*6PM² Template v2.0.1 (Oct. 2013)*

# Open User Community Meeting Minutes

## Publications Office – ESPD EDM

| Meeting Date/Time: | 2020-09-03<br>11:00 – 12:30 |
|---|---|

| Attendee Name *(present)* | Organisation / Email |
|---|---|
| Sofia BERENGUER | OP |
| Marc Christopher SCHMIDT | DG GROW |
| Enric STAROMIEJSKI | Everis |
| Maria FONT | Everis |
| Pedro SOTO | Everis |
| Jonas ÅBERG | Sweden |
| Peter ANTALIK | Slovakia |
| Bettina BOZSONYI | Hungary |
| Simon BUSCH | Denmark |
| Jerry DIMITRIOU | Greece |
| Jennifer GUTSCHE | Austria |
| Hilde KJØLSET | Norway |
| Ajda KOSTANJSEK | Slovenia |
| Jana JANCOVICOVA | Slovakia |
| Cathrine LUND | |
| Maja MARINCEK | Slovenia |
| Foteini MICHAILIDOU | Greece |
| Ansgar MONDORF | Germany |
| Marc NOSBUSCH | Luxembourg |
| Timo RANTANEN | Finland |
| Francesco SCATTARETICO | Italy |
| Giampaolo SELLITTO | Italy |
| Jalini SRISGANTHARAJAH | Norway |

### Summary of Meeting Objectives

- Summary of last meeting on 9 July 2020.
- Presentation of the GitHub issues with two purposes: informative and consultation.

### Meeting Agenda

- Summary of last meeting on 9 July 2020.
- GitHub Issues

    Information

    - #158: Criteria for a particular type of contract
    - #235: Criterion #47 typified identifiers
    - #254: TOOP Requirements related to the ESPD

    Consultation

    - #250: Criterion No 59 roles - information
    - #156: Combination of roles
    - #249: initial "yes/no" answer for all selection criterion @ Section B and C of Part IV
- Next meetings

**Summary of the last meeting on 9 July**

- 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

- #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.
    - **Action:** The proposed action is to close the issue.

    It was informed the related information would be provided from eForms. Henceforth, no changes are needed in ESPD.

    No further details were discussed and all parts agreed on closing this 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.
    - **Action:** The proposed solution is to remove criteria LOT_IDENTIFIER and keep QUAL_IDENTIFIER and EVIDENCE_IDENTIFIER as they are now.

    It was informed of the need of keeping criteria QUAL_IDENTIFIER and EVIDENCE_IDENTIFIER were discussed with the interested users. Since they acknowledged their need for the criteria it was agreed on keeping them and deleting LOT_IDENTIFIER.

- #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.
    - **Action:** The proposed action is to close this issue and create a new issue linked to this one collecting new proposals.

    It was discussed the current version of the ESPD (2.1.1) already includes the mapping to the proposed elements by TOOP.  It has been revisited to ensure alignment with the new UBL 2.3 schemas. The current mapping is still valid with the last version of the UBL.

    During the discussion, new information came up with the new version of TOOP (1.2) that has changed slightly impacting ESPD. The new version of TOOP has been aligned and reviewed with CCCEV. Additionally, it was introduced that CCCEV, which is under development, would not affect the next release of ESPD, but the future one.

    In these aspects, all parts agreed on providing the needed data in a new issue linked to this one and closing the current item.

Consultation

- #250: Criterion No 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?".* Nonetheless, no responses nor debates have been generated in the issue. Therefore, no extra information or viewpoints have been gathered.

- **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 a recap of the last OUC discussion on this matter. The discussion rapidly derived onto the possibility of multiple roles for the same Economic Operator (EO) that is the discussion focus of the next issue. Therefore, no further progress was reached in this meeting and will be discussed in the future.

- #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 doing any activity, and at the same time, it could act as a subcontractor in the same procedure.

    - **Proposed solution:** The conclusion was to set up a model to ease further discussion in the future.

The discussion started asking each member if their eTendering service allows the submission only per lot or does it allow to submit in one tender with multiple lots. The general answer to this was EO can take different roles in different lots as Subcontractor and Relied Upon.

In the end, it was concluded a taxonomy for this case would be of help in further discussion of this issue.

- #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:** The conclusion was to keep working on the issue with new provided data and to create a mockup to help.
        - Option 1 (preferred):
        Question 1: Does the EO fulfil the criteria by itself? Yes / No

        Question 2: in the case of no – Relied upon or not: Yes / No
        - Option 2:
        Question 1: Does the Tenderer fulfils the criteria? Fulfilled by EO / Fulfilled together with others / No.

The discussion started presenting both proposed options leading to a possible third option that would be presented by one of the members in the same issue in GitHub.

Option1 was mainly preferred, nonetheless, it was agreed to keep working on it and to present a mockup for all options to help reaching a conclusion.

**Next Meetings**

- The next Open User Community Meeting (OUC) was announced to be the Annual Seminar on the 1st of October.

  <u>Meetings updates on the 23rd of September</u>:
  - ○ ESPD seminar is postponed to the 3rd of December in the morning.
  - ○ The next OUC meeting is the 1st of October in the morning.