

# Think innovative!

## Laying the foundation for a successful Innovation Partnership

1st December 2020

Webinar organised by GROW G - Public Procurement



# Before we begin.....Housekeeping rules

- The session is available through webstreaming only. Please note that there is a slight delay of 45 seconds for the latter

- To submit questions or comments, please use



When writing your question, please write '@the name to whom you address your question + the question' (e.g. @Paul + What is Innovation Partnership?).

**We will read your questions and invite the corresponding speaker to answer**

- Time flies fast, therefore we will be rigorous on timekeeping
- All questions that remain unanswered during the sessions will be collected and answered afterwards through the [LinkedIn Group "Agents of innovation procurement"](#)

# Today's speakers

## HOSTED BY



**Ivo LOCATELLI,**  
*Senior Expert, DG GROW (Innovative and Digital  
Procurement unit)  
European Commission*

## SPEAKERS



**Hannu Latva-Rasku**  
*Procurement Preacher, Partner at Industryhack  
Finland*



**Rudolf Pekar**  
*Partner at Fellner Wratzfeld & Partner Rechtsanwälte  
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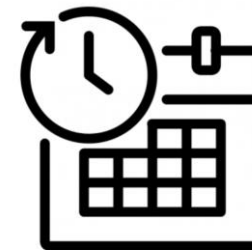


**Gert-Jan ten Hoer**  
*Consultant and process manager for social services, CNB  
Climate Neutral Building  
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**Poll**

Join at  
**slido.com**  
**#2WIP**

# Save The Date !



**1 February 2021**

***“From the negotiation to the execution of the innovation Partnership”*** (How to negotiate the key elements of the partnership? Managing the supplier during the execution of the partnership)

**A closing podcast:** "What Next?" - Interview with an entrepreneur

**A few words to get started !**

# The Innovation Partnership according to the Directive

- ✓ Addresses a “...need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market” (*Art. 31(1) Directive 2014/24/EU, Art. 49(1) Directive 2014/25/EU*)
- ✓ Innovation may entail R&D or not

