

HOW TO PARTICIPATE IN PUBLIC PROCUREMENT IN FRANCE?

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AMBASSADE DE LITUANIE
EN FRANCE

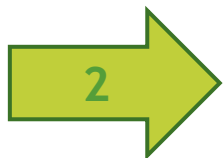


KNOW THE KEYS TO RESPONDING TO PUBLIC PROCUREMENT

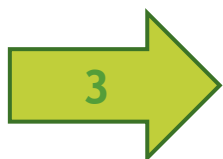
Knowing the keys to responding to public procurement



How to be informed of the launch of a public procurement?



How can we assess whether we can answer?



How to determine what to answer?

Knowing the keys to responding to public procurement

1 Being informed of the award of a public contract

I am interested in markets below €90,000

=> **Make yourself known in advance to the contracting authority** in order to be included in its list of companies to be contacted.

=> I can also go to the contracting authority's website - public procurement section - where **I create an account on this platform and subscribe to automatic alerts** with criteria that I have predefined.

I am interested in markets above €90,000

⇒ I can consult the contracting authority's website - public procurement section - where **I create an account on this platform and subscribe to automatic alerts** with criteria that I have predefined.

⇒ I can consult the national website of the Official Bulletin of Announcements of Public Procurement (BOAMP), where I create an account and subscribe to automatic alerts.

⇒ => I can read the Journal of Legal Announcements of the contracting authority

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How can we assess whether we can answer?

⇒ **Read the advertising notice (the AAPC)** = 1st idea of the contracting authority's need.

Watch :

- **the object of the contract**: does my activity correspond to the object or the lot?
- **the date and time limit for submitting tenders**: do I have time to make my answer?
- **the place of performance**: does the market area correspond to the catchment area?
- **the execution time and the period of start of the contract**: Is it my schedule allows me to intervene on the dates required by the Department?

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How can we assess whether we can answer?

⇒ **Identify yourself on the platform and download the file: I'm interested in the market**

⇒ Read the rules of the consultation:

It states :

- the object of the contract ;
- the place of performance ;
- the duration of the contract ;
- the time limits for execution ;
- the criteria for judging tenders ;
- the methods of reply (paper/electronic),

⇒ Read the Special Technical Clauses Booklet (CCTP)

This expresses in detail the needs and expectations of the Department.

⇒ Read the whole dossier if I decide to respond to the market

ESTABLISH A PUBLIC PROCUREMENT WATCH

Establish a public procurement watch

In order to identify the contracts to which you could apply, it is essential to set up a watch to detect targeted public tender notices and award notices.

It is essential to monitor the sources from which notices are published:

- Local press,
- Buyer profile, or common platform to several public purchasers or platform listing notices (dematerialization platform)

The implementation of this monitoring is all the more important for markets below 40,000 euros excluding VAT for which the public buyer freely chooses his advertising support.

