



Beschaffungsamt  
des Bundesministeriums  
des Innern

# **Breakout session 3: Communicating with the market in the market exploration and contract management phases**

(27.10.2020)

# Agenda

- I. Market exploration in German public procurement law
- II. Strategic aspects of demand management
- III. The framework-agreement roadmap as a communication tool
- IV. The market dialogue as part of the demand management
- V. Conclusion



# Market exploration in German public procurement law

## § 28 VgV

### Market exploration

(1) Before initiating a procurement procedure, the contracting authority may conduct a market exploration in preparation of the contract awarding process and to inform companies about its procurement plans and requirements.

(2) The implementation of procurement procedures solely for market research and for the purpose of determining costs or prices is not permitted.

- **Explicit permission** for market explorations
- **Distinction** between **market exploration** and **procurement procedures**
- **No further regulations** in regard to the selection of participants for the market exploration phase or the process in general
- **Principles of procurement law** (transparency, competition, equal treatment, economics, proportionality) must be observed



# Strategic aspects of demand management

A **market research** is useful for the:

- Creation of a "well-founded description of the procurement"
- Creation of a "realistic basis for the calculation"

What does this mean in **practice**?

- **Discussions** about the **object** of the planned procurement
- **Implementation of feedback** from the participants prior to the publication of the call for tenders
- Permission to **obtain price information**



# Strategic aspects of demand management

How do you implement the **principles of public procurement law** in practice?

- Transparency
- Competition
- Equal treatment
- Economics
- Proportionality
- Support of medium-sized interests



# The framework-agreement roadmap as a communication tool

How can the **transparency** in market communication be **increased**?

Creation of a **framework-agreement roadmap** with the planned and completed award procedures at a central location, publicly accessible, with the following content:

## **Framework contracts awarded within the last 3 months**

### **Ongoing award procedures**

- Included products and services
- Planned start date of contract
- Running time
- Sales volume



# The framework-agreement roadmap as a communication tool

## **Planned calls for tenders resulting out of previous demand evaluations**

- Included products and services
- Planned time period for the announcement
- Expected start date of the contract
- Volume

## **Planned demand assessments**

- Included products and services
- Volume

[https://e-beschaffung.bund.de/DE/Wissenswertes/ZIB/RVRoadmap/RVRoadmap\\_node.html](https://e-beschaffung.bund.de/DE/Wissenswertes/ZIB/RVRoadmap/RVRoadmap_node.html)

# The framework-agreement roadmap as a communication tool

What will the **framework agreement roadmap** achieve?

## **Early information** of the **market**

- Market activation
- Securing resources within our partners
- Opportunity for market participants to participate and cooperate from an early stage of the procurement process onwards

## **Overview** of ongoing **procurement measures**

## **Transparency** after the award



# The market dialogue as part of the demand management

## Challenge

- How can an extensive market exploration take place, taking into account the principles of public procurement law?

## Solution

- Market dialogues after a central invitation
- Documentation of the results

## Opportunities

- Early market information
- Feedback and discussion on the service or product description
- Identification of cost drivers and market restrictions prior to the publication of the call for tenders
- Passing on requirements to the market

# The market dialogue as part of the demand management

## Objectives of the Central Office for IT Procurement of the BeschA:

- **Optimization** of product and service **descriptions**
- **Reduction** of market-restricting **requirements**
- **Adopting** the **innovative strength** of the market
- Promotion of the **exchange** among market participants (e.g. through cooperation)
- **Increase** in the number of **offers** submitted



# The market dialogue as part of the demand management

## Implementation within the ZIB:

- Introduction of a **central information portal** for market participants (<https://e-beschaffung.bund.de>)
- **Announcement** of the **market dialogues** via this platform
- **Possibility** for all potential bidders **to register** (the only limitation is the size of the available conference rooms)

# Conclusion

## **Current Experiences of the BeschA**

- Response very heterogeneous
- The level of participation within the appointments fluctuates
- High quality feedback after the appointment

## **Feedback from the economy**

- Better possibility for internal resource planning
- Reduced risk of missing calls for tenders
- Reduction of the amount of research required to identify relevant tenders
- Equal treatment of potential bidders
- Active influence on performance criteria



# Thank you for you attention!

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