

## Tender preparations PPI – checklist

- Choose the appropriate **procedure** (open, restricted, competitive procedure with negotiation, competitive dialogue or innovation partnership) as best-suited for the innovative solution desired. Note the different status of the innovation partnership procedure and what it entails under Article 31 of Directive 2014/24/EU, which can also cover R&D and contract execution elements.

- Consider whether you want to **procure collaboratively**.

**Collaborative PCP:** you undertake the procurement jointly with other procurers that have identified the same unmet need and want to invest in R&D to address it.

Benefits:

- Increase of buyer power;
- Sharing of costs and risks;
- Bigger mass of demand for innovation.

Decide between a coordinated procurement or a joint procurement:

- **Coordinated procurement:** the procurers carry out together the preparation, but not the execution of the procurement procedure. There is no single joint tender, and each procurer signs its own supplier contracts.
- **Joint procurement:** the procurers launch one joint tender and carry out together both the preparation and the execution of the procurement procedure.

Here, it is important to design a consortium agreement or a memorandum of understanding between all involved procurers. Appoint a lead procurer who is responsible for coordinating the procurement procedure, publishing the call for tenders and awarding the contract.

Make clear agreements on who is responsible for managing/financing different parts of the procedure. If the procurers are located in different Member States (cross-border collaboration), make clear arrangements on which national law is applicable and which courts will be competent in case of legal disputes.

- Consider whether you want **third-country economic operators** to participate in the procurement procedure. Third country economic operators have the right to equal treatment, in so far the country is party to the GPA or a free trade agreement with the EU, according to Article 25 of Directive 2014/24/EU. So, these providers have the right to participate in the procurement procedure and have the right to be treated equally. Third countries that are not party to the GPA and do not have an agreement with the EU, can be excluded from the tender. Third countries that are subject to trade sanctions, IPI-measures or FSR-measures must be excluded. Consult Access2Markets [Procurement for Buyers](#) to get a complete overview of which countries fall under which category.

- **Remain SME/startup friendly.** Ensure that the PPI is designed and executed in an SME- and startup-friendly manner, while remaining fully compliant with EU procurement rules.

Good practices include:

- Proportional selection criteria (financial capacity, turnover and references strictly linked to the scope of the PPI);
  - Accept the possibility to submit joint bids or reliance on subcontracting and third-party capacities;
  - Balanced liability, penalty and insurance requirements;
  - Reasonable reporting and contract management obligations;
  - Clear and predictable payment schedules;
  - Avoid unnecessary standards or certifications that could create a barrier to entry.
- Optional: embed value engineering throughout the PPI to ensure optimal value-for-money over the full lifecycle of the innovative solution
    - Apply the Most Economically Advantageous Tender (MEAT) principle;
    - Assess the total cost of ownership, including operation, maintenance, performance, quality, innovation level, sustainability, scalability and lifecycle costs;
    - Encourage functional and performance-based specifications rather than prescriptive technical requirements;
    - Allow innovative variants or alternative solutions where permitted by the chosen procedure;
    - Use measurable value and performance indicators aligned with the innovation objectives;
    - Integrate testing, piloting or validation phases to verify real-world performance and value delivery.
  - Make sure that in the call for tenders you:
    - Clearly state the **type of procurement procedure** you chose;
    - Put the following elements:
      - A clear **description of the unmet need** you want to address and what you wish to procure (innovative solutions: goods/works/services), how you will evaluate the bids and measurable requirements for this evaluation. Do this in a way that complies with the EU directives;
      - **Exclusion, selection and award criteria** and how much weight they are each given, described in a way that allows bidders to estimate how their bids will be scored. For PPIs, the directives provide as the sole awarding mechanism the **Most Economically Advantageous Tender (MEAT)**, which means that the award of the offers shall not be based on price only, but other factors shall be taken into consideration. So, define MEAT award criteria;
      - The **process of the PPI**: how the procedure will go, expected timelines, the monitoring, price and payment conditions...;

- How the performance will be **evaluated**: align with the innovation at stake. Be aware that this will be different for goods and services contracts (testing the product, meeting certain milestones, KPIs, ...). Explain what the consequences will be in case of non-satisfactory and/or non-successful performance;
  - Potential confidentiality requirements.
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- Clearly describe any requirement related to **testing** of the innovative solution prior to or following the award of the PPI contract;
  - Ensure proper use of **TED, national portals and other announcements**.