

Deliverable 5.3.1
REPORT ON
TRANSFERABILITY
PROTOCOLS IN France

WP5 – Transferring
Activity 5.3: Knowledge transfer
& mutual learning.

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Prominent MED

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1. Introduction to Prominent MED project and transferring activities

The main idea of Prominent Med project focuses on the use of Public Procurement of Innovation (PPI) procedures supported by the European Union in order to stimulate the development of innovative technology systems and solutions in the field of energy efficiency and their market uptake. When it comes to innovation, local authorities were mainly involved in development of the infrastructure required to enable and speed up establishment of various institutions directed to innovation, like incubators, RDI centers etc. with main aim to support innovative companies.

Local authorities are rarely directly involved in targeted RDI activities as they were always perceived as buyers and users of mature products and solutions. The challenge that partners are facing is to study and implement (test) PPI procedures that can be transferred in similar contexts of the MED area.

Project is going to enable the areas involved to procure and implement innovation and boost development of a wide range of innovative products and solutions customized and tailored to their needs. Learning areas will have the opportunity to introduce or catalyze PPI procedures into their public procurement policies enabling faster implementation of local strategies and plans aiming at sustainable development through green growth. At the same time partners and involved clusters will get an opportunity to establish close peer-to-peer cooperation on one side and creation of new networks on the other side.

Prominent Med project embraces 3 main different stages: studying, testing and transferring. The first stage called 'studying' was dedicated to learn about innovation procedure from a legal and technical point of view and to prepare the pilot building tender procedure. By means of 'testing' module, the innovative tender procedures were launched and pilot buildings works were conducted and monitored.

The last Prominent Med project module called 'transferring' was devoted to export the PPI methodology, country pilot results and, in general, the knowledge gained by project partners through the organization of dedicated dissemination events and individual meetings.

The present report is dealing with the activity 5.3 knowledge transfer and mutual learning, a task whose aim is to activate the transfer process between project partners and other actors which express the interest to apply the PPI model. The know-how transfer will need the execution of national transfer meetings during which both counterparts would sign a transferability protocol in order to set a common agreement and detailing transfer measures.

2. Transferability activities in France

2.1. Introduction to knowledge transfer and mutual learning activities in France

CSTB's position in PROMINENT-MED is specific since CSTB did not follow any French pilot project implementing PPI. Consequently, CSTB asked an adaptation of the "transferability protocol" in July 2019. The template, which was proposed, was designed to integrate this specificity.

For the transfer, CSTB proposed to adopt an approach connected to its core business. Signing a protocol with municipalities while CSTB was not assisting a municipality during Prominent MED, was a challenge. Therefore, CSTB suggested to organize four training courses focusing on PPI dedicated for local / regional public authorities. This approach was accepted by the Project Officer and the project manager of Prominent MED.

2.2. Description of the actions

At CSTB, only one person (Frédéric BOUGRAIN from the Department of Economic Studies who was the main person involved in Prominent MED at CSTB) oversaw the organisation of training sessions. Several regional institutions/associations members of the national network "Sustainable building" (<http://www.planbatimentdurable.fr/reseau-batiment-durable-r123.html>) were contacted. These institutions passed on the information to their members and those who were interested in PPI contacted the Department of Economic Studies at CSTB.

Prominent MED focuses on PPI for public building energy refurbishment in small municipalities. However, it was decided to enlarge the scope of application. Indeed, several tools are already implemented by French public authorities to renovate their buildings. Some of these tools are quite close to PPI. For example, energy performance contracting (EPC) is well diffused in France among regional public authorities for renovations projects aiming at reducing energy consumptions of public buildings in operation. The market engagement is usually very light, but the approach is almost the same as in PPI. The competitive dialogue and the competitive procedure with negotiation are used and award criteria focus on energy performance and life cycle cost. Thus, attracting public actors with training sessions focusing on PPI and building renovation was a challenge. It appeared necessary to enlarge the scope of application to make training sessions more appealing.

The implementation of circular economy principles in deconstruction projects is still in its infancy among public actors. PPI which was used in Prominent MED to reduce energy consumption of public buildings may also be utilised to maximise the reuse and recycling of materials and products coming from renovation or deconstruction.

