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eForms Policy Implementation Handbook

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Unit G4 — Innovative and digital procurement

Contact: GROW G4 secretariat

E-mail: GROW-G4@ec.europa.eu

*European Commission
B-1049 Brussels*

eForms Policy Implementation Handbook

The Multi-Stakeholder Expert Group on e-Procurement (EXEP) is a consultative entity set up by the European Commission to provide advice and expertise to Commission services. The views expressed in this report are the views of the Expert Group and do not necessarily reflect the views of the European Commission or the Member States.

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Executive summary

eForms are a EU legislative standard for procurement data used by public buyers to publish notices on Tenders Electronic Daily, the European public procurement advertising website. The Commission Implementing Regulation¹ (EU) 2019/1780 of 23 September 2019 established the standard forms (eForms) to be used for the publication of notices in the field of public procurement, which are set out in the Annex of the Regulation.

Well-implemented eForms will increase economic operators' ability to find relevant notices; reduce administrative burden for buyers; increase governments' abilities to make data-driven decisions about public spending as well as make it more transparent towards citizens.

eForms need to be implemented in national eProcurement systems. Before being used, eForms can – and must – be tailored to national needs. This means they are not an “off the shelf” legislation that policy makers can hand over for implementation to IT departments. Instead, before developers start any work, procurement policy decision-makers need to sit all stakeholders around the table and decide on how various attributes of eForms should be implemented. The purpose of this handbook is to guide policy-makers through this tailoring process.

Good implementation of eForms is an investment. It requires sufficient time and resources, but will have considerable returns in time saved for all implementers and users. In particular, contrary to previous standard forms, eForms are intended to be to a large degree filled in automatically by eProcurement systems, not users, thus significantly reducing administrative burden.

The tailoring process requires decisions on questions such as, for example, “Should eForms be used below-threshold?”, “Should notices be published for contracts based on framework agreements?”, “Are there any types of notices we do not need?”, “Which optional fields shall become mandatory?”, “Which optional fields shall not be used at all?”, “Will users be able to choose between IT solutions used to fill in eForms?”, “Do we need any national platform for publishing notices, or is TED enough?”

The tailoring process needs to include all relevant stakeholders. The exact length of this process depends on the size, the complexity of the country and other factors, but it is expected to take at least several months. The policy-driven tailoring process does not depend on any previously available technical document therefore it should start immediately. This will allow IT departments to start procurement and development work, so that eForms can be implemented in time (14 November 2022 for voluntarily use, 25 October 2023 for mandatory use).

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1780>



1

Using this handbook



Using this handbook

1. Using this handbook

The chapter explains why and how to read this handbook.

This handbook is part of an information package to support the implementation of the Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019 establishing standard forms for the publication of notices in the field of public procurement (referred to as “eForms Implementing Regulation”²).

The information package is composed by the following documents:

1. eForms Policy Implementation Handbook (this document)
2. eForms Schema Documentation³
3. eForms Governance Model

Before reading this document, readers should first read the eForms Implementing Regulation.

Translations of this document in the EU languages are foreseen and will be provided at a later stage.

1.1. Purpose & Audience

eForms are not an “off the shelf” product that can be implemented only by IT developers. Instead, before developers start working, procurement policy decision-makers must make a wide range of policy-related decisions on how eForms should be used. This document is a practical, step-by-step guide for making these decisions.

A “policy-related” decision means a decision where eForms implementation will influence procurement practice. Policy-decisions cover business considerations, legal considerations, as well as consideration about additional aims of procurement such as supporting green, social and innovative procurement, increasing professionalisation and trust in procurement, and fighting corruption and collusion.

The main intended reader of this document is the policy officer responsible for an eForms implementation. Additional readers include policy officers responsible for particular sectoral policies.

IT developers may also benefit from better understanding the policy side of eForms and thus may want to read this Policy Implementation Handbook anyway.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1780>

³ <https://simap.ted.europa.eu/eforms>

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Policy decisions need to be taken for each system implementing eForms. This means this document is useful for national, regional or even local⁴ policymakers, or, in case of private providers implementing eForms and private companies. However, if national or regional legislation establishes a mandatory approach for certain eForms features, then these decisions will not be taken by each implementer.

eForms must be used from 25 October 2023 and voluntary use is allowed from 14 November 2022. Depending on the complexity of the country, making the policy decisions described in this handbook may require several months. Policy decisions do not depend on the technical implementation files under preparation by the Publications Office. Consequently, the work on these decisions can take place already now. This approach takes into account the significant time required for IT procurement and development.

1.2. Structure

This document's structure reflects the order of the decisions that national decision-makers need to make. The chapters' order is based on what needs to be decided earlier and what later, not on the importance of the individual decisions.

Chapter 1 explains how to use this handbook. Chapter 2 gives a high-level explanation of eForms and provides links to all eForms resources. Chapter 3 takes readers through the policy-decisions they need to make for tailoring eForms, such as tailoring fields, codelists and business rules. Chapter 4 provides background information on high-level IT decisions that are typically made by policy-makers, such as deciding whether to have a national publication portal only or multiple solutions, establishing links with other systems and deciding whether to build or buy an eForms system.

Chapters 3 and 4 give high-level introductions to topics, while specific guidance for the main decisions to be made are included in Checklist 1 – Tailoring fields, Checklist 2 – Tailoring code lists and Annex I – Designing the user interface. These checklists should be taken into account when working on the policy implementation of eForms. We recommend readers to first read through the whole main text of the document and only then read through (and decide upon) the Checklists and Annex I.

Annex II describes GitHub, an online forum used during the consultations for the draft eForms.

⁴ Currently, certain large contracting authorities send notices using their own systems.

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This is a living document. It will be updated on a regular basis on the basis of implementers' experiences and lessons learned.

1.3. Terminology

- **"Directives"** refers to the procurement Directives 2014/24/EU ("classical"), 2014/25/EU ("utilities"), 2014/23/EU ("concessions"), and 2009/81/EC ("defence") and, depending on context, may also include Directive 89/665/EEC (on the coordination of laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in utilities sectors); and Directive 92/13/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).
- **"eForms Implementing Regulation"** or **"eForms Regulation"** refers to the Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) 2015/1986 (eForms).
- **"eForms"** refers to everything necessary for implementing eForms, i.e. the eForms Regulation, codelists, and IT files specifying the implementing regulation, business rules, field labels and the documentation.
- **"TED"** refers to [Tenders Electronic Daily](https://ted.europa.eu)⁵.
- **"eSender"** refers to [TED eSenders sending notices in XML format to TED through the Publications Office eSentool application](#).
- **eNotices** is an on-line tool run by the Publications Office of the EU allowing users to encode the Notices' data and information.
- **"Decision makers"** are those who make decisions on procurement policy (incl. procurement law) in a given jurisdiction.
- **"Implementer"** is anyone implementing eForms. An implementation can be national, but it can also be regional, or private, on a competitive market⁶. Throughout the text, phrases such as "in an EU country" may sometimes apply to "in an implementation".

⁵ ted.europa.eu

⁶ Implementation sometimes also referred to as "in this country", in an "EU country", as the context for many implementations is a MS (even though it can also be region, local, etc.)

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- “**BT**” and “**BG**”, used to identify rows in Table 2 of the eForms Regulation, refer to “business term” (a field) and “business group” (a section).
- “**Publications Office**” is the [Publications Office of the European Union](#). The Publications Office is responsible for TED, eNotices, and other systems.
- “**Notice**” (of which there are 40) is a document (or procurement data) published by the buyer about market opportunities and results. A standard form with appropriate information in its fields is a notice (see Table 1 of the Annex of the eForms Regulation).
- “**Codelist**” is a list of values (represented by codes) that must be used for given fields.
- **UBL** (Universal Business Language) is a royalty free library of standard XML electronic business documents.



2

Introduction to eForms



Introduction to eForms

2. Introduction to eForms

eForms are a EU standard for procurement data used to publish notices about public buyers' intended and realized purchases on Tenders Electronic Daily, the online version of the Supplement to the Official Journal of the European Union dedicated to public procurement advertising. eForms are crucial for attracting businesses, the digital transformation of public procurement, and the better functioning of public procurement systems. eForms are shaped by user needs and legal requirements.

- eForms consist of several elements which precede any tailoring decisions at national level;
- eForms Implementing Regulation (EU) 2019/1780⁷;
- eForms Schema Documentation, schemas, codelists, business and validation rules, and field labels in EU official languages for the user interface; and
- any update of the above mentioned documents.

