

# Welcome and agenda

Jozef Kubinec

# Agenda for today

Time	Session	Key points
13:00-13:10	Welcome	<ul style="list-style-type: none"><li>• Speaker: Jozef Kubinec, INPROCAP</li></ul>
13:10-13:40	Introduction to Open Market Consultation	<ul style="list-style-type: none"><li>• Speaker: Jozef Kubinec</li><li>• Legal basis, Purpose and benefits, step by step OMC process, Formats and methods</li></ul>
13:40-14:25	Real case study: OMC in practice	<ul style="list-style-type: none"><li>• Speakers: Agata Rakowska, Kararzyna Lenart, National centre for Research ad Development, Poland</li><li>• Background of cases, why OMC were critical step and how were they executed, Lessons learned</li></ul>
14:25-14:35	short break	
14:35-14:50	Industry Days: Early supplier engagement in BSO sector	<ul style="list-style-type: none"><li>• Speakers: Nikolaj Zangenberg, Danish Technological Institute</li><li>• Objectives of early market engagement, how Industry days work in practice, benefits for BSO and suppliers</li></ul>
14:50-15:00	Q&A and next steps	<ul style="list-style-type: none"><li>• Summary, questions and invitation for next training</li></ul>

# Objectives

## Objectives

- Understand the legal basis and purpose of Open Market Consultation
- Master the basic principles and steps for conducting OMC
- Learn from a real case study how OMC shapes procurement strategy
- Explore early supplier engagement practices in the BSO sector
- Understand similarities and differences between OMC and Industry Days

# Today's speakers



**Katarzyna Lenart** — National Centre for Research and Development

- Deputy Director, Innovation Procurement & Green Technologies
- Hands-on expertise in innovation partnerships and pre-commercial procurement, particularly in the field of green technologies.



**Agata Rakowska** - National Centre for Research and Development

- Director, Innovative Public Procurement Programmes
- Extensive experience in designing and implementing innovation procurement programmes that translate policy priorities into practical tools for public authorities.

# Today's speakers



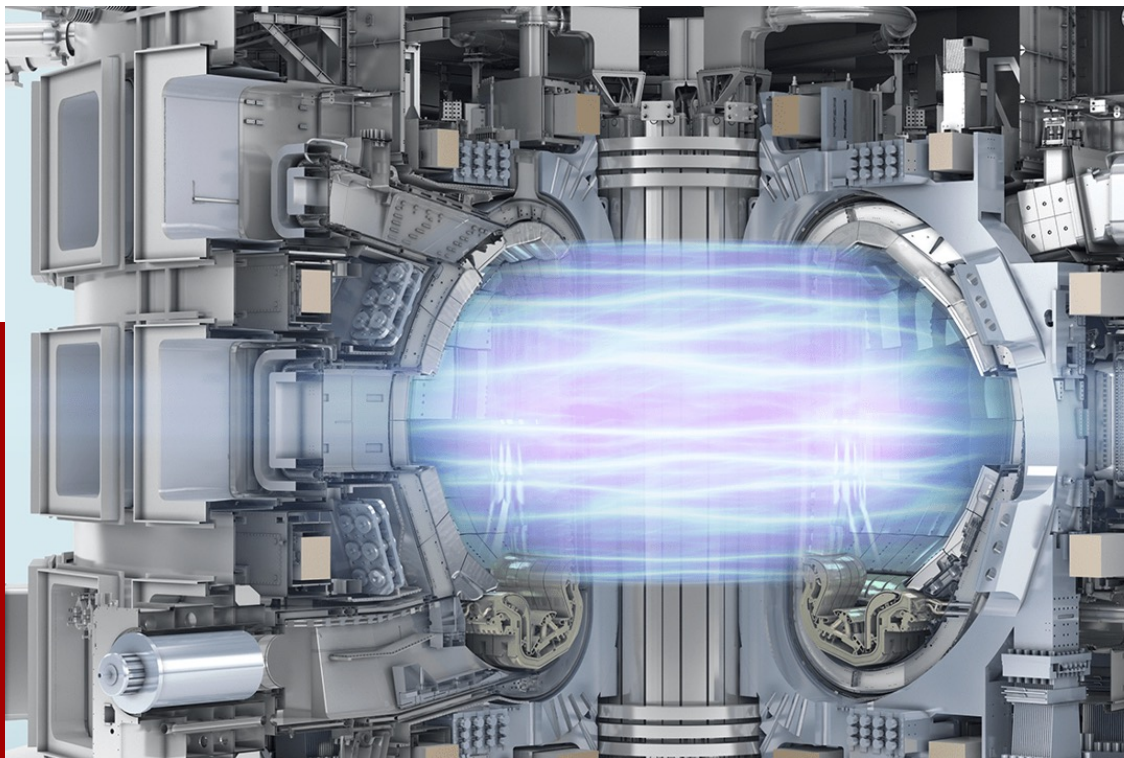
**Jozef Kubinec** — Innovation procurement expert, INPROCAP trainer