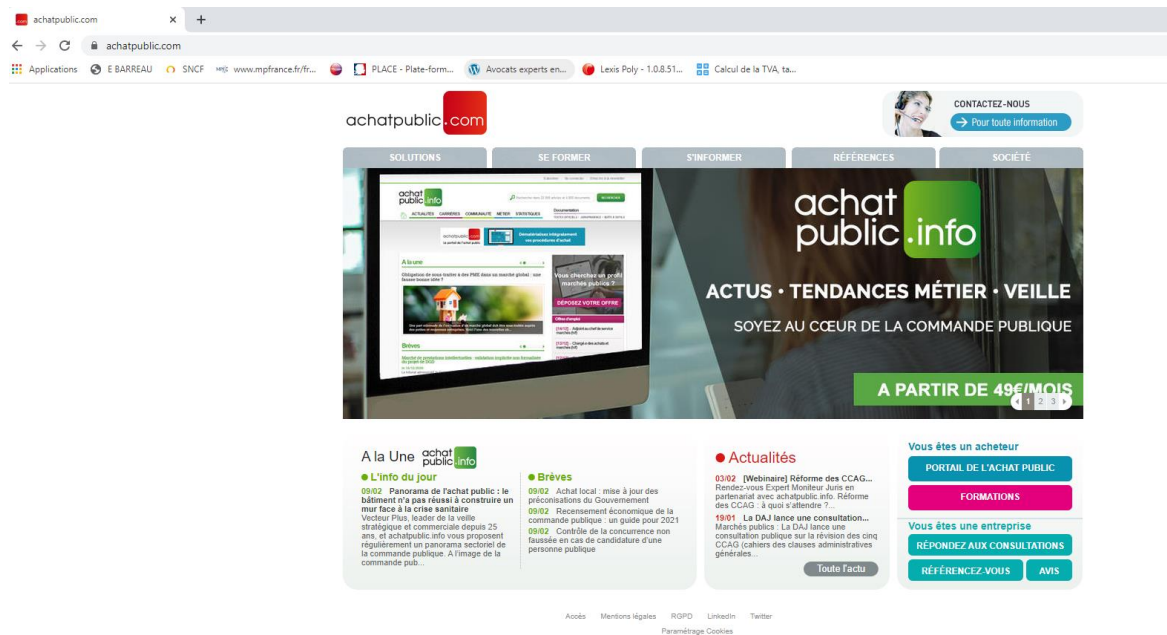
In addition to one-off consultations, you also have every interest in setting up an automated electronic watch (by creating alerts by keywords, market category, etc.).

Establish a public procurement watch

There are several sites to make your search easier and more efficient:

National monitoring perimeter websites, with search, consultation and e-mail alert services:

www.achatpublic.com



Establish a public procurement watch

Access to invitations to tender from the State, Ministries, CCI (free alert service):

Consultation of tender notices, downloading of the DCE (Files of the Consultation of companies), online response to government contracts on **PLACE** (Platform of purchases from the State):



www.marches-publics.gouv.fr

Website with a national monitoring perimeter, ideal for searching award notices:

<http://www.boamp.fr>



Establish a public procurement watch

ADVICE – Target your markets!

Configure your monitoring tool to target your markets as effectively as possible, specifying the geographical area you are monitoring, but above all describing your activity by relevant keywords. You will then receive the e-mail alerts that best meet your expectations.

To maximize your chances of success, **target markets where the subject matter is directly related to your technical competence and where the amount is a reasonable proportion of your turnover.**

Above an estimated amount of 40,000 euros excluding VAT, all public contracts must be officially published (on a buyer profile) and above an estimated amount of 90,000 euros excluding VAT, the buyer must also advertise on one or more specialised sites.

Establish a public procurement watch

THE OFFICIAL PUBLICATION SUPPORTS

Official Journal of the European Union (JOUE)	http://ted.europa.eu/TED/main/HomePage.do
And its TED Europa supplement	http://europa.eu/index_fr.htm
Official Bulletin of Public Procurement Announcements (BOAMP)	https://www.boamp.fr/

ANALYZE THE MARKET

Analyze the market

The watch you set up enabled you to identify a number of markets for which you could apply.

Applying for a public contract is an investment of time. Before you start, it is important to ask yourself the right questions, to take the time to analyze precisely what will be expected from the service provider and the implications for your company.

To do so, consult the DCE (Files of the Consultation of companies).

Understanding the essentials of how public procurement works

DCE is made up of documents necessary for the consultation of candidates for a contract, in which they must find the useful elements for the preparation of their applications and offers.

