

Maintenance and evolution of the ESPD EDM

Publications Office – C.3

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

1st October 2020



Publications Office



an NTT DATA Company

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1. Summary of last meeting on 3rd September 2020

❖ **Meeting minutes:** https://github.com/ESPD/ESPD-EDM/blob/wgm-reports/ESPD_Minutes_OUC_Meetings_20200903_v1.1.pdf

❖ **GitHub issues :**

Consultation:

- [#156](#): Combination of roles
- [#249](#): No initial “yes/no” answer for all selection criterion at Section B and C of Part IV
- [#250](#): Criterion #59 – roles

Information:

- [#158](#): Criteria for a particular type of contract
- [#235](#): Criterion #47 – typified identifiers
- [#254](#): TOOP requirements related to the ESPD

2. ESPD Releases

❖ ESPD-EDM version 2.1.2:

Issue ID	Description
253	<ul style="list-style-type: none">Update validator tool to change the rule: “All exclusion grounds are mandatory”. Only Part III, A – criminal convictions – and B – payment of taxes – will be mandatory.
267	<ul style="list-style-type: none">Change the cardinality of “Reference” QUESTION_SUBGROUP from 1 to 1..n, as the CA is able to ask for more than one reference, in criteria 37, 38 and 39 (SC-References).
265	<ul style="list-style-type: none">Change the datatype of criterion 30 (SC-GENERAL_AVERAGE_TURNOVER) from QUANTITY_INTEGER to QUANTITY_YEAR.

❖ ESPD-EDM version 3.0.0:

- Alignment with eForms.
- Other GitHub issues with major impact.


3. GitHub Issues ([#253](#)) – Information

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- ❖ **Issue [#253](#):** Alignment of the ESPD validator with eCertis (exclusion grounds)
- ❖ **Release:** ESPD-EDM 2.1.2

- ❖ **Summary:**

- ESPD validator: when testing 2.1.1 self-contained ESPD requests, there are errors if ESPD request does not have all the exclusion grounds selected.

 The current qualification application request has '15' exclusion criterion missing.

Test: `count($ElementUUID_Exclusion) <= count($current_Exclusion)`

- However, there are two types of exclusion grounds:
 - Mandatory (Part III, A – criminal convictions – and B – payment of taxes –) .
 - Voluntary (Part III, C – insolvency – and D – national grounds –) .

- ❖ **Proposed solution:**

- Update the validator tool to make mandatory just the following Exclusion Grounds:
 - Part III, A – Criminal convictions
 - Part III, B – Payment of taxes

3. GitHub Issues ([#156](#) ; [#250](#)) – Consultation

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❖ **Issue [#156](#), and [#250](#):** Combination of roles, Role Naming

❖ **Release:** ESPD-EDM 3.0.0

❖ **Summary:**

- #156: Possibility to add two roles for an EO on one procedure, since an EO could be “Other Entity relied upon”, and at the same time, it could act as subcontractor in the same procedure.
- #250: Review the naming of the current roles involved in the ESPD Procedures.

❖ **Proposed solution:**

- As agreed in previous OUC meetings, the new Lot Management 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?
- **Economic Operator Roles:** Lead Entity, Group Member, Sole Tenderer, Other entity relied upon (OERON), Subcontractor.

Tender A	Role Lot 1	Role Lot 2
EO 1	Lead Entity	Lead Entity
EO 2	OERON / Subcontractor	Subcontractor
EO 3	OERON	OERON / Subcontractor
EO 4	Group Member	Group Member
EO 5	Group Member	Group Member
EO 6	Group Member	Group Member

Tender B	Role Lot 1	Role Lot 2
EO 1	Sole Tenderer	Sole Tenderer
EO 2	OERON / Subcontractor	Subcontractor
EO 3	Subcontractor	OERON / Subcontractor

3. GitHub Issues (#249) – Consultation

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- ❖ **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.*

- ❖ **Release:** ESPD-EDM 3.0.0

- ❖ **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:

{QUESTION_SUBGROUP		1..n	6cce6b8e-cf	ON*
{QUESTION}	Your Answer true	1	INDICATOR	
{QUESTION_SUBGROUP		0..1	70d5bbcf-05	ONTRUE
{QUESTION}	Registration n: [Reasons]	0..1	DESCRIPTION	
{QUESTION_SUBGROUP		0..1	3a4a5421-8	ONFALSE
{QUESTION}	Reasons why: [Reasons]	1	DESCRIPTION	
{QUESTION_SUBGROUP		1	7458d42a-e!	ON*
{QUESTION}	Is this information true	1	INDICATOR	
{QUESTION_SUBGROUP		0..1	41dd2e9b-1	ONTRUE
{QUESTION}	Evidence Supp: EVIDENCE-IC	1..n	EVIDENCE_IDENTIFIER	
{QUESTION_SUBGROUP				
{QUESTION}				
{QUESTION_SUBGROUP				

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

3. GitHub Issues ([#249](#)) – Consultation

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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.

