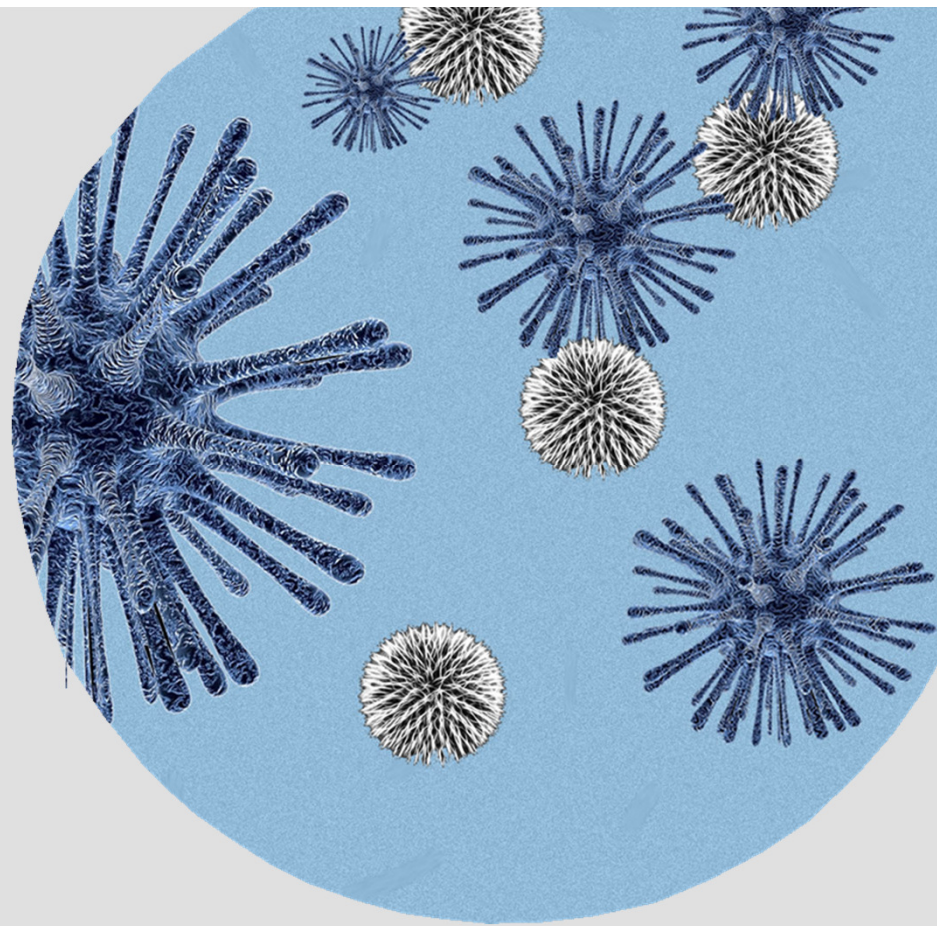
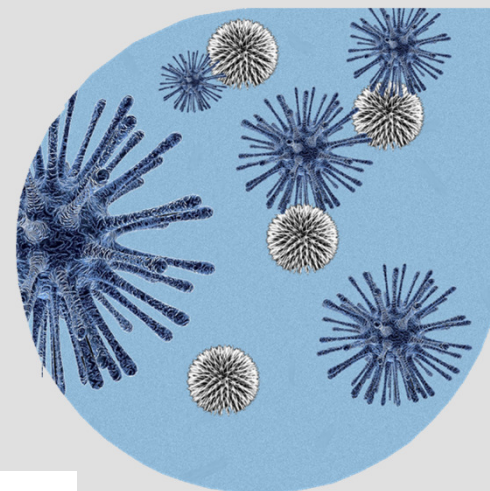