Consequently, the training courses were based on the guidance "PPI implementation strategy in MED countries" but the scope was energy performance, waste reduction and the promotion of circular economy principles during the renovation of public buildings.

Among the public actors who expressed a strong interest for the topic, four benefited from the training sessions:

1. **Etablissement Public Foncier d'Ile-de-France (EPFIF):** a webinar was the support of the training session organised the 23rd June 2020;
2. **Plaine Commune:** the training session was done at the seat of Plaine Commune in Saint-Denis the 30th of June 2020. The session was opened through to the municipality's members of Plaine Commune and other stakeholders (e.g. social housing companies) located on this territory;
3. **The Departmental Council of Meurthe-et-Moselle:** the training session was done at the seat of the Departmental Council in Nancy the 16th of July 2020;

4. **Regional Council of Normandy:** the training session was done at the seat of the Regional Council in Caen the 21st of July 2020. It gathered about 40 people representing public authorities (municipalities, social housing companies, etc) involved in public procurement.

2.2.1. DESCRIPTION OF COUNTERPARTS

CSTB involved four different public authorities in the transfer of knowledge and experience acquired during Prominent MED project.

EPFIF is a state-sponsored property development agency serving the municipalities of Ile-de-France. In 2015, it owned a land portfolio of 1,779 billion euros covering 12 million m². In 2018, it sold 7,140 housing units and 366,000 m² for the creation of new business activities (it represented 209 M€). Its goals are threefold:

- a. Foster the rebirth of Ile-de-France housing sector;
- b. Facilitate the installation of new businesses;
- c. Stimulate the renewal of multi-owner properties.

The activities are divided into four phases:

- a. Determining the project framework: signing land action agreements with the local authorities;
- b. Acquiring the land: purchasing land found within the scopes set out by the agreement;
- c. Land portage: carrying out priori study, requalification, securisation and release to market of property purchased;
- d. Sale: reselling property to local authorities or operators appointed by the latter at cost price without profit or commission.

Plaine Commune which is a Public Territorial Institution (<https://uk.tourisme93.com/plaine-commune.html>) that brings together nine towns of the Seine-Saint-Denis : Aubervilliers, Épinay-sur-Seine, L'Île-Saint-Denis, La Courneuve, Pierrefitte-sur-Seine, Saint-Denis, Saint-Ouen, Stains, Villetaneuse (about 411 000 inhabitants living on 5 000 hectares : half of the surface area of Paris). Plaine Commune joined the Covenant of Mayors few years ago. This local authority has its own Climate Action Plan.

The Departmental Council of Meurthe-et-Moselle represents one of the 96 French Department (a public authority between Regions and municipalities). It mainly manages social and welfare allowances, junior high-schools, local buildings, local roads and and it brings its contribution to municipal infrastructures.

Regional Council of Normandy is the executive body for the French Region Normandy. The Regional Council has its seat in Caen. The Regional Council is the unique competent authority to coordinate the policy measures from European, national, regional and infra-regional levels by piloting the various frameworks and strategies and the managing authority in charge of coordinating and facilitating the liaison between stakeholders of the Haute-Normandie innovation ecosystem. The Regional Council is also in charge of managing high-schools which represent its main property. Region Normandy is very active in the field of public procurement. A regional network dedicated to this issue has been created and explained why in the middle of July so many people (38 but more than 50 registered) still joined the training session.

2.2.2. ACTIVITIES CONDUCTED

The organisation of each training session was the result of several exchanges by emails and phone between CSTB and one person representing the public entity.

At **EPFIF**, the communication was established with the director of the sustainable development department. At **Plaine Commune**, it was with the project manager in charge of urban renewal. At the **Departmental Council of Meurthe-et-Moselle** the contact was with one person working for the public

procurement department and another working at the property department. Finally, the project manager in charge of circular economy was the contact at the **Regional Council of Normandy**.

The sanitary crisis completely modified the initial approach.