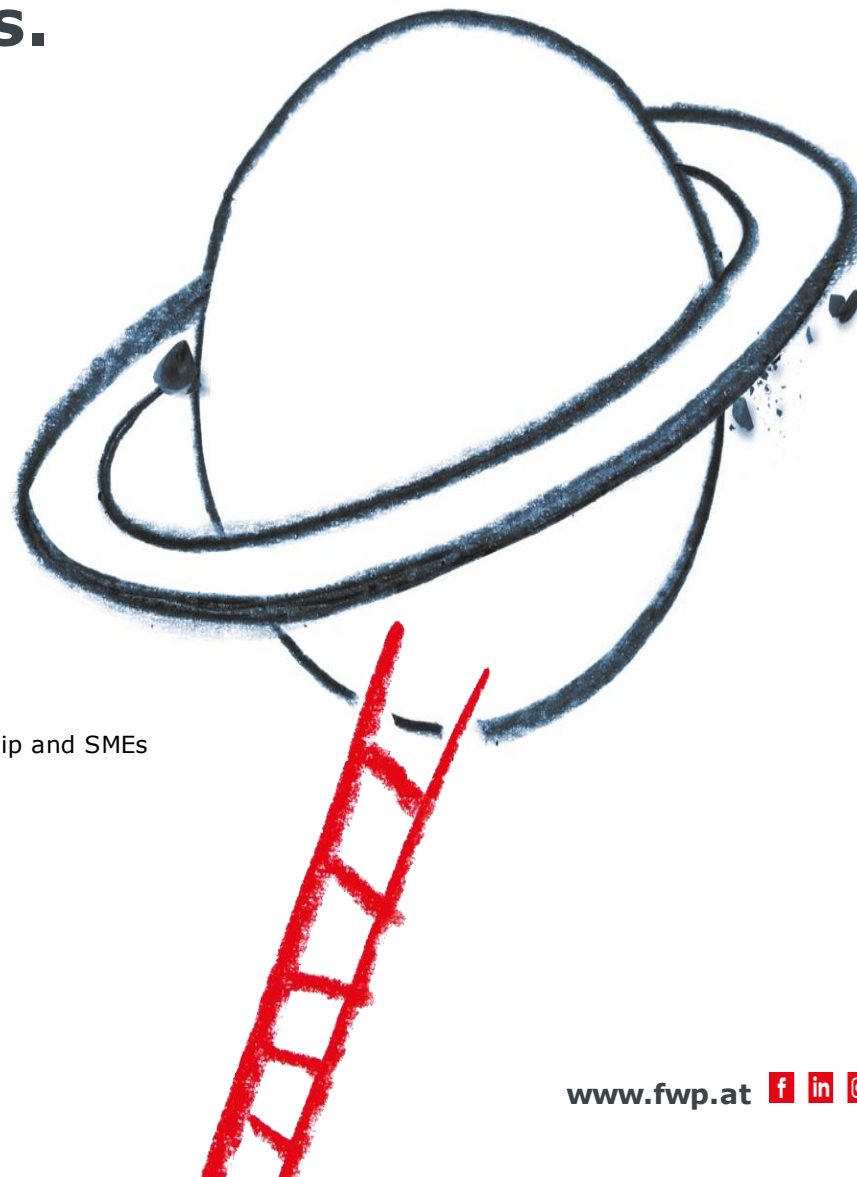


# The Innovation Partnership according to the Directive

- ✓ Covers both development & delivery of innovation (no need of 2 separate procedures)
- ✓ Development of innovation during contract execution

# Innovation Partnerships.

Innovation. | Realisation.



## Key Legal Issues | Preparation Phase

European Commission | DG Internal Market, Industry, Entrepreneurship and SMEs

December 1<sup>st</sup> 2020

# References.

## fwp procurement: Innovation Partnership wins Procura+ Awards 2020



Rudolf Pekar, fwp Partner



**AWARD I WINNER**  
Innovation Procurement in ICT



**Under the lead of fwp partner Rudolf Pekar Fellner Wratzfeld & Partner Rechtsanwälte GmbH (fwp) advised Bundesimmobiliengesellschaft m.b.H. (BIG) in connection with the structuring and procurement of one of the first Innovation Partnerships in Austria.**

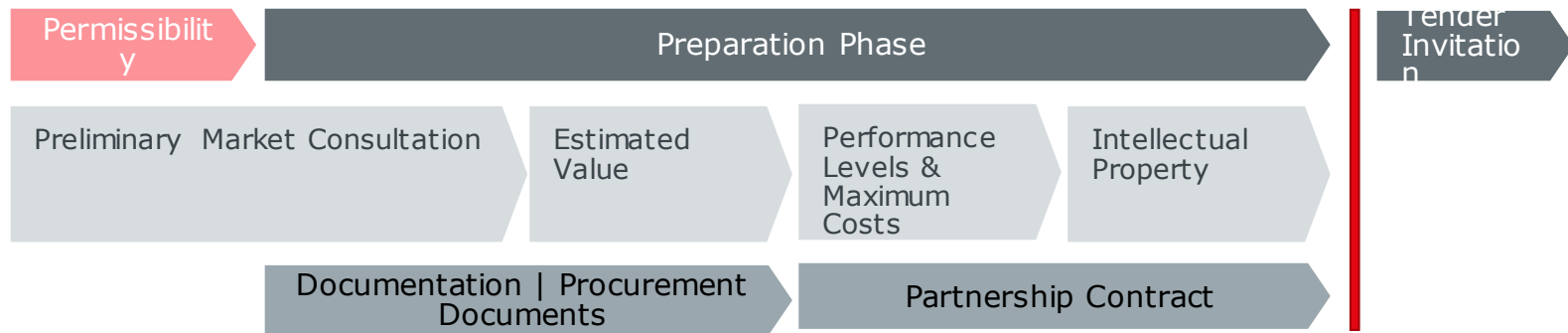
Innovation Partnerships were introduced in 2018 as a new kind of procurement procedure; what sets them apart is that once the actual procurement procedure for commissioning a contract partner is completed, innovative services are developed together with one or more partners to be purchased directly by the contracting authority without the need to conduct a new procurement procedure.

The goal of the Innovation Partnership fwp designed and conducted for BIG was to create an innovative electronic administration tool for the object and facility management department of BIG with a view to ensuring better connecting between the different levels of stakeholders. In addition, a key aspect of this Innovation Partnership was the joint further development of functionalities and the potential joint distribution of the developed software to third parties in a joint venture.