The description of the planned procurement procedure

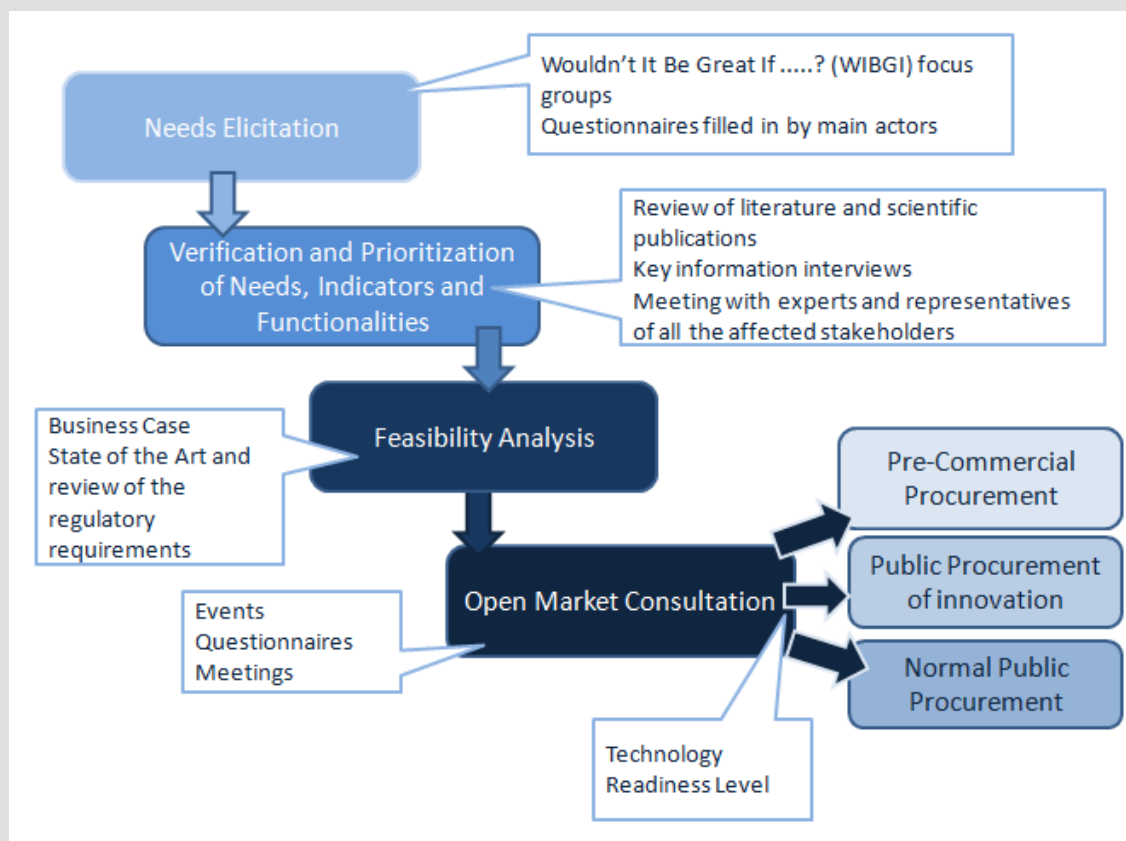
Barcelona, 15/12/2018

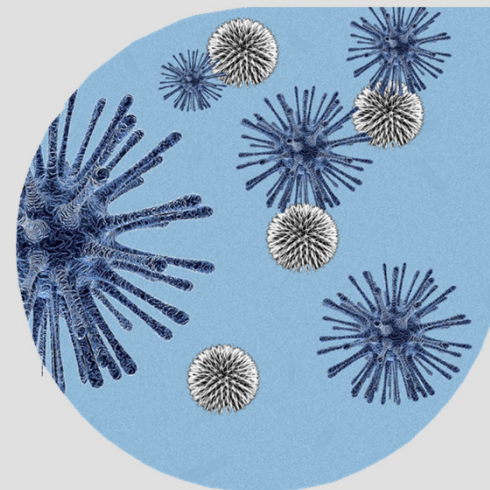


This communication on potential future procurement activity is not a commitment to procure. It doesn't oblige the contracting authority to set limits to the content of the invitation to tender.



