

FREQUENTLY ASKED QUESTIONS (FAQs)

Preliminary Market Consultation PRECISAÚDE

Public Procurement of Innovation (PPI)

1 What is the Public Procurement of Innovation?

Public Procurement of Innovation (PPI), as an instrument to promote innovation from the demand side, is an initiative oriented at boosting strategic sectors by using public procurement to promote technological development and the procurement of innovative goods and services.

This new approach to public procurement is presented as a fundamental tool for the strengthening of innovative companies by encouraging the private sector to make proposals with greater added value to provide solutions for strategic projects of the Administration.

The PPI pursues the following objectives:

- The improvement of public services through the incorporation of innovative goods and services.
- The promotion of corporative innovation.
- The impulse of the internationalisation of innovation using the local public market as a launch customer or reference.

The legal framework for the Public Procurement of Innovation is set out, in Law 14/2011, of June 1st, on Science, Technology and Innovation, which incorporates the European Directives on the subject. Similarly, in the New Public Sector Contracts Law (NPSCL) – Law 9/2017, which incorporates the European Directives 2014/23 and 2014/24, concessions and contracts, the importance of promoting and enhancing the social, environmental and innovative aspects through public procurement is reinforced. Directive 2014/18 of March 31st of 2004, on the coordination of the procedures for the award of public works, public supply, and public service contracts.

2 What types of Public Procurement of Innovation are there?

We can distinguish two main types:

- 1 **Pre-commercial Procurement (PCP):** consists of the procurement of R&D services aimed at achieving a new or significantly improved future product or service. The fundamental objective of procurement is research and development services in a process that allows filtering the technological risks of solutions that do not exist in the market before purchasing them. This type of contract covers

the production of validated prototypes in a more or less extensive real environment.

- 2 **Public Procurement of Innovative Technology (PPIT):** consists of the purchase of a good, service or work that, at the time of contracting, is very close to the market and therefore, has either been produced with limited volumes, or at the level of a validated prototype.
- 3 **Innovation Partnership (IP):** is a procurement procedure aimed at the development of innovative products, services, or works and the resulting purchase of the resulting supplies, services, or works. It encompasses the entire innovation process, from research (pre-commercial procurement or PCP) to the commercial exploitation and purchase of the resulting product or service.

3 What is a Preliminary Market Consultation?

Article 115 of The Law of Public Sector Contracts recognises the concept of preliminary market consultation, with a view to preparing the procurement and informing the economic operators of their plans and procurement requirements, prior to the start of the procedure.

The main objectives of the preliminary consultation are:

- To identify the candidates potentially interested in the development of the project.
- To contrast the existing state of the art in the market regarding the subject matter of the project to be able to determine in which terms a subsequent procedure can be carried out considering the responses received for its preparation.

4 What is the purpose of this call?

The call arises within a new model of relationship with the purchaser, which seeks the participation of all types of entities and individuals or legal entities, who have the will to collaborate with the Galician Health Service (SERGA), for the identification of the innovative proposals that will contribute to the process, development and implementation of solutions and services in the field of the challenges defined in the Innovation Health Plan PRECISAÚDE. The objective of the consultation with the purchaser is that, based on the received proposals, SERGA will have sufficient knowledge of the most innovative and optimal solutions existing in the purchased for the launch of the subsequent call procedures.

5 What is NOT the open call for innovative ideas for solutions?

The open call for ideas for innovative solutions:

- Is NOT a competition of ideas.
- Is NOT a call for proposals of R&D&I projects.
- Is NOT an open procurement procedure.

6 What is the difference between a “buyer consultation” or preliminary consultations and “competitive dialogue”?

The Preliminary Market Consultation, regulated in the new LCSP, mentions that the contracting authorities may carry out the market studies and direct consultations to the economic operators that had been active in the market with the aim of correctly preparing the call and informing the aforementioned economic operators about their plan and the requirements that they will demand to compete in the procedure. The consultation of the purchaser shall be used by the contracting authority to plan the call procedure and, also, during the conduct of the call, provided that this does not have an effect of distorting competition or violating the principles of non-discrimination and transparency.

This should not be confused with the competitive dialogue, regulated in Law 9/2017 (article 172). In the competitive dialogue, the special competitive dialogue committee conducts a dialogue with the selected candidates, at their previous request, to develop one or more solutions likely to satisfy their needs and that will serve as a base for the selected candidates to submit an offer, already contractual. In this procedure, the candidates, rather than submitting ideas and possible specifications for a given service to be considered by the contracting authority, they submit their solutions, which are complete projects of contractual service.