The eForms Implementing Regulation establishes the following standard forms that are used for the publication of the related notices: 'Planning'; 'Competition'; 'Direct award prenotification'; 'Result'; 'Contract Modification'; 'Change'. The standard forms consist of the fields set out in the Annex to the Implementing Regulation.

The Regulation established the above mentioned six standard forms, covering forty notices. The standard forms (eForms) contain fields. eForms (and notices) use **mandatory and optional fields**. This document provides specific guidance on how to tailor the optional fields (see Checklist 1).

At the European level, eForms are managed in close cooperation by the European Commission (policy aspects) and the Publications Office of the EU (technical aspects), which coordinate with various stakeholders all around the EU. Detailed information is available in the eForms Governance Model.

The Publications Office of the EU is currently developing the technical specifications for the eForms (XML schemas using the UBL syntax). The Publications Office will focus on a first phase on the forms and notices foreseen in the eForms Implementing Regulation. Once this work is completed the Publications Office will address further issues⁸ such as the use of eForms for

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1780>

⁸ Questions and answers about eForms have been largely managed through the GitHub discussion forum. How to search and use the GitHub discussion forum is explained in Annex II of this document.

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situations not foreseen in the Implementing Regulation, or the relation between eForms and the ESPD.

The Help Desk of the Publications Office will gather issues via <https://simap.ted.europa.eu/contact>.

2.1. eNotification

When running procurement procedures according to the Directives, and, voluntarily, for other procedures, public buyers publish procurement notices on [Tender Electronic Daily](#) (TED). Annually, more than 500,000 notices are published⁹ on TED, including 210 thousand calls for tenders which are worth approximately €420 billion. These notices are also accessed as open data by economic operators and other users on other portals.

Across Member States, buyers have three ways to publish notices. First, they can use [eNotices](#), an on-line tool run by the Publications Office of the EU; second, they can use tools provided by one of the [TED eSenders](#); third, they can use a tool operated by an organisation which sends its notices to a TED eSender.

As of 2019, approximately 30% of notices¹⁰ come from eNotices and 70% through eSenders. The proportion of notices coming through eNotices has been declining year to year, in line with the development of eProcurement solutions in the Member States that are better tailored to national needs and better connected to other national systems.

TED eSenders include national Official Journals, public or private bodies sending buyers' notices, and buyers directly sending large numbers of electronic notices themselves. Some provide their services through a single platform (e.g. a website), while others operate through software installed by each buyer. In some Member States, TED eSenders operate in a competitive environment, while elsewhere a single public sector eSender is in place.

TED eSenders play a crucial role in shaping users' experiences with notices – both in filling them in and reading them. This is further discussed in section 4.1, and examples are given in Annex I – Designing the user interface.

⁹ <https://ted.europa.eu/TED/main/HomePage.do>

¹⁰ Source: internal production statistics of the Publications Office of the EU.

Introduction to eForms

2.2. Users

The purpose of eForms is fulfil the needs of their users. Below, we summarise the main categories of eForms users and their needs.

2.2.1 Economic operators

Economic operators read notices when looking for business opportunities, typically on TED. First, they identify the most relevant ones either by a search or through an automated notification, both of which are based on specified search criteria. Most commonly, the criteria are full-text searches or searches of structured data such as the Common Procurement Vocabulary (CPV), place of performance and, in some countries, estimated value. After having found interesting contract notices, economic operators read them and decide whether to spend time going through the procurement documents and, ultimately, submitting tenders.

Consequently, notices need to have sufficient information to allow accurate search and taking a decision on whether to invest further time or not, especially if this requires translating the procurement documents. The automated translation services offered by TED¹¹ are invaluable to identify relevant business opportunities abroad.

There are two important variations to the process described above. First, TED is not the only platform publishing procurement notices. Almost all EU countries also have a single national publication platform and some others operating at the regional and/or sectoral level. One of the main goals in EU eNotification is increasing the number of national publishers that re-publish notices from TED, or use TED notices directly (see the discussion in section 4.3). Re-publishing notices on the national portals increases the chance that economic operators will consider submitting tenders for procedures in other EU countries.

Second, many providers enrich and analyse procurement notices to be able to recommend companies the most relevant notices¹². This is done by having access to additional data (e.g. more targeted information about a company's offering) or by better algorithms, often including artificial intelligence (e.g. finding procedures that look similar to a procedure that a company already participated in and succeeded in).

Furthermore, beyond finding business opportunities, economic operators use procurement data also for other purposes. First, by analysing procurement data, economic operators can better plan their resources. For example,

¹¹ <https://www.youtube.com/watch?v=umPzag0wbj8>

¹² This is sometimes referred to as “value added services”.

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analysing previous procurement procedures helps inform companies that it is likely that a public institution will republish a particular procedure in the coming months. That way, the company can ensure that it has sufficient resources both for preparing the tender and for executing it – if it happens to win. This includes available staff and skills as well as, for example, any long term investment in and management of machinery. This provides a competitive edge against its competitors.

Second, economic operators can use procurement data to find partners for consortia (e.g. by finding companies that won similar contracts in the past).

2.2.2. Buyers

Buyers publish notices on TED and elsewhere to attract economic operators and to inform the public on the way its money is spent. With more economic operators competing, a buyer is more likely to get good quality for a good price. Buyers are also responsible for filling in the notice, which, if insufficiently digitalised (see section 4.1 on prefiling notices) can cause significant administrative burden. In some Member States, buyers outsource the filling in of notices to entities specialized in this task (e.g. by knowing well the CPV codes, or how to write simple business-friendly texts without jargon).

Beyond attracting businesses, buyers benefit from notice data in several other ways. First, they do market analysis based on previously awarded contracts. This includes answering questions such as “what can the market realistically offer?”, “shall we use an innovation partnership¹³?” “what prices should we expect?”, “do we need to promote our procedure more?” and “whom can we invite for our negotiated procedures?”.

Second, learning from past experience is key for improving the buyers’ professionalism. Data helps learning in many ways: from finding procedures and documents that can be reused or taken as inspiration, to contacting and sharing practices with the people who ran the procedures. This concerns drafting better procurement documents as well as notices, reusing award criteria and selection criteria, etc. More sophisticated analyses can answer

¹³ Before declaring that a procedure falls under **innovation partnership**, there are some requirements to be verified: 1. Does the contracting authority identify in the procurement documents the need for an innovative product, service or work that cannot be satisfied by purchasing products, services or works already available on the market? 2. Does the contract cover the research and development of innovative products, services or works and the acquisition of innovative products, services or works resulting from them? 3. Do the procurement documents provide for several successive phases of research and development and one or more phases of acquisition? 4. Is the procedure competitive procedure with negotiation applied? 5. During the selection phase of the candidates, did the contracting authority apply criteria relating to the candidates' capacity for research and development, development and the implementation of innovative solutions? 6. Has the contracting authority defined in the procurement documents the regime applicable to intellectual property rights?

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questions such as “What types of award criteria / selection criteria / CPV codes / description in notices lead to a higher number of submitted tenders?”

Third, notices give an overview of who is buying what, and thus can be used to find partners for future joint procurement. This can also be used both by Central Purchasing Bodies.

2.2.3. Government & civil society

Data plays a crucial role in improving the value for money the public sector gets from public procurement. This mainly boils down to the management mantra of “if you can’t measure it, you can’t improve it” – and data is the basis on which procurement practice can be measured, understood and improved. Without data, policy makers would not be able to effectively do their job. Furthermore, citizens have a right to understand how governments spend their money.

Governments and the civil society¹⁴ are the two important groups that use data for these purposes. Both groups can conduct similar type of analysis, as long as the same data is available outside and inside of government (see discussion on delayed publication in 3.5.2). Currently, TED Open Data is the most popular open dataset on the EU Open Data Portal¹⁵, with more than 70,000 views and almost 20,000 downloads.

Basic data analysis for better efficiency is based on “red flags”¹⁶, i.e. indicators that, if discovered repeatedly, point to problems in procurement. Examples of red flags include received single tenders, use of direct awards, not using any qualitative award criteria, high number of complaints, not using electronic procurement, etc. The inverse of red flags are signs of good practice, e.g. the absence of red flags, a repeated high number of received tenders.

The availability of data can provide answers to the following questions:

- Which buyers need more resources, training, or support?
- Which buyers’ practices can we promote to increase overall professionalism? Who should we award to promote good practice?
- What practices (e.g. award or selection criteria, tender submission deadlines) are associated with more successful procedures, so that we can promote them?
- Where should audits be directed?
- Where should anti-collusive investigations be targeted?