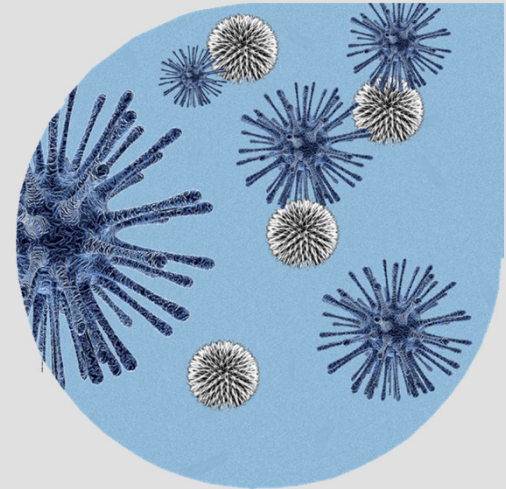
Methodological approach



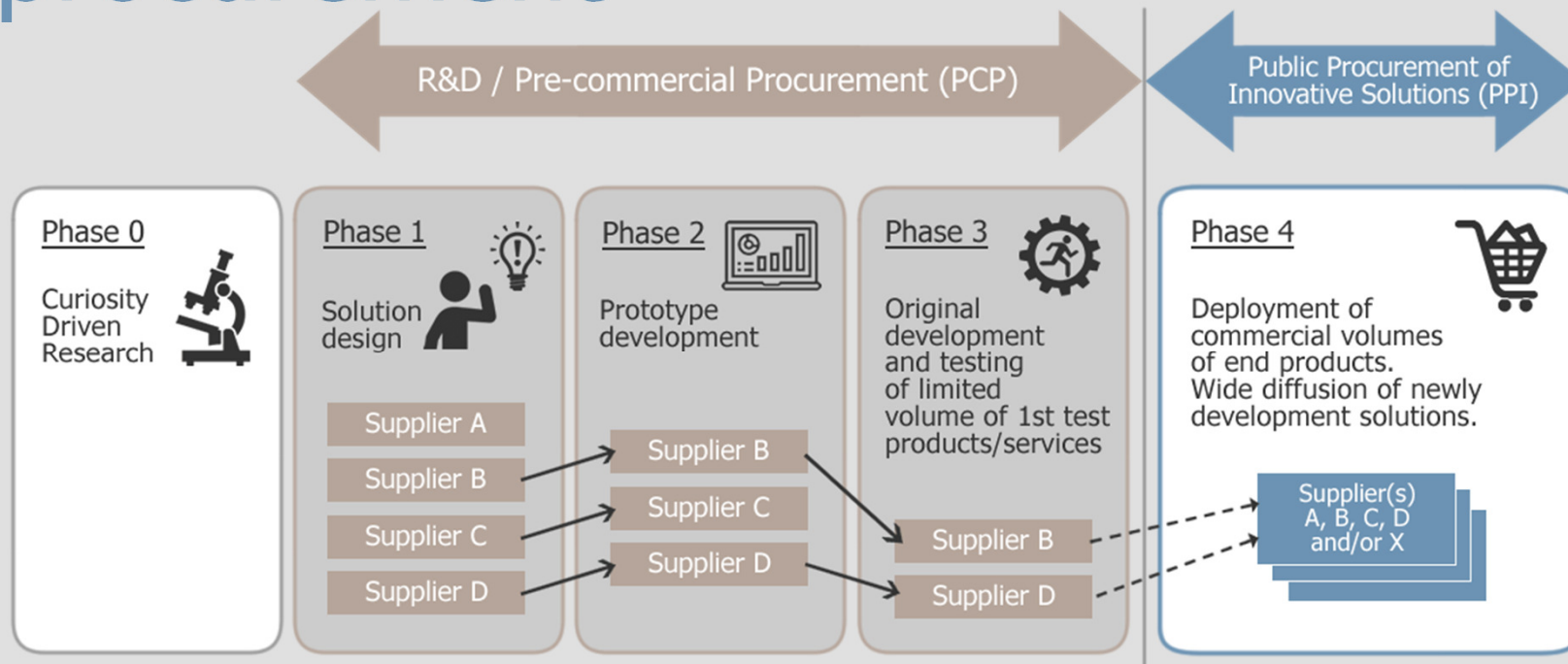


Description of the procurement

- This procurement receives funding from the European Commission Horizon 2020 Research and Innovation Programme (H2020-EU.2.1.1.- Industrial Leadership — Leadership in enabling and industrial technologies — Information and Communication Technologies (ICT))
- The procurement procedure must comply with the Grant Agreement Number 688878 signed with the European Commission
- The EU is however not participating as a contracting authority in this procurement.



Description of the procurement



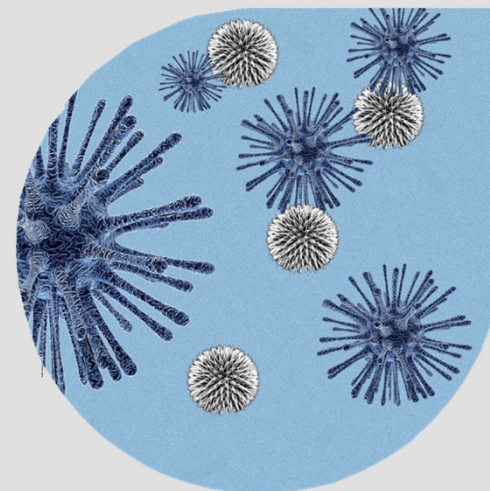
A new initiative launched by



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Description of the procurement

