Maintenance and evolution of the ESPD EDM
Publications Office – C.3

ESPD Meeting OP-GROW with Open User Community (OUC)

3rd September 2020

Publications Office

everis

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1. Summary of last meeting on 9 July 2020

❖ **Meeting minutes**: https://github.com/ESPD/ESPD-EDM/blob/wgm-reports/ESPD_Minutes_OUC_Meetings_20200709_v1.1.pdf

❖ **GitHub issues** :

Consultation:

- #249: missing initial "yes/no" answer for all selection criterion @ Section B and C of Part IV (on-going)

Information:

- #140: Lots: need for multiple identifiers

- #250: Criterion #59 roles (on-going)

- #266: New criteria in extended 2.1.1 taxonomy

❖ **Issue [#158](#)**: Criteria for a particular type of contract

❖ **Summary:**
  - Request for information about the way to inform procurements with more than one type of contract.

❖ **Proposed solution**:

  - This information would be provided from eForms, describing the nature per lots.

  - Therefore, there is no need to include this element in the new version of the ESPD. The issue will be closed.

❖ **Issue #235**: Criterion #47 typified identifiers

❖ **Summary:**
  - LOT_IDENTIFIER: this identifier will be removed, as it is not needed with the new approach of Lots management.

  - QUAL_IDENTIFIER and EVIDENCE_IDENTIFIER: query involved actors about the actual need and purpose of these prefixes.

❖ **Proposed solution**: After asking in GitHub, prefixes are still needed so we propose to keep them.

❖ **Issue [#250](#)**: Criterion #59 roles:

❖ **Summary:**

- The issue is focused to discuss the current codes included within the EO Role Type, to better represent the concepts involved in the ESPD. It was discussed during the last OUC meeting, where the following questions arose: *"Would you agree to say that if an entity is relied upon, that they do not need to inform that they are a subcontractor at the same time?". -* **No responses nor debate have been generated in the issue. Therefore, no extra information or viewpoints have been gathered***.*

❖ **Proposed solution:**

- Use EORoleType. Including some changes:

  o Sole Contractor should be changed to Sole Tenderer, to represent better the role of the EO in ESPD's context.

- Other entity (not relied upon) could be considered as Subcontractor.

  o (2) **Sole Tenderer** - ST
  o (3) Lead Entity - LE
  o (4) Group member - GM

  o (5) Other entity (relied upon) - OERON
  o (6) Other entity (not relied upon) – OENRON // **Subcontractor**

❖ **Issue #156**: Combination of roles

❖ **Summary:**
- Possibility to Add two roles for an EO on one procedure, since an EO can be Other Entity just having to fulfil the requirements without do any activity, and at the same time, it could act as subcontractor in the same procedure.

❖ **Proposed solution**:

- As agreed in previous OUC meetings about the new Lot Management, which would include 1 ESPD Response per EO and Lot or Group of lots.

- Would it be possible that in one single tender an EO has different roles for different lots?
- In one lot the EO might be a subcontractor and in another lot the EO might be an entity to be relied upon?
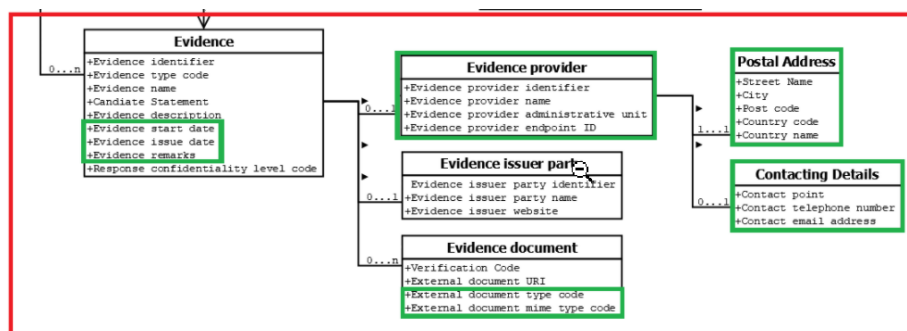
❖ **Issue [#254](#)**: TOOP Requirements related to the ESPD

❖ **Summary:**
  • In the issue, it was proposed by TOOP several changes to ensure the alignment and the interoperability between both, ESPD and TOOP.

❖ **Proposed solution**:
  • In the current version of the ESPD (2.1.1) it was already included the mapping to the proposed elements by TOOP.

  • It has been revisited to ensure the alignment with the new UBL 2.3 schemas. The current mapping is still valid with the last version of the UBL.

