

Draft guidance: early market engagement

Talking to suppliers before you buy services on the Digital Marketplace

How to use early market engagement to help you write clearer requirements

Why talk to suppliers before you buy

If you're planning to buy services for digital projects on the Digital Marketplace, you can choose to talk to suppliers before you start the buying process. This is sometimes called early market engagement or 'pre-tender market engagement' (PTME).

Early market engagement helps you:

- understand your requirements better
- write clearer requirements to publish to suppliers
- understand how much the work could cost
- understand how long the work could take
- write a better business case for spending controls or internal budget approval

When to talk to suppliers

If you choose to do early market engagement, you must do it before you publish your requirements on the Digital Marketplace.

Finding suppliers to talk to

If you're buying cloud services from the G-Cloud framework, you can see a list of cloud suppliers on the Digital Marketplace.

If you're buying services from the Digital Outcomes and Specialists framework, you'll be able to the Digital Marketplace to see a list of:

- digital outcome suppliers
- digital specialist suppliers
- user research participant recruitment suppliers
- user research labs suppliers

Details you could provide

Information you could give suppliers includes:

- your organisation's name and department
- background to your organisation and project
- what you want to achieve
- the phases you want them to give feedback on
- the date you need them to respond by
- where the work for any future project will take place
- when you want the work to start

- the information you want them provide, eg how much the work might cost, how many people it might involve and how long it might take
- any next steps

The more detail you can give to potential suppliers about your requirements, the easier it will be for them to provide a thorough response.

The approach you take

It's your responsibility to decide how you're going to run the early market engagement process. You should get commercial or legal advice before you start.

You must comply with the principles in the European Directive on Public Procurement and the Public Contracts Regulations 2015 when you do early market engagement. This means you must ensure you don't give any supplier, whether you talk to them or not, a competitive advantage. Legally, you have to:

- treat all suppliers equally
- be transparent about what you need and the process you're following
- ensure any requests for information you make are proportionate to your needs
- share any relevant information from early market engagement in your requirements, eg when you publish Digital Outcomes and Specialists requirements on the Digital Marketplace
- exclude a supplier if you think they might have an unfair advantage because of their involvement in early market engagement

You mustn't:

- discriminate against any suppliers, eg by writing your requirements in a way that unfairly excludes a particular supplier
- share information about your requirements with one supplier if you're not going to share it with other suppliers, eg tell one supplier your budget if you're not going to publish it with your requirements for other suppliers to see
- share a supplier's confidential information