3. GitHub Issues ([#249](#)) – Consultation

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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.	

3. GitHub Issues ([#249](#)) – Consultation

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At the moment, this criteria is displayed as:

C: Information about reliance on the capacities of other entities

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

Name of the entity:

Type of ID:

Activity of the entity (for this specific procedure):

National Id

VAT number

LEI (Legal Entity Identifier)

EUID (BRIS Identifier)

Duns and Bradstreet number

ID of the entity:

+ Add new ID

+ Add new entity

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.

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3. GitHub Issues (#249) – Consultation

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Part IV: Selection criteria

D: Quality assurance schemes and environmental management standards ▼

Article 62(2) of Directive 2014/24/EU sets out the following selection criteria ⓘ

Does the Economic Operator fulfil the criteria by itself? ☒ YES ☐ NO

Certificates by independent bodies about quality assurance standards

Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons?
[More information >>](#)

Your answer? ☒ YES ☐ NO

Is this information available at no cost to the authorities from an EU Member State database?
☒ YES ☐ NO

Part IV: Selection criteria

D: Quality assurance schemes and environmental management standards ▼

Article 62(2) of Directive 2014/24/EU sets out the following selection criteria ⓘ

Does the Economic Operator fulfil the criteria by itself? ☐ YES ☒ NO

Certificates by independent bodies about quality assurance standards

Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons?
[More information](#)

Your answer? ☒ Yes ☐ No

Relied upon or not ☒ Yes ☐ No

Name of the Entity

Type of ID ID of the Entity

Activity of the Entity (for this specific procedure)

Is this information available at no cost to the authorities from an EU Member State database? ☒ Yes ☐ No

1st option:

Implications:

- Keep using Booleans.
- 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 C – “EO together with others” criterion #59 (CRITERION.OTHER.EO_DATA.TOGGETHER_WITH_OTHERS).

3. GitHub Issues ([#249](#)) – Consultation

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2nd option:

Implications:

- Implies the change of PropertyDataType from Boolean to another PropertyDataType (adhoc).
- 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 C – “EO together with others” criterion #59 (CRITERION.OTHER.EO_DATA.TOGETHER_WITH_OTHERS).

Start Procedure Exclusion Selection Finish

Part IV: Selection criteria

D: Quality assurance schemes and environmental management standards ▼

Article 62(2) of Directive 2014/24/EU sets out the following selection criteria ⓘ

Does the Tenderer fulfil the criteria by itself? ☒ Fulfilled by Economic Operator ☐ Fulfilled together with others ☐ NO

Certificates by independent bodies about quality assurance standards	Your answer?
Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons? More information >>	<input checked="" type="radio"/> YES <input type="radio"/> NO
	Is this information available at no cost to the authorities from an EU Member State database? <input checked="" type="radio"/> YES <input type="radio"/> NO

Start Procedure Exclusion Selection Finish

Part IV: Selection criteria

D: Quality assurance schemes and environmental management standards ▼

Article 62(2) of Directive 2014/24/EU sets out the following selection criteria ⓘ

Does the Tenderer fulfil the criteria by itself? ☐ Fulfilled by Economic Operator ☒ Fulfilled together with others ☐ NO

Certificates by independent bodies about quality assurance standards	Your answer?
Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons? More information	<input checked="" type="radio"/> Yes <input type="radio"/> No
	Name of the <input type="text"/>
	Type of ID <input type="text" value="National ID"/> ID of the Entity <input type="text"/>
	Activity of the Entity (for this specific procedure) <input type="text"/>
	Is this information available at no cost to the authorities from an EU Member State <input checked="" type="radio"/> Yes <input type="radio"/> No

3. GitHub Issues ([#273](#)) – Consultation

1/2

- ❖ **Issue [#273](#):** Criteria #25, 26 - extended - (trade and commercial registers): logical error
- ❖ **Release:** ESPD-EDM 3.0.0

- ❖ **Summary:**

- The issue reports a logical error on how the criteria **#25** (professional register) and **#26** (trade register) require information about the EO Registered in Trade Registers and Professional Registers.

