**NOTES FOR THE COMPILATION OF THE SELECTION CRITERIA**

**WITHIN THE ESPD**

**STANDARD FORM FOR THE EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)**

For all procurements commencing under the new Directive, it is mandatory for Contracting Authorities to accept the ESPD where the estimated value is equal to or greater than €135,000 excluding VAT. The introduction of the ESPD is intended by the European Commission to reduce the administrative burden on Economic Operators and to remove some of the barriers to participation in public procurement, especially for small to medium-sized enterprises (SMEs).

The ESPD is a generic document which should be used across all EU Member States. This means that the questions in the ESPD cannot be amended. Contracting Authorities must set out the specific selection criteria requirements, including relevant exclusion/black listing grounds as established under part VI of the Public Procurement Regulations and any other minimum standards relevant for the procurement exercise as established in the procurement documents.

Economic Operators shall submit a completed ESPD in response to the requirements established in the procurement documents.

The Economic Operator, subcontractor or other parties may rely on their ESPD response as a self-declaration that they have not breached any of the exclusion grounds.

If an Economic Operator is in a situation which might result in its exclusion, it may provide evidence to show that it has taken appropriate remedial action to demonstrate its reliability. This is known as self-cleaning. In such cases the Economic Operator must not be excluded from the procurement procedure on such exclusion grounds.

An electronic word version of the ESPD, for completion by Economic Operators, may be retrieved through the Government’s e-Procurement Platform (available from [www.etenders.gov.mt/Resources](http://www.etenders.gov.mt/Resources)). The items within the sections/parts therein are also numbered for ease of reference. Please also refer to the FAQ document.

**Key points for Contracting Authorities:**

* Must issue and accept the ESPD as part of the [selection process](https://www.procurementjourney.scot/route-3/route-3-develop-documents-selection-award-and-exclusion-criteria) for procurements whose estimated value is equal to or greater than €135,000 excluding VAT.
* Must include the relevant exclusion and selection criteria in the procurement documents;
* Must request a separate ESPD response from subcontractors. If the ESPD verifies that there are grounds for exclusion of any such subcontractor, the Contracting Authority must require a contractor to replace that sub-contractor.
* Must request a separate ESPD response from each member of a consortium to ensure that all members meet the relevant selection criteria;
* Must ask the recommended bidder/tenderer for the relevant evidence and certificates, which support the declarations made in the ESPD, during the evaluation stage or during the pre-awarding of the contract.

If a bidder/tenderer is not able to provide the requested ESPD supporting documents, or withholds or misrepresents such information, the bidder/tenderer will be disqualified.

* Must request that the ESPD response be completed for each lot (or group of lots with the same selection criteria) where procurements are divided into lots **and** selection criteria vary from lot to lot.

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The following are the relevant parts of the ESPD for perusal by Contracting Authorities when drafting a procurement document. Contracting Authorities must establish specific selection requirements and any other minimum standards relevant to the procurement documents being drawn up. Article 7(B) of the e-procurement document should identify the sections/parts to be filled in from the below accordingly.

**Part I: Information concerning the procurement procedure and the contracting authority or contracting entity**

If there is no call for competition in the OJEU, then the Contracting Authority or Contracting Entity must fill in the information allowing the procurement procedure to be unequivocally identified.

In case publication of a notice in the Official Journal of the European Union is not required, please give other information allowing the procurement procedure to be unequivocally identified (e.g. reference of a publication at national).

This section seeks background information about the economic operator. If the information required to be submitted has already been submitted when registering with EPPS, the economic operator in question is to leave the relevant field blank.

**PART IV: Selection Criteria**

Contracting Authorities should specify the relevant and proportionate selection criteria in the procurement documents.

The selection criteria are split into the following sections within ESPD:

-Suitability,

-Economic and Financial Standing (applicable for procurement with an estimated value over Euro2,000,000)

-Technical and Professional Ability (Experience cannot be requested for procurement with an estimated value below Euro500,000), and

-Quality Assurance Schemes and Environmental Management Standards

Questions which are not relevant or proportionate must be deleted prior to including in the procurement documents. Contracting Authorities **MUST NOT** add new questions or amend existing questions.

**A: SUITABILITY**

Contracting Authorities must specify the applicable selection criteria relating to an Economic Operator’s suitability in the Procurement documents.

