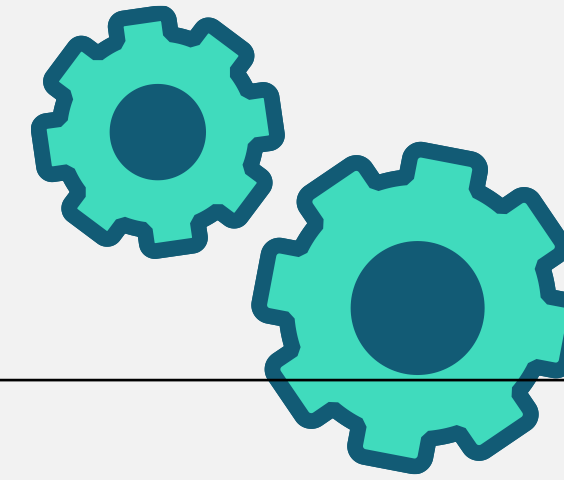
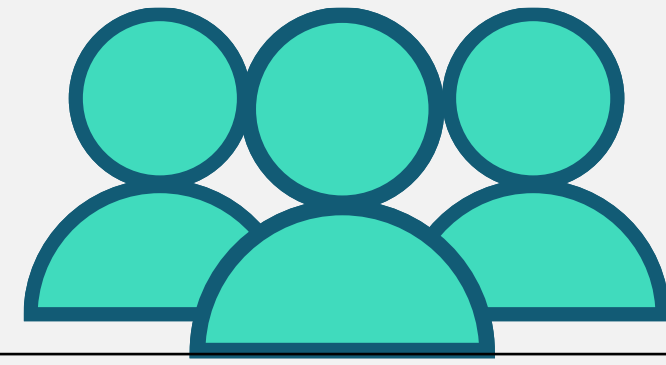
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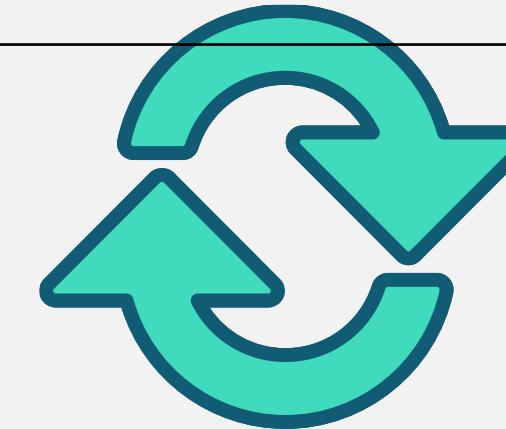
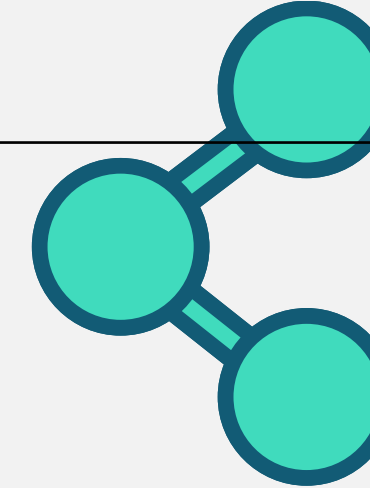
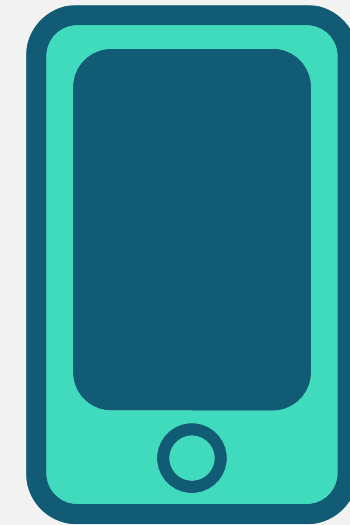
Open Market Consultations in the context of PROCURE4HEALTH [Open Market Consultation – Procure4Health](#)





**Thank you!**

**Please feel free to use the chat to ask your questions!**



***Thank you  
for your attention.***

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*For more information and guidance on innovation procurement and open market consultation, please see [www.eafip.eu](http://www.eafip.eu) and download the EAFIP-Toolkit.*





# Procure 4Health

[www.procure4health.eu](http://www.procure4health.eu)



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