A Preliminary Market Consultation Notice

Notices have been developed in Public Contracts Scotland (PCS) to:

- assess what the market can provide
- stimulate innovation
- procure research and development
- procure a limited number/test run/prototypes of innovative solutions

Research and Development is work directed towards the innovation, introduction and improvement of products and processes.

A Preliminary Market Consultation Notice

Before starting any procurement activity it may be appropriate to conduct some market consultation. Regarding innovation, it may be helpful to seek or accept advice from:

- independent experts
- authorities or
- market participants

to help assess the development of the market and to plan subsequent procurement processes.

Previously you may have published a Prior Information Notice (PIN) to advertise your planned procurements. However you may not know whether to pursue a public procurement and you want to find out whether the goods and/or services:

- exist in the market or
- could exist in future
- could exist with the resources available to you

Using a Preliminary Market Consultation Notice (PMC Notice) in Public Contracts Scotland (PCS) can help you investigate the above and prepare for possible future procurement exercises.

The PMC Notice lets you seek information from market participants and you can:

- post specific open challenges and/or specifications
- post outcome based requirements
- ask questions of the supply market
- add documents to the notice
- seek notes of interest
- allow organisations to give information through the PCS postbox
- allow suppliers to network/collaborate with one another via the Supplier Collaboration Tool

A PMC Notice is not a regulated procurement notice and is not an intention to procure goods or services. Therefore a contract cannot result from a PMC notice alone.

A PMC Notice is exempt from The Public Contracts (Scotland) Regulations 2015.

When consulting the market, you must not distort competition or violate the principles of non-discrimination and transparency.

When using the PMC notice you must:

- give suppliers appropriate time to respond
- ensure an appropriate range of PCS CPV codes are chosen to enable the issue of PCS alerts across the right range of suppliers for your consultation. This is very likely to be a much broader range of codes than you would normally use for regulated procurements
- use the information obtained from the market in a way that doesn’t discriminate against future competition
- ensure you do not disclose information forwarded by suppliers, which they have designated as confidential, under normal circumstances e.g. technical or trade

secrets/commercial data etc.

You can add a market consultation document to a PMC Notice to gather information on specific projects. A blank example template is included below.

Any documents you need are listed below

Innovation Preliminary Market Consultation - Blank Template

(file type: docx)

Supplier Collaboration Tool

Sometimes a solution to a public sector issue does not exist. Innovative solutions therefore need completely new supply chains or input from several suppliers with differing specialisms e.g. in situations where one supplier does not have all of the core competencies needed.

Encouraging the formation of new supply chains can be highly desirable, particularly if SMEs can play an active role in the creation of innovative goods and services.

To help form supply chains for innovation projects, functionality has been added to Public Contracts Scotland to allow suppliers to seek collaborative partners. This is called the Supplier Collaboration Tool.

Within the PCS postbox of the new Preliminary Market Consultation Notice, organisations can choose to seek a partner(s) to potentially work together for an innovative procurement that may occur in the future.

When using the Supplier Collaboration Tool organisations will be asked to provide information on:

- their core competencies and
- what competencies they are looking to obtain through working with an external partner

Organisations wishing to use this functionality are asked to sign a disclaimer and a non-collusion agreement before their details are entered into the pool of suppliers for a particular PMC Notice.

When more suppliers request to join the pool, existing pool suppliers will be sent an email alerting them to new suppliers joining.

Suppliers’ contact details are supplied in PCS and it is the responsibility of the suppliers to contact one another via the information provided here. All subsequent communication between suppliers will happen outwith PCS and the buyer will not be involved in the process.

Please note that suppliers' contact information is deleted when the PMC Notice is closed.

More information on PCS innovation notices can be found on the next page Pre Commercial Procurement Notice and Award.