Initially, the speaker (Frédéric Bougrain) was supposed to conduct a “face-to-face” training session in April and May. All actions were cancelled at the beginning of the lockdown (mid-March in France). At the end of April, in May and even in June, a new framework was established. It was decided that most training sessions would be delivered through a webinar. However, in most cases, the attendance of a limited number of people in one room was accepted.

Each training session followed the same framework, but some parts were adapted to the expectations of the audience. The length of each session was between 2 and 3 hours. The agenda was in five parts:

- **Presentation of public procurement in France**
 - Every year, French public authorities spend around 10% of GDP on the purchase of services, works and supplies;
 - Buildings account for 45% of energy consumption in France and 25% of CO₂ emissions;
 - There is a need to integrate social and environmental criteria in public procurement.

The goals of Prominent MED were also presented: 1/ to stimulate the adoption of innovative energy efficient solutions and processes for public building energy refurbishment; 2/ to enhance the level of knowledge and experience of small and medium sized municipalities with PPI.

- **Definition of innovation which is at the core of PPI**

“An innovation is the implementation of a new or significantly improved (good or service), or process, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations. (...) The minimum requirement for an innovation is that the product, process, marketing method or organisational method must be new (or significantly improved) to the firm. This includes products, processes and methods that firms are the first to develop and those that have been adopted from other firms or organisations” (OECD, 2005, p.46).

- **The role of needs identification and market engagement in PPI**

Needs identification is strategic for procurers since it will constitute the base of the functional/performance-based specifications. It is the prerequisite of the call for tenders. The definition of the European Directive 2014/24/EU on public procurement was used to show the role of market engagement in public procurement and to convince public buyers that this approach is recognised and legal: *“Before launching a procurement procedure, contracting authorities may conduct market consultations with a view to preparing the procurement and informing economic operators of their procurement plans and requirements. For this purpose, contracting authorities may for example seek or accept advice from independent experts or authorities or from market participants. That advice may be used in the planning and conduct of the procurement procedure, provided that such advice does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency”* (Art. 40). Cases of different projects (circular procurement, green procurement, innovation procurement, Prominent MED) illustrate these issues.

- **The presentation of public procurement procedures**

The aim was to oppose Pre-Commercial Procurement and innovation partnerships that include the procurement of R&D services to PPI which excludes R&D. The three different procedures used traditionally for PPI were exposed. The aim was to explain that the choice for one of this approach strongly depends on the results of market engagement. An open procedure is for example possible if an extensive market research allows public authorities to have a very good knowledge on the technical and organisational solutions that might be implemented.

- **The main lessons from PPI**

Presentations of several case studies. Prominent MED was presented at this level during the first two sessions but then Prominent MED illustrated the section on needs identification and market engagement. Indeed, the key lessons from PPI in small Mediterranean municipalities concerned needs identification and market engagement.

2.3. Results and conclusion

All training sessions were appreciated for two reasons:

- it was free and
- it raised the awareness of public authorities on the role of PPI. It demonstrated public servants that PPI is not so complex to implement. Indeed, all the public authorities involved in these training sessions can rely on human resources to implement the approach presented during the training session.

The impact of these training sessions was very strong for Plaine Commune and the Regional Council of Normandy since the training sessions were opened to other organisations which have business relationships with these two public authorities.

The participants of the training sessions work on issues dealing with building renovation, urban planning, circular economy, energy performance and public procurement.

The training session with EPFIF (online) the 23rd of June gathered 5 people from different internal departments. It shows how PPI is at the crossroads of different issues and need to involve different institutional departments:

- The director of the sustainable development department
- The technical director
- A project manager in charge of public works
- A project manager in charge of public procurement
- A trainee from the sustainable development department

The training session lasted about 2 hours and was a virtual meeting (webinar).