In working on this – so far unique in Austria – project, fwp was responsible for structuring and executing the procurement procedure as well as for preparing the complex contract documentation, i.e. the agreement on the Innovation Partnership, software development and the joint venture.

# Overview.

## Preparation Phase. | Milestones.



# Preliminary Market Consultation.

- **Why?**

- IP *only permissible* if based on need for an innovative product, service or works **not already available on the market**
- **Preparing procurement** and informing potential bidders (e.g. determination of estimated procurement value, maximum costs etc)

- **Who?** e.g. independent experts, public authorities or market participants

- **How? Market research | contact** of potential tenderers | **public notification /calls**

- **No violation** of principles of **non-discrimination and transparency**
- **No compensation** for advice (possible service contract)

# Estimated Value.

- **What?** Maximum estimated value net of VAT of **research and development activities during all stages** as well as **supplies, services or works to be developed and procured** at the end of the partnership.
  - Estimated value may *not* correspond to budget
  - Conflict between internal budget requirements and anticipatory procurement strategy
  - Consideration of the agreed maximum cost limit
- **How?**
  - **Comparison of costs** for similar goods/services and **rates**
  - Prior bidder involvement | market consultation
  - **Documentation** of calculation is key (e.g. stages, duration, milestones, calculation bases, assumptions for calculation)

# Performance Levels and Costs.

## ▪ What?

- Development and purchase of innovative goods/services require **compliance to specified performance levels and maximum costs**
- Performance level = quality of the development | maximum costs = cost ceiling for the development

## ▪ How?

- Variations for maximum costs: e.g. **goal price agreement** | **adjustment clause** for the cost ceiling | **fixed unit price**, depending on the authority's future requirements for use
- Performance Levels: often corresponding to minimum requirements/intermediate targets | specify clear milestones in development phase

## ▪ Consequence of non-compliance?

- **No subsequent purchase** of developed goods/services (only via new tender)

# Intellectual Property.

## ▪ What?

- Determination of **use of intellectual property rights arising from Innovation Partnership**
- No sharing of solutions with other partners without **prior consent**

## ▪ How?

- Variations for use of rights: e.g. remain **exclusively with the partner** | transfer to **contracting authority** | **shared rights** between partner and contracting authority / variation: use in joint-venture
- Structure of IP rights essential for market pull | shared IP or transfer of rights to contracting authority may deter potential participants (often IP highest asset)



# Contact.

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## **Fellner Wratzfeld & Partner Rechtsanwälte GmbH | Attorneys at law**

Schottenring 12 | A-1010 Vienna | [www.fwp.at](http://www.fwp.at)

**Disclaimer:** This presentation has been carefully prepared, but is for general information purposes only. It does not constitute legal advice nor replaces individual legal advice. We therefore accept no liability whatsoever for the presentation, the information contained herein, in particular for its accuracy, timeliness and freedom from error.