AAPC Notice of Appeal to the Competition	Advertising notice whose purpose is to make the need known to economic operators
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AE Deed of Commitment	This is the contract, the successful candidate and the Department sign it.
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Financial documents	BPU - Unit price list DPGF - Breakdown of the Global and Fixed Prices
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RC Rules of consultation	The "Rules of the Game" of competitive bidding
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Specifications	CCAP – Special Administrative Clauses Booklet Sets the administrative conditions of execution and settlement specific to the market launched CCTP – Special Technical Clauses Booklet Fixes the special technical conditions for the execution of the services
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Analyze the market

ASK YOURSELF THE RIGHT QUESTIONS

① Market Location

Where the market is located? Does its execution require travel to the site?

② The client's needs

Does the detailed requirement correspond to my company's know-how?

Does my company have the technical, human and financial potential to meet the need and take on the contract at the time of its execution?

Would it be appropriate to rely on partners to answer?

③ Market requirements

Are certain standards or certifications mandatory to meet?

④ Contract award criteria

What are the criteria for awarding the contract? Are they advantageous in relation to my offer and the strengths of my company?

⑤ Response time

Do I have enough time to put together my answer?

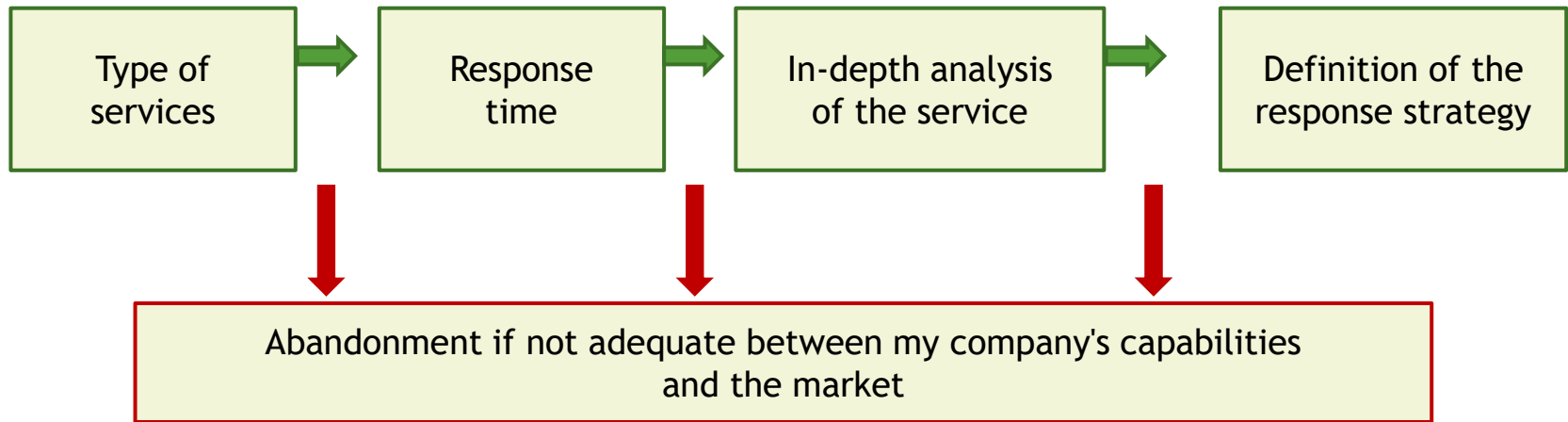
ADVICE – Be methodical!

To save time on market analysis, draw up a standard sheet that you will fill in for each market, listing the main elements to enable you to position yourself.

Adopt a "funnel" reasoning, asking yourself the most general questions first, then refining the match between the needs of the market and the capacity of your company.

Analyze the market

The different stages of your analysis:



After this analysis phase, if you feel you can participate in the market, you will need to define the form in which to apply in order to have the best chance of being selected.

In order to present yourself on your own, you need to have all the skills required by the market, and to have them all at the right level. You must also have the necessary availability in terms of time, material and human resources.

KNOW HOW TO JOIN FORCES TO ANSWER

Know how to join forces to answer

If you do not have all the skills required by the market, if they are not at the required level and/or if you do not have the time, human and material resources available to respond on your own, you can also join forces with other candidates to respond.