¹⁴ Civil society stands for citizens, NGOs, academics, etc.

¹⁵ <http://data.europa.eu/euodp/en/data/>

¹⁶ See e.g. “[Uncovering High-Level Corruption: Cross-National Objective Corruption Risk Indicators Using Public Procurement Data](#)” and <http://www.oecd.org/gov/ethics/analytics-for-integrity.pdf>. In both cases, similar indicators to those used to find integrity issues or corruption can be used to identify professionalisation issues.

Introduction to eForms

Procurement data is also used to meet EU countries reporting obligations, such as those towards the World Trade Organisation's Government Procurement Agreement (done by the European Commission) and those under the procurement and green vehicle¹⁷ directives.

2.2.4. Notice senders & publishers

TED eSenders and the Publications Office of the EU provide for publishing services. Their interest is to ensure that information is sent, received and published correctly, cost efficiently and fast. In case of privately operated eSenders, generating a profit is also in their interest.

2.3. Main advantages

eForms offer their users a wide range of advantages. Below, we summarize the main ones.

2.3.1. Digital

While notices have been overwhelmingly digital for more than a decade, they were simply a digitisation of a paper process. eForms are the first standard forms designed with a digital implementation in mind.

Digital by design is crucial for implementing eForms in a way that notices get largely filled in automatically (see section 4.1 for an in-depth discussion). This means much lower administrative burden and much higher data accuracy and usefulness.

Furthermore, eForms are designed to make life easier for users, allowing for example automated publication and integration of corrections (see Annex I, section 10) and the possibility to identify the same procedure published on multiple portals (e.g. regional, national and European). Finally, the eForms are aligned with the ESPD and eInvoicing data standards, thus reducing implementation costs for users working with more than one of these standards.

2.3.2. Flexible

eForms are not a "one-size-fits-all" solution. They should be implemented in a way that best suits the users of a particular system. While providing for a large degree of freedom for implementers, eForms still ensure standard based communication (and publication) of related procurement data.

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0033>

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At national level, it should be possible to display fields established in the eForms Regulation with a certain degree of flexibility, as long as the labels' meanings correspond with the description established by the Regulation. Moreover, in order to meet different needs, fields that the eForms Regulation establishes as **optional** at the EU level may be made mandatory, or not used at all. It also means that almost all fields can change per lot, or not. Implementers can also control, in some cases, which answers can be used for specific codelists and how to deal with non-published information. Finally, eForms can also be used for below-threshold procurement. These topics are the main subject of 3.

2.3.3. Relevant

eForms allow collecting information on many political priorities. These include data on green, social and innovative procurement; as well as data useful for supporting SME participation in public procurement, fighting corruption (including transparency concerning beneficial ownership) and collusion.

2.3.4 Clear

eForms provide descriptions for each field. The work carried out with the EU and national stakeholders to harmonise the meaning of each field (as established in the eForms Regulation), coupled with better design and definition of the business rules will significantly improve data quality. This increases the usefulness of notices, because the accuracy of information is higher and all users can rely on a field containing the same information. Furthermore, it reduces administrative burden, because buyers do not waste time double-guessing what information should be included in a field.

eForms' tables give an overview of all the types of forms and notices, allowing easier management of all the different documents.



3

Tailoring eForms



Tailoring eForms

3. Tailoring eForms

eForms are not an “off the shelf” product that can be implemented only by IT developers. Instead, before developers start working, procurement policy decision-makers have to make a wide range of policy decisions on how eForms should be implemented.

This tailoring process ensures that eForms have a maximum positive impact in a specific context. This context consists of national legislation (e.g. rules going above the requirements of the procurement directives), national practices (e.g. the extent to which different techniques are used) and policy-makers’ views on what can make procurement better. Ideally, information on how buyers carry out their procurement activities should be based on actual data, not only policy makers’ assumptions.

Tailoring activities at the national level will ensure harmonising requirements across the forms (and stakeholders), resulting in common specifications to be implemented, thus reducing IT development and maintenance costs, and more clarity for users. Tailoring is also an on-going process, and user feedback should always be collected, to ensure improvements over time.

For a practical approach to tailoring, it may be useful to tailor per certain groups of notices. For example, tailoring can be done per form (e.g. competition form) and legal regime (e.g. general regime, light regime, and, if eForms are used there, below-threshold notices).

Sections 3.1 and 3.2 are cross-cutting. The former explains the importance of including all the stakeholders around the table when making the relevant decisions; the latter summarizes important elements of the costs and benefits for each decision. The remaining sections describe categories of tailoring decisions: use of eForms in non-mandatory situations, use of additional forms, tailoring fields, codelists, identifiers, business rules and labels. For section 3.5, a list of decisions and arguments to consider is in Checklist 1 – Tailoring fields, for section 3.6, such a list is in Checklist 2 – Tailoring codelists.

The tailoring activities should be carried out before any technical implementation of eForms begins.

3.1. Governance

The single most important step in tailoring eForms is making sure that all stakeholders are aware of the process and contribute with their point of view. Only by taking into account all eForms users (see section 2.2) eForms can do the most good for national procurement.

Tailoring eForms

In line with project management methodologies, such as the Commission's Project Management², a precondition for successful implementation is having a single person who is responsible for the overall coordination¹⁸.

The **stakeholders** relevant for eForms differ from country to country. In general, from the government side, they would at least include:

- bodies responsible for procurement legislation and policy (incl. remedy bodies);
- entities responsible for electronic procurement (incl. national official journals as well as those responsible for the ESPD and electronic invoicing);
- sectoral ministries (e.g. those responsible for environmental, innovation and social policy; EU funds, defence);
- authorities responsible for coordinating eGovernment;
- the courts of auditors;
- anti-corruption authorities; and
- anti-cartel departments of competition authorities.

From the non-government side, they should include:

- eSenders;
- utilities;
- public and private eTendering providers;
- business association representatives; and
- NGOs interested in the matter.

The policy implementation process may require several months. It is likely to be iterative and require close links with IT developers: once the development of the tailored eForms begins, new questions will be asked and further changes suggested, which the eForms decision-makers should take into account.

Most decisions needed to tailor eForms are likely to be consensual and stem out of national context. However, in some cases, decision-makers need to decide trade-offs. When doing so, it is important to keep in mind that the benefits of collected data fall on different entities, compared to the costs largely born on the the buyers (who fill in notices) and eProcurement providers (who provide the IT infrastructure). Furthermore, ministries responsible for public procurement deal with administrative costs of receiving complaints from buyers and eProcurement providers if something goes wrong, the forms take too much time to fill in, etc.

On the other hand, benefits are dispersed – beneficiaries include other ministries, companies, other buyers and any other re-users of the data such as business intelligence companies, citizens, NGOs, academics.

¹⁸ For more information about PM², see https://ec.europa.eu/isa2/solutions/open-pm2_en.

Tailoring eForms

The only way to correctly balance the costs and benefits is to have inclusive discussions at national level, where **all the relevant stakeholders are around the table** and agree on the overall priorities.

3.2. Comparing costs and benefits

Fields that are marked as optional in the eForms Implementing Regulation, can be implemented in technical solutions as mandatory, optional – or not used at all. A decision has to be made for each optional field and must be based on careful comparison of the fields' **costs** and **benefits**. Checklist 1 – Tailoring fields provides policy makers with guidance to support the process. Costs and benefits very much depend on each implementer's context.

The **benefits** depend on policy preferences. For example, some countries' main goal is to increase transparency, reduce corruption and fight collusion. Other countries emphasize the importance of green, social and innovative procurement. Others mainly want to minimize reporting obligations for public buyer at any cost.

The **costs** mainly depend on IT infrastructure. In some countries, certain data can be prefilled automatically for all users while in others it may not be possible. This mainly concerns eTendering systems, whose data can be used to fill-in the form (e.g. preparing procurement documents, eSubmission, eEvaluation). Additionally, this also concerns other eGovernment systems related to procurement (e.g. business registries, EU fund systems). For more information, see section 4.1.3.

Furthermore, the following general considerations should be taken into account:

- Compared to other procurement activities, such as preparing procurement documents, evaluating bids, etc., the time spent on filling forms is marginal. Similarly, the cost of time dedicated to filling forms pales compared to the amounts of taxpayers' money being spent in public procurement. Consequently, benefits of data-driven management and transparency often outweigh the costs of collecting more information.
- Experience shows that as manually filled information increases, its quality goes down due to increased possibility of errors, and therefore it should be limited where possible; while if more information is gathered automatically, the overall burden on buyers in this area is likely to significantly decrease. This may free buyers' resources to manually provide information that has not been collected before and is hard to collect automatically (e.g. on green, innovative and social procurement).
- Certain data becomes more useful if collected by more buyers. This is especially the case for policy relevant data, where benefits may come from analysing broader patterns (e.g. for discovering collusion) or benchmarking (e.g. on green procurement).