{REQUIREMENT_SUBGROUP			1	3aacb82e-af	ON*
{REQUIREMENT}	Register name	[Register Name]	1	DESCRIPTION	
{REQUIREMENT}	URL	[Register URL]	1	URL	
REQUIREMENT_SUBGROUP}					

- Currently the CA can include a requirement about in which professional and trade register should be registered an EO. This fact does not make sense, CA can ask or require the registration but not a specific register to be registered in.

3. GitHub Issues ([#273](#)) – Consultation

2/2

❖ Proposed solution:

- Remove the current requirements (name of the register and URL).
- In case of the Professional Registries, the specification of type of registry is provided as a requirement (e.g. Register Type).
- Include a question subgroup asking for the Name of the register, the URL and the registration number. Moreover, keep the question “Why the economic operator is not registered”.

❖ Implications:

- New Code List maintenance for Register Type.

{REQUIREMENT_SUBGROUP		1		3aacb82e-af1	ON*
{REQUIREMENT}	Register Type	1	Code		
REQUIREMENT_SUBGROUP}					
{QUESTION_SUBGROUP		1..n		6cce6b8e-c5	ON*
{QUESTION}	Your Answer	true	1	INDICATOR	
{QUESTION_SUBGROUP		0..1		XXXXx	ONTRUE
{QUESTION}	Register Name	0..1	Description		
QUESTION_SUBGROUP}					
{QUESTION_SUBGROUP		0..1		XXXXx	ONTRUE
{QUESTION}	Register's URL	0..1	Description		
QUESTION_SUBGROUP}					
{QUESTION_SUBGROUP		0..1		70d5bbcf-05	ONTRUE
{QUESTION}	Registration number	0..1	DESCRIPTION		
QUESTION_SUBGROUP}					
{QUESTION_SUBGROUP		0..1		3a4a5421-8	ONFALSE
{QUESTION}	Reasons why \[Reasons]	1	DESCRIPTION		
QUESTION SUBGROUP}					

3. GitHub Issues ([#275](#)) – Consultation

1/2

- ❖ **Issue [#275](#):** Criterion #29 - extended - missing field: number of fiscal years.
- ❖ **Release:** ESPD-EDM 3.0.0

- ❖ **Summary:**

- In the case of 'General Yearly Turnovers' each required amount represents an additional fiscal year. It was reported this case of use is not clear enough for the users.

B: Economic and financial standing ▼

Article 58(3) of Directive 2014/24/EU sets out the following selection criteria ⓘ

General yearly turnover
Its general yearly turnover for the number of financial years required in the relevant notice, the procurement documents or the ESPD is as follows:
[More information >](#)

Amount	<input type="text"/>	EUR (Euro) ▼
Start date	<input type="text" value="01-01-2019"/>	End date <input type="text" value="31-12-2019"/>

Amount	<input type="text"/>	EUR (Euro) ▼
Start date	<input type="text" value="01-01-2018"/>	End date <input type="text" value="31-12-2018"/>

- ❖ **Proposed solution:**

- **Option 1:** follow suggested solution and define explicit labels depicting each required amount purpose, i.e. "fiscal year 1", "fiscal year 2", etc.
The same would apply to "Specific average turnover" and "Specific yearly turnover".

Start > Procedure > Exclusion > Selection > Finish

B: Economic and financial standing ▼

Article 58(3) of Directive 2014/24/EU sets out the following selection criteria ⓘ

General yearly turnover >
Its general yearly turnover for the number of financial years required in the relevant notice, the procurement documents or the ESPD is as follows:

FY 1: 2015 Minimum requirement	<input type="text" value="120.000"/>	Currency ▼	+
FY 2: 2016 Minimum requirement	<input type="text" value="150.000"/>	Currency ▼	+
FY 3: 2017 Minimum requirement	<input type="text" value="110.000"/>	Currency ▼	+

+ Add year (maximum 5 years)

3. GitHub Issues (#275) – Consultation

2/2

❖ Proposed solution:

- **Option 2:** the CA can include a common threshold per all fiscal years (mock-up 1) or if needed, assign a threshold per each FY (mock-up 2).

