eESPD - FAQ
e(European Single Procurement Document)

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I. Basic principles of the ESPD

1. What are the ESPD and the eESPD?

The ESPD is a tool which makes it easier for you to participate in public procurement. It is a self-declaration of suitability, financial status and abilities of companies used as preliminary evidence in all public procurement procedures above the EU threshold.

The self-declaration enables the participating companies or other economic operators to prove that:

- They are not in one of the situations in which they must be excluded or may be excluded from the procedure;
- They meet the relevant exclusion and selection criteria.

Only the winner will have to submit the certificates normally requested as evidence by public buyers. Others may be asked for some or all of the documents in cases of doubt. In case that the company is providing the links to actual evidence to the respective registers, buyers can access them directly from there. This will significantly reduce the administrative burden related to proving the eligibility of participants.

Technical specifications are not part of the ESPD. It covers only the conditions for participation (pre-qualification) in terms of exclusion and selection criteria.

The eESPD is the electronic version of this self-declaration, provided as a web-form by the European Commission (see the next question).

2. Which are the possibilities of using the eESPD?

According to the new public procurement directives, the ESPD shall be provided exclusively in an electronic form. To allow for the transition to the obligatory use of electronic means of communication in all Member States, both electronic and paper versions[1] of the ESPD may co-exist in the interim period until 18 April 2018.

There are four possibilities of using the eESPD:

- **a.** Free eESPD service provided by the European Commission;
- **b.** ESPD data model, which enables integration of the eESPD service into the national e-procurement solutions / pre-qualification services;
- **c.** Open source version of the first option, i.e. of the eESPD service. The open source version is compatible with the ESPD data model and some elements can be adjusted to take into account the national needs.
- **d.** Virtual Company Dossier (VCD).

3. Which are the functionalities provided by the eESPD service?

The eESPD service enables:

- The buyer to fill in and reuse an ESPD template determining the exclusion and selection criteria;
- The participating company to fill in, reuse, download and print the ESPD for a given procedure.

In the future, it will also be possible:

- For the participating company to see directly in the eESPD which evidence it can use to demonstrate fulfilment of a specific criterion, without checking the correspondent evidence in e-Certis;
- For the buyer to upload all received eESPDs from the participating companies in order to generate an overview of the submitted self-declarations in one table.

II. General aspects of using the eESPD service

4. Do I (company) have to provide the original evidence?

According to the winner-only principle, only the winner of the procurement procedure will be requested to submit the original evidence. Nonetheless, at any moment of the procedure the buyer still has the right to ask also other participating companies to submit evidence in order to ensure a proper conduct of the procedure.

Equally importantly, where (parts of) the evidence is available in a relevant national database, free of charge, the participating company can state where the requested evidence can be found (i.e. the name of the repository, website, identification of the file

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[1] Annex II to Commission Implementing Regulation (EU) 2016/7 of 5 January 2016; In OJEU L 3 of 6 January 2016, p. 16

etc.). If this is the case, the buyer must retrieve it directly from the indicated source. By indicating this information, the participating company (or person concerned) agrees that the buyer may retrieve the documentation (subject to the relevant rules on personal data processing).

5. Can the eESPD service used in a two stage process?

Yes. The ESPD has to be submitted by all participating companies in the first stage.

6. Is the ESPD applicable also for below the threshold procurement and concessions?

Where national legislation allows this, the ESPD can also be used below the threshold, and for concessions (below and above the threshold), wherever there is a case for simplification. The data model is also adapted for this purpose.

7. Do the subcontractors have to submit an ESPD as well?

Subcontractors on whose capacities the participating company relies shall use the ESPD (for the relevant parts).

Other subcontractors do not have to fill in the ESPD unless the ESPD for a specific procurement indicates that information is required also for "ordinary subcontractors".[2]

8. Do the central purchasing bodies (CPBs) have to use the eESPD in case of a framework agreement and how?

Yes. The ESPD is to be part of the procurement documents. The CPB as a buyer will have to fill in the first part of the form (linked to TED) and choose the selection criteria.

9. Is the Commission going to store the data communicated via the eESPD service?

No. The eESPD service is an online application facilitating the process of generating the ESPD form without a database. Therefore it does not (as it can not) store any data. The eESPD as XML or PDF form always has to be saved and stored locally on the user's computer.

III. 'How-to' advice on the use of the eESPD service

10. Could you provide us with examples of a pre-filled ESPD XML form?

Yes, they are available for download at the following link.