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3.3. eForms use not mandated by the Directives

It is foreseen that eForms notices could also be used in situations where it is not required by the Procurement Directives.

An obligation to use notices in cases not mandated by the EU Directives can either be established by national law (or de-facto required by national eTendering systems), left optionally for buyers to decide on, or made impossible (e.g. de-facto by not implementing the features in national eTendering systems).

Public procurement data are a key component of the **data spaces for public administrations**¹⁹. In this regard, the Commission will elaborate an initiative for public procurement data covering both the EU dimension (EU datasets, such as TED) and the national one. It will be complemented by a procurement data governance framework.

EU countries are increasingly interested in using the eForms to implement their national contract registers.

The Publications Office of the EU will address the situations mentioned below after work on the forms and notices foreseen in the eForms Implementing Regulation is completed.

3.3.1. Below-threshold notices

eForms could be used to publish below-threshold notices, which is not required by the Procurement Directives. Using the same standard for all procurement notices lowers the cost of use and implementation, because users need to learn only one standard. Furthermore, it offers benefits for comparability of data and interoperability with other standards (such as eInvoicing).

Using eForms for below-threshold notices which will be made available at a later stage by the Publications Office also means they can be published on TED. Publishing below-threshold notices on TED also allows benchmarking national below-threshold procurement with below-threshold procurement in other EU countries.

eForms are usable for below-threshold in particular because the relevant fields and codelists have been designed taking into account below-threshold requirements. The below-threshold notices are marked as E2, E3, E4 (E for Extended) in the extended [Annex](#) to the Implementing Regulation. In particular,

¹⁹ For more information, please see section 8 of the communication: [A European strategy for data](#)

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E2 corresponds to 'Prior Information Notice (PIN) Only' under the Planning form; E3 corresponds to 'Contract Notice (CN) general' under the Competition form; E4 corresponds to 'Contract Award Notice (CAN) general' under the Result form.

In any case, eForms can also be used without requiring TED publication. Using eForms for below-threshold is also unrelated to the applicability of the Procurement Directives, i.e. the forms may be used while the Directives are not.

Information on how to request changes to eForms to cater for below-threshold publication (e.g. the addition of fields that are only used in national below-threshold procurement), will be provided by the eForms Governance Model. More information is available on GitHub²⁰.

3.3.2. Contracts in framework agreements

eForms could be used for the publication of contract award notices for individual contracts within a framework agreement, every quarter (and reference to the notice setting the framework agreement) which is not required by the Procurement Directives²¹. The obligation can be further segmented depending on the type of framework agreement: e.g. for all framework agreements, or only for framework agreements with multiple economic operators.²²

Publishing contract award notices about contracts awarded within framework agreements is necessary for ensuring transparency about the actual amount of taxpayers' money being spent and, in the case of framework agreements with multiple economic operators, for ensuring additional transparency on who is actually receiving the money. (In addition, it is necessary for precise measuring of vehicles purchases under the Clean Vehicles Directive²³).

Transparency on these matters is particularly important because there are many framework agreements, namely 20% of procedures (by number) in the EU overall and around and above 40% in certain EU countries²⁴.

Since many framework agreements include many contracts, largely automated prefilling of such notices is very important.

²⁰ <https://github.com/eForms/eForms/issues/169>

²¹ This is done in eForms by publishing a contract award notice with repeated Tender (BG-320) and Contract (BG-310).

²² For example with re-opening of competition or where winners are in a cascade.

²³ <https://eur-lex.europa.eu/eli/dir/2019/1161/oj>

²⁴ Near 60% in Romania, near 50% in France, around 40% in Croatia, Estonia, Denmark, Netherlands and Slovakia. (Source: 2018 TED data, DG GROW's calculations.)

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3.3.3. Minor modifications

eForms could be used to publish notices on certain modifications that are not required by the Procurement Directives²⁵. In some EU countries, modifications are a frequent part of procurement practice and, consequently, increased transparency may be important for procurement overall.

In particular, this concerns modifications under a certain minimal value ("de-minimis"), modifications based on review clauses, modifications that are not substantial and modifications where a new contractor replaces an old contractor because of succession.

3.3.4. All bids received

eForms could be used to collect and publish information about all bids received²⁶, not just the winning bid. This data is particularly useful for fighting collusion, as certain collusive patterns can be discovered from knowing who bids when, where and how much (e.g. for arrangements where certain economic operators bid only in certain regions or for certain authorities, for cases where certain economic operators only bid together or without other economic operators, at certain moments).

3.4. Not using certain notices, using additional notices

Depending on the national transposition of the Procurement Directives and the users, certain forms may not be relevant in a given implementation. For example, if a particular implementation does not include the defence directive, there is no need to cover defence notices.

Furthermore, additionally to the notices established by the eForms Implementing Regulation, other forms for **voluntary** use are envisaged²⁷. The additional fields used in these forms are not part of Table 2 of the eForms Implementing Regulation, but the related schemas that can be used to publish

²⁵ See e.g. Art. 72 of Directive 2014/24/EU. Technically, publishing smaller modifications can be allowed (or disallowed) by limiting the values in theodelist for Modifications Reason Code (BT-200).

²⁶ This is done by submitting multiple Tender (BG-320) sections, where only the winning one will be referred to by Contract Tender Identifier (BT-3202), others not. All tenders can be ranked by Tender Rank (BT-171); the winner rank is of type text (i.e. other values than just numbers are possible) and optional. For a given contract, there may be more than one winner each with its own rank. A winner ranked number one could also not get the contract; unforeseeable events may always affect an organization and have it outside the competition.

²⁷ Art 51(6) of Directive 24/2014. Contracting authorities may publish notices for public contracts that are not subject to the publication requirement laid down in this Directive provided that those notices are sent to the Publications Office of the European Union by electronic means in accordance with the format and procedures for transmission indicated in Annex VIII.

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notices under these forms will be made available at a later stage. These notices may be useful in particular national contexts.

3.4.1 Specific types of prior information notices

The Directives allow²⁸ publishing on TED a “Notice of the publication of a prior information notice on a buyer profile”²⁹. This notice is used only in a few EU countries and given the ease of publishing a prior information notice itself on TED, its popularity is likely to decline in the future. If not popular amongst the users of a given implementation, there is no reason to implement these notices (or the fields that only appear in these notices).

The Directives also allow³⁰ publishing on TED a “Prior information notice used as a call for competition”³¹. These notices may be used only by subcentral authorities and for running specific procedures and are not being used in all countries. Consequently, if not popular amongst users of a given implementation, it may not be necessary to implement them (or the fields that only appear in these notices).

3.4.2 Preliminary market consultation notice

The preliminary market consultation notice aims at informing economic operators about market consultations. Some EU countries have requested such a form³², because they use it frequently at national level and wish to also tap into the broader EU market. The form is distinct from a prior information notice, in particular as, besides planning the procurement, it is used to collect information to prepare the procurement, learn what the market has to offer, etc. For more information on preliminary market consultations, see the “Guidance on Innovation Procurement”³³.

The preliminary market consultation form³⁴ is marked as E1 (E for Extended) in the extended [Annex](#) to the Implementing Regulation.

²⁸ See e.g. Art. 48(1) of Directive 2014/24/EU.

²⁹ Column 1, 2 and 3 of Table 2 the eForms Implementing Regulation.

³⁰ See e.g. Art 26(5) of Directive 2014/24/EU

³¹ Columns 10 and 11 (general regime) and 12-14 (light reg.) of Table 2 the eForms Implementing Regulation.

³² <https://github.com/eForms/eForms/issues/81>

³³ <https://ec.europa.eu/digital-single-market/en/news/commission-notice-guidance-innovation-procurement-available-now-all-eu-languages>, “Preliminary Market Consultation” section.

³⁴ The form uses Submission Terms (BG-102), including Submission URL (BT-18) and Submission Language (BT-97). When used in the context of a preliminary market notice, “answers to the preliminary market consultation” should be added to “tenders, requests to participate, or expressions of interest” in the description of these fields.