The training session with Plaine Commune (in Saint-Denis at the seat of Plaine Commune) the 30rd of June gathered 24 people from

- Plaine Commune (5 people online and 2 in the conference room)
- Seine- Saint- Denis Habitat (a social housing company managing about 32,000 dwellings) : 2 people online and the vice-president in the conference room
- Plaine Commune Habitat (a social housing company managing about 18,000 dwellings) : 1 person
- Logirep (a social housing company managing about 44,000 dwellings): 1 person
- SGP (the company in charge of managing the construction of all new metro lines around Paris): one person
- Municipality of Paris : one person working on circular economy in the building sector
- Regional Council Ile-de-France: One person
- Regional Council Normandy: One person
- Great Paris Metropole: One person
- Valophis (a social housing company managing about 48,000 dwellings): 1 person
- SEM et SPL Plaine Commune Développement : 2 people
- Capdigital (organisation in charge of promoting start-up and supporting R&D investments) : one person
- Three other people from different local public organisations

The training session lasted 2 hours. 5 people joined the session in the conference room. Other participants were online (webinar).

The training session with the Departmental Council of Meurthe-et-Moselle (in Nancy at the seat of the Departmental Council) the 16th of July gathered 5 people from different departments:

- The property estate manager
- Two project managers in charge of building construction and renovation
- A project manager in charge of public procurement
- A project manager in charge of social integration

The diversity of competences which were gathered for this training session indicated again that PPI is at the crossroads of several strategic issues in the construction sector. The training session lasted 3 hours. The 5 people involved were in the same room with the speakers. The exchanges of experiences were very strong.

The training session with the Regional Council of Normandy (in Caen at the seat of the Regional Council) the 21st of July gathered 39 people working for public authorities belonging to the professional networks developed in Normandy around issues dealing with public procurement and circular economy. Beside the Regional Council, the following institutions took part to the training session:

- The Regional Council of Normandy (3 people from public procurement and waste management departments)
- The municipalities of Alençon, Avranches, Cléon, Grand-Quevilly, Lisieux, Mont Saint-Aignan (all people representing these institutions work in public procurement departments)
- The metropolitan area of Rouen (2 people from the Department of Public Procurement and one from the Energy Department)
- Building and Construction Federations (4 people)
- Communities gathering several Municipalities in Normandy (12 people involved on issues dealing with public procurement, energy performance, waste management in construction)
- Local associations working on circular economy in Normandy (3 people)
- Two social housing companies (one managing 25,000 dwelling and the second one 12,000)
- ADEME, the national agency active in the implementation of public policy in the areas of the environment, energy and sustainable development (1 person)
- Suppliers, architects, engineers working in the fields of energy performance and circular economy

The training session lasted 2 hours and a half. Most of the people were online while the staff of the Regional Council was in the conference room.

The document used during the training session can be downloaded on the website of Normandy Circular Economy Network:

https://neci.normandie.fr/sites/default/files/elements_documentation/ProminentMED_CSTB_CRNormandie_21juillet2020.pdf

2.4. Transferability protocols signed

2.4.1. PROTOCOL SIGNED BY EPFIF



Prominent MED project aims at all actors with an interest in Public Procurement of Innovation (PPI) including local/regional/national authorities, public bodies, SMEs, experts and academia to enhance understanding and capability, build collaborative partnerships and support the wider uptake of pro-innovation approaches to public procurement in the MED region and beyond. The project's goal is to stimulate the adoption of innovative products and services that can improve the quality of the services for citizens.

Based on the possibility to provide experience and knowledge on PPI acquired in the Prominent MED project

EPFIF and CSTB agree to sign the

TRANSFERABILITY PROTOCOL

EPFIF would like to acquire the knowledge in:

- PPI methodology developed during Prominent MED and presented in the guidance "PPI implementation strategy in MED countries";
- ~~Organization of the Open Market Consultation (OMC);~~
- ~~Definition of TORs and, more specifically, about the criteria used to assess the economic and technical offers submitted by the bidders;~~
- Needs identification to elaborate the functional/performance-based specifications;
- Procurement procedure such as the competitive dialogue and the competitive procedure with negotiation;
- ~~Contract monitoring (Monitoring mechanisms, output specification, contract duration, incentives and sanctions);~~
- ~~Identifying opportunities where PPI can be used to achieve the project's goals;~~
- ~~Other (please specify).~~

The transfer of the knowledge developed by the partners of the consortium will be organized through (select at least one option from the list below):

- **Training:** it is an organized activity aiming at improving the recipient's performance and helping him/her attain an expected level of knowledge; it can be done in-house (on the job training) or contracted out, via pre-developed courses
- ~~Acquisition of existing knowledge via exchange of experts, exchange of information with parties of the other twinning agreements~~
- ~~Study visits of the pilot project, bilateral meetings on the pilot project~~
- ~~Assistance: Day to day technical assistance and support, assistance preparing legal/policy documents~~

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• ~~Other (please specify):~~

Both parties agree that they will invest reasonable amount of effort in transferring activities by following one of these approaches.