Consultation Process

7 What is sought with the Consultation?

To search the presentation of innovative proposals destined to answer the challenges posed through the development of solutions that exceed the performance of those currently available in the market.

These proposals will be used to assess the capabilities of the market and to define the specifications that involve innovation and are feasible to achieve through the Public Procurement of Innovation or other public procurement instrument. The purpose of this type of procedure is not to receive bids, but to receive the solutions that help solve unmet needs in the Galician Health Service.

8 Does the Consultation have selection criteria?

The Consultation has no selection criteria, and it will not exclude any company based on criteria. It is open to any proposal that fits with the resolution of the challenges posed.

9 How do the participants who do not have a registered office in Spain participate? Would they have problems when it comes to bidding for the future PPI tenders?

The call for consultation is open to any natural or legal person. For the future tender, those indicated in the public sector contracts law (CHAPTER II: Capacity and solvency of the entrepreneur), in addition to Spanish companies, in any case, non-Spanish companies from member states of the European Union or signatory states of the Agreement on the European Economic Area which, in accordance with the legislation of the State in which they are established, are authorised to provide the service in question, will have the capacity to contract with the public sector. When the legislation of the State in which such undertakings are established requires special authorisation or membership of a particular organisation to be able to provide the service in question in that State, they shall present proof that they fulfilled this requirement. Without prejudice to the application of Spain's obligations deriving from international agreements, natural or legal persons from States not belonging to the European Union or from signatory States of the Agreement on the European Economic Area must justify by means of a report that the State of origin of the foreign company also admits the participation of Spanish companies in contracting with public sector entities similar to those listed in Article 3, in a substantially analogous manner. This report shall be drawn up by the corresponding Spanish Economic and Commercial Office abroad and shall accompany the documentation submitted. In contracts that are subject to harmonised regulation, the report on reciprocity in relation to companies from signatory States of the World Trade Organisation's Agreement on Government Procurement shall be dispensed with. In addition, the specific administrative clauses may require non-Community companies that are awarded works contracts to open a branch in Spain, with the designation of proxies or representatives for their operations, and to be registered in the Mercantile Register.

Participation

10 Which are the implementation deadlines?

Considering the horizons of implementation established in the lines of financing with which the PRECISAÚDE Project is intended to be funded, projects are sought with a deadline of implementation no longer than 3 years.

11 Can you participate in various proposals at the same time?

Yes. It is possible to submit different proposals for the same challenge.

12 Is it possible to submit a proposal in collaboration with another entity?

It is possible to submit proposals either individually or jointly with other entities.

13 Does it link the submission of a proposal to a future procurement process?

Potential future procurement procedures shall be open to all possible proposals that meet the established conditions, whether or not they have been linked to the Preliminary Market Consultation. The submission of the proposals in the Preliminary Market Consultation shall not generate incentives or advantages for the participating companies when awarding future contracts, nor shall it be recognised as an award criterion or as favourable weighting.

14 Is there a specific LRT for the solutions provided?

No specific LRT is established. However, it is expected to have proposals with a maturity level of at least LRT 4, which aim at the construction and validation of prototypes, for subsequent demonstration at pre-commercial scale.

15 Will a specific model of Intellectual and Industrial Property Rights (IPR) be established?

Yes, a specific IPR model will be established. However, it will be necessary that the participating companies indicate their possible limitations in terms of IPRs and risk sharing.

16 Are partial tenders foreseen or are the challenges to be covered entirely?

No specific numbers of tenders are posed. There may be one tender for each challenge, or several for each challenge depending on the results of the Preliminary Market Consultations.

17 Is being awarded one of the innovation procurement contracts compatible with receiving R&D&I grants for the projects?

The projects will be compatible with the reception of complementary help at national and international level.

18 Will the list of attendees at the Preliminary Market Consultation Presentation Day be published?

The list of attendees will be published in the SERGAS the Contracting Party's Profile.

19 How can the application form, advertisements, and other official documentation be obtained?

The form for sending proposals is published in the SERGAS the Contracting Party's Profile as **ANNEX II** to the terms of the call for the Preliminary Market Consultation. Likewise, **ANNEX IV** is provided, which is destined to manifest the interest in collaborating with other entities. In any case, in order to submit these proposals, the corresponding web form is available through the following URL: <https://enquisas.xunta.gal/index.php/644967> or through the URL <https://precisaude.sergas.gal/formularioCPM>.