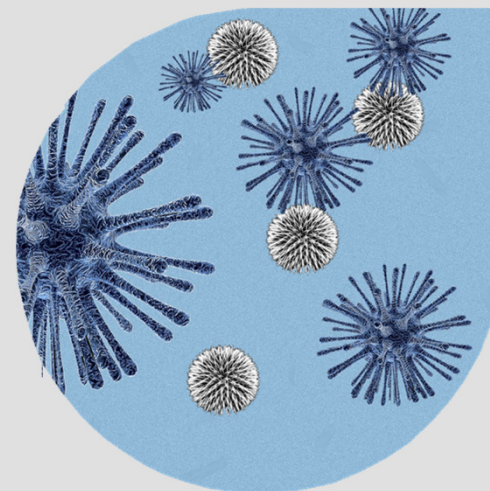
The PCP procurement is exempted from the WTO Government Procurement Agreement (GPA), the EU public procurement directives and the national laws that implement them. This is because it concerns the procurement of R&D services where the benefits do not accrue exclusively to the contracting authorities for its use in the conduct of their own affairs.

Source: Annex E. Specific requirements for innovation procurement (PCP/PPI) supported by Horizon 2020 grants of the HORIZON 2020 — Work Programme 2014-2015

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Procuring entity

Lead Procurer



Generalitat de Catalunya
Departament de Salut



Agència de Qualitat i
Avaluació Sanitàries de Catalunya

AGENCY FOR HEALTH QUALITY AND ASSESSMENT OF CATALUNYA

will award the contracts on behalf of the buyers group



PROVINCIA AUTONOMA DI TRENTO

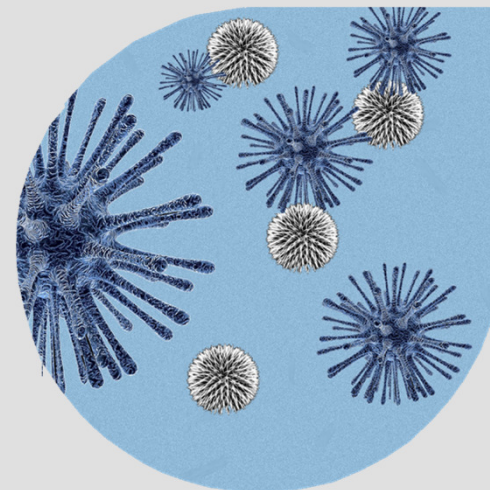


The Anti-superbugs PCP buyers' group may be subject to variations as it is currently accessioning new contracting authorities.

17/01/2018

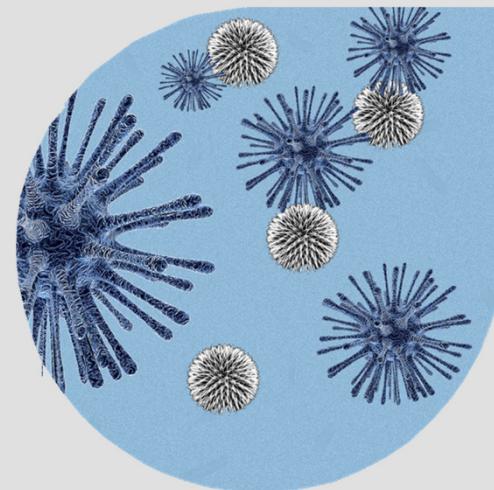
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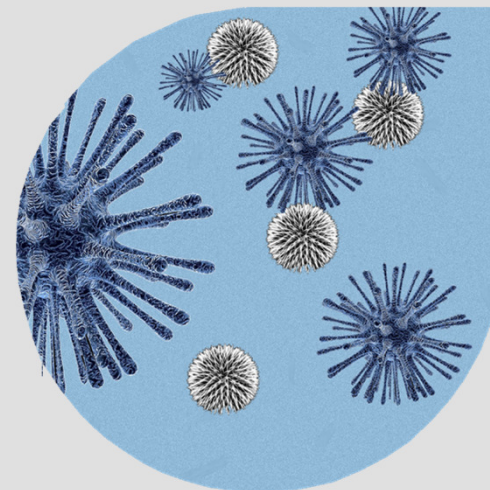
Bidders