EPPIF is aware that transferring does not include activities related to preparation of the official procurement documentation.

EPPIF agrees that this transferring protocol will be used for Prominent MED project purposes only and that no legal implications cannot be claimed based on this protocol.



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Project Manager

17 July 2020



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France

Directrice de projets développement
durable

20 juillet 2020

2.4.2. PROTOCOL SIGNED BY PLAINE COMMUNE



Prominent MED project aims at all actors with an interest in Public Procurement of Innovation (PPI) including local/regional/national authorities, public bodies, SMEs, experts and academia to enhance understanding and capability, build collaborative partnerships and support the wider uptake of pro-innovation approaches to public procurement in the MED region and beyond. The project's goal is to stimulate the adoption of innovative products and services that can improve the quality of the services for citizens.

Based on the possibility to provide experience and knowledge on PPI acquired in the Prominent MED project

EPFIF and CSTB agree to sign the

TRANSFERABILITY PROTOCOL

EPFIF would like to acquire the knowledge in:

- PPI methodology developed during Prominent MED and presented in the guidance "PPI implementation strategy in MED countries";
- ~~Organization of the Open Market Consultation (OMC);~~
- ~~Definition of TORs and, more specifically, about the criteria used to assess the economic and technical offers submitted by the bidders;~~
- Needs identification to elaborate the functional/performance-based specifications;
- Procurement procedure such as the competitive dialogue and the competitive procedure with negotiation;
- ~~Contract monitoring (Monitoring mechanisms, output specification, contract duration, incentives and sanctions);~~
- ~~Identifying opportunities where PPI can be used to achieve the project's goals;~~
- ~~Other (please specify).~~

The transfer of the knowledge developed by the partners of the consortium will be organized through (select at least one option from the list below):

- **Training:** it is an organized activity aiming at improving the recipient's performance and helping him/her attain an expected level of knowledge; it can be done in-house (on the job training) or contracted out, via pre-developed courses
- ~~Acquisition of existing knowledge via exchange of experts, exchange of information with parties of the other twinning agreements~~
- ~~Study visits of the pilot project, bilateral meetings on the pilot project~~
- ~~Assistance: Day to day technical assistance and support, assistance preparing legal/policy documents~~

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Both parties agree that they will invest reasonable amount of effort in transferring activities by following one of these approaches.

Plaine Commune is aware that transferring does not include activities related to preparation of the official procurement documentation.

Plaine Commune agrees that this transferring protocol will be used for Prominent MED project purposes only and that no legal implications can be claimed based on this protocol.



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Justine Emringer



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Cheffe de projet Métabolisme urbain

23 July 2020

2.4.3. PROTOCOL SIGNED BY THE DEPARTMENTAL COUNCIL OF MEURTHE-ET-MOSELLE



Prominent MED project aims at all actors with an interest in Public Procurement of Innovation (PPI) including local/regional/national authorities, public bodies, SMEs, experts and academia to enhance understanding and capability, build collaborative partnerships and support the wider uptake of pro-innovation approaches to public procurement in the MED region and beyond. The project's goal is to stimulate the adoption of innovative products and services that can improve the quality of the services for citizens.