Contracting Authorities should **only** include the required Question Reference in the Procurement documents. The minimum requirements shall be set in the Procurement document. These should be relevant and proportionate to the subject matter of the tender.

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| **Question Reference** | **Suitability** | **Answer** |
| 4A.1 | **1) The economic operator is enrolled in the relevant professional or trade registers** kept in the Member State of its establishment:  For E.G.: The economic operator shall be enrolled in the (**include here the needed professional or trade register)** kept in the Member State of its establishment. This information shall be included in the ESPD in Question Reference number 4A.1 and 4A.1.1. | [text] |
| 4A.1.1 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4A.2 | **2) For service contracts:** Is it a requirement in the bidder’s country of establishment to hold a particular **authorisation or membership** of a particular organisation needed in order to be able to perform the service in question:  For E.G.: The economic operator shall hold (include here the authorisation or membership required of the particular organisation needed in order to be able to perform the service in question). This information shall be included in the ESPD in Question Reference numbers 4A.2, 4A.2.1, 4A.2.2 and 4A.2.3. | [] Yes [] No |
| 4A.2.1 | **If yes**, please specify which authorisation or membership is required: | [text] |
| 4A.2.2 | Please indicate whether the economic operator has the required authorisation or membership (as named above): | [] Yes [] No |
| 4A.2.3 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |

**B: ECONOMIC AND FINANCIAL STANDING**

Contracting Authorities must specify the applicable selection criteria relating to an Economic Operator’s suitability in the Procurement documents.

Contracting Authorities should **only** include the required Question Reference in the Procurement documents. The minimum requirements shall be set in the Procurement document. These should be relevant and proportionate to the subject matter of the tender.

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| **Question Reference** | **Economic and financial standing** | **Answer** |
| 4B.1 | 1a) The economic operator should provide its (“general”) yearly turnover for the number of financial years specified in the relevant procurement documents:  For E.G: The minimum yearly turnover during the past [...] years (being 20..-20..) shall be not less than [€..........] in total/per year. This information shall be included in the ESPD in Question Reference number 4B.1. | Year: [number]  Turnover: [number] |
| Year: [number]  Turnover: [number] |
| Year: [number]  Turnover: [number] |
| 4B.1.4 | **Or**, 1b)The economic operator should provide its average yearly turnoverfor the number of years specified in the relevant procurement documents:  For E.g: The minimum average yearly turnover during the past [...] years (being 20..-20..) shall be not less than [€..........] per year. This information shall be included in the ESPD in Question Reference number 4B.1.4. | Number of years**:** [number] |
| Average turnover: [text] |
| 4B.1.5 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| precise reference of the documentation: [text] |
| 4B.2 | **Or,**  2a) The economic operator should provide its yearly (“specific”) turnover in the business area(s) covered by the contract and specified in the relevant procurement documents:  For E.G: The minimum yearly turnover (specifically in the subject matter of the tender) during the past [...] years (being 20..-20..) shall be not less than [€..........] in total/per year. This information shall be included in the ESPD in Question Reference number 4B.2. | Year: [number]  turnover[number] |
| Year: [number]  Turnover[number] |
| Year: [number]  Turnover[number] |
| 4B.2.4 | 2b) The economic operator should provide its average yearly turnover in the area andfor the number of years specified in the relevant procurement documents:  For E.G: The minimum average yearly turnover (specifically in the subject matter of the tender) during the past [...] years (being 20..-20..) shall be not less than [€..........] per year. This information shall be included in the ESPD in Question Reference number 4B.2.4. | Number of years**:** [number] |
| Average turnover: [text], currency |
| 4B.2.4.1 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4B.3 | 3) In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the economic operator was set up or started trading: | [date] |
| 4B.4 | 4) The economic operator confirms the name, value and/or range of the financial ratiosspecified in the relevant procurement documents are as follows:  Insert financial ratios being requested. Examples of ratios include: the Debt Ratio, the Acid Test Ratio and Working Capital. | Confirm ratio name, range and value: [text] |
| 4B.4.1 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4B.5 | 5) The economic operator confirms they already have or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the relevant procurement documents.  Include any Insurance requirements.  E.G: The economic operator confirms that they already have or can commit to obtain, prior to the commencement of the contract, a Business Liability Insurance to cover up to €xxxx per occurrence, with unlimited number of occurrences. This information is to be submitted online in the ESPD as per Question Reference number 4B.5 and 4B.5.1. | |  |  | | --- | --- | | Business Liability Insurance | **Yes, I already have this**  **No, but I**  **commit to**  **obtain it**  **No, and I**  **cannot commit**  **to obtain it** |      |  |  | | --- | --- | | All other types of insurance listed in the procurement documents | **Yes, I already have this**    **No, but I commit to obtain it**  **No, and I cannot commit to obtain it** | |
| 4B.5.1 | If this information is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4B.6 | 6) Concerning any other economic or financial requirements, that may have been specified in the relevant procurement documents, the economic operator declares that:  For E.G: The minimum credit facility required for the duration of this project is [€..........]. The tenderer must submit a statement by a recognised bank certifying such credit facilities. In the case of a consortium/joint venture the aforementioned statement must cover all members/companies forming the consortium/joint venture. This information is to be submitted online with the ESPD as per Question Reference number 4B.6 and 4B.6.1. | [text] |
| 4B.6.1 | If the relevant documentation that may have been specified in the relevant procurement documents, is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |