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3.4.3 Contract completion form

In the Directives, the last notices to be published in a procedure are contract award notices and, where appropriate, certain types of modifications. However, this does not ensure the publication of important information from a transparency point of view, such as the actual date when the contract was completed, the actual amount of money paid, the subcontractors used and the complaints received. Such information is already collected and published in various EU countries and the contract completion form allows doing so using the same format as eForms.

As the name suggests, the contract completion notice³⁵ is published once a contract has been completed. The Contract completion form is marked as E5 (E for Extended) in the extended [Annex](#) to the Implementing Regulation.

Even though the **review** process³⁶ is typically finished by the time one of the 'Result' notices is published, there can be cases when it is resolved only later, which is why it is included in the completion notice. The data required by this section would typically come from a remedy body, i.e. a different source than other procurement data. This may be easier in some countries (e.g. those with administrative review bodies) and harder in others (e.g. with judicial review bodies and undeveloped eJustice systems). However, the contract completion notice can be used both with and without the Review section.

The form should follow the standard forms' design approach of cumulative collection of information, i.e. the completion form should reuse information from previous notices.

3.5 Tailoring fields

Fields are the core of eForms. They need to be tailored by making optional fields mandatory, leaving them optional or not using them at all. They can also be tailored by making certain fields always or never published (instead of letting buyers decide case by case); and by making certain fields always identical for the whole procedure, not differentiable per lot.

The main fields to be tailored are listed in Checklist 1 – Tailoring fields – together with considerations for each field. There are **more than 50 optional fields** that can be tailored.

³⁵ Technically, compared to a contract award notice, new fields in a contract completion notice are added for payment value (BT-779 & BT-780) and for information about Review (BG-714) and Review Body (BG-715). Other information can be captured by reusing fields from contract award notices (in particular the actual Duration (BG-36) and information about subcontractors using the Subcontractor code in Organisation Role (BT-08)).

³⁶ Review (BG-714) covers the review process concerning the procedure.

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In the extended [Annex to the Regulation](#) repeatable fields are marked in a separate column as "Repeatable".

3.5.1 Making optional fields mandatory, leaving them optional, or not using them at all

Fields that are optional in the eForms Regulation can be implemented in three ways³⁷:

- Changed to mandatory, i.e. they must be filled in.
- Left as optional, i.e. they are displayed to buyers who decide whether to fill them in.
- Unused, i.e. buyers do not even see them and they cannot fill them in.

Tailoring optional fields is very important, because, often, a the optional status of a field was not intended to suggest that "buyers should decide", but rather "this is best tailored at national level".

3.5.2 Making certain fields always or never published, not case by case

As discussed above, fields in eForms can be mandatory or optional. This is a separate question from whether the fields are published or unpublished. Most information is published, i.e. it is publicly available on TED and other websites. However, some information can also be unpublished. In such a case, it is included in a notice and visible to authorised parties , but not to the general public.

Certain mandatory fields can be unpublished³⁸ and this should be justified and time-limited. Optional fields can be unpublished without any restrictions. While in certain countries there seems to be hesitance as to whether to publish information about public contracts, especially their value, there is no evidence of such information being harmful. In particular, two large-scale independent reviews – one conducted by the Center For Global Development³⁹ and one by the Open Contracting Partnership⁴⁰ – have failed to identify any examples or evidence supporting the most popular theories on the negative effects of publishing information (e.g. supporting collusion, hindering innovation).

If implementers want to act in line with this evidence, they may tailor eForms by forbidding the use of the non-publication feature⁴¹. On the other hand, there

³⁷ It should be the authority's right to decide how to tailor the fields. For example, for the Documents Official Language (BT-708) add the procurement documents also in English, to better attract foreign companies.

³⁸ Art. 50(4) of Directive 2014/24/EU and analogous provisions in the other Directives.

³⁹ <https://www.cgdev.org/publication/principles-commercial-transparency-public-contracts>

⁴⁰ <https://www.open-contracting.org/resources/mythbusting-confidentiality-public-contracting/>

⁴¹ This can be done by removing the 'Not Immediately Published' (BG-8) section entirely

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may also be cases where implementers may wish to collect certain data, but never publish it – e.g. the estimated value.

3.5.3 Making certain fields always identical for the whole procedure, not differentiable per lot

Most fields can be specified per lot, including techniques (e.g. framework agreements) and tender submission deadlines. While possible, some implementers may wish to restrict this flexibility so as to maintain consistence with established practice and existing law, or to reduce possible complexity.

eForms are also an opportunity to give buyers more flexibility than they have under existing practice⁴². For example, contrary to previous standard forms, the 'Deadline Receipt Tenders' field⁴³ can be different per lot. The reason is that there is no inherent reason why bids for all lots should be submitted at the same time. On the contrary, it is good practice to give companies as much time as possible for the preparation of bids. Different deadlines per lot can lead to that goal. First, these deadlines can reflect technical limitations, as illustrated by a simple example: "the contractor for the roof needs to be known only two months after the contractor for the walls"). Second, they can reflect procedural limitations, for example: "since it will take two weeks to evaluate lot 1, tenders for lot 2 can be submitted two weeks later").

3.6 Tailoring codelists

eForms fields with data type "code" also have corresponding codelists. These are published by the Publications Office of the EU at <https://op.europa.eu/en/web/eu-vocabularies/e-procurement/tables>.

Not all values of a given codelist need to be used. Codelists to be tailored are listed in Checklist 2 – Tailoring codelists, together with considerations for each field.

3.7 Tailoring identifiers

Identifiers used in eForms fields with data type "identifier" must comply with certain technical rules. In almost all cases, these rules are of a purely technical matter and do not have a policy dimension. However, for one mandatory identifier field and one optional identifier field the identifiers require certain policy decisions, discussed below.

⁴² See <https://github.com/eForms/eForms/issues/159> for one of the original discussions.

⁴³ The 'Deadline Receipt Tenders' field corresponds to BT-131 in the Annex to the eForms Regulation.

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3.7.1 Organisation Identifier

The organisation identifier⁴⁴ is a crucial field. It is necessary in order to answer questions such as:

- "How much money has a buyer spent in a year"
- "How often do procedures run by a given buyer receive only a single bid"
- "Does a certain buyer always buy from a certain supplier",
- "Does a certain supplier never/always bid together with another specific supplier", etc.

Answers to these questions are important for managers of national procurement systems, as well as for companies doing business planning, NGOs, academics, etc.

eForms accept⁴⁵ the same list of identifier schemes⁴⁶ as eInvoicing⁴⁷, which is based on the international code designator (ICD) falling under ISO 6523⁴⁸. An identifier scheme can be added to the ICD for a small fee.

However, not all identifiers are created equal. Good identifier schemes track mergers and acquisitions, add additional information about a company such as its turnover or headcount, are available in searchable open data formats, etc. An example of a high-quality identifier scheme is the Legal Entity Identifier, which is available in all EU countries⁴⁹.

The tailoring decision for the organisation identifier consists of deciding whether only certain ICD identifier issuers will be accepted (this will then be implemented by additional business rules, see below) and ensuring that any identifier scheme to be used is part of the ICD codelist.

3.7.2 Contract EU Funds Identifier

The Contract EU Funds Identifier is an optional field⁵⁰ that may be particularly useful in countries with large amounts of European Structural and Investment Funds (ESIF), where it can be used to link data on public procurement and EU funded projects (see discussion in Checklist 1 - Tailoring fields).

⁴⁴ The 'Organisation identifier' field is included in the Annex to the eForms Regulation as BT-501.

⁴⁵ IPR aspects are currently being assessed to ensure the use of these identifier schemes.

⁴⁶ "Identifier scheme" – a source of identifiers, e.g. a business registry.

⁴⁷ [https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/Code+lists#Codelists-1ElectronicAddressSchemeclist\(EAS\)](https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/Code+lists#Codelists-1ElectronicAddressSchemeclist(EAS))

⁴⁸ <https://www.iso.org/standard/25774.html>

⁴⁹ <https://www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei>

⁵⁰ It is included in the Annex to the eForms Regulation as BT-5011.

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It contains reliable machine-readable data and accompanies the 'Contract EU Funds Name' field⁵¹, which is intended for human-readable data. Linking data on EU funds and public procurement can help identify barriers to spending EU funds (e.g. procedural problems in procurement procedures resulting in contracts that cannot be signed in time) as well as highlight possible risks (e.g. corruption & collusion).