The form is titled "B. Economic and financial standing" and references "Article 58(3) of Directive 2014/24/EU". It contains a section for "General yearly turnover" with a description: "Its general yearly turnover for the number of financial years required in the relevant notice, the procurement documents or the ESPD is as follows:". To the right, there is a dropdown for "#Fiscal Years (1 to 5)", a "Minimum Requirement" field with the value "120.000", and a "Currency" dropdown. A checkbox labeled "Threshold per year" is present and is currently unchecked.

The form is titled "B: Economic and financial standing" and references "Article 58(3) of Directive 2014/24/EU". It contains a section for "General yearly turnover" with a description: "Its general yearly turnover for the number of financial years required in the relevant notice, the procurement documents or the ESPD is as follows:". To the right, there is a dropdown for "#Fiscal Years (1 to 5)", a "Minimum Requirement" field with a placeholder "...", and a "Currency" dropdown. A checkbox labeled "Threshold per year" is present and is currently checked. Below this, there are two rows for individual fiscal year requirements: "FY 1: 2015 Minimum requirement" with a value of "120.000" and "FY 2: 2016 Minimum requirement" with a value of "150.000", each followed by a "Currency" dropdown.

3. GitHub Issues ([#124](#)) – Consultation

1/2

❖ **Issue [#124](#):** Need to re-model some data structures as UBL-classes

❖ **Release:** ESPD-EDM 3.0.0

❖ **Summary:**

- The possibility to transform “other criteria” to UBL classes as these criteria are not actual criteria (Exclusion Ground nor Selection Criteria). These criteria are modelled as criteria but they are information concerning the economic operator, asked in the Part II of the ESPD.

❖ **Proposed solution:**

- Keep the usage of the other criteria as per today. Except: OTHER-CA-Lots.
- The information is asked in the CN coming from the eForms. This notice establishes how the EO will be. In the ESPD Response the EO says how it is.

3. GitHub Issues ([#124](#)) – Consultation

2/2

❖ **Proposed solution:**

Part	“Other Criteria”	Proposed Solution/Action
II	OTHER-CA-Lots	Remove This information is on how the procedure is organised is not needed anymore on ESPD as it would be provided by eForms.
II	OTHER-EO-Lots	Keep With the new Lot Management, one ESPD is for one Lot or Group of lots as defined in eForms. Therefore only a field will be provided, for which one this ESPD is linked to.
II	OTHER-EO-SHELTERED	Keep (see #220). This is linked to eForms. This criteria in Part II needs only to be used, if in eForms the CA indicates this.
II	OTHER-EO-PQS	Keep No link with eForms
II	OTHER-EO-GROUPs	Keep Information to be shown in eForms CAN if a group
II	OTHER-EO-RELIED_ON-ENTITIES	Keep Only in the case where the CA indicate in the CN that wants to know information related to the EO, this is relevant for the EO to provide information.
II	OTHER-EO-NOT_RELIED_ON-ENTITIES	Keep No link with eForms
II	OTHER-EO-SME	Keep Information to be shown in eForms in CAN
V	OTHER.EO-REDUCTION-CANDIDATES	Keep Only if this information is given in eForms, then Part V must be shown. In eForms BG-709 (Second stage).

2. GitHub Issues ([#220](#)) – Information

1/1

❖ **Issue [#220](#):** Codelist (V 2.1) - CriteriaTaxonomy - EO_DATA.SHELTERED_WORKSHOP: #57 (CRITERION.OTHER.EO_DATA.SHELTERED_WORKSHOP)

❖ **Release:** ESPD-EDM 3.0.0

❖ **Summary:**

- The possibility to add a new criterion for representing the “reserved participation” as eForms does. Currently, the ESPD has included both terms in the same question under the PART II, Section A (information about the EO).

Only in case the procurement is reserved ⁽⁶⁾ : is the economic operator a sheltered workshop, a 'social business' ⁽⁷⁾ or will it provide for the performance of the contract in the context of sheltered employment programmes? If yes, what is the corresponding percentage of disabled or disadvantaged workers? If required, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to?	<input type="checkbox"/> Yes <input type="checkbox"/> No [.....] [.....]
--	--

❖ **Proposed solution:**

- As it cannot be mapped with an UBL class (issue #124), it has to remain at the other criteria questions.
- To be as tightly aligned as possible with eForms (BT-71), it could be created a new criterion to represent “organisations pursuing a public service mission”.

4. Next meetings

- ❖ **Next OUC meeting:** Thursday 29th of October 10h CET.
- ❖ **Annual Seminar:** Thursday 3rd December morning