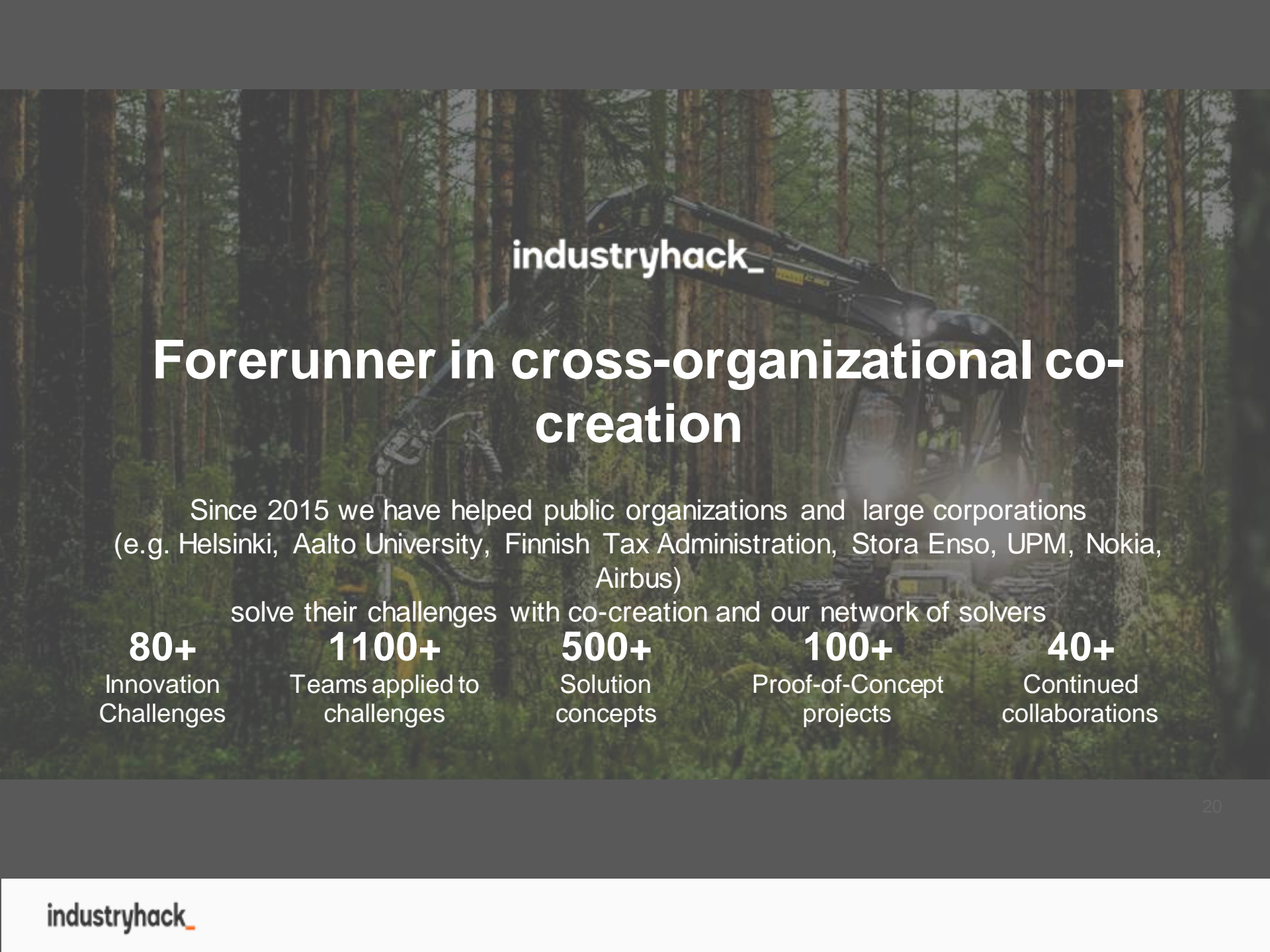
# Lessons from seven innovation partnerships: Challenge Definition and Participant Selection

The second EU webinar on the Innovation Partnership



## OUR MISSION

**We help people solve  
big challenges together.**



industryhack\_

# Forerunner in cross-organizational co-creation

Since 2015 we have helped public organizations and large corporations (e.g. Helsinki, Aalto University, Finnish Tax Administration, Stora Enso, UPM, Nokia, Airbus)

solve their challenges with co-creation and our network of solvers

**80+**

Innovation  
Challenges

**1100+**

Teams applied to  
challenges

**500+**

Solution  
concepts

**100+**

Proof-of-Concept  
projects

**40+**

Continued  
collaborations

## TODAY'S MESSAGE

**Think about what is the best way to accomplish the result you are hoping for, not just what must be done from legal point of view.**

# Innovation Partnership = Open Innovation

Not just buying innovations, but *innovating together* with partners, because

- Not all the best knowledge and skills are in your own organization
- You best know the challenges you are facing, and you are looking for partners who could figure out a solution
- Trust and genuine dialogue between parties leads to speed, quality and effectiveness



## INNOVATION VOCABULARY

# What is a Challenge?

-

**Challenge is the the problem, situation or opportunity your organization is facing and which you are looking to improve.**

# Your challenge is their opportunity

**Call for Applications (CFA)** is the combination of your challenge and the suppliers' business opportunity.

- Which goal or purpose the solutions should contribute to?
- What kind of social, technological or economic impact are you trying to achieve?
- What kinds of expectations or limitations do you have for the possible solutions?
- What is the business opportunity you are offering for the suppliers?
- How is the co-creation organized, what is expected of the parties during the process?