**C: TECHNICAL AND PROFESSIONAL ABILITY**

Contacting Authorities must specify the applicable selection criteria relating to an economic operator’s technical and professional ability in the procurement documents.

Contracting Authorities should **only** include the required Question Reference in the procurement documents. The minimum requirements shall be set in the procurement document. These should be relevant and proportionate to the subject matter of the tender.

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| **Question Reference** | **Technical and professional ability** | **Answer** | | |
| 4C.1 | 1a) **For** **public works contracts only**, please provide relevant examples of works carried out as specified in the procurement documents:  For E.G: List of principal works (as per ESPD Question reference 4C.1 and 4C.1.1) of a similar nature being […….] to substantiate the below.  State the value of works of a similar nature as described above effected during the last [........] years (being 20xx-20xx) (cannot be more than the last 5 years): the minimum value of which must not be less than [€............] in total for the quoted period.  State the number of works of a similar nature as described above effected during the last [........] (being 20xx-20xx): the minimum number of which must not be less than [........] for the quoted period.  In so listing the end clients, the tenderer is giving his consent to the Evaluation Committee, so that the latter may, if it deems necessary, contact the relevant clients, with a view to obtain from them an opinion on the works provided to them, by the tenderer. The Evaluation Committee reserves the right to request additional documentation in respect of the deliveries listed. | Please provide your answer in the table below: | | |
| |  |  |  |  | | --- | --- | --- | --- | | Description | Amounts | Dates | Customer/Client | | [text] | [text] | [date] | [text] | |  |  |  |  | | | | | |
| 4C.1.1 | If the relevant documentation concerning satisfactory execution and outcome for the most important works is available electronically, please indicate: | Web address: [text] | |  |
| Issuing authority or body: [text] | |
| Precise reference of the documentation: [text] | |
| 4C.1.2 | **1b) For public supply and public service contracts only,** please provide relevant examples of supplies and/or services carried out as specified in the procurement documents:  (Examples from both public and/or private sector customers and clients may be provided):  For E.G: List of principal (supplies/services) (as per ESPD Question reference 4C.1.2) of a similar nature being […….] to substantiate the below.  State the value of (supplies/services) of a similar nature as described above effected during the last [........] years (being 20xx-20xx) (cannot be more than the last 3 years): the minimum value of which must not be less than [€............] in total for the quoted period.  State the number of (supplies/services) of a similar nature as described above effected during the last [........] (being 20xx-20xx): the minimum number of which must not be less than [........] for the quoted period.  In so listing the end clients, the tenderer is giving his consent to the Evaluation Committee, so that the latter may, if it deems necessary, contact the relevant clients, with a view to obtain from them an opinion on the works provided to them, by the tenderer. The Evaluation Committee reserves the right to request additional documentation in respect of the deliveries listed. | Please provide your answer in the table below: | | |
| |  |  |  |  | | --- | --- | --- | --- | | Description | Amounts | Dates | Customer/Client | | [text] | [text] | [date] | [text] | |  |  |  |  | | | | | |
| 4C.2 | 2) Please provide details of the technicians or technical bodies the economic operator can call upon, especially those responsible for quality control in relation to this procurement exercise: | | [text] | |
| 4C.2.1 | **In the case of public works contracts**, the economic operator will be able to call on the following technicians or technical bodies to carry out the work: | | [text] | |
| 4C.3 | 3) Please provide details of the technical facilities and measures for ensuring quality and the study and research facilities used: | | [text] | |
| 4C.4 | 4) Please provide a statement of the relevant supply chain management and/or tracking systems used: | | [text] | |
| 4C.5 | 5) **For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose:** Will the economic operator allow checks by the public body or any competent official body from their country, to be conducted on the production capacities or the technical capacity of the bidder and, where necessary, on the means of study and research which are available to it and on the quality control measures? | | [] Yes [] No | |
| 4C.6 | 6) The following educational and professional qualifications are held by:  a) The service provider or the contractor itself: | | [text] | |
| 4C.6.1 | and/or (depending on the requirements set out in the relevant procurement documents)  b) Its managerial staff: | | [text] | |
| 4C.7 | 7) Please provide details of the environmental management measures which the economic operator will be able to use when performing the contract: | | [text] |  |
| 4C.8 | 8a) Please provide details of the average annual manpower for the last three years: | | Year, average annual manpower:  Year 1: [Year],[number], Year 2: [Year],[number], Year 3: [Year],[number]. |  |
| 4C.8.1 | 8b) Please provide details of the number of managerial staff for the last three years: | | Year, number of managerial staff:  Year 1: [Year],[number], Year 2: [Year],[number], Year 3: [Year],[number]. |  |
| 4C.9 | 9) Please provide details of relevant tools, plant or technical equipment available to you in relation to this procurement exercise: | | [text] |  |
| 4C.10 | 10) Please provide details of the proportion (i.e. percentage) of the contract that you intend to subcontract:  For E.G: Provide data concerning subcontractors and the percentage of works to be subcontracted to be submitted online through the ESPD as per Question Reference number 4C.10. | | [text] |  |
| 4C.11 | 11a) **For** **public supply contracts** the economic operator will supply the required samples, descriptions or photographs of the products to be supplied, which do not need to be accompanied by certifications of authenticity: | | [] Yes [] No |  |
| 4C.11.1 | 11b) Where applicable, the economic operator furthermore declares that it will provide the required certificates of authenticity: | | [] Yes [] No |  |
| 4C.11.2 | 11c) If the relevant documentation is available electronically, please indicate: | | Web address: [text] |  |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4C.12 | 12) **For public supply contracts:** Can the economic operator provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant procurement documents? | | [] Yes [] No |  |
| 4C.12.1 | **If not**, please explain why and state which other means of proof can be provided: | | [text] |  |
| 4C.12.2 | **If the relevant documentation is available electronically, please indicate:** | | Web address: [text] |  |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |

**D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS**

The Contracting Authority must specify the applicable selection criteria relating to an economic operator’s quality assurance schemes and environmental management standards in the procurement documents.

Contracting Authorities should **only** include the required Question Reference in the procurement documents. The minimum requirements shall be set in the procurement document. These should be relevant and proportionate to the subject matter of the tender.

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| **Question Reference** | **Quality Assurance Schemes and Environmental Management Standards** | **Answer** |
| 4D.1 | 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? | [] Yes [] No |
| 4D1.1 | **If not**, please explain why and specify which other means of proof concerning the quality assurance scheme can be provided: | [text] |
| 4D1.2 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |
| 4D.2 | Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required environmental management systems or standards? | [] Yes [] No |
| 4D.2.1 | **If not**, please explain why and specify which other means of proof concerning the environmental management systems or standards can be provided: | [text] |
| 4D2.2 | If the relevant documentation is available electronically, please indicate: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |

**PART V: Reduction of the Number of Qualified Candidates**

**For restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships only.**

The economic operator should only provide information where the or contracting entity has specified the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, if any, to be produced, is set out in the relevant notice or in the procurement documents referred to in the notice.

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| **Question Reference** | **Reduction of the numbers of candidates** | **Answer** |
| 5B | **The economic operator declares that:** It meets the objective and non‑discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way: | [text] |
| 5B.1 | **The economic operator declares that:** It has all relevant certificates or other forms of documentary evidence as required in the relevant procurement documents: | [] Yes [] No |
| 5B.2 | If some of these certificates or forms of documentary evidence are available electronically, please indicate for each: | Web address: [text] |
| Issuing authority or body: [text] |
| Precise reference of the documentation: [text] |