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I walked a mile in someone else's shoes -A reflection on public tenders from a bidder and public authority perspective.

Tina Sänger, Proposal Manager, adesso SE



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My Certifications

- Proud certified APMP[®] Bid and Proposal Management Foundation since September 2023
- Certified Public Tender Professional since July 2019

My Work Experiences

- Former public procurement senior consultant for public authorities on local, state and federal level (Germany)
 - Constructed, published, reviewed and completed over 250 public tenders with a value of over 125 Mio. euro

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- Proposal Manager at one of Germanys largest Digitalization companies with a focus on public tenders
 - Review of published documents on all requirements
 with an additional focus on legal matters
 - Advising the proposal team on legal risks and chances
 - Conducting internal seminars to enhance understanding of German public tender laws





Agenda & the Importance of Public Procurement



- Talking about the Importance of Public Procurement
- Explore Perspectives from both Sides
- Common Challenges and Solutions
- Legal Framework and Regulations
- Example
- Discussion

APMP



Public Procurement in the EU and Germany: Size and Importance



EU-wide Tenders

- Public tender accounts for about 14% *of the EU's GDP*.
- In 2019, public contracts worth over
 2 trillion euros were awarded in the EU.

German Tenders

- Germany is the largest public procurement market in the EU.
- According to the Federal Ministry for Economic Affairs and Energy (BMWi), public contracts worth around 455 billion euros were awarded in Germany in 2020.
- Public procurement in Germany accounts for about
 15% of the German GDP.





Bidder's & Public Authority Perspective

Why did the bidder bring a ladder to the public tender? To 'bid' high and reach for success!

Challenges in Participating in Public Tenders

- High requirements regarding experience, referenzen...
- High regulations with no direct contact possibilities to the customer
- Limited possibilities in negotiating contract details

Objectives of Public Tenders from the Authority's View

- Finding the best bidder for the job for a price within own estimate
- Executing of the public tender without legal disturbances
- Avoiding a legal dispute with unconsidered bidder

Bidder

Public Authority Perspective

Strategies for Successful Bidding

- Contact to the customer, bevor the tender is published
- Strong internal records and systematic review e.g. references
- Qualified Proposal Team with an expert on public tender law

Evaluation Criteria and Selection Processes

- Defining criteria matching the markets possibilites
- Outling the project objectives and expectations to the bidder as precise as possible
- Evaluating the price and qualitve criteria submitted by the bidders





Common Challenges and Solutions

Why did the public authority cross the road? To get to the other 'bid'!

Where Bidder and Authority Challenge intersect

Mutual Understanding of Needs and Constraints

Innovation and Value Addition Transparency and Fairness Potential Improvements in the Tendering Process

- Establishing early Contact with the Public Authority
- Proposing specific Changes or Improvements During negotiation Rounds
- Implementing a Feedback Mechanism for Bidders

Risk Management and Mitigation





Legal Aspects and Compliance

Why don't lawyers ever get lost? Because they always know the statute of limitations!

Relevant Legal Considerations for Bidders and Authorities

Compliance with the EU Procurement Directives

Compliance with German Procurement Regulations

Anti-Corruption and Fraud Prevention Measures Compliance with Regulations and Best Practices

> Employing Professional Proposal Managers

Ensuring Directive Compliance & Preparing for Remedies Directive Challenges





Example

Federal Printing House (printing Passports, Cash Money...) - Development of proof of concepts (PoC) for AI applications in the governmental context



The tendered service involves consulting and support for the Al Competence Center in testing, evaluating, and prototyping Al-focused software for governmental administration.



- No Budget published
 Contract Lenght 4 years
- One total fixed Price

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Vague requirements discription

References

- At least 3 PoC in the context of AI in the fiel of public (preferably federal level within Germany) during the last 3 years completetd
- Give contact details to all 3 references for a reference call

Concept

- Write a concept explaning the structure of a PoC for an AI application in the governmantal context. Give examples from the named references.
- Not longer than 5 pages

Price

- Offer with a total fixed price
- Predicting all potential changes of the project over the next 4 years
- Submit a Budget Plan





Thank you very much for your attention! I hope I made a "bid"impression !

Let's discuss!

- How do you establish early contact with the Public Authority?
- How do you propose specific Changes or Improvements?
- How do you implement a Feedback?

DANKE! DHANK YOU! DHANK YOU! GRAZIE! GRAZIE! GRACIAS! DANK JE WEL!