# Co-creation

Co-creation is a goal-oriented and prejudice free way of working, which emphasizes learning together. Trust between participants, equality and open interaction are its cornerstones.

- uses carefully defined challenge or opportunity
- has facilitation and fair rules of engagement
- requires commitment and activeness
- needs an open mind for learning and new approaches





# Anatomy of a Winner - Participant Selection

# Anatomy of a Winner (1)

Participant selection is based on the team each company offers for the co-creation

1. Ability to create innovations and concepts related to the subject
  - a. Measured with 5000 letters long written presentation, where usually only the best three get awarded points based on **innovativeness, scalability and experimentality** of their three preliminary ideas
  - b. We are looking for ability to create relevant, but innovative ideas as we believe this to be the most important ability during the R&D and implementation phases

# Anatomy of a Winner (2)

Participant selection is based on the team each company offers for the co-creation

2. Wide range of complementary skills ( at high level and current)
  - a. Measured by teams combined **competence in 4 to 6 key fields** chosen based on the Call for Applications
  - b. We are looking for ability to understand different points of view and ability to find new opportunities related to the challenge
  - c. Criteria is set at such a high level that usually none of the teams are able to get full points.



## Anatomy of a Winner (3)

Participant selection is based on the team each company offers for the co-creation

3. Team has an established way of working together
  - a. Measured by team members having **previous experience in working together**
  - b. We are looking for teams that can start working together right away and that already know they will get along for a long time as these projects often last a long time

## TODAY'S MESSAGE

**Think about what is the best way to accomplish the result you are hoping for, not just what must be done from legal point of view.**

# A good way forward

You have at least these two options:

- Decide that you will outsource this kind of work to someone like us and hold a tendering so you have a general agreement when you need this kind of services.

OR

- Start building your own capabilities by doing innovation partnerships yourself or maybe preferably hiring someone to help you at first.





# Industryhack

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An illustration of a park scene. In the center is a large tree with a wooden treehouse built in its branches. A woman stands to the left of the tree, a child is on a swing, and a baby is on the ground. To the right, a man with glasses, a construction worker in a hard hat, and another woman are standing. The background features a bright sun, a blue sky with clouds, and several green trees and bushes.

de  
Groene  
droom

# Fresh and natural gas-free Two Primary Schools

Innovation Partnership  
Hof van Twente, Netherlands

# Clemens Volker en

# Content



**Think innovative!**  
Laying the foundation for a successful  
**Innovation Partnership**

1st December 2020  
Webinar organised by GROW G - Public Procurement

European Commission

- Introduction
- Green Dream Hof van Twente ([www.degroenedroom.nl](http://www.degroenedroom.nl));
- Innovation Partnership;
- Procurement process;
- Research and Development phase;
- Delden en Markelo results overview;
- Financial key figures;
- Questions?

# Introduction



Gert-Jan ten Hoor  
Procesmanager CNB,  
On behalf of steering committee  
municipality, schools and  
childcare en care functions



Clemens Volker  
Projectmanager municipality Hof van  
Twente, department real estate

# Green dream Hof van Twente global overview



- Two childcare centres with Childcare, Care and Education for ages 0-14 years in Delden (2.200m<sup>2</sup> GFA) and 0-12 years in Markelo (2.700m<sup>2</sup> GFA);
- Research started in 2017 and market consultation at March 30, 2017 on first European Innovation Partnership on construction of schools;
- Summer of 2017 start tender process with one A4 Key Performance Indicators: Smart, Simple and Science;
- Tender contract Research and Development phase at February 2018;
- Go decision on innovations, final design and budget at January 29, 2019; Contract for realisation phase.
- IKC Delden in use at May 2020 en KC Markelo in use December 2020;

# Procurement proces



- Integrated contract with contractor, architect and installer;
- From 15 accepted candidates to 3 tenderers;
- Selection based on cooperation orientation en innovation skills, no design: saves costs and focus on cocreation;
- Inspiration day with 3 tenderes on University of Twente with Novel T (start-ups accelerator);
- Two Workshop sessions with tenderers;
- Winner: Klaassen groep contractor with installer Rouweler and RoosRos architects;
- Integrated but phased Contract;
  - Research and Development phase;
  - Demolition/reuse and construction phase
  - Maintenance and operate phase.