The description of the field requires "an identifier of the European Union funds used to at least partially finance the contract" and specifies that "The most concrete information must be given (e.g. about concrete projects, not just operational programmes.)" However, as of writing, it is not yet clear what identifier will be available for EU fund spending falling under the multiannual financial framework 2021-2027. For the multiannual financial framework 2014-2020, only European Structural and Investment Funds have an EU-wide identifier (CCI⁵²) at the level of programmes, not calls or projects. Call and project identifiers are then set independently in each country.

3.8 Tailoring business rules

eForms contain a wide array of business rules. These will be published by the Publications Office of the EU. At national level, there may be a limited number of situations where tailoring or adding business rules may be helpful.

These tailored rules may reflect the specificities of national legislation. However, all notices to be published on TED will have to pass the validation of the EU business rules.

If eForms are used below-threshold (see section 3.3.1), then the below-threshold regime may require its own set of business rules.

There may also be technical reasons for national business rules. For example, if a country has a list of organisation identifiers corresponding to the list of central government authorities in Annex I of Directive 2014/24/EU, then a national business rule can prescribe that only authorities on this list may classify themselves as "Central Government Authorities" in the Buyer Legal Type field⁵³.

⁵¹ It is included in the Annex to the eForms Regulation as BT-722

⁵² The structure of CCI is explained at <https://ec.europa.eu/sfc/en/2014/support-ms/gen/faq/what-does-cci-code-stand>, the list of identifiers is available at <https://cohesiondata.ec.europa.eu/2014-2020/ESIF-2014-20-Programme-list-CCI-FUND/igzp-yde2/data>.

⁵³ It is included in the in the Annex to the eForms Regulation as BT-11.

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Similarly, business rules may also be used to change rules about certain fields that are marked in the eForms Regulation as mandatory, but a notice may be published without this information nevertheless⁵⁴.

For example, 'Organisation Street'⁵⁵ is mandatory if an organisation has a street address. However, since in certain EU countries not all buyers (or other organisations) have street addresses, a notice may nevertheless be published without this information. If it is certain that eForms users all have street addresses, without any exceptions (which is the case in many EU countries), a business rule may be added (when implementing the eForms) specifying that this field must be included in every notice. The same decision should also be made for 'Organisation Contact Telephone Number' and 'Organisation Internet Address', even though in most countries not all buyers would have this information⁵⁶.

Finally, additional business rules may be required as a complement to certain tailored fields and codelists discussed above⁵⁷. However, if these are required as mandatory only for specific Organisation Type (e.g. buyers' internet address must be provided, but not those for economic operators, then this requires tailoring business rules.

3.9 Tailoring labels

Labels are the texts used in user interfaces for manually filled fields. They are based on simplified eForms descriptions (parts of the descriptions appear as tooltips). The Publications Office of the EU will offer default set of labels in all EU official languages, used in the eNotices2 software application and in the TED website.

Designers could make eProcurement systems more user-friendly by tailoring labels further. For example, labels can be tailored based on users (e.g. professional procurers may prefer legal terminology, SMEs and occasional procurers may prefer more user-friendly terminology), the system (e.g. form-filling vs. form-displaying), etc.

However, especially in countries with multiple eProcurement systems, labels and descriptions may need to be harmonised and preferably aligned to the labels provided by the Publications Office.

⁵⁴ In the extended version of Table 2 of the eForms Regulation, these fields are marked as "EM" – mandatory, if the related information exists.

⁵⁵ It is included in the in the Annex to the eForms Regulation as BT-510.

⁵⁶ The business rule can also specify that this information is mandatory only for a certain Organisation Role (BT-8), e.g. buyer or contractor.

⁵⁷ For example, as discussed in Annex I, some countries may require fields such as Organisation Contact Telephone Number (BT-510) or Organisation Internet Address (BT-505) as mandatory.

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There can also be dynamic labels, which are of two types:

- Terminological: the main ones are those mentioned in the Annex of the Implementing Regulation. Additionally, depending on the Directive, a PIN is either a “prior information notice” or a “periodic indicative notice”; a “competitive procedure” can also be a “negotiated procedure with competition”. Finally, some are mentioned in the text of the description in eForms (e.g. the “or other results” text mentioned in several result fields).
- Temporal: these should be included into the backlog. For example, in a Competition form, a label may be “This procurement will establish a framework agreement”, while in a Result form, it would be “This procurement established a framework agreement”. This is a detail, but if there is a “conditional label” feature anyway, it might be worth implementing. Otherwise, regardless of type, notice will be marked with a time-neutral label such as “This procurement establishes a framework agreement.”

3.10 Tailoring validation rules

Validation rules are an integral part of eForms. They ensure that the notices contain meaningful and consistent data.

The validation rules are implemented by the Publications Office’ applications and applied to any received notice. If any rule fails, this either prevents a notice from being submitted for publication (so called “rules with error severity”) or it triggers a warning, but the notice is submitted anyway (so called “rules with warning severity”). We recommend to implement in eSenders’ systems rules with both error and warning severity, even though only the rules with error severity can result in the rejection of the notice at the reception by the Publications Office.

The Publication Office is working on the development of the Central Validation Service, an application available to the eSenders, which aims to allow the validation of notices at any moment of the notice reception and publication workflow. Further information on this application will be made available at: <https://simap.ted.europa.eu/eforms> together with the list of the validation rules.

As with any other component of eForms, validation rules can be tailored by the Member States in their implementations (as long as they do not conflict with the validation rules implemented by the Publications Office), typically to correspond to national legislation. Furthermore, Member States are recommended to specify and implement further validation rules for below threshold procedures.



4

Implementing eForms



Implementing eForms

4. Implementing eForms

Once eForms have been tailored, decision-makers must decide how to implement them, i.e. how to make sure that the relevant IT system(s) are developed. The most important functionality that every buyer needs is creating and sending notices for publication to TED and to national e-tendering systems. Additionally, EU countries may want to publish notices themselves. We discuss these functionalities in sections 4.1 and 4.2.

Today, EU countries approach these two functions in many different ways. The main variation lies in different degrees of involvement of the public sector and in regulating the number of providers. Implementing eForms is an opportunity to re-consider some of these approaches. We discuss these topics in section 4.3. Finally, section 4.4 discusses questions around government-provided solutions.

4.1. Creating and sending (prefilled) notices

The most important features buyers need is the ability to create and send procurement notices. Historically, buyers filled in notices manually. However, this has two major disadvantages: administrative burden and lower data quality, which leads to lower data usefulness.

In general, the goal of eForms is to eliminate administrative burden, not just transfer it. For example, if information about the contractor comes from structured data being submitted by a tenderer, then the administrative burden has only been transferred from buyer to tenderer. On the other hand, if the data is prefilled automatically from a business register on the basis of an identifier, then the administrative burden is truly eliminated.

eForms are designed to allow prefilling as much data as possible automatically⁵⁸. This is an appropriate approach, because the forms' function is to summarize existing information about the procurement process.

When setting up pre-filling functionalities, several design questions need to be addressed:

- Which prefilled information can the user change? (For example, if a contract award notice is prefilled with the procedure type from a contract notice, can that be changed by the user? If information about a contract is prefilled on the basis of the submitted tender metadata or information from the business register, can that be changed by the user? If information is prefilled, can the user remove it or should it be mandatory?)

⁵⁸ Typically by re-using existing data for the eForms, but, hypothetically, this could also happen in the other direction.

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- Which prefilled information should the buyer even see? Do users need to confirm that all the prefilled information is correct? (For example, technical information such as procedure identifier? Address of the buyer? Information imported from the procurement documents?)
- Which prefilled information should have an explanation and identification of the source (e.g. a business register)

Prefilling, a type of data exchange, is an example of the once only principle⁵⁹ and interoperability. Interoperability is necessary for data portability between eProcurement systems, easier reuse of public and private solutions across borders, etc. The Multi-Stakeholder Expert Group on eProcurement (EXEP) has published a paper on interoperability, outlining the various interoperability layers as envisioned in the European Interoperability Framework, providing recommendations and actions to address the current issues and conclusions, which we recommend reading. Decision makers should pay great attention to ensuring semantic interoperability, which also requires organisational and legal interoperability, and coordination at national level to ensure that also interoperability at the technical level can take place.

As the most prominent example of what interoperability failures can cause, we note that in a few EU countries, buyers are required to submit identical information to multiple systems (e.g. a national contract register, national notice publication system, eNotices) leading to duplications and errors. This should be avoided.