- The Call for Tender/Invitation To Tender will be open to any type of natural or legal persons
- It will be possible to submit bids **either** individually **or** in association or consortium with other bidders
(under no circumstances it will be allowed to any natural or legal person to submit more than one bid)
- Subcontracting will be possible but limited to a %



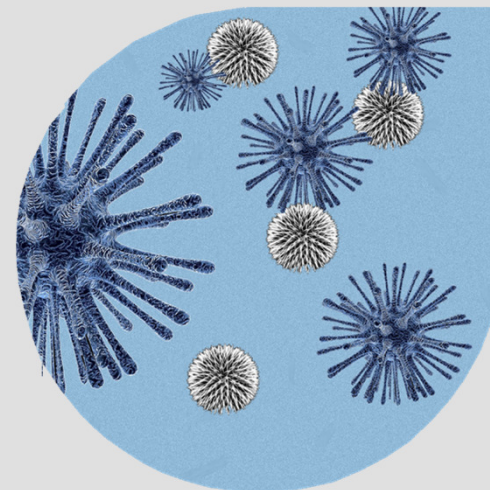
Place of performance

- It will be required to perform the majority of the contract volume within the EU Member States or H2020 associated countries.
- It will be required to have the principal R&D staff working on the PCP located within the EU Member States or H2020 associated countries.



Language

-The official language of the procedure will be English



Tender Documents

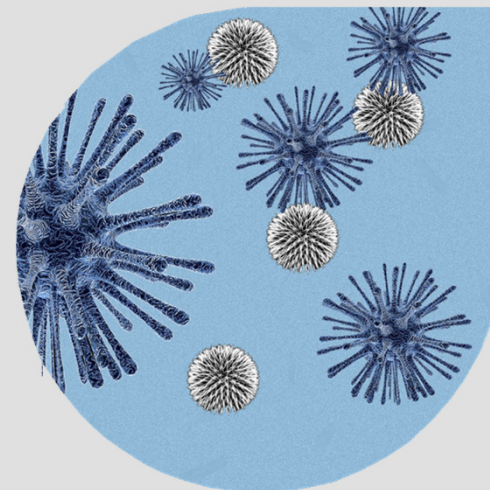
Call for Tender / Invitation To Tender

Challenge Brief

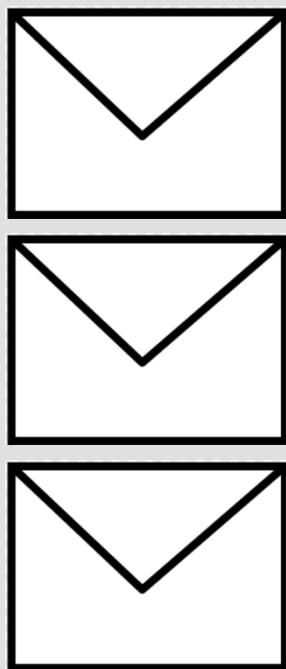
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Bids submission



Envelope A: Administrative documents

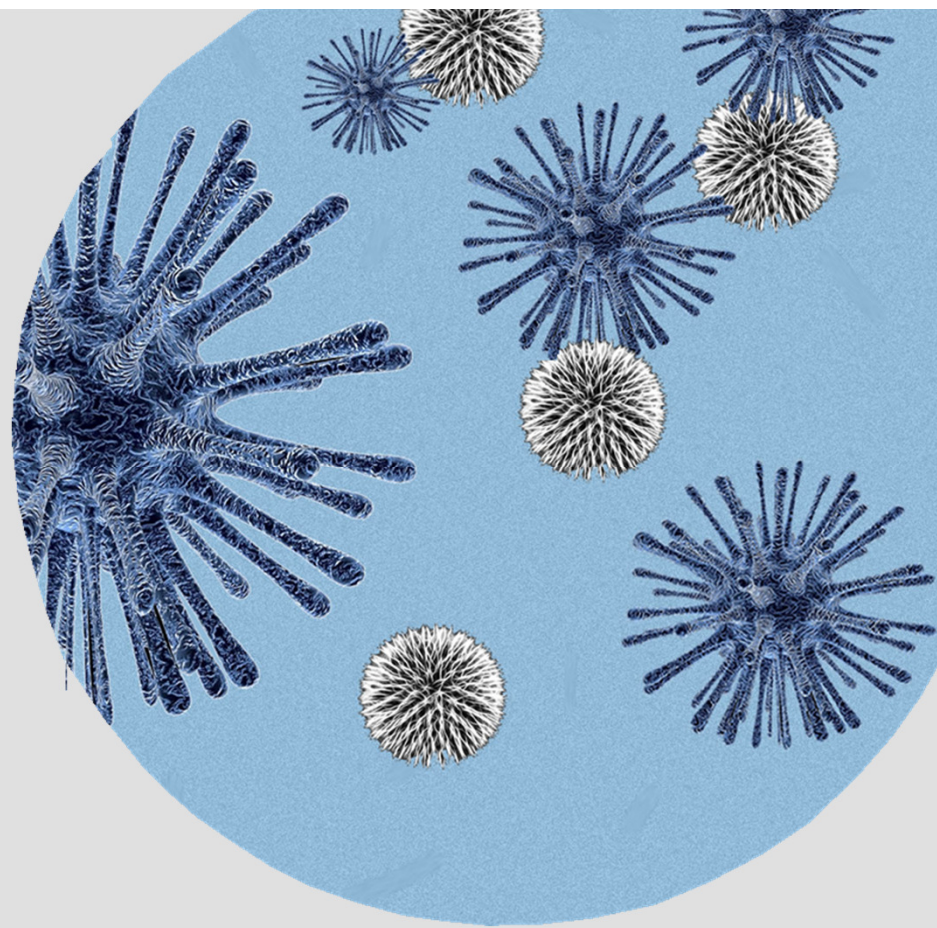
(e.g.: exclusion criteria and selection criteria (financial, economic, technical and professional capacity required to perform the contract))