# Research and Development phase Dutch start-up Sound Energy

## Research and development phase:

- Researched multiple innovations such as: Cellulose, pavatex isolation, Sound Energy, Phase Changing Materials, straw block systems, dual current, jeans on the wall, infrared panels;
- Integrate individual innovations with total building engineering Solutions.

## Sound Energy as proof of concept integrated:

- Global Warming Potential score of 1 for heating and cooling;
- In comparison standard airco has GWP index of 2000;
- The more sunshine, the more cooling available (simultaneity);

[https://www.youtube.com/watch?time\\_continue=137&v=6rD0bc\\_ojY](https://www.youtube.com/watch?time_continue=137&v=6rD0bc_ojY)



The image shows the exterior of the Kindcentrum Markelo building. The building has a modern design with a facade of vertical grey slats and large glass windows. The name 'KINDCENTRUM MARKELO' is written in large, white, sans-serif capital letters across the middle section of the facade. The ground in front is paved with grey interlocking bricks. A black metal fence runs along the right side of the building, with a bicycle parked near the entrance. The sky is clear and blue.

KINDCENTRUM MARKELO

**KINDCENTRUM MARKELO, December 2020**

Cobouw Dutch sustainable building awards 2020, final 3  
Sustainable Dutch building awards "Gouden Kikker" final 3  
Winner Dutch public choice sustainable building 2020



**IKC MAGENTA TE DELDEN** | COBOUW AWARDS  
**Mei 2020**







# Integraal Kindcentrum Delden: Energie & Duurzaamheid



de  
Groene  
droom



**Nul en aardgasvrij:**  
Het gebouw is all-electric, gasloos. Klimaatneutraal en Nul-op-de-meeter afgewerd.



**Hoge GPR en frisse school:**  
Het gebouw heeft een GPR score van 9 en voldoet aan Frisse Scholen Klasse A en B.



**Innovatiepartnerschap:**  
Het eerste kindcentrum in Nederland die vanuit Innovatiepartnerschap is aanbesteed, ontworpen en (wordt) gebouwd.



**Zonnepanelen:**  
Het dak wordt geheel bedekt met ca. 480 zonnepanelen voor de opwekking van duurzame energie.



**Isolatie:**  
Hoge isolatiewaardes gevel, vloer en dak (op basis Trias Energetical). Toepassing van Bio-based isolatiematerialen.



**Licht:**  
Toepassing van LED verlichting. Daglicht- en aanwezigheidsdetectie.



**Hemelwater:**  
Opvang en infiltratie hemelwater op het groene schoolplein (natuurlijk spelen).



**Naaldbosbouw:**  
Zoveel mogelijk lokaal en regionaal afnemen van diensten en materialen.



**Zon georiënteerd en grote overstekten:**  
Optimale oriëntatie ten opzicht van de zonnestand. Beschermende luifels/ grote overstekten aan de oost-, west- en zuidzijde.



**Recycling - Cradle-to-cradle:**  
Toepassing duurzame materialen die hergebruikt kunnen worden (bijv. biologische vloerbedekking, mozaïek en jeans-on-the-wall).



**Elektro oplaadpunten:**  
Op het parkeerterrein en schoolplein zullen oplaadpunten voor auto's en fietsen worden geplaatst (in onderzoek).



**Educatie:**  
In en rond het gebouw zichtbaar maken van genomen duurzame maatregelen. Educatie over duurzaamheid: afval, kringlopen, energie en water.



**Triple beglazing:**  
Door toepassing van drielaagse beglazing wordt het warmte- en koudeverlies.



**Toekomstbestendig en flexibel:**  
Doordat de constructie op zichzelf staat, kunnen scheidingswanden geplaatst en gewisseld worden.