Based on the possibility to provide experience and knowledge on PPI acquired in the Prominent MED project

The "Conseil départemental de Meurthe-et-Moselle" and CSTB agree to sign the

TRANSFERABILITY PROTOCOL

The "Conseil départemental de Meurthe-et-Moselle" would like to acquire the knowledge in:

- PPI methodology developed during Prominent MED and presented in the guidance "PPI implementation strategy in MED countries";
- ~~Organization of the Open Market Consultation (OMC);~~
- ~~Definition of TORs and, more specifically, about the criteria used to assess the economic and technical offers submitted by the bidders;~~
- Needs identification to elaborate the functional/performance-based specifications;
- Procurement procedure such as the competitive dialogue and the competitive procedure with negotiation;
- ~~Contract monitoring (Monitoring mechanisms, output specification, contract duration, incentives and sanctions);~~
- ~~Identifying opportunities where PPI can be used to achieve the project's goals;~~
- ~~Other (please specify);~~

The transfer of the knowledge developed by the partners of the consortium will be organized through (select at least one option from the list below):

- **Training:** it is an organized activity aiming at improving the recipient's performance and helping him/her attain an expected level of knowledge; it can be done in-house (on the job training) or contracted out, via pre-developed courses
- ~~Acquisition of existing knowledge via exchange of experts, exchange of information with parties of the other twinning agreements~~
- ~~Study visits of the pilot project, bilateral meetings on the pilot project~~
- ~~Assistance: Day-to-day technical assistance and support, assistance preparing legal/policy documents~~
- ~~Other (please specify);~~

Both parties agree that they will invest reasonable amount of effort in transferring activities by following one of these approaches.

The "Conseil départemental de Meurthe-et-Moselle" is aware that transferring does not include activities related to preparation of the official procurement documentation.

The "Conseil départemental de Meurthe-et-Moselle" agrees that this transferring protocol will be used for Prominent MED project purposes only and that no legal implications cannot be claimed based on this protocol.



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Conseil départemental de
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Chargé de projet Insertion
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Direction des Finances, des Affaires
Juridiques et de l'Evaluation

17 juillet 2020

2.4.4. PROTOCOL SIGNED BY THE REGIONAL COUNCIL OF NORMANDY



Prominent MED project aims at all actors with an interest in Public Procurement of Innovation (PPI) including local/regional/national authorities, public bodies, SMEs, experts and academia to enhance understanding and capability, build collaborative partnerships and support the wider uptake of pro-innovation approaches to public procurement in the MED region and beyond. The project's goal is to stimulate the adoption of innovative products and services that can improve the quality of the services for citizens.

Based on the possibility to provide experience and knowledge on PPI acquired in the Prominent MED project

Région Normandie and CSTB agree to sign the

TRANSFERABILITY PROTOCOL

Région Normandie was interested in acquiring the knowledge in:

- PPI methodology developed during Prominent MED and presented in the guidance "PPI implementation strategy in MED countries";
- ~~Organization of the Open Market Consultation (OMC);~~
- ~~Definition of TORs and, more specifically, about the criteria used to assess the economic and technical offers submitted by the bidders;~~
- Needs identification to elaborate the functional/performance-based specifications;
- Procurement procedure such as the competitive dialogue and the competitive procedure with negotiation;
- ~~Contract monitoring (Monitoring mechanisms, output specification, contract duration, incentives and sanctions);~~
- ~~Identifying opportunities where PPI can be used to achieve the project's goals;~~
- ~~Other (please specify);~~

The transfer of the knowledge developed by the partners of the consortium was organized the 21st of July 2020 in Caen through (select at least one option from the list below):

- Training: it is an organized activity aiming at improving the recipient's performance and helping him/her attain an expected level of knowledge; it can be done in-house (on the job training) or contracted out, via pre-developed courses
- ~~Acquisition of existing knowledge via exchange of experts, exchange of information with parties of the other twinning agreements~~
- ~~Study visits of the pilot project, bilateral meetings on the pilot project~~
- ~~Assistance: Day to day technical assistance and support, assistance preparing legal/policy documents~~
- ~~Other (please specify);~~

Both parties agree that they will invest reasonable amount of effort in transferring activities by following one of these approaches.

Région Normandie is aware that transferring does not include activities related to preparation of the official procurement documentation.

Région Normandie agrees that this transferring protocol will be used for Prominent MED project purposes only and that no legal implications can be claimed based on this protocol.



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23 July 2020