- **Subcontracting part of the market** can be interesting when the market requires a skill that you lack, or for which you do not have a sufficient level of qualification.
- **Appearing as a subcontractor** is an option when the company has partial competence in the market or the market is too large to be accessible to it. This option also offers a certain degree of security:
 - it is simple, and depends mainly on the relationship with one of the bidders who is well placed to win the contract,
 - it guarantees payment to the subcontractor directly by the public purchaser.

Know how to join forces to answer

- **In some cases, presenting oneself as a Joint Venture (GME - Cotraitance)** can be a solution in certain cases:

- Your company's skills are insufficient, you wish to find complementary skills that you can find in one other law firm,
- The market is too large, in volume and/or amount,
- Your order book is too busy to handle the market alone,
- You wish to maintain a contractual relationship with the client.

ADVICE – The stock exchange to subcontracting

The subcontracting stock exchange is a new tool that enables companies to be put in touch with each other in order to facilitate the creation of temporary groupings of companies with skills and/or resources.

The Purchasing Platform (PLACE) has this functionality, through which any company can benefit, for an ongoing consultation, from the list of companies interested in joining together as a GME (in other words, looking for co-contractors) within the framework of this consultation.

Know how to join forces to answer

There are 3 types of grouping:

The GMES (Groupement Momentané d'Entreprises Solidaire) where each of the members is responsible and therefore financially committed for the entire market.

The GMEC (Groupement Momentané d'Entreprises Conjoint sans aucune solidarité) where each of the members, including the agent, is solely responsible for its share of the market.

The Groupement Momentané d'Entreprises Conjoint and several liability of the agent where only the agent is responsible and therefore financially committed for the entire market. The other members of the grouping are only liable for their own shares.

OPTIMIZE THE PRESENTATION OF YOUR APPLICATION

Optimize the presentation of your application

In order for your response to a call for tenders to be of quality, you will need to convince on two levels:

① **Demonstrate that you have the required legal, technical and financial capacities**
=> corresponds to the “**application**” part,

② **Demonstrate that you are able to respond precisely to the need as described in the consultation documents** => corresponds to the “**offer**” part.

The candidacy file enables the public purchaser to assess whether your company :

- is in compliance with the law,
- has sufficient technical and financial capacity to perform the services provided on the market.

For each contract, a number of administrative documents are requested by the public purchaser in the consultation regulations (RC).

Optimize the presentation of your application

Summary table of the most frequently requested documents:

Documents to attach to your application		Content	Where to get the documents?
To be completed	DC1 – Letter of application and authorisation of the agent by its co-contractors	Identification of the candidate, distribution of the lots and elements on the group of candidates if necessary	https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat
	DC2 – Candidate's declaration	Presentation of the candidate (finances, references, qualifications, abilities)	
	Or DUME – Single European Market Document	Replace DC1 et DC2	On: https://dume.chorus-pro.gouv.fr/#/ Either on the buyer's profile (provided by the buyer)
	Or MPS – Simplified Public Procurement	A product of the "Tell us once" programme, which provides for the introduction of simplifications to make it easier for companies to apply, the MPS enables companies to apply by providing their single SIRET number. This system is doomed to disappear in favour of a single document that will constitute the application: the DUME.	
To join	Certificate of civil and professional insurance	Insurance certificates	With your insurance company
	Company presentation leaflet	Organisation, staff, material resources, references	By yourself
	Where appropriate, grouping agreement or note justifying recourse to sub-contracting	Organization methods	Par vos soins
	If requested, certifications (ISO, AFNOR, etc.)	Certification details	With the certification body
To be provided on award	Attestations of fiscal and social regularity (or attestation of due diligence)	Proof of your regularity in employment and tax matters	With taxes and URSSAF
Not required	K-bis extract (under 3 months)	Identity of the company and managers	On the Infogreffe website
	RIB	Bank details	At your bank

Optimize the presentation of your application

ADVICE – Submit a complete file and adapt your presentation to the purpose of the contract

Incomplete or incorrectly completed administrative documents may result in the non-admissibility of the application. Please complete them carefully and attach all the requested documents.