**Gevelbekleding:**  
Toepassing van duurzaam hout als gevelbekleding.



**Koeling:**  
Toepassing van innovatie Sound Energy waarmee koeling plaatsvindt middels geluidsgolven.



**Ventilatie:**  
De CO2 gestuurde ventilatie reduceert het energieverbruik en verkleint de hoeveelheid installaties.



**Intelligent gebouw:**  
Intelligent gebouw met gebouwbeheersysteem (o.a. weer gestuurde zonwering).

Dit project is tot stand gekomen vanuit Innovatief Partnerschap tussen de volgende partijen:



# Quality: Fresh school, highest class A



## Programma van Eisen Frisse Scholen 2015

In opdracht van het ministerie van Binnenlandse Zaken en Koninkrijksrelaties

Class A on energy, air quality and thermal comfort

# Quality: GPR score IKC Magenta

## Resultaten

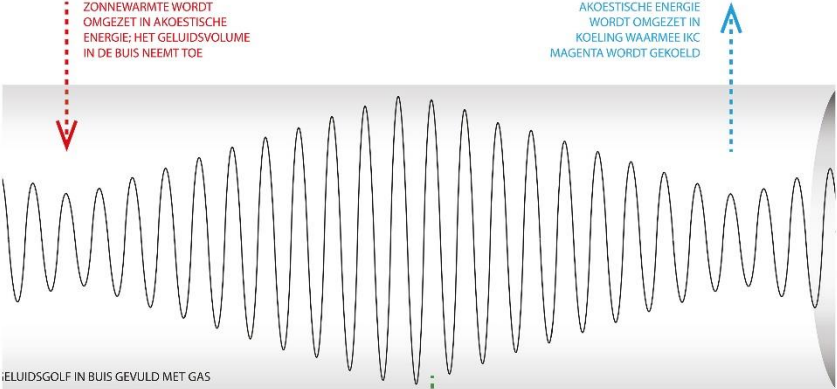
### Resultaten



# SOUND ENERGY SYSTEM

+

## CIPE SOUNDENERGY - KOELEN MET GELUID



# Interactive proces with users

+

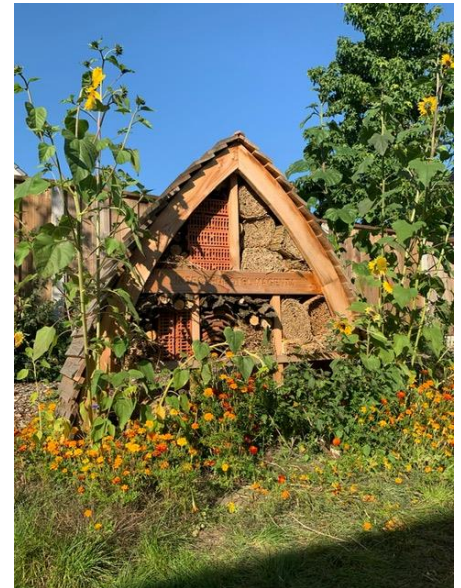


# Interactive proces with users: from waste to pencil

+



# Climate Adaptive, natural playground, bio diversity





Biobased and circular materials, such as pavatex and jeans on the wall

+



# Standardisation, disassembly for future use

+



# Energy roof, zero emission building

+



# Financial key figures m2 GFA



- Two projects within budget local council;
- Two projects realised start summer 2017 to end 2020, within 2,5 years (some delay due to Corona measures);
- Installation and construction contract € 1.650,- excl. VAT per m2 GFA;
- All additional costs included total € 2.450 per m2 GFA incl. VAT;
- Separate innovation budget, € 100,- per m2 bvo excl. VAT;
- Co investment by schools (Dutch legislation municipality responsible for new buildings and schools for maintenance and operate)

# Questions?



# Contact details



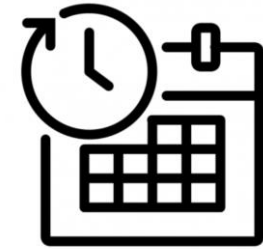
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# Q&A

Join at  
**slido.com**  
**#2WIP**

# Save The Date !



**1 February 2021**

***“From the negotiation to the execution of the innovation Partnership”*** (How to negotiate the key elements of the partnership?  
Managing the supplier during the execution of the partnership)

**A closing podcast:** "What Next?" - Interview with an entrepreneur

**Podcast to listen to:** The speakers answer the questions asked by the participants during the 1st webinar on the Innovation Partnership that took place on 13 October 2020.



# Keep in touch



[Visit our webpage](#)



["Agents of innovation procurement"](#)



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**THANK YOU  
FOR YOUR  
ATTENTION**