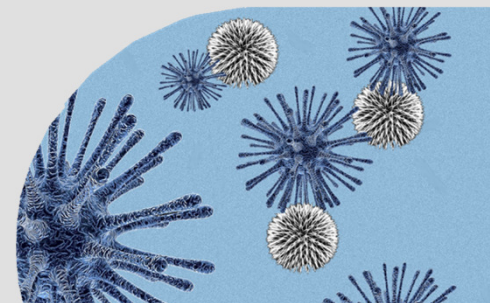
Envelope B: Technical Offer

Envelope C: Financial proposal and any other automatic awarding criterion

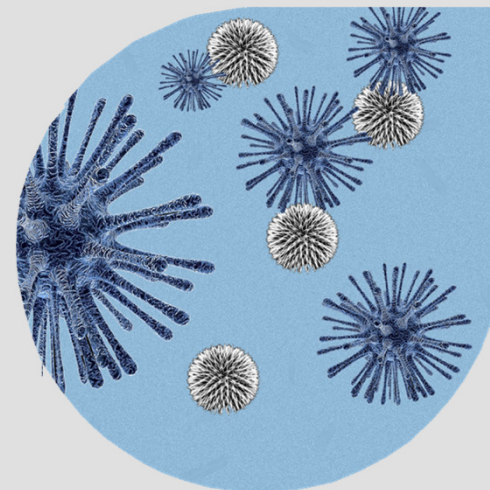
*Duration, number
of bidders and
contract value
distribution*

Barcelona, 15/12/2018





	Phase 1 Solution design	Phase 2 Prototyping	Phase 3 Original development and validation & testing of a limited set of prototype devices or prototype services within the contracting authorities
Maximum number of selected Bidders	5	4	3
Maximum budget per phase (Euros)	600K	between 1 M to 1,4 M	between 2M to 2,4M
	a p p r o x . 4 M		
Duration (months)	3	6	9
Regulation	Phase 1 Contract	Phase 2 Contract	Phase 3 contract
	Call for Tender/Invitation To Tender Challenge Brief Framework Agreement		



PCP legal framework

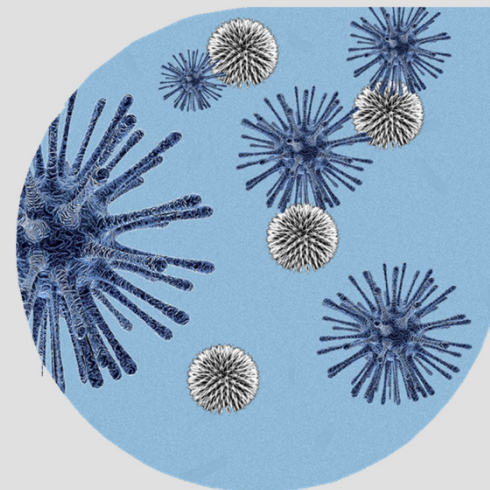
PCP exempted from EU Procurement Directives:
article 14 of Dir 2014/24/EU (Public Sector Directive)

The Directives only apply to contracts for research and development services provided that both of the following conditions are fulfilled:

- (a) the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs, and
- (b) the service provided is wholly remunerated by the contracting authority.