Regardless of whether or not proposals are submitted using the aforementioned form (model in ANNEX II), those entities interested in establishing the collaborations to compete in this consultation, and the tenders that may result from it, may fill in and send the form corresponding to the model in ANNEX IV through the URL <http://enquisas.xunta.gal/index.php/371869> or through the URL <https://precisaude.sergas.gal/colaboracionCPM>

20 How is the confidentiality of the submitted documentation ensured?

Participants will provide their express consent for SERGAS to disseminate their participation and the questions and/or solutions raised in the consultation procedure.

However, SERGAS may not disclose technical or commercial information that (where appropriate) has been provided by the participants, designed by them and deemed confidential.

It is up to the participants to identify the documentation or technical or commercial information that they consider to be confidential. The participants may designate some of the documents provided as annexes as confidential. This should be clearly stated (in any form, or in the margin) on the document itself.

Similarly, the information in the form in ANNEX II related to the management of IPR shall be considered confidential.

21 Will the information in the application forms in the response to the market consultation (not the additional documents classified as confidential) always be published to all bidders?

Information provided that is not considered confidential may be published. Generally, only summaries are made public without disclosing information that may be considered sensitive, even if it has not been marked as confidential.

22 Is it possible to submit a fully confidential application form, that is, one that can be considered by SERGAS for the creation of the tender documents, but no information from it can be published?

No, the application form cannot be totally confidential. In the consultation itself, the parts of it that can be confidential are indicated. Any other confidential information must be provided as an attachment with appropriate indication of its confidential nature.

23 What is the format for submitting applications and accompanying documentation?

The format for submission must be Word or .pdf. These documents must be unprotected. Illegible or handwritten documents will not be accepted.

24 Once the application has been submitted, what are the procedures?

After the preliminary consultation, the results of the consultation will be made public, respecting the principle of confidentiality.

If deemed appropriate, the drafting and processing of the tender(s) may begin on the basis of the ideas for solutions collected due to the consultation. In any case, these procedures will be open to all possible proposals that meet the established conditions, whether or not they have been linked to the preliminary market consultation.

25 How should proposals be submitted?

Proposals must be submitted by filling in the forms accessible at the following URL <https://enquisas.xunta.gal/index.php/644967> or the following one <https://precisaude.sergas.gal/formularioCPM>.

Regardless of whether or not proposals are submitted using the above-mentioned form (model in ANNEX II), those entities interested in establishing collaborations to compete in this consultation, and the tenders that may result from it, may fill in and send the form corresponding to the model in ANNEX IV using the following URL <http://enquisas.xunta.gal/index.php/371869> or the following one <https://precisaude.sergas.gal/colaboracionCPM>.

26 What is the deadline for submitting proposals?

The deadline for the submission of proposals begins on the day following the publication of the call for proposals in the Galician Health Service (SERGAS), the contracting party's profile, and ends on the 17th of July, 2023.

27 Will participants be informed about new information on the progress of the preliminary consultations?

Notifications will be made through the authorised channels.

28 What does the form refer to in the question about "Technological requirements for the implementation of your solution (please give an example)?"

It refers to a requirement that needs to be satisfied for the implementation of the innovative proposal and that the contracting authority will have to take into consideration (there may be no such need). For example, the implementation of the innovative proposal will require a specific parallel data processing architecture not considered in the initial scope of the challenge.

29 Does the amount "price" have to be broken down in a budget?

Yes, in this phase of Preliminary Market Consultations, the budget must be broken down, in approximate terms and at market price, for each area of action into items (equipment, personnel costs, consumables, subcontracting, licenses, etc.). This will allow a comparison between similar proposals received when defining the budget in the tender documents. However, at the tendering stage, the conditions for justifying the costs will be specified.

It is also advisable to indicate the price of each proposed phase, if it is presented according to such a scheme.

Interviews

30 Will interviews with bidders to gather further information take place before or after the deadline for applications?

Interviews, if held, will take place after the deadline for submitting the proposals.

31 Will all bidders be called to have an interview?

Not all bidders who have submitted proposals will be called. In the case of face-to-face interviews, only those entities with proposals from which the Galician Health Service considers it necessary to gather more information will be called to have an interview.