

Open User Community Meeting Minutes

Publications Office – ESPD EDM

Meeting Date/Time:	2020-06-17 10:00 – 11:30
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Attendee Name (present)	Organisation / Email
Sofia BERENGUER	OP
Natalie MURIC	OP
Marc Christopher SCHMIDT	DG GROW
Maria FONT	Everis
Guifré GUSTA	Everis
Héctor RICO	Everis
Enric STAROMIEJSKI	Everis
Robin ANDERSON BOSTROM	Sweden
Bettina BOZSONYI	Hungary
Simon BUSCH	Denmark
Jennifer GUTSCHE	Austria
Aleksandra JESENOVEC LJUBOJEVIC	Slovenia
Hilde KJØLSET	Norway
Ajda KOSTANJSEK	Slovenia
Maja MARINCEK	Slovenia
Jan MÆØRE	Norway
Conor MCDERMOTT	Ireland
Marc NOSBUSCH	Luxembourg
Patrick OSIKA	Austria
Joao OSORIO	Portugal
Emma REILLY	Ireland
Francesco SCATTARETICO	Italy
Giampaolo SELLITTO	Italy
Jalini SRISGANTHARAJAH	Norway
Ákos ZÁMBÓ	Hungary

Summary of Meeting Objectives

- Summary of last meeting on 19 May 2020.
- Discussion on how to manage lots.
- Presentation of the GitHub issues with two purposes: informative and consultation.

Meeting Agenda

- Summary of last meeting on 19 May 2020
- Lots Management
- GitHub Issues
 - Information
 - #242: criteria #7 and #8 – inconsistencies with Regulation
 - #243: criteria #9, #10, #11, #24 – have an unnecessary text field
 - #260 to #264: ProcedureType
 - #265: PropertyDataType in Criterion 30: SC-GENERAL_AVERAGE_TURNOVER
 - #267: criteria #37, #38, #39 – cardinality of references

- #270: criterion #36 ESPD 2.1.1 extended – element code

Consultation

- #202: update criterion #33 – set up of an economic operator
- #249: initial “yes/no” answer for all selection criterion @ Section B and C of Part IV
- Next meetings

Summary of last meeting on 19 may

- A brief explanation of the previous Open User Community (OUC) Meeting.

Lots Management

- Introduction on how the lots are currently managed in ESPD-EDM 2.1.1, and the proposal of an alternative solution, the philosophy and logic of which follows the eForms to ensure the alignment.
- It was proposed an alternative solution for the lots management in ESPD that would affect the structure of both exclusion grounds and selection criteria:
 - 1 ESPD request per procedure
 - Exclusion grounds (same for all lots)
 - Selection criteria
 - Lot 1: Criteria 1, Criteria 2, Criteria 5
 - Lot 2: Criteria 2, Criteria 5, Criteria 7
 - Group of lots: Criteria 1, 2, 5 and 7
 - There was a general discussion around the topic of exclusion grounds. It was mentioned that in exceptional cases, for example, with the sheltered and reserved contracts, it could be that the exclusion grounds might not be applicable as in that case even representatives of the company could not normally not meet the exclusion grounds, however in this case the Contracting Authority knows this exception.
- After the discussion on this topic, participants were invited to reply the first question: “Would you agree to have the same exclusion grounds for each lot?”
 - This idea was supported by the participants.
- The second question was if the participants would agree to structure the selection criteria into different lots.
 - In general, it was seen positive to split the selection criteria into lots. The discussion reached an agreement to use the alternative proposed (one exclusion grounds and splitting the selection criteria into lots first). In this way handling the ESPD request will be aligned to eForms.

A last topic arose, the notification of the non-awarded lots. It was pointed out that all lots must be notified whether they are awarded or not awarded. Also, the following example was given: a Procedure with Lot 1, Lot 2 and which can be combined as a Group of Lots A (which includes Lot 1 and 2); Lot 1 and Lot 2 are notified as being awarded whether awarded as individual lots or via the group of Lot

GitHub Issues

- The issues were presented with a new format: the title of the issue, a brief summary of it and the action or the proposed solution. In the case of proposed solutions, the implications of each solution were provided.
 - Moreover, the issues were classified as either informational or for consultation Information
 - #242: criteria #7 and #8 – inconsistencies with Regulation
 - **Summary:** In the criteria 7 and 8 the sub question (d) is nested within the sub question (c), meaning that it only appears when the answer to (c) is positive. This is not consistent with the Regulation.
 - **Action:** Include sub question (d) at same level as (a) (b) and (c).
- No comments received.

