Open User Community Meeting Minutes

Publications Office – ESPD EDM

Meeting Date/Time:	2020-07-09 10:00 – 11:30

Attendee Name *(present)*	Organisation / Email
Sofia BERENGUER	OP
Natalie MURIC	OP
Marc Christopher SCHMIDT	DG GROW
Maria FONT	Everis
Pedro SOTO	Everis
Héctor RICO	Everis
Enric STAROMIEJSKI	Everis
Bettina BOZSONYI	Hungary
Simon BUSCH	Denmark
Ildikó ELEK	Hungary
Jennifer GUTSCHE	Austria
Roberto REALE	Italy
Ajda KOSTANJSEK	Slovenia
Conor MCDERMOTT	Ireland
Foteini MICHAILIDOU	Greece
Patrick OSIKA	Austria
Joao OSORIO	Portugal
Emma REILLY	Ireland
Alexandra RODRIGUES	
Timo RANTANEN	Finland
Francesco SCATTARETICO	Italy
Giampaolo SELLITTO	Italy

Summary of Meeting Objectives

- Summary of last meeting on 17 June 2020.
- Presentation of the GitHub issues with two purposes: informative and consultation.

Meeting Agenda

- Summary of last meeting on 17 June 2020
- GitHub Issues
    Information
    - o #140: Lots: need for multiple identifiers – information
    - o #266: New criteria in extended 2.1.1 taxonomy
    Consultation
    - o #249: initial "yes/no" answer for all selection criterion @ Section B and C of Part IV
    - o #250: Criterion No 59 roles - information
- Next meetings

Summary of last meeting on 19 may
- A brief explanation of the previous Open User Community (OUC) Meeting.

GitHub Issues
- The issues were presented following the same logic as in the previous OUC. Categorised as per Information or Consultation purpose.

Information

- #140: Lots: need for multiple identifiers – information
  - **Summary**: The possibility to include an additional identifier to the lots (cac:ProcurementProjectLot element). Additionally, the UBL TC discarded to modify the cardinality of the lot identifier and proposed to add it as an extension.

  The discussion was focused on the need to include or not an additional identifier per Lot (as an extension), taking into account the alignment of ESPD and eForms. With the alignment between both projects, the ESPD will use the logic from eForms, which identifies the lots with an alpha numeric string as "LOT-0001" and so on.

  Moreover, with the procedure ID and the Lot ID it is possible to identify the different lots included in a procedure. It was asked if there was the need for an additional lot identifier other than the one from eForms, thus using only one eForms lot identifier in the ESPD.

  An agreement was reached on the usage of only one eForms lot identifier in the ESPD.

- #266: New criteria in extended 2.1.1 taxonomy
  - **Summary:** The current ESPD version 2.1.1 has two new criteria (#66 CRITERION.DEFENCE.SELECTION.OTHER and #67 CRITERION.UTILITIES.SELECTION.OTHER). Both criteria are relating Regulations that are not covered by ESPD.
  - **Action:** the proposed solution is to remove both criteria until eCertis includes the multi-domain.

  It was explained that eCertis covers currently only the Public Procurement Directive 2014/24/EU. As such the the additional criteria should be removed. Once the eCertis multi-domain version is live and covers the other, they can be included again.

  To clarify the general position on that issue, it was asked about the possibility of removing the criteria temporarily. In general, the opinion was positive for this decision. Therefore, an agreement on the removal of the criteria was reached.

Consultation

- #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.
    In order to help and ease the process on both sides, the Buyer and the Economic Operator's side, it was presented three options.
  - **Proposed solutions:**
    Option 1:

    Question 1: yes / no

    Question 2: in the case of yes, relied upon yes (and name of the Company) / no

Option 2:

Question 1: yes / no

Question 2: in the case of no, but relied upon yes (and name of the Company) / no

Option 3:

Question 1: fulfilled by tenderer / fulfilled by relied upon organisation / no

Although the three options would help to understand the situation of the tenderer, there is a significant change in the selection criteria.

There was a discussion about the different opportunities. As it was clear that in such a short period of time it is not possible to come to an agreement for such a change, the discussion will continue in the Github issue https://github.com/ESPD/ESPD-EDM/issues/249. This allows all stakeholders to provide their views on how it should/could be implemented. Before the next OUC meeting, scheduled for the 3rd of September , OP will draft a mockup on how it could look like based on the discussion on Github. The goal is to reach an agreemenet in the next OUC meeting.

- #250: Criterion No 59 roles
  - **Summary:** The issue was about the naming of the Economic Operator Roles and the codes included in the EORoleType codelist.

  - **Proposed solution:** To keep the current EORoleType code list, but including the modification of Sole Contractor by Sole Tenderer. And for the other codes included, keep them as they are now.

The discussion started with the possibility that an EO (economic operator) has multiple roles in one procedure or not.

The main outcome was that when an EO is a relied upon entity has to provide information regarding the compliance with the selection criteria. Instead, the subcontractors do not have to provide more information other than Exclusion grounds.

Taking into account the logic above mentioned, if an EO is relied upon entity but also would act as a subcontractor, it would not be needed to specify that EO, as it is fulfilling more data than just being a subcontractor.

Then, the question question "*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?"* was launched to the forum to clarify the general opinion.

No agreements yet on this approach, then it was decided to include the question to the GitHub issue https://github.com/ESPD/ESPD-EDM/issues/250 to let users provide their input. It will be catched up on the next OUC meeting, scheduled for the 3rd of September.

Next Meetings
- Next Open User Community Meeting (OUC) was announced for the 3rd of September