Even when the forms are largely prefilled automatically, some part of the information must still be entered manually. This is when the user friendliness of an interface plays a crucial role. A good user interface can significantly cut the time needed to fill in a form. Similarly, it can also improve the quality of notices by detecting certain type of errors, for example by notifying users when they have probably made a typo (e.g. when an estimated value is €10,000,000 and the final value is €1,000,000). Thus, while eForms will significantly reduce administrative burden, to reap the full benefits, sufficient attention should be paid in Member States also to ensuring that buyers have access to high-quality user interfaces. For a discussion on user interfaces, see Annex I.

While user interface decisions are a question for technical designers rather than policymakers, we included Annex I in this document to emphasize how much administrative burden can be reduced if the forms are designed with users in mind. Typically, good design requires significant interaction with users of the application and working with professional designers, which needs to be reflected in the resources and contracts used for building the notice sending tool. **User-centric design and testing** is crucial.

⁵⁹ <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/Once+Only+Principle>

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Prefilling notices is also a particularly good problem to be solved using artificial intelligence. There is a large amount of historical data and artificial intelligence algorithms could be prefilling notices for example on the basis of procurement documents and, partially, also on the basis of previous notices. This can also be applied for individual fields (e.g. prefilling CPV on the basis of the procurement descriptions).

The **data sources** to automatically prefill the eForms are as follows:

1. eForms;
2. eProcurement systems; and
3. eGovernment systems.

The “low hanging fruit” for prefilling eForms is making sure that information is re-used from one (part of an) eForm to another. However, for a truly digital approach, the eForms generating system must be able to access data from other systems which can be split into two categories: eProcurement systems⁶⁰ and other eGovernment systems. These data sources are discussed below.

4.1.1. eForms

The closest and easiest source of information to prefill in a notice is again a notice. There are several scenarios:

1. Prefilling data between notices within the same procedure. This covers information from planning forms to competition forms, from competition forms to result forms, from result form to modification forms, from any form to change forms, etc.
2. Prefilling data from across the same notice. For example, the common procurement vocabulary (CPV) can be used to prefill whether the main nature of the procurement is supplies, services or works; the values of individual lots can prefill the value of an entire notice; the lot groups of a group award could prefill the lot references in other sections. Since having inconsistent information in, for example, the common procurement vocabulary and the supplies, services and works is not acceptable, all such relationships are described in the business rules. However, these should not only be used for validating data at the reception of a notice, but also to prefill, filter, control or validate data when creating a notice.
3. From a pre-created “notice template” to all notices using that template. A minimalist version of the same functionality is having a user profile of buyer information that is automatically prefilled in all notices.

⁶⁰ Sometimes also called eTendering systems, mainly covering the pre-award phases.

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4.1.2. eProcurement systems

eForms summarize what happens in most procurement phases. This breadth makes them a centrepiece of eProcurement data. At the same time, to be filled in automatically, eForms need to receive data from, or be otherwise coordinated with, other phases of eProcurement. Below, we discuss the relationship with the European Single Procurement Document, eInvoicing, and the other eProcurement phases.

To help interoperability between eProcurement systems, the Publication Office of the EU is leading the **eProcurement Ontology** project⁶¹. This project describes all possible eProcurement data elements and their relationships, thus facilitating data exchange. The ontology is broader than eForms, covering also the ESPD, eInvoicing as well as detailed information from eSubmission, eEvaluation and eOrdering. Consequently, in end-to-end procurement systems, the eProcurement Ontology is an ideal reference for ensuring coherent relationship between data in all phases.

4.1.2.1. European Single Procurement Document (ESPD)

The ESPD⁶² is an EU-wide form for tenderers to self-declare that they pass all selection criteria and exclusion grounds. Buyers in the EU are obliged to accept the ESPD and its electronic version is widely used⁶³ across the EU. The electronic version of the ESPD relies on an “ESPD request” (an ESPD form published by the buyer) and an “ESPD response”, sent by the economic operator on the basis of the call request.

Since eForms also contain information about selection criteria and exclusion grounds, the information in the ESPD and eForms partially overlap. There are two ways of approaching this:

- Integrate the ESPD request (Part III and Part IV) in the eForms, where it can replace the fields on exclusion grounds and selection criteria⁶⁴.
- Continue using the ESPD and Competition forms in parallel. As far as possible, prefill one with the other (e.g. buyer & procedure information).

The first approach has two major advantages: there is no duplication of information and the information in the ESPD can be used when searching on TED for procurement procedures - for example, an SME can filter out any procedure where turnover requirements are too large. The latter approach may

⁶¹ <https://github.com/eprocurementontology/eprocurementontology/wiki>

⁶² https://ec.europa.eu/growth/single-market/public-procurement/digital/espd_en

⁶³ Source: DG GROW eProcurementmatrix, as of July 2019.

⁶⁴ BG-701 and BG-702

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require fewer changes to existing systems and can also be useful in countries with a limited use of the ESPD.

The eForms Implementing Regulation foresees that “any standard form or notice may contain fields from the European Single Procurement Document established by the Commission Implementing Regulation (EU) 2016/7 (1)”. The Publications Office will address this requirement once the work on the forms and notices foreseen in the eForms Implementing Regulation is completed.

4.1.2.2. eInvoicing

The format of eInvoices is set by an EU-wide data standard⁶⁵. eInvoicing generally takes place after the last eForm is used (a Result form or a Modification form). Interconnecting eForm and eInvoicing data allows tracking a procedure in more detail and, in particular, comparing contracted and invoiced values.

There are the following relationships between the eInvoicing standard and eForms:

- The data can be interconnected using Contract Reference (BT-12) of the eInvoicing semantic data model being equal to eForms’ Contract Identifier (BT-150) in the contract award notice.
- The eInvoicing data on Seller (BG-4), Buyer (BG-7) and Payee (BG-10) can be prefilled on the basis of eForms’ Organisation (BG-703)⁶⁶.
- eInvoicing monetary values are distinct from the contract completion form’s monetary values. The former are those invoiced, the latter are the ones actually paid. They may differ, for example, in cases of penalties because of late payment by the buyer, or because payments may include value-added tax.

4.1.2.3. Other eProcurement phases

The majority of information in a Competition form summarizes the procurement documents⁶⁷ (or an equivalent procurement planning and management system). Prefilling these fields requires that procurement documents are to a large degree drafted as structured data.

The majority of the result form repeats the competition form. Additionally, several types of information can come from different eProcurement phases:

⁶⁵ <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/Compliance+with+eInvoicing+standard>

⁶⁶ Especially Organisation Role (BT-08) and Organisation Subrole (BT-770).

⁶⁷ Most fields in Purpose (BG-2), Place of Performance (BG-708), Duration (BG-36), Procedure (BG-6), Other Requirements (BG-705), Contract Terms (BG-711), Award Criteria (BG-707), Techniques (Bg-706), Communication (BG-100), Procurement Documents (BG-101) and Submission Terms (BG-102).

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- eSubmission modules, as long as they collect certain structured data on submitted tenders, can prefill different parts of Notice Result (BG-7), in particular BG-712 (Received Submissions).
- eEvaluation modules can prefill most fields in Tender (BG-320).
- eContract modules can prefill most fields in Contract (BG-310).
- eRemedy modules are the source of data for Review (BG-714), which is part of the contract completion notice.

Furthermore, according to the directives⁶⁸, buyers must prepare an individual report on procedures for the award of contracts. This written report must contain various information – as long as that information is not already published in the contract award notice. eForms always replace points a, f, g and h of paragraph 1, but not b, c, e, and i. 1(d) is covered with the exception of “reasons for the tender being selected”, i.e. the result of the evaluation. Given this overlap, the procurement report should either exclude the information from the contract award notice, or should be prefilled with the information from the contract award notice (that way all the information is in one place).

4.1.3. eGovernment systems

eForms not only draw on information from eProcurement, but also from other eGovernment systems. Most importantly, connecting eProcurement systems to business registries leads to a significant reduction of administrative burden and increase in data quality. Furthermore, there are particular links with systems responsible for beneficial ownership registries established under Art. 30(3) of Directive (EU) 2018/843⁶⁹ (in most countries, these are part of business registries) and systems responsible for EU funds.

4.1.3.1 Business registries

Business registries provide an official source of all information about buyers and economic operators. An interconnection with a business register can, for example, allow buyer/economic operators to only submit their organisation identifier and the notice being prefilled with all the official relevant information about the company. For more information about the importance of organisation identifiers, please see section 3.7.1.

⁶⁸ Art. 84 of Directive 2014/24/EU and corresponding articles in the other directives.

⁶⁹ In the consolidated version of the Anti-Money Laundering Directive (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02015L0849-20180709>), beneficiary owners are defined in Art. 3(6), the registers are established in Art. 30(3), and information to be made publicly available is established in Art. 30(5).