The application is an important piece of work, especially for your first response, but once it has been drawn up, you will only have to add to it as your structure evolves in order to respond to future calls for tenders, thus gradually reducing the time you spend on this part. However, make sure you adapt it to the subject of the contract, the aim being to convince the public purchaser of your ability to carry it out successfully. It is not necessary to be exhaustive, but to make the most of the right arguments.

The application file must demonstrate to the buyer your technical and financial capacity to carry out the services provided for by the contract. Take advantage of this opportunity to put your company in the limelight. The public buyer will get a first impression of your company through this section.

Optimize the presentation of your application

KNOW HOW TO PUT YOUR COMPANY IN THE SPOTLIGHT

General presentation of your structure

As an introduction to the dissertation, recall the characteristics of your company: history, activity, know-how and organization.

Labels et certifications

If you hold labels and certifications, attach them and explain your approach. They testify to the quality of your services and products. This is a very good way to gain the trust of the public order giver.

Highlight your teams

Highlight the professionalism of your teams by presenting "mini CVs", particularly in the areas of expertise relating to the market in question.

Submit your references

You are usually asked to include customer references in your application. They will enable you to demonstrate to the client that you have been able to satisfy similar requests. Know how to present them in a detailed and salesmanlike manner. They are the best proof of your ability and the buyer will attach particular importance to them.

Optimize the presentation of your candidacy

KNOW HOW TO PUT YOUR COMPANY IN THE SPOTLIGHT (cont'd)

Give your customers a voice

Back up your references with customer reference letters to demonstrate your know-how and reliability.

Give an overview of your company's public image

If there are press articles about the company, attach them to the application pack. You may also attach other items such as interviews or video reports in the case of an electronic response.

Highlight your environmental approach

In parallel with the analysis of files on the economic aspect, public procurement regulations increasingly allow criteria linked to the quality of offers to be integrated into their evaluation. For smaller companies (TPE/PME), which are more flexible and responsive, this may be an opportunity to differentiate themselves.

Demonstrate your social commitment

A small company (TPE/PME) committed to a policy where "people are at the heart of the concerns" will have an additional asset to be put forward to public contractors, who want to serve employment and professional integration. In this section, therefore, present your wage policy on issues such as access to training for your employees, the integration of young people or disabled workers.

OPTIMIZE THE PRESENTATION OF YOUR OFFER

Optimize the presentation of your offer

If the bid must enable you to prove your ability to respond to the market, **your offer must be able to convince the buyer that your response is the one that most closely corresponds to his or her needs and expectations** as described in the consultation documents.

Your offer consists of :

- A number of **administrative documents**,
- From your **technical brief and price quotation**.

Optimize the presentation of your offer

THE COMPONENTS OF YOUR OFFER

ATTRI 1 * - Deed of Commitment

This document must be completed and signed at the time of award. Nevertheless, many public purchasers ask for it in the tender dossier: the candidate summarizes the main characteristics of his offer and the price of his service in it.

DC4 * - Subcontracting declaration

Form relating to the presentation of the subcontractor(s) to be completed and signed: the holder submits his subcontractor(s) for the agreement of the principal.

* ATTRI1 and DC4 downloadable on <http://www.economie.gouv.fr/daj/formulaires-declaration-candidat>

CCAP - Book of specific administrative clauses

CCTP - Book of specific technical clauses

To be read and studied to make up the offer.

Unit price list (BPU) and/or breakdown of the global and flat-rate price

Constitute the price offer.

Optimize the presentation of your offer

THE COMPONENTS OF YOUR OFFER

Technical memory

To be drawn up: there is no standard plan.