❖ **Issue #249 EO Response**: No initial "yes/no" answer for all selection criterion at Section B and C of Part IV:

CRITERION.SELECTION.ECONOMIC_FINANCIAL_STANDING.*
CRITERION.SELECTION.TECHNICAL_PROFESSIONAL_ABILITY.*

❖ **Summary:** Currently Selection Criteria in Section A have an initial "yes/no" to indicate whether the EO fulfils the Selection Criteria or not. It should be possible to add the yes or no for all selection criteria in sections B and C.

Section A: CRITERION.SELECTION.SUITABILITY.* contains this first question:

❖ **List of criteria**: all selection criteria.

The overall purpose of the proposed changes under the scope of the issue 249 are the following:

❖ Support the supplier on the understanding of the requirements, whether fulfils the selection criteria or not.

❖ Support the CA on the simplification and automatization of data processing.

The EO should provide the following information in relation to other entities and subcontractors (Part II – Section A, C and D):

A: INFORMATION ABOUT THE ECONOMIC OPERATOR

If yes, please ensure that the others concerned provide a separate ESPD form.	
If yes:	
(a) Please indicate the role of the economic operator in the group (leader, responsible for specific tasks …):	(a): [.................]
(b) Please identify the other economic operators participating in the procurement procedure together:	(b): [.................]
(c) Where applicable, name of the participating group:	(c): [.................]
Lots	Answer:
Where applicable, indication of the lot(s) for which the economic operator wishes to tender:	[ ]

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES

Reliance:	Answer:
Does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below?	[ ] Yes [ ] No

If yes, please provide a separate ESPD form setting out the information required under **Sections A and B of this Part and Part III for each** of the entities concerned, duly filled in and signed by the entities concerned.

Please note that this should also include any technicians or technical bodies, not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, the technicians or technical bodies upon whom the economic operator can call in order to carry out the work.

Insofar as it is relevant for the specific capacity or capacities on which the economic operator relies, please include the information under Parts IV and V for each of the entities concerned ([12]).

D: INFORMATION CONCERNING SUBCONTRACTORS ON WHOSE CAPACITY THE ECONOMIC OPERATOR DOES NOT RELY

(Section to be filled-in only if this information is explicitly required by the contracting authority or contracting entity.)	
Subcontracting:	Answer:
Does the economic operator intend to subcontract any share of the contract to third parties?	[ ] Yes [ ] No If **yes and in so far as known**, please list the proposed subcontractors: […]

If the contracting authority or contracting entity explicitly requests this information in addition to the information under this section, please provide the information required under Sections A and B of this Part and Part III for each of the (categories of) subcontractors concerned.

At the moment, this criteria is displayed as:

1st option:

Q1: Does the EO fulfil the criteria by itself?

NO / YES

If yes

Then the EO provides the criterion data.

If no

Q2: Relied upon or Not

YES / NO

If no

The EO stops here (will be marked as EO is out as it does not fulfil the criterion).