One example simulates a request sent by the buyer to the participating company (espd request).

The other one simulates a response sent by the company back to the buyer (espd response).

11. How do I create / import an eESPD?

The ESPD web-service enables the buyers to create an ESPD template (or reuse a template used in a previous procedure). It will then be made electronically available together with other tender documents.

The participating company will import this template, fill in the necessary data (or have them pre-filled via the respective e-procurement tool in use), download, print if needed and submit the ESPD with other tender documents.

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[2] See Part II section D of the ESPD and Art. 71(5)

12. How should I export the eESPD and what shall I do with the file?

The advantage of exporting the eESPD as a computable file is that buyers and companies can reuse it for other procedures in the future (see also the question on the reuse of ESPD below).

The XML file exported by the buyers is called "espd-request.xml". The XML file exported by the participating companies is called "espd-response.xml". Buyers will be able to use the review function of the service to view the XML response file submitted by the companies.

For buyers

If you are a buyer, the idea is that you export the eESPD as a computable file when clicking on "Export" (the file is called "espd-request.xml") and publish this file together with other procurement documents. In your procurement documents you should provide a link to the eESPD service to ensure that participating companies know where to fill in the ESPD request.

Afterwards, the participating companies will have the possibility to submit the eESPD as a computable file back to you. You will also be able to use the eESPD service to view the content of the "espd-response.xml" file. See the next question for information on how to print the eESPD.

For companies

As a company, if you have received an eESPD from the buyer you can use the eESPD service to fill it in. Once done, you can submit it together with your tender to the buyer.

If you have not received an ESPD, you can still use the eESPD service and fill in an ESPD accordingly. If you wish so, you can also print out the ESPD and submit it alongside your tender (see the next question for more information on printing).

13. How do I print an eESPD?

The participating company and buyers can print out the eESPD from the final page of the web service. The eESPD form appears after clicking on the "Print" button (as a PDF file). In Microsoft Windows the eESPD can be downloaded as PDF by using the Chrome Browser (it already includes a functionality to print PDFs). Otherwise you can use any PDF-creator freely available online. On Mac OSX or Linux, the eESPD can be printed from any browser.

The buyers should remember to create (and publish with the other procurement documents) not only the PDF version of the eESPD but also the XML file. This is appreciated by the companies who will thus have the opportunity to choose which format they would like to use for their tender. The companies can reuse the data only with the XML version.

The XML file exported by the buyers is called "espd-request.xml". The XML file exported by the participating companies is called "espd-response.xml". Buyers will be able to use the review function of the service to view the XML response file submitted by the companies.

14. How do I sign an eESPD?

If the buyer requests it, the eESPD must be signed. In that case, this means that the participating company needs to first download the XML file and then use its e-signature tool to sign it. If it is not possible, the ESPD should be printed as a PDF and signed manually.

15. Does the buyer need to fill in data on the procedure in part I. of the eESPD?

No, it is not necessary as long as the eESPD service is used. The eESPD web form provided by the European Commission can automatically retrieve this information. This is preconditioned by the following steps:

a.   When the buyer submits the notice to TED (Tenders Electronic Daily)

b.   it receives an e-mail (immediately after the step a)) with a temporary identification number (not an OJS number).

c.   The identification number is entered into the eESPD service.

d.   As the notice is (likely) not published yet, everything except the OJS number will be automatically inserted into part I. of the relevant eESPD. The temporary ID will also be saved in the XML file.

e.   After publication of the tender notice, the companies will open the XML file in the eESPD web form. Because the OJS number will be available at this time, the eESPD web form will retrieve it automatically together with the link to the published notice.

16. Can the eESPD be reused?

Yes. The eESPD web form enables both buyers and participating companies to reuse the eESPD form used in previous procedures if both parties use the XML version. The form can be reused as long as the data remain correct and pertinent.

IV. Technical aspects related to the eESPD

17. Can I access the eESPD via all internet browsers?

Yes. The eESPD works with the latest version of commonly available browsers such as Chrome, Internet Explorer, Firefox, Safari and Opera. To avoid potential problems, it is recommended to use these browsers in their most recent version. Please be aware that some functionalities, such as file download, do not work on smartphones and tablets.

18. Is the eESPD going to be open source?

Yes. An open source version of the eESPD service is already available. The code is published on Joinup and on GitHub.

19. Is it possible to integrate the eESPD into an e-procurement system?

Yes. The eESPD data model is at the disposal of all providers of e-procurement services.

Click here for more information.