- Member of CERIS – Community for European Research and Innovation for Security
- Ministry of Interior Slovakia procurement experience
- SHIELD4CROWD, PROTECT, PCP WISE, SHIELD PCP, multiple EU projects



**Nikolaj Zangenberg** - Danish Technological Institute, INPROCAP coordinator

- Director, Big Science Center & ILO for CERN, ESRF and European-XFEL
- Practical insight into how structured market dialogue strengthens collaboration between industry and major European research infrastructures.



# Introduction to Open Market Consultation

Jozef Kubinec

# Open Market Consultation



Formalised dialogue between the contracting authority and other entities (economic operators, suppliers or independent experts), aiming to obtain answers to how the contracting authority's problems can be solved

# What is Open Market Consultation ?

## Definition & context

- A **structured dialogue** between a contracting authority and the market **before** launching a procurement procedure
- Allows the procurer to gather intelligence on available solutions, capacities, and pricing
- Not a procurement procedure itself — it is a **preparatory step**
- Applicable to all types of procurement, but **especially valuable** for innovation procurement where requirements are uncertain



# Question

**Question:** "What is the first word that comes to your mind when you hear 'Open Market Consultation'?"

Word cloud – insert only one word

Go to .....Mentimeter.com

Use code..... **6331 2330**



**INPROCAP**

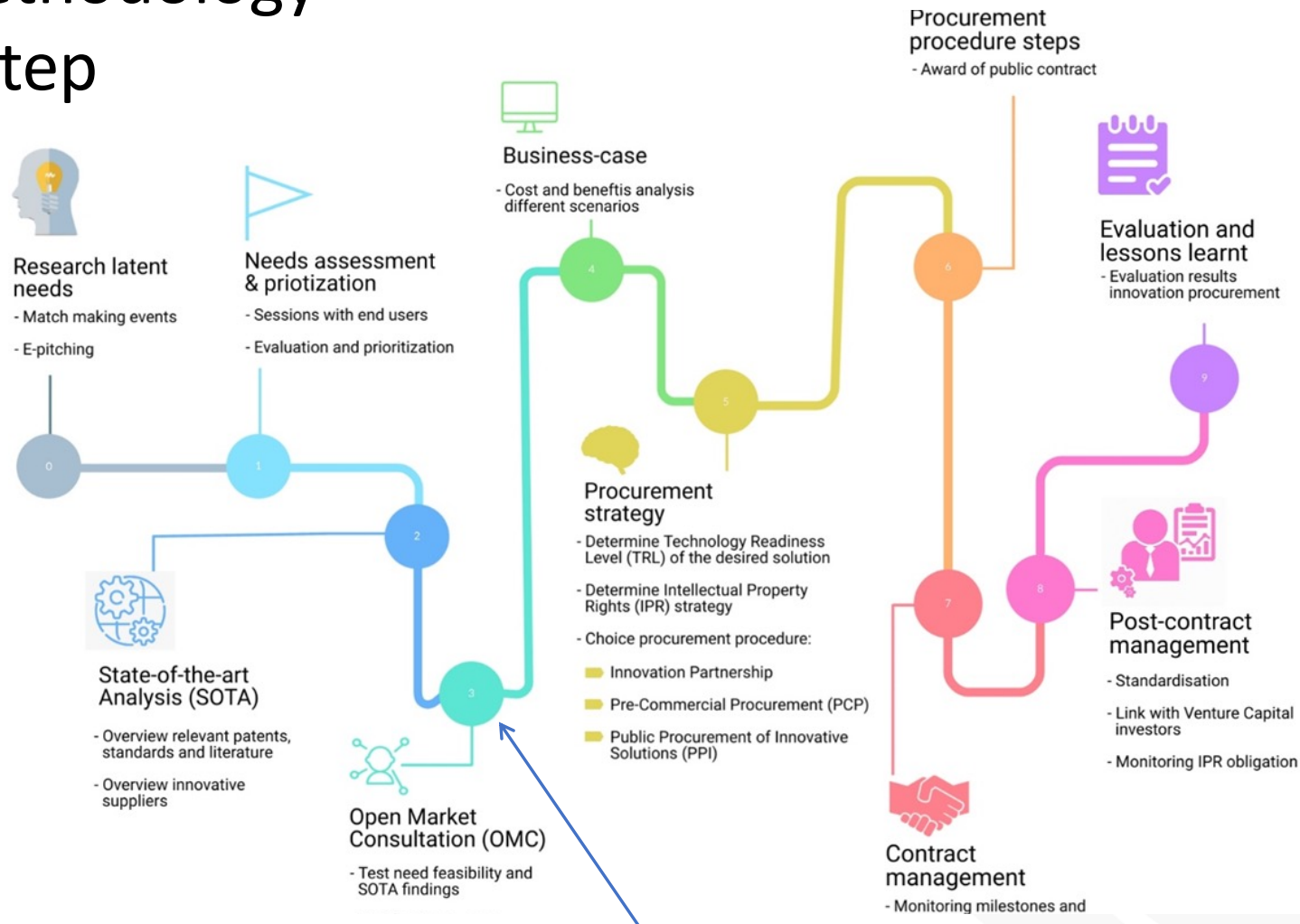
# Legal Basis

*"Before launching a procurement procedure, contracting authorities may conduct market consultations with a view to preparing the procurement and informing economic operators of their procurement plans and requirements."*

— Article 40, Directive 2014/24/EU

- The article explicitly permits pre-procurement market engagement
- Key conditions:
  - Must **not distort competition**
  - Must **not violate non-discrimination and transparency** principles
  - Information shared with one operator must be available to all
- **Article 41** complements this — addresses prior involvement of candidates and how to handle potential conflicts of interest
- National transpositions may add specific rules — always check local legislation

# EAFIP Methodology step-by-step



# OMC fundamentals

## **OMC ≠ tender:**

- Consultation is pre-procurement, non-binding, exploratory

## **When to conduct:**

- After State of the art Analysis, before finalizing tender documents

## **Typical timeline:**

- 6-12 weeks from announcement to completed analysis

## **Who is responsible?:**

- Depends on the organisational structure of organisation:

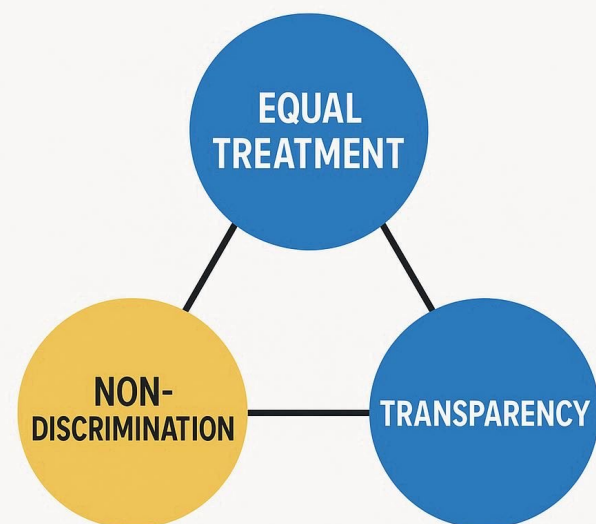
- in some technical department (responsible for pre-procurement, for example of XFEL)
- In some procurement team

