

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

29 September 2023

## E-FORMS IMPLEMENTATION IN PUBLIC PROCUREMENT



Co-financed by the Connecting Europe  
Facility of the European Union

### eForms

The eForms are an EU Legislative Standard for Public Procurement Data used by Contracting Authorities<sup>1</sup> / Entities<sup>2</sup> to publish notices in the field of European Procurement on the advertising website: Tenders Electronic Daily (TED); the online version of the 'Supplement to the Official Journal' of the European Union (OJEU).

The 'Standard Forms for the Publication of Notices' in the field of Public Procurement (hereinafter: the *eForms*) has been established through the Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019.

This Regulation has been applicable on a voluntary basis since 14 November 2022. However, as of **25 October 2023**, eForms utilization shall be mandatory across all Member States.

<sup>1</sup> Contracting Authorities in S.L. 601.03 are the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law.

<sup>2</sup> Contracting Entities in S.L. 601.05 are entities which: (a) are contracting authorities or public undertakings and which pursue one of the activities referred to in regulations 8 to 14; (b) when they are not contracting authorities or public undertakings, have as one of their activities any of the activities referred to in regulations 7 to 13, or any combination thereof and operate on the basis of special or exclusive rights granted by a competent authority.



The eForms Regulation is linked to the provisions of the Public Procurement (Classic<sup>3</sup>, Utilities<sup>4</sup>, Defence and Security<sup>5</sup>), Concession Contracts<sup>6</sup> and Remedies<sup>7</sup> Directives.

### eForms: Digital Transformation

Public Procurement is undergoing a Digital Transformation as detailed in the Communications from the European Commission on

- (i) ‘Upgrading the Single Market: More Opportunities for People and Business’; and on
- (ii) ‘Making Public Procurement work in and for Europe’.

To this end, the European Commission deems eForms as instrumental in such a transformation because the utilisation of a common standard can significantly yield quality and analysis of data. In fact, eForms shall increase data-driven decisions about public expenditure as well as reduce administrative burden and enhance transparency. Therefore, the instrumental implementation of eForms is an investment for all stakeholders.

### **Crucial CEF Funding for the Implementation of eForms in Malta**

Malta, more specifically the Department of Contracts has applied for EU Funding and was awarded a Grant Agreement under the Connecting Europe Facility (CEF)<sup>8</sup> – Telecommunications Sector (Agreement No INEA/CEF/ICT/A2020/2372690) to implement eForms and integrate through Government’s e-Procurement Platform (Electronic Public Procurement System: ePPS).

Accordingly, the financial support obtained through the CEF Funds was invaluable in the implementation and execution of the eForms Regulation from a digital perspective. On Monday, 08 May 2023, a Final Conference<sup>9</sup> by way of an official closure of the Grant Agreement was organised. The contracted partners for this project, namely European Dynamics provided attendees with an overview of the Structural Framework of eForms as well as their Functionality on the ePPS.

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<sup>3</sup> Directive 2014/24/EU on public procurement.

<sup>4</sup> Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

<sup>5</sup> Directive 2009/81/EC on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security.

<sup>6</sup> Directive 2014/23/EU on the award of concession contracts.

<sup>7</sup> Council Directive 89/665/EEC on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts. Council Directive 92/13/EEC coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.

<sup>8</sup> The CEF is a key EU funding instrument that promotes growth, jobs and competitiveness through targeted infrastructure investment at European level.

<sup>9</sup> <https://contracts.gov.mt/en/Events/Pages/20230403-Strengthening-the-Public-Procurement-System-in-Malta.aspx>

The Department of Contracts on behalf of Malta, has through this funding, implemented and integrated the eForms Regulation requirements within Government's Electronic Public Procurement System.

### **eForms Implementation Project Deliverables**

The focus of the eForms Project centred on the adaptation, customisation and tailoring of six (6) Digital Standard Forms which together consist of forty (40) different Notices, whereby each notice is composed of numerous fields, some of which shall be pre-populated by the system itself utilising the applicable, relevant sources of data.

Additional deliverables were the following:

- Technical Specifications for the revamped ePPS integration with TED
- Training Sessions to Contracting Authorities / Entities
- Communication and Dissemination of eForms Functionalities and Guidance

### **eForms Application and Fulfilment in Malta**

In Malta, the eforms have been deployed on the live environment of the ePPS since May 2023. Accordingly, Contracting Authorities / Entities have been expected to utilise the eForms to familiarise themselves with such New Standard Forms.

It is reiterated that as of 25 October 2023, the eForms shall invariably be utilised. In fact, the Publications Office of the European Union shall not be accepting notices compiled in the current TED Schema to be displayed on the OJEU.

To this end, during this **Transition Period (ie before 25 October 2023)**, Contracting Authorities / Entities were / are encouraged to contact the Department of Contracts' IT Unit for assistance. Furthermore, feedback on eForms is appreciated, thus enabling future discussions vis-à-vis possible changes and amendments, as and where applicable.

### Training and Videos

In conjunction with the Institute for the Public Services (IPS), the Department of Contracts provides training on Electronic Public Procurement<sup>10</sup>. During such training, a practical explanation of eForms is also included. Hence, attendance to such training is recommended.

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<sup>10</sup> Training: OD1322 Electronic Public Procurement System (3 Half Days).

Contracting Authorities / Entities specifically officers responsible for Public Procurement are encouraged to visit the Department of Contracts' website<sup>11</sup> via direct link [eForms \(gov.mt\)](http://eForms.gov.mt), whereby one may view / download the Training Videos Clips on eForms' operational functionality<sup>12</sup>. Kindly note that the Video Clips are password protected. Accordingly, Contracting Authorities / Entities shall contact the Customer Care Service at the Department of Contracts via email address [info.contracts@gov.mt](mailto:info.contracts@gov.mt) and request the password.

### **Additional Information**

To assist Contracting Authorities / Entities in understanding the requirements emanating from the eForms Regulation, the Department of Contracts shall endeavour to publish a Contracts Circular focusing on its Scope, Applicability, Structure and Content.

### **Contact**

Contracting Authorities may submit any queries to the Department of Contracts' Customer Care service on [info.contracts@gov.mt](mailto:info.contracts@gov.mt) or by calling on +356 2378 1001.

Anthony Cachia  
Director General (Contracts)

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<sup>11</sup> [contracts.gov.mt](http://contracts.gov.mt).

<sup>12</sup> To access the Training Video Clips, 7Zip must be installed on one's working station device. To view these files, the VLC software should be used. If any of the said software is not installed on one's working station device, for assistance in installing the programs Contracting Authorities/Entities may contact their IT Department or MITA Call Centre on 25992777.