

eForms – consultation overview

1. Introduction

The purpose of this document is to give an overview of the results of the consultation on eForms, which took place between 22nd November 2016 and 30th January 2017. This consultation is available at http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8997.

The comments have been reflected mainly in the new version of the eForms documents (see the track-changes in the new version of the explanatory document). Furthermore, major changes have been summarized below and comments on technical specifications have been responded to line by line in a spreadsheet containing the comments of all contributors who agreed to share their comments¹. All of these documents are available on the consultation website.

Further consultations, both for Member States only and for the general public, are planned in the course of this year.

2. Participation

Thirty-two contributors sent their comments concerning the eForms, out of which thirty followed the comment sheets format and two were free-form. Approximately fifteen contributors came from member states' central administrations. Twenty-one contributors agreed with their comments being published online, three did not, three agreed "Only if anonymised", and three did not specify.

At participants' requests, we extended the duration of the consultation by two weeks compared to the original deadline.

We received only one request to participate in a webinars to discuss topics in higher detail. Some contributors have been or will be contacted with further questions.

We would like to sincerely thank all the participants for their extremely useful contributions.

3. Opinions on the main proposals

The table below summarizes contributors' opinions on chapter 4, where they could choose between the replies of "Agree", "Disagree, because...", and "No opinion". While qualitative, reasoned opinions are the main source of feedback in eForms (given its technical nature) we believe the table gives a good indicative overview of the contributors' views.

#	Title of the proposal	Agree	Disagree, because	No opinion
1	Maintain the repetition of fields across forms	24	1	1
2	Maintain field numbering which is unique across forms	25	1	1
3	Maintain the current relationship between eForms and the ESPD.	15	10	3
4	Distinguish lighter legal regimes by optional fields, not missing fields	20	6	2
5	Give full flexibility to lots	18	9	2
6	Reorganize sections	21	3	5

¹ Out of the published comments, approximately 50 have been only for information or clarification, we proposed to accept a few more than 30, reject a few more than 30, and 20 require further information.

7	Align the prior information notice with a call for competition with the directive	13	9	7
8	Add policy relevant fields (Green, social, and innovative / challenged before a review body / management of the procurement procedure has been outsourced / quantity and units)	19	4	5
9	Add the option to explicitly mark fields not intended for publication	12	12	5
10	Enable the use of forms below the EU procurement thresholds	24	2	2
11	Establish an EU-wide identifier for procurement procedures	21	5	1
12	Simplify and harmonize labels	19	6	3
13	Change the structure of the contract award section	16	8	6
14	Clarify monetary fields for framework agreements and dynamic purchasing systems	12	5	10
15	Change how the notice changing a previous notice and the contract modification notice work	21	2	4
16	Change the type of buyer classification	15	3	10
17	Change the applicability of the main activity classification	13	2	13
18	Align the voluntary ex-ante transparency notice (VEAT) with the contract award notice.	21	3	4
19	Remove fields which are actually feature of Electronic Senders' user interfaces, not data fields	20	2	5
20	Recommend a procedure for selecting notices	20	1	6
21	Add a voluntary subsection with information on all submitted tenders	19	5	3

4. Clarification on main proposals

In this section, we would like to clarify a few misunderstandings stemming out of our formulations in the explanatory document.

- Proposal 5, proposal 11 , nor any other proposal suggest that there should be a limitation on the number of contract award notices for a given call for competition. The proposed limitation concerns only the number of calls for competition for a contract award notice, i.e. a contract award notice should not award from more than one call for competition.
- Proposal 15 explains how changes in published notices and modifications to published contracts should rely mainly on re-publication of the given notice. However, in the technical specifications, forms include also a "notice changing a previous notice" and a "contract modification notice". Finally, the PDF visualisation did not contain these forms. The reason for this seeming inconsistency was that while the *almost all* information will be updated based on a re-published notice, there will still be several fields added to the republished notice (e.g. summary of modification; reason for modification). Because of these fields, there are columns in the technical specifications for these two types of forms. Because these are only seven fields, they have not been generated as PDF visualisations.

5. Main changes to the draft eForms after the consultation

- a. Value for the whole notice ("Summary estimated value of all lots (excluding VAT):" has been returned, because it was considered useful for users and they also increase clarity e.g. in the case of framework agreements.
- b. The "Deadlines" section has been integrated into the "Communication" section, mainly because the fields in the two sections are closely thematically linked. Since types of deadlines to be given depend on the procedure, this merged section is now numbered as section VII – the place where "Deadlines" were originally. (Please note that this is the suggested order for filling in the forms, the order in which it is displayed to users may be different.)
- c. In the "Result of the procedure" section, " Value (excluding VAT):" were moved from the lot section to the contract section, because otherwise it's not clear how much money is being spent within framework agreements. (Two contracts could have been awarded for a single lot to two contractors, and it would not be clear which part of the funds is intended for which contractor.) "Winner's position", which represents similar information for design contests, was moved to the same place for consistency reasons.
- d. The possibility to specify exclusion grounds and selection criteria was added for design notices, because this may be useful (e.g. when it is planned to award a service contract afterwards). Consequently, the design-specific field on regulated professions has been removed, because it is no longer necessary – it is covered by the other fields.
- e. The following fields have been added based on demand by contributors: "Preliminary market consultation:" in the prior information notice; "Additional information can be requested before: [date-time]"; "Date of accessibility" for "Field not for publication because of reasons stated and justified below"; "The contract is available online: []"; "Contract modification date"; checkbox on "The procurement documents have changed".
- f. The following fields have been moved from the procedure level to the lot level: "additional information"; "GPA coverage"; checkboxes for strategic procurement – in all cases they can differ from lot to lot.
- g. All checkboxes² have been changed back to yes/no radio buttons. There are essentially three reasons for this change:
 - From an administrative burden point of view, radio-buttons are the same as checkboxes: they can always be prefilled with the most common answer (usually "no") in user interfaces.
 - From an understandability point of view, radio-buttons are much better. They are non-ambiguous, clearer to understand: yes means yes and no means no. For some people, an unchecked box may seem more ambiguous than a "no".
 - From an obligatory/optional point of view, they can be the same: even if the options are "yes" and "no", it's still possible to have neither chosen. This is the case especially for social and other specific services and design contests.
- h. Several sub-sections have been moved to the procedure section: "3.2) Lot restrictions and options" fields, which were originally in "Additional information" , " 3.3) Second stage of the procedure" which were in the selection criteria section, and Design contest fields, which have been re-labelled back "3.4) Rewards and Jury". This has been generally because they thematically belong better in this section.

² Except those which are part of larger code lists, i.e. "Additional type of contract" and the justifications for not publishing a call for competition.

- i. The order of subsections in the object of the procurement has been changed. "Value" and "Place of performance" have been switched, because value is likely to be more important for businesses and is also thematically linked to the description of the contract.
- j. Explicit "Lot identifier(s)" have been added for consistency reasons, to make it clearer which sections are repeatable at lot level, and to indicate that it can be possible, in user interfaces, to associate one section with several lots.
- k. The "Object of the procurement identifier" has been removed, because it was unnecessary – the same role can be played by the "European Public Procurement Procedure Identifier".
- l. Some labels have been reworded (e.g. boxes on strategic procurement; selection criteria section name).