# Purpose and Benefits of OMC

<b>Benefit</b>	<b>What it means in practice</b>
<b>Validate market capabilities</b>	Confirm that solutions exist (usual PP) or there are not solutions that can address all needs (Innovation procurement)
<b>Refine technical specifications</b>	Avoid over-specification or under-specification by learning what the market can deliver
<b>Build market awareness</b>	Signal upcoming opportunities early → more competitive tenders
<b>Identify innovative solutions</b>	Discover approaches the procurer did not know about
<b>Assess supplier interest &amp; capacity</b>	is a sufficient supplier base for competition?

# Basic principles

When organising a Open Market Consultation what should always be kept in mind is **that the process must comply with the principles of equal treatment, non-discrimination and transparency stated in the directive 2014/24/EU.**



**DIRECTIVE 2014/24/EU**

# Four pillars of a lawful OMC

## 4. Managing conflicts of interest

Identify and mitigate situations where a consultant or advisor may later bid, Use remedial measures (e.g., share all information, extend deadlines)

## 3. Documentation & audit trail

Record who was consulted, what was discussed, and what was decided

## 2. Non-discrimination & competition preservation

No participant gains an **unfair advantage** in a subsequent tender

## 1. Transparency & equal treatment

All participants receive the **same information**  
Outcomes are documented and accessible

# OMC Formats and Methods

## Traditional formats:

**Physical meetings:** In-person sessions at your facility

- Pros: Best for technical discussions, relationship building
- Cons: Limited geographic reach, expensive, time-consuming

**Site visits:** Suppliers see operational environment

- Pros: Suppliers understand context better, better proposals
- Cons: Security/confidentiality concerns for BSOs

## Digital formats (increasingly common):

**Online webinars:** Presentation + Q&A

- Pros: Broad reach, cost-effective, easy to record
- Cons: Less personal, technical difficulties

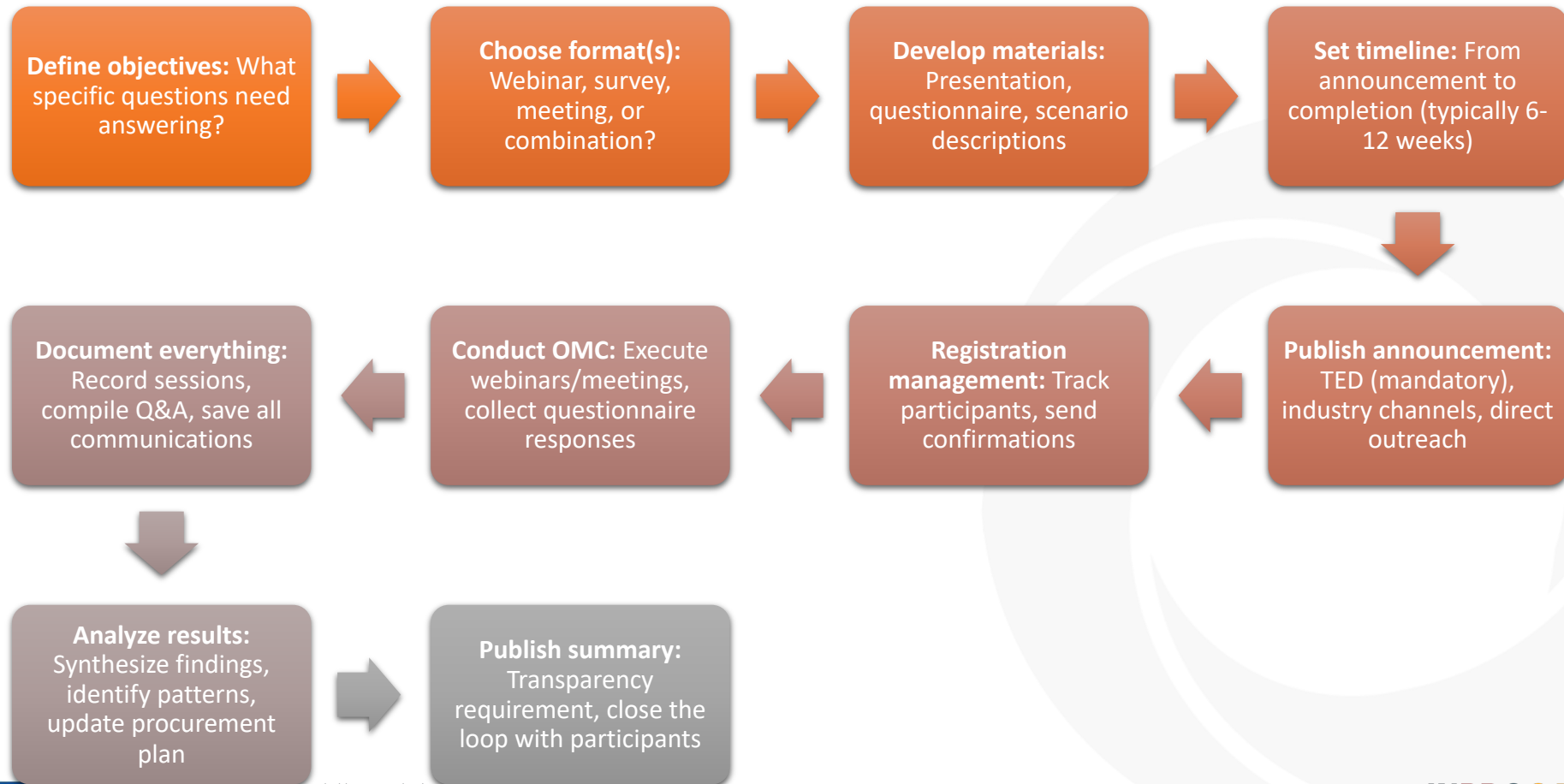
**Questionnaires/surveys:** Structured data collection

