

# **EIPA supporting the Irish National Transport Authority with a major Competitive Dialogue award**

The Irish National Transport Authority (NTA) is currently in the process of using the Competitive Dialogue procedure defined in Directive 2014/25/EU to award a long term, high value contract for the implementation of a multi-modal ticketing transport payment process for citizens and visitors for all modes of public transport across the whole of Ireland (the “Next Generation Ticketing” programme).

The project aims to simplify the public transport payment process, simplify and centralise management of travel entitlements and tickets and thus support and encourage greater adoption and usage of public transport by offering an improved customer ticketing experience.

The contract is for an initial period of 10 years with an option for the NTA to extend for a further 10 years.

EIPA is delighted to have been invited by the NTA to deliver a series of training sessions for officials at all levels to enable them to implement the Competitive Dialogue procedure more effectively, with particular focus on the dialogue phase.

Experience shows that the conduct of the dialogue phase is key to success in a Competitive Dialogue procedure.

The importance of the dialogue phase in Competitive Dialogue is that it is an opportunity for awarding bodies (Contracting Authorities and

Contracting Entities) to resolve issues associated with the contract conditions and specification and how they will be delivered before calling for final tenders.

The key to success in running a successful dialogue phase is that the ability to discuss all aspects is not the same as saying that it is desirable to do so – so awarding bodies need to define the issues it wants to discuss in the dialogue phase e.g. negotiable and non-negotiable elements of the contract specification and conditions and scope for bidder alternatives (e.g. use of materials) within offers.

The sessions have included issues such as:

- Planning for, launching and conducting the dialogue phase to ensure that the award process achieves its aims for the NTA including:
- Define the issues it wants to discuss in the dialogue phase
- Anticipating the issues candidates will want to discuss in the dialogue phase
- Determining the response procedure to be used to such requests
- Giving feedback to candidates on interim submissions
- Developing an understanding of potential solutions before launch of the dialogue (avoiding the dialogue becoming a “voyage of discovery into the unknown”)
- Understanding the basis on which changes can be made to the procurement documents during the dialogue phase
- The governance arrangements for the dialogue phase, including the internal resources needed and responsibilities of different bodies within the governance structure

- Development of the Descriptive Document prior to launch of the dialogue
- Development of the contract conditions
- Development of call for final tenders
- Linking the contract award criteria to the contract specification
- The approach to scoring submissions and guidance to be given to evaluators
- Balancing price and quality in the evaluation of final tenders
- The structure of the price submissions in the final tenders
- Approach to the first and later call-off awards

The sessions for the NTA have been led by Michael Burnett, a UK Chartered Accountant and EU public procurement expert, who was the Director of EIPA's European PPP Forum from 2005 to 2020 and is the author, with Martin Oder (Partner, Haslinger Nagele Law Firm, Vienna, Austria) of EIPA's books "Competitive Dialogue and Negotiated Procedures – A Practical Guide" (two editions, 2009 and 2015).

Future sessions are expected to cover how to assess the outcome of the various dialogue meetings and the progress of the dialogue.

EIPA's Master Classes in Competitive Dialogue and Negotiated Procedures - run by Michael Burnett and Martin Oder - have been running for more than ten years and aim to provide practical guidance on how to award public contracts using these procedures.

Further insights by Michael Burnett and Martin Oder on Competitive Dialogue and Negotiated Procedures may be found in: Competitive Dialogue – How to make best use of the dialogue phase

The views expressed in this blog are those of the author and not necessarily those of EIPA.

*This blog is written by Michael Burnett.*

If you would like to learn more – and, should you wish, discuss any issues arising in your own procedures, why not join EIPA's upcoming course - **Competitive Dialogue and Negotiated Procedures Master Class**