

Changes following the introduction of the European Single Procurement Document (Scotland)

Supplier Guidance Notes

The new EU Procurement Directives made provision for the introduction of a European Single Procurement Document (ESPD) which is intended by the European Commission to remove some of the barriers to participation in public procurement, especially for SMEs.

The ESPD (Scotland) will replace the requirement for suppliers to provide up-front evidence or certificates by allowing them to self-declare that they meet the relevant selection and exclusion criteria. Bidders will be asked to provide proof of this at a later stage.

From **Monday 18 April 2016** all Scottish public bodies must issue and accept the ESPD for all procurements worth more than the EU thresholds. This will replace the standard pre-qualification questionnaire (sPQQ) and any local PQQs used by public bodies.

Further information on the changes on ESPD can be found in the [Scottish Procurement Policy Note 06/2016](#) and in the FAQs below.

Enquiries

Any enquiries in relation to this guidance should be addressed to Scottish Procurement: Scottishprocurement@gov.scot

Or in writing to:

Scottish Procurement
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
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FAQs

Q. What is the European Single Procurement Document?

A. The European Single Procurement Document (ESPD) is a standard form for use by all EU member states, which replaces pre-qualification questionnaires, and should make the process of bidding for a public contract easier. Its purpose is to remove some of the barriers to participation in public procurement, especially for SMEs.

From Monday 18 April 2016 all Scottish public bodies must issue and accept the ESPD form for all procurement exercises above the EU threshold. It should make the process of bidding for a public contract easier by allowing bidders to self-declare that they meet selection and exclusion criteria, without the need to provide evidence at that stage.

The same form will be used across the EU, so a bidder will be able to re-use a form which it has previously submitted for another competition, so long as the information is still correct.

Q. Where do I find a copy of the ESPD?

A. A word version will be available on the Procurement Journey and an electronic version will be available on PCS-Tender.

Q. Do I need to fill in a new ESPD every time I bid?

A. Yes. Each ESPD is configured to suit the requirements of that individual procurement exercise. Therefore, suppliers will be expected to submit an individual ESPD response that relates to those particular questions and requirements each time they bid.

Where the buyer uses PCS-Tender, suppliers will be able to store and reuse their answers to the ESPD standard questions.

Q. How will it work?

A. Buyers will set out their selection and exclusion criteria, including any minimum standards and methods for shortlisting, in their contract notice. They will then issue an ESPD which is relevant to their procurement exercise and make it available for anyone interested in bidding for their contract.

Bidders will complete and submit their ESPD response to the buyer, who will assess bidders suitability against the selection and exclusion criteria

Q. Will I be asked for proof that my self-declaration is true?

A. By law, a winning bidder has to submit all of the required certificates and documentation, before they are awarded a contract. Bidders can be asked to submit their evidence at any point in the procurement process, if this is necessary to ensure that the process is carried out properly.

From 18 October 2018, bidders will not be requested to submit supporting documentation which an organisation already has in its possession.

Q. Only the bidders that have been shortlisted or have been successful will need to submit the documentation which proves that it qualifies for the contract. If a bidder is found to have misrepresented itself, what happens?

A This will depend on what the issue is:

- If it emerges that a bidder is actually in one of the situations which is a mandatory ground for exclusion, or if it does not meet one of the minimum selection criteria, then that bidder must be excluded from the competition. Depending on the nature and stage of the competition, that may mean either that it proceeds without that bidder, or that competition should be re-evaluated without that bidder's tender.
- If it emerges that a business is in one of the situations which is a discretionary ground for exclusion, then the decision about whether or not to exclude that bidder will be up to the public body, which will have to take a decision which is in line with the EU Treaty Principles of transparency, proportionality, equality of treatment and non-discrimination.
- If the issue is more administrative in nature (e.g. mistakes in providing the documentation), then the authority will have the option of inviting the bidder to supplement or clarify the documentation provided.

Q. The standard pre-qualification questionnaire was popular with bidders because buyers asked questions in the same way. Will that consistency now be lost?

A. No, the ESPD will build upon this standardisation as the same standard form is now being used across Europe. We have also developed a series of statements to help buyers define their selection criteria in the Contract Notice in a standard format. These can be found in the [Procurement Journey](#).

Q. Will the ESPD be available on PCS-Tender?

A. A fully electronic version of the ESPD (Scotland) will be available on PCS-Tender.

Q. Will all the responses to sPQQ questions which bidders have previously submitted on PCS-Tender now be lost?

A. No. We have managed to transfer around 70 per cent of responses which have previously been provided to sPQQ questions, either to equivalent ESPD questions, or made available for re-use as supporting evidence at verification stage. Further information will be communicated to registered PCS-Tender users.

Q. Why is ESPD (Scotland) different to the standard form produced by the European Commission?

A. ESPD (Scotland) is only superficially different to the standard version produced by the European Commission. We have made two types of changes. Firstly, to reflect language and terms in more common usage in Scotland. For example, ESPD (Scotland) refers to supported businesses, rather than sheltered workshops.

Secondly, to insert some sub-questions to reflect developments in Scotland. For example, we have added a sub-question which asks specifically whether the bidder has breached the Employment Relations Act 1999 (Blacklists) Regulations 2010, because this is a mandatory ground for exclusion in Scotland.

Q. What about sub-contractors and consortium members?

A. If a bidder proposes to sub-contract part of a contract, and relies on the capacity of that sub-contractor in order to fulfil the selection criteria, a separate ESPD must be submitted on behalf of that sub-contractor.

The public body may choose to request a separate ESPD from any other sub-contractor, in order to verify whether or not there are grounds for excluding it. If a sub-contractor is in one of the situations which would lead to its mandatory exclusion, the bidder will be required to replace that sub-contractor.

Q. What help is available for bidders to understand the tender process?"

A. The [Supplier Development Programme](#) provides free information, support, events and workshops covering procurement and the tendering process.