- Pros: Standardized responses, easy to analyze, documented
- Cons: Low response rates, limited dep

## Innovative formats:

- **Prototype demonstrations:** Suppliers show working solutions
- **Hackathons:** Competitive problem-solving events
- **Innovation challenges:** Prize-based idea competitions
- **E-pitching sessions:** Suppliers pitch solutions (5-10 min each)
- **Hybrid approaches:** Combine multiple formats for best results

# 10 step process



# Planning

- Timing:** Start early — ideally 6 months nths before the expected tender publication
- Objectives:** What do you need to learn from the market?
  - Technical feasibility?
  - Cost benchmarks?
  - Potential supplier pool size?
- Target audience:** Who should participate?
  - Established suppliers in the sector
  - Innovative SMEs and start-ups
  - Industry associations and clusters
  - Academic and research institutions
- Internal alignment:** Ensure procurement, technical, and legal teams agree on scope and approach

# Preparing right questions

The quality of your OMC depends on the quality of your questions. Design a **structured question set** that covers your key knowledge gaps.

## Key questions to ask

- Company Details:** The basic information (company name, location, email, etc.) to understand the demographic and geographic distribution of respondents.
- PCP Challenge and Requirements:** The questions that probe the market's familiarity with the challenge, current solutions, and potential innovations they can offer.
- Technical feasibility** — Can your solution meet [requirement]? What is the TRL? What are the main risks?
- Market maturity (SOTA)** — How many comparable solutions exist? What differentiates yours?
- Timeline & capacity** — Realistic delivery timeline? Can you deliver?
- Miscellaneous:** Allows open-ended responses for suggestions, concerns, or alternative proposals.

**Tip:** Send questions in advance — give suppliers **at least 2 weeks** to prepare. Combine a written questionnaire (RFI) with follow-up workshops.