The buyer expects the bidder to respond to the elements expected in the DCE (consultation regulations, CCAP, CCTP...) and to adapt and personalize his response to his needs.

ADVICE – Propose variants and quantify options

If the public purchaser allows it, **propose one or more variants**. The public purchaser is not always aware of new products and services available on the market. **Proposing alternatives to the basic solution described in the specifications allows you to stand out from your competitors**, strengthen your position as an expert and inform the buyer of the scope of your products or services.

Optimize the presentation of your offer

FOCUS ON THE TECHNICAL MEMORY

This is where **you show that your answer corresponds to the buyer's needs and expectations**. It is important to present a well-structured technical brief. The outline of this brief is sometimes imposed by the public purchaser in the consultation regulations. It can also provide a response framework in the DCE that you must fill in and submit in your offer.

Example de memory plan

General data, reminder of the problem: "our understanding of your needs".

- In order to introduce your technical response, do not hesitate to reformulate your understanding of the buyer's needs and the context in which he is led to award the contract (stakes, objectives, etc.). However, be careful not to repeat word for word the wording of the consultation documents.

Description & methodology

- The proposed technical solution. The methodology for implementing the service.

Organization & human resources

- The mission schedule. The organization chart of the mission.

ADVICE – Stand out in your technical MEMORY

Make sure you emphasize all the advantages and special features of your offer:

Always motivate your choices and show that they meet the buyer's requirements. The client sometimes has to deal with offers that are very similar: an innovative or original offer is all the more likely to stand out from the crowd and be selected.

Be proactive while respecting the framework required.

Strictly follow the instructions in the consultation rules, study the CCAP and CCTP very carefully and propose variants where permitted.

Attach samples and mock-ups to your file:

In the context of supply or service contracts or in the context of competitions, if possible, attach samples, models, multimedia supports (photos, videos), etc...

ZOOM ON THE PRICE OFFER

Depending on the market, **the price will have more or less impact on the award decision.**

You have to fill in your price offer in the act of commitment (AE) or in the financial appendix that appears in the DCE. For a purchase of a well-identified and known product or service, the buyer may attach a price schedule to be completed. This is a mandatory document relating to the offer.

UNDERSTANDING THE ESSENTIALS OF HOW PUBLIC PROCUREMENT WORKS

Understanding the essentials of how public procurement works

A public procurement is a contract that is built up in different stages:

STAGE 1	The consultation	The contracting authority is looking for the company that will be able to meet its needs.	It publishes an advertisement = a Notice of Public Call to Competition
STAGE 2	The response	The interested company formalizes a written reply stating the reasons in relation to the need expressed by the contracting authority.	It submits its offer in respecting the rules described by the contracting authority before the date and time imposed
STAGE 3	The analysis	The contracting authority compares the tenders received and awards them a score according to the evaluation criteria announced in the advertisement (=AAPC).	The judging criteria make it possible to distinguish between candidates in a transparent manner.
STAGE 4	The choice	It is determined on the basis of the analysis of the offers.	By the President or elected members of the Commission of tenders

Understanding the essentials of how public procurement works

A public contract is a contract that is built up in different stages:

STAGE 5	The attestations	The contracting authority must ask the winning tenderer and check the certificates proving its social and fiscal regularity.	As soon as the amount of the market is higher than €5,000 excl. VAT
STAGE 6	Information for those not selected	The contracting authority must inform and explain to the other tenderers why they were not selected.	This step may allow those not selected to be able to take legal action before the start of the execution of the contract.
STAGE 7	The notification	The contracting authority shall inform the tenderer that he is the holder of the market.	A copy of the contract documents should be sent to holder
STAGE 8	The execution of the contract	The incumbent carries out the work, delivers the supplies or performs the services ordered by the contracting authority.	This requires precise adherence to the imposed deadlines.

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THANKS FOR YOUR ATTENTION!