The fundamental principles of the Treaty for the Functioning of the European Union (TFEU) and the principles deriving therefrom are applicable.

PCP doesn't constitute State Aid (if implemented according to COM(2007) 799



PCP legal framework

A competitive procurement designed to exclude State aid (1)

the procurement does not give any of the participant providers any preferential treatment in the supply of commercial volumes of the final products or services to a public purchaser in the Member State concerned

The scope is R&D services only (before commercialization): solution exploration , design , prototyping, up to the original development of a limited volume of first products or services in the form of a test series in order to incorporate the results of field testing and to demonstrate that the product or service is suitable for production or supply in quantity to acceptable quality standards

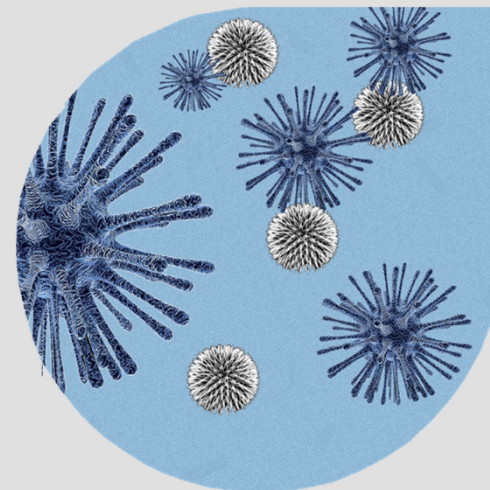
R&D does not include commercial development activities such as quantity production, supply to establish commercial viability or to recover R&D costs, integration, customisation, incremental adaptations and improvements to existing products or processes.

PCP Services Procurement: 50 % of contract value must be R&D services

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PCP legal framework

A competitive procurement designed to exclude State aid (2)

the price paid for the relevant services fully reflects the market value of the benefits received by the public purchaser and the risks taken by the participating providers.

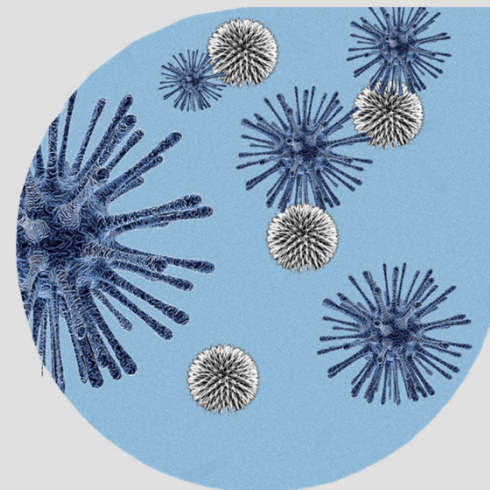
In PCP the public purchaser does not reserve the R&D results exclusively for its own use.

- IPR ownership rights are assigned to companies participating in the PCP.
- In a way that does not give the companies any form of unfair advantage

To ensure that the risk-benefit sharing is done according to market conditions any R&D benefit shared by the public purchaser with a company participating in the pre-commercial procurement should be compensated by the company to the public purchaser at market price.

This can be achieved through:

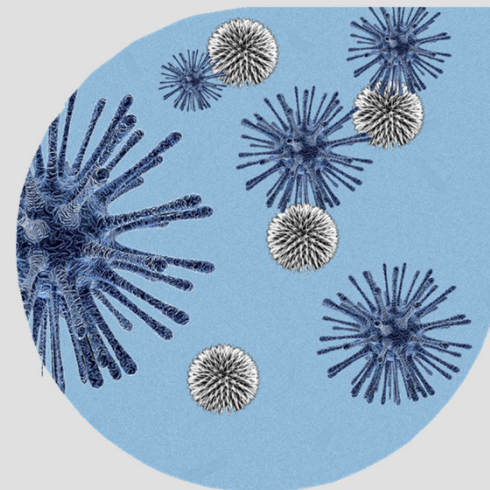
- Price reduction compared to exclusive development cost that reflects the market value of the benefits received and the risks assumed by the company
- (Royalties on the sales)



PCP legal framework

A competitive procurement designed to exclude State aid (3)