- #243: criteria #9, #10, #11, #24 – have an unnecessary text field
 - **Summary:** These criteria have an extra text field that appears when answering positively to the first question, and this should only appear in the second question. (As can be read in the Regulation).
 - **Action:** Remove the unnecessary question that appears in case of a positive answer.

No comments received.

- #260 to #264: ProcedureType
 - **Summary:** Some of the codes included in the ProcedureType were not type of procedures but legal basis, attributes or subtypes. Moreover, the proposal was to replace the code list with the Procurement Procedure Type from EU Voc, which does not include some of the codes. The foreseen solution was the extension of the model to cover the legal basis, attributes or subtypes mentioned above.
 - **Action:** Information related to the procedure will come from eForms. Therefore, there is no need to include the extension. The Information about the removed codes from ESPD procedure type will be included within the eForms' CN, then ESPD does not need to keep this information. Additionally an extension to UBL would add complexity to the schema.

No comments received.

- #265: PropertyDataType in Criterion 30: SC-GENERAL_AVERAGE_TURNOVER
 - **Summary:** QUANTITY_INTEGER is present in the current ESPD to represent the question "Quantity of years" in the current ESPD, actually there is a code "QUANTITY_YEAR" that allows to represent better the information required.
 - **Action:** Change from QUANTITY_INTEGER to QUANTITY_YEAR to be more specific. It will be harmonised for all the criteria containing the question "Number of years".

No comments received.

- #267: criteria #37, #38, #39 – cardinality of references
 - **Summary:** In the criteria 37, 38 and 39, there is a question related to the references that CA asks to the EO, which currently only allows 1 reference. Actually, a CA could ask for more than one reference.
 - **Action:** Change the cardinality for "Reference" REQUIEREMENT_SUBGROUP from 1 to 1..n.

No comments received.

- #270: criterion #36 ESPD 2.1.1 extended – element code
 - **Summary:** The element codes are not included within question subgroups of criteria #36. Therefore, the data processing could be done wrongly. Currently, the QUESTION_SUBGROUPs remarked below, do not have element code (ON*, ONTRUE, or ONFALSE).
 - **Action:** add the element code ON* to both QUESTION_SUBGROUP to ensure the proper processing of the criterion data.

No comments received.

Consultation

- #202: update criterion #33 – set up of an economic operator
 - **Summary:** Where the information related to the set-up of an EO shall be placed, as it is currently a specific criterion (#33). For example, a company, just started to do business in a new domain, and may therefore not have the turnover required in that specific domain.
 - **Proposed solutions:**
 1. Include the information about the Set-up of an EO within the Part II – Section A (EO information).
 2. Or, remove criterion #33 and include it as sub-criterion of general and specific turnover criteria.
 3. Or, keep it as it is.

It was pointed out that the set-up of an EO would help companies starting in a new domain.

Option 3 would generate inconsistencies amongst the turnovers and the set-up, as they are not relationship amongst them.

The general agreement was to proceed with the second option, to include the setup of an economic operator as a sub criterion.

- #249: initial “yes/no” answer for all selection criterion at Section B and C of Part IV
 - **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.
 - **Proposed solutions:** harmonisation of all the selection criteria to include the initial question. Also, include the initial question with “Yes/No/Partially”. And finally, in case of negative or partially answer, a reference to the criterion #60 should be provided to ease the automatization of data processing.

The discussion started by questioning how much (in percentage %) should be considered to answer the criteria partially. This fact represents a challenge, semantically speaking.

It was suggested to add a sub criterion with the question of whether the EO will fulfil by itself or by means of a third party. This means, one first question “Yes/No”, and a second one to “myself/together with”. It was put forward that answering “No” is actually “No, but...” and that while the harmonization makes sense, a validation should be done to check the answers with all selection criteria.

No conclusion was done on issue #249 a proposal will be worked upon for the next meeting with the OUC. In the meantime anyone is invited to provide comments on this GitHub channel, which can only help to come to a conclusion (<https://github.com/ESPD/ESPD-EDM/issues/249>).

Next Meetings

- Next Open User Community Meeting (OUC) was announced for the 9th of July.
- Dates for the following next OUC will be confirmed the 9th of July. Probably there would be one beginning of September and possibly August.
- It was also announced that this year the Annual Seminar will be ONLINE due to corona virus, it is scheduled for Thursday 1st of October in the afternoon.