If yes

Then the EO provides:
- The entity data (selects or types the relied upon entity Name)
- The criterion data (because it could be that the EO fulfils it partially).
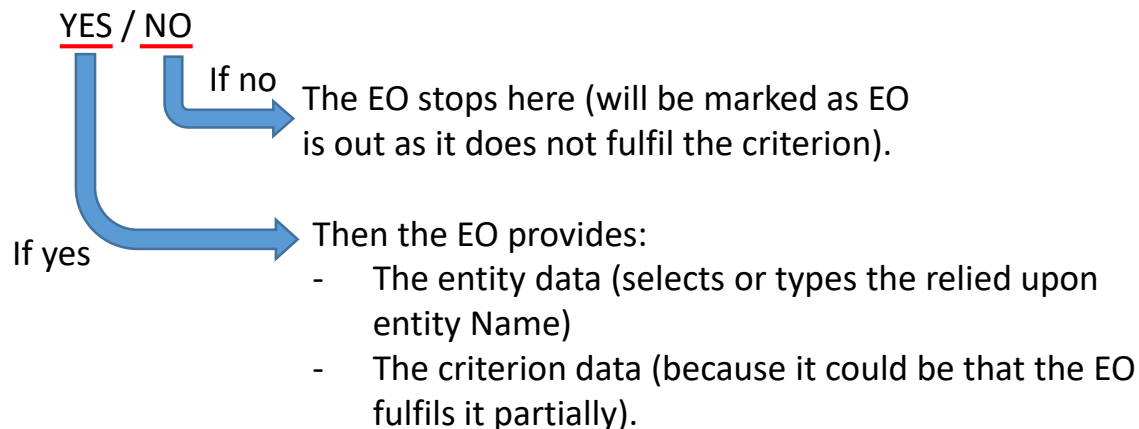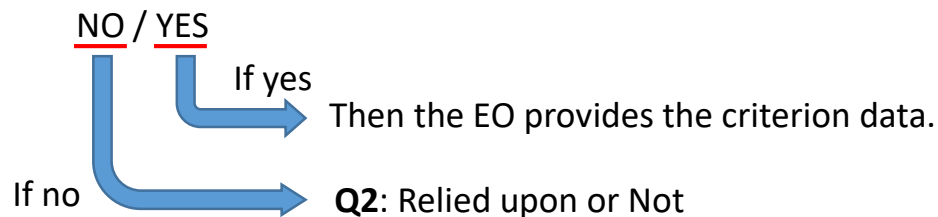
Implications:
- Keep using Booleans.
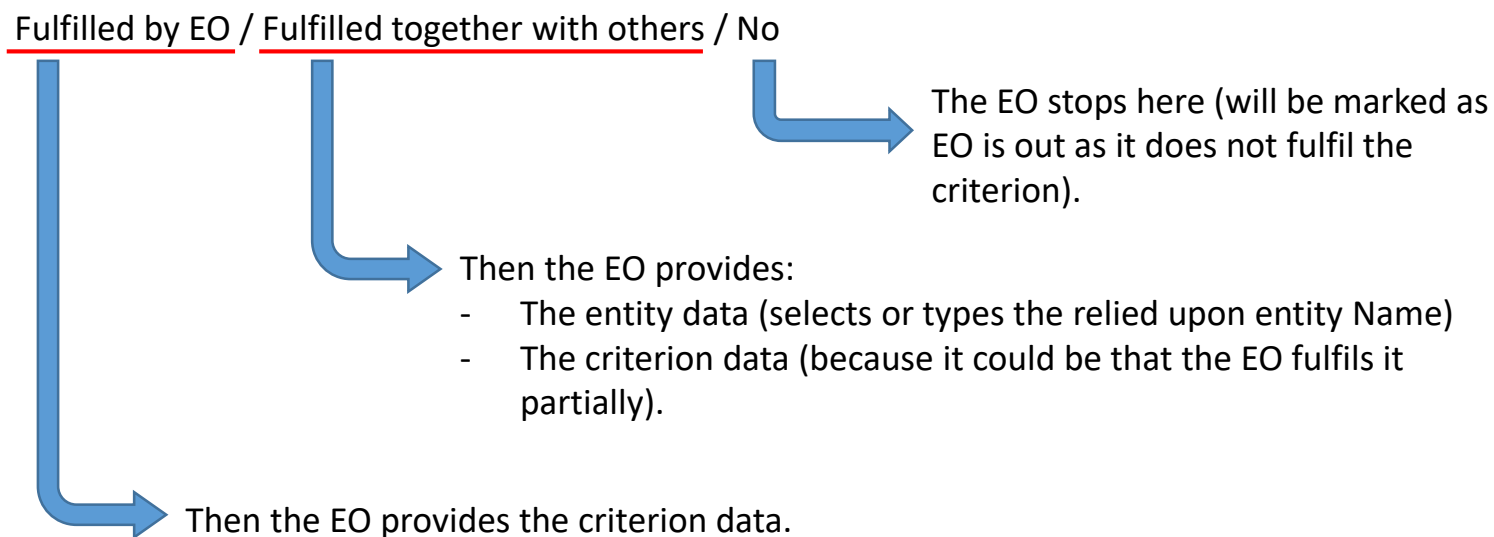- Add a new sub-question to indicate if the criteria is relied upon or not.
- Add the identifier of the organisation that is relied upon.
- Include the link to Part II – Section C - "Relied upon" criterion #60 (CRITERION.OTHER.EO_DATA.RELIES_ON_OTHER_CAPACITIES), to enhance the automatization of the CA data processing. And the link to Part II - Section A – "EO together with others" criterion #59 (CRITERION.OTHER.EO_DATA.TOGETHER_WITH_OTHERS).

2nd option:

Q1: Does the Tenderer fulfils the criteria?

Fulfilled by EO / Fulfilled together with others / No

The EO stops here (will be marked as EO is out as it does not fulfil the criterion).

Then the EO provides:
- The entity data (selects or types the relied upon entity Name)
- The criterion data (because it could be that the EO fulfils it partially).

Then the EO provides the criterion data.

Implications:
- Implies the change of PropertyDataType from Boolean to another PropertyDataType (adhoc).
- Add the identifier of the organisation that is relied upon.
- Include the link to Part II – Section C - "Relied upon" criterion #60 (CRITERION.OTHER.EO_DATA.RELIES_ON_OTHER_CAPACITIES), to enhance the automatization of the CA data processing. And the link to Part II - Section A – "EO together with others" criterion #59 (CRITERION.OTHER.EO_DATA.TOGETHER_WITH_OTHERS).

4. Next meetings

❖ **Annual Seminar**: Thursday 1st October afternoon

Questions ?