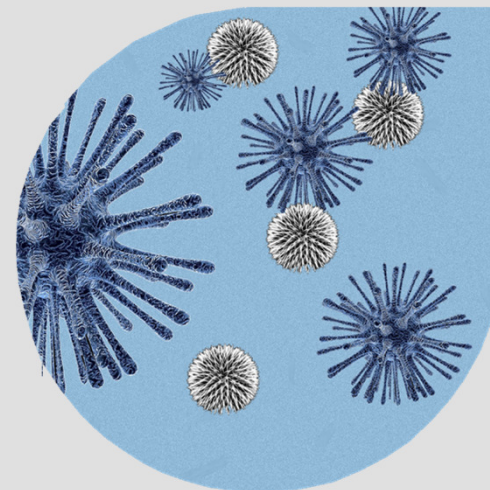
- Challenge the market in an open and transparent and non discriminatory way, the envisaged contractual arrangements describing all rights and obligations of the parties, including with regard to IPR, are made available to all interested bidders in advance.
- Organise the procurement as a stepwise process, including evaluations after each R&D phase, in order to select progressively the best solutions.
- Increase efforts after each R&D phase to achieve interoperability and product inter-changeability between the alternative solutions under development.
- Retain at least two participating companies until the last phase to ensure a future competitive market and avoid lock in and the risks assumed by the company.



Open Market Consultation

The market consultation aims to:

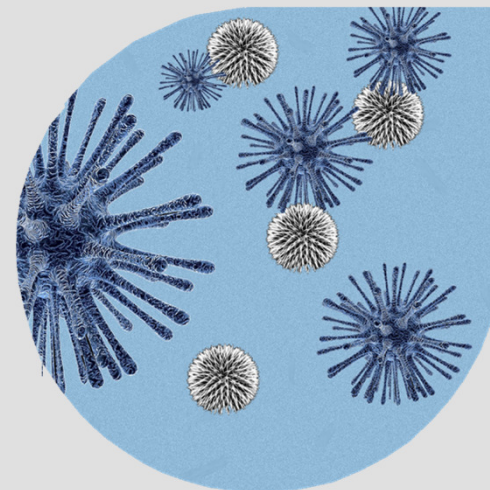
- check the technological SoA concerning early detection of superbugs and/or other HAIs vectors and find out whether technologies are commercially available (and acquire information about the advantages and disadvantages) and the level of fulfilment of the desired functionalities;
- identify market risks that may endanger business goals and supplier performance;
- enable preliminary analysis of the operational contexts where innovations will be introduced;
- enable and increase the opportunities for industry to form fit-for-purpose consortia.



Open Market Consultation

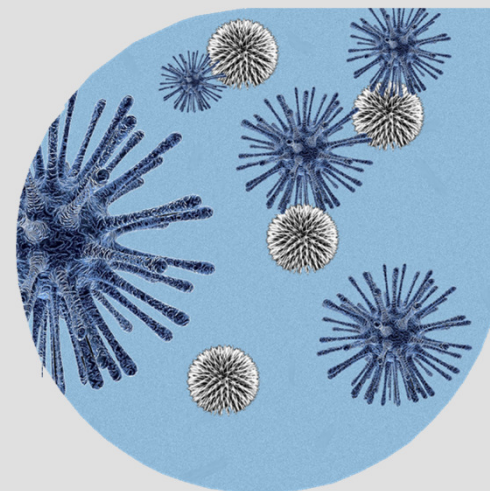
The market consultation aims to:

- check the technological SoA concerning early detection of superbugs and/or other HAIs vectors and find out whether technologies are commercially available (and acquire information about the advantages and disadvantages) and the level of fulfilment of the desired functionalities;
- identify market risks that may endanger business goals and supplier performance;
- enable preliminary analysis of the operational contexts where innovations will be introduced;
- enable and increase the opportunities for industry to form fit-for-purpose consortia.



Open Market Consultation

- Participants in the OMC are not expected to submit tenders or proposals or ideas at this preliminary stage.
- OMC does not lead to any rights or privileges for the participants, and is not part of any pre-qualification or selection process.
- The market consultation does not lead to any rights or privileges for the participants.
- The competitive phase of the AntiSuperBugs joint and cross-border public procurement procedure will be conducted separately with an open and advertised procedure.
- The contracting authorities involved in the AntiSuperbugs project are not legally bound in any way by the outcome of the market consultation.



Thank you

- Contact name
- email
- <http://www.antisuperbugs.eu>



This communication on potential future procurement activity is not a commitment to procure. It doesn't oblige the contracting authority to set limits to the content of the invitation to tender.

