

# Public procurement “how-to” series:

## Episode 1 – Pre-procurement market engagement

### The purpose of your pre-market engagement

Think about why you are carrying out pre-market engagement as this will shape your approach as this will influence the approach you take. You can:

- see what’s available in the market
- increase market interest
- obtain feedback.

### What should I ask?

Any feedback that helps inform your process is useful.

Think about asking for feedback on:

- different ways to achieve your aims
- information the bidders would need
- innovation
- the proposed procurement route (including lot structures and framework agreements) and timetable
- the specification
- social value opportunities
- equality, diversity and inclusivity.

### How long does it take?

It is important to allow enough time to carry out the engagement, consider the feedback and reflect this in your procurement.

We would say allow around three months before your intended launch date. However if your procurement process is complex you may need longer.

### How to achieve the aims of your market engagement

Start the conversation, get feedback and increase interest through:

- presentation events
- surveys and/or targeted Q&A
- one-one-one sessions.

Remember your equal treatment obligation so make sure the same amount of time is given in each meeting and consider what information can be shared to all participants.

### Record keeping!

We recommend record keeping throughout your procurement, however “informal”.

Good written records will:

- support your procurement business case/strategy and the preparation of your Regulation 84 report (to be prepared at the end of the procurement)
- put you in a strong position to respond to any questions raised.

### How do I start?

A Prior Information Notice (PIN) in Find a Tender is the best way to kick start your pre-market engagement.

A PIN is free and transparent and opens the discussion up to the whole market. You can point suppliers in the direction of the PIN to encourage them to get involved.

### Market engagement

Speak to the market and explore options and implications of different approaches first.

It may also highlight alternatives you had not considered or cost implications of different approaches.

### Using market engagement to help neutralise incumbent advantage

Sharing information about the current arrangements and contract can help to neutralise incumbent advantage. You can also get an understanding from the rest of the market as to what information they might require to submit meaningful tenders.

This is an opportunity to level the playing field by sharing information (take care with confidentiality obligations) and to consider alternative approaches.

### Are there any rules?

There is no prescribed process for pre-market engagement. Remember the core principles of equal treatment and transparency:

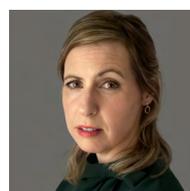
- be careful not to distort competition
- ensure you share the same information with everyone
- make sure decisions you make (such as about a solution available or your specification) are objectively justified.

Where you allow a particular supplier to assist with drafting the Specification, then you do have to give them the opportunity to explain how their prior involvement does not distort competition – you cannot automatically exclude them.

## Contact



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