

Competitive Dialogue and Competitive Procedure with Negotiation – Implementation

Choice of procedure

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Introduction

- Competitive Dialogue - Process summary
- Competitive Procedure with Negotiation - Process summary
- Key issues for choice of procedures



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Competitive Dialogue Procedure – Implementation

Five phases:

- Choice of procedure
- Selection of candidates
- Dialogue
- Tender evaluation/selection of winning bidder
- Post-winning bidder selection

Competitive Procedure with Negotiation – Implementation

Four phases:

- Choice of procedure
- Selection of candidates
- Negotiation
- Tender evaluation/selection of winning bidder

Choice of procedure

- Legal basis for Competitive Dialogue and the Competitive Procedure with Negotiation
- Choosing between Competitive Dialogue and the Competitive Procedure with Negotiation

Justification/choice between procedures – 1

- How will the justification for use of Competitive Dialogue and the Competitive Procedure with Negotiation be interpreted e.g.
 - How much adaptation should be needed to a “readily available solution” to justify use?
 - What degree of innovation is required to qualify as an “innovative solution”?
 - What elements or extent of complexity or risks are needed to justify use?
 - How much of the technical specifications must be unable to be established by other means to justify use?

Justification/choice between procedures – 2

- When should Contracting Authorities use Art.26(4)(b)?
- How will the fact that the justification is the same for both procedures influence the choice of procedure?
- Will familiarity with Competitive Dialogue lead Contracting Authorities to prefer it to the Competitive Procedure with Negotiation?
- How important will additional flexibility post-tender be to the choice by Contracting Authorities in Directive 2014/24/EU between Competitive Dialogue or the Competitive Procedure with Negotiation?
- When might it be justified for a Contracting Authority using Competitive Procedure with Negotiation to award without negotiation on basis of initial tenders?

Justification/choice between procedures – 3

- Will Competitive Dialogue be used in the special sectors where the Negotiated Procedure with a Prior Call for Competition offers greater flexibility than Competitive Dialogue?

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QUESTIONS AND ANSWERS