# Execution

- ❑ **Facilitation tips:**
  - ❑ Use a structured agenda with clear questions
  - ❑ Allow enough time for suppliers to prepare (minimum 2–4 weeks notice)
  - ❑ Use 1-to-1 meetings for sensitive topics, group sessions for general market intelligence
- ❑ **Documentation:**
  - ❑ Record all interactions (minutes, recordings with consent)
  - ❑ Use standardised templates for consistency
  - ❑ Note both explicit answers and implicit signals
- ❑ **Engagement:**
  - ❑ Publish a Prior Information Notice (PIN) on TED / national portals
  - ❑ Use industry networks, clusters, and BSO supplier databases
  - ❑ Be proactive — reach out, don't just publish and wait

# Analysis and Report

## Identify patterns:

- What did most suppliers agree on? Where did they diverge? What surprised you?

## Validate assumptions:

- Were your initial requirements realistic? Does the market offer alternatives you hadn't considered?

## Document conclusions in OMC report

- Findings, recommendations, and their link to procurement strategy
- Publish the OMC report, not include sensitive information

# OMC Report

## Structure of the Report:

- ❑ **Activities & Timetable:** Recap the key OMC events—webinars, e-pitching sessions, matchmaking events
- ❑ **Open Market Consultation Results:** Present the main findings on market readiness, potential technology gaps, or innovative approaches uncovered.
- ❑ **Summary of Replies to the EU Survey:** Provide the main findings for each question, categorized by PCP needs, State-of-the-Art (SOTA) insights, and additional suggestions provided by respondents.
- ❑ **The Follow-Up PCP:** Describe how this feedback will inform the final PCP strategy, next steps, and eventual procurement documents.
- ❑ **Conclusions:** Summarizes the insights gained from the consultation, including the market’s capacity to address the identified challenge and the level of technological maturity available.



## Table of contents

1. Purpose of the Open Market Consultation .....	5
2. Activities & timetable .....	6
2.1. Matchmaking event .....	8
2.2. E-pitching sessions .....	9
3. The Open Market Consultation results .....	10
3.1 Procedure and reporting .....	10
3.2 Open Market Consultation report .....	10
3.3 Summary of the replies to the EU Survey questionnaire (Request for Information) .....	11
3.3.1 The PCP challenge and requirements .....	11
3.3.2 The State-Of-The-Art Analysis .....	29
3.3.3 Miscellaneous.....	34
4. The follow up PCP .....	37
5. Conclusions.....	37
Annex I. Agenda of the OMC webinars .....	39
Annex II. Agenda of the OMC event in Warsaw.....	42
Annex III. E-pitching sessions summary .....	43

# From insights to action

## Incorporate OMC insights into:

- Technical specifications  
(functional vs. prescriptive)
- Award criteria and weightings
- Contract structure and lot division
- Timeline and milestones



# Example of timeline - INTERCEPT

Date	Event
<b>Beginning of February 2025</b>	Publication of the Prior Information Notice (PIN) on TED.
<b>End of March 2025</b>	Publication of the OMC documents on the project's website. Publication of the RFI questionnaire.
<b>12-16 May 2025</b>	OMC webinars (English, Polish, French, Finish, Slovak, Spanish, Greek)
<b>One week after the end of the OMC webinars</b>	Deadline for the submission of questions via the RFI questionnaire
<b>End of May 2025</b>	Publication of preliminary OMC event based on the findings from the OMC webinars
<b>2-6 June 2025</b>	E-pitching sessions
<b>21-25 June 2025</b>	OMC event in Warsaw
<b>First week of July</b>	Publication of the OMC findings, including all questions and answers to the OMC questionnaire.
	Closure of the OMC.



## Project PPI4HPC – white paper

Market consultations have several benefits such as:

- **for technical aspects:**
  - Help in reviewing common and lot-specific requirements;
  - Improvement of definition and clarification of ambiguous requirements;
- **for legal and procedure aspects:**
  - Conflict of laws during the procurement procedure;
  - Subcontracting;
  - Clarification on the application form;
  - Language;
  - Analysis of candidates' applications (qualification).

# Question

**Question:** "How confident are you that your organisation could run an Open Market Consultation today?"

Scale - 1 (Not at all confident) → 5 (Very confident)  
insert

Go to .....Mentimeter.com  
Use code..... **6331 2330**