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4.1.3.2 Beneficial ownership registries

Business registries provide information about the ownership of contractors – or any other economic operators. These registries should be freely publicly available by 2020 under the latest Anti-Money Laundering Directive⁷⁰.

The business registry information can be used in two ways, both discussed in Checklist 1 – Tailoring fields:

- Only providing information about the nationality of the winners' beneficiary owners (see discussion in 'Winner Owner Nationality' and 'Winner Listed' (see BT-706 and BT-746 in the Annex of the Implementing regulation).
- Re-publishing the full information about the beneficial owner (see discussion in BT-633 Organisation Natural Person.)

4.1.3.3 EU Funds

IT systems manage the spending of EU funds. Linking EU fund data with procurement data allows tracking the spending being done through EU funds and identify, for example, situations when the execution of procedures creates a bottleneck for spending the money. See discussion 3.7.2 for more information.

4.2. Publishing & providing notices

Once users can create and send notices, the other important functionality is for the notices to be made available. Typically, this consists of two parts: publishing notices on a webpage, which is primarily intended for users who simply want to read the data; and sharing data through a machine-readable interface, which is used by those who want to process and analyse the data further in bulk format.

Decision-makers need to define who may access unpublished information for controls and auditing and apply the necessary access controls (see discussion in section 3.5.2); typically, eSenders, the Publications Office of the EU, the relevant national authorities and the European Commission. However, the list can be broadened, reduced or specified, depending on national needs.

⁷⁰ Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0843>)

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4.3. Publication portals and sending tools

Decisions need to be made on several subjects linked to who needs to implement eForms and how.

In particular, decisions should be made about having **single** or **multiple solutions**, such as whether to operate a notice sending tool, either as a single tool, or as a competitor to privately run notice sending tools; and whether to have a single or multiple publication portals, at national level.

Another main decision is how to involve the **private market**. In this context, an important factor to consider is the availability of open data from TED, that can spur innovation for value added services. The implementation of the eForms will allow for more information and better data quality available in a common EU format, providing the ideal launching pad to foster the developments of new services.

A new action⁷¹ proposed by AGID (Agency for Digital Italy) for the revision of the ISA² programme for the year 2020 will focus on the development of a European framework and infrastructure for monitoring public procurement across the EU, through a set of analytical services and tools based on a common data structure (using the eProcurement Ontology). The action will be implemented by the Commission and will provide a platform to access relevant open data to stakeholders and tools to analyse them as **Linked Open Data**.

Publishing the eForms as open data would assist Member States with boosting their publication efforts. Public procurement data is essential to improve transparency and accountability of public spending, fighting corruption and improving spending quality and play an important role in the wider European data strategy⁷².

4.3.1. Publication portals

The majority of the Member States⁷³ have mandated the use of a national publication portal; while regional and/or sectoral portals may also be available. For future developments of publications portals, their scope (e.g. national only, or also European) and involvement of the private market, the following considerations should be taken into account:

⁷¹ The presentation of the action is available on the DGGROW eProcurement wiki: https://webgate.ec.europa.eu/fpfis/wikis/download/attachments/416225685/eProcurement_Analytics_EXEP_20191114.pdf

⁷² Source: [A European strategy for data](#) – COM(2020)66 final. Brussels, 19.2.2020.

⁷³ Source: DG GROW eProcurement Matrix, 2019.

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- Having a national publication portal publishing notices also from other EU countries⁷⁴, available via the TED machine-readable interface, would expose national companies to opportunities in the EU.
- Running one's own platform offers an opportunity to design the most user-friendly and efficient way to present information. Competition fosters innovation and it may not be straightforward – e.g. using artificial intelligence to recommend business opportunities to companies; displaying information differently depending on the user (e.g. company vs. citizens).
- Using the eForms for the publication of information to harmonise national solutions.
- Since TED data is available as machine readable data, there are always likely to be some privately operated publishing tools. Therefore, the participation of commercial operators should be foreseen.

4.3.2. Sending tools

The main decision concerning notice sending tools is whether buyers must use a particular eSender or whether they are allowed to choose between different eSenders, or to use eNotices2. Some of the main factors for using a single eSender are simplicity; central monitoring of public procurement; governance rules and/or technical requirements at the national level. The main reason for allowing multiple eSenders is the innovation resulting from competition.

If choosing between multiple eSenders is allowed, then legal measures are typically needed to ensure the good functioning of the market. These should cover at least:

- Proper **incentives** - as discussed in section 3.2, costs and benefits of publishing notices fall on different entities, with most costs being on the side of buyers. Consequently, without further intervention, a private eSenders market is likely to concentrate all effort on publishing any (at least barely acceptable) notice, with little regard being given to the benefits of the data. This can be especially harmful given the large extent to which eForms can be tailored. The simplest approach to resolving this issue is by mandating information requirements for eSenders. Alternative, more complex approaches include incentivising the provision of information⁷⁵.

⁷⁴ When republishing from another country, publishers must ensure that they do not delete relevant information (ie requirements specific to the originating country that are not required in the publishing country).

⁷⁵ For example, part of the payment for an eSender to publish a notice could come from the buyer and part from the procurement regulator and depend on the amount of relevant fields filled in. The double incentive of low administrative burden leading to more buyer customers and higher information content leading to additional payment from governments could, theoretically and if well designed, incentivize eSenders to connect to external databases and come up with innovations meeting these two objectives. However, designing such an incentive system, with appropriate level of payments to meet all goals and to avoid gaming of the system by eSenders, seems very difficult.

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- **Data portability** - if buyers cannot easily switch between eSenders, then competition cannot work. This includes data on ongoing procedures, data that may not necessarily be published (e.g. data on all submitted tenders), etc.
- **Government access** to the data, especially if not all is published on TED (e.g. below-threshold).

4.4. Government provided solution – make, buy, skip

When deciding for a government run tool, another important decision is whether to develop the system internally using existing IT staff, or whether to procure the IT solutions. In recent years, there have been many high-profile failures of government IT (in both cases), therefore decision-makers should be aware of the difficulties this entails. Relevant information is available on the subject⁷⁶ (emphasizing the importance of aspects such as avoiding lock in, modular architecture and in-time replacement of legacy systems).

General considerations:

- The major problem of governments developing their own solutions is the lack of experience and staff; while the major problem of procuring solutions is the inability to apply agile methods⁷⁷. Attempts at overcoming the latter include using competitive dialogues and innovative partnerships. For simpler systems, design contests followed up by service contract for IT developments may also be useful.
- When running procurement procedures, attracting tenderers is crucial. For eForms, economic operators with experience in the procurement domain include eSenders⁷⁸, ESPD service providers⁷⁹ and eProcurement service providers in general. Informing them about the launch of procedures for the implementation of the eForms may be a way to increase the number of tenderers.

Support measures:

⁷⁶ E.g. Guidelines on Procuring IT Solutions, European Commission 2015, available at https://joinup.ec.europa.eu/sites/default/files/document/2015-03/guideline_on_procuring_it_solutions_-_v1_00.pdf; the ICT Commissioning Handbook available at <https://playbook-ict-procurement.herokuapp.com/>

[Open Standards for ICT Procurement](https://joinup.ec.europa.eu/collection/eprocurement/open-standards-ict-procurement), available at:

<https://joinup.ec.europa.eu/collection/eprocurement/open-standards-ict-procurement>

[Best practices for ICT procurement based on standards in order to promote efficiency and reduce lock-in: 2-year project completed. 2016 – available at](https://ec.europa.eu/digital-single-market/en/news/best-practices-ict-procurement-based-standards-order-promote-efficiency-and-reduce-lock-2-year)

<https://ec.europa.eu/digital-single-market/en/news/best-practices-ict-procurement-based-standards-order-promote-efficiency-and-reduce-lock-2-year>

⁷⁷ Even though attempts have been made, see e.g. <https://agilecontracts.org/>.

⁷⁸ <https://simap.ted.europa.eu/list-of-ted-esenders>

⁷⁹ <https://ec.europa.eu/docsroom/documents/35142/attachments/1/translations/en/renditions/native>

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- The Publications Office is currently developing a new version of the eNotices application.
- The Publications Office will provide the forms, as foreseen in the eForms Implementing Regulation, to be filled-in in its new eNotices application (eNotices2) and a series of machine-to-machine services (APIs) that third parties can interface with in their applications; this could make the development of their own applications faster and easier. As soon as these artefacts are developed, information on their availability will be published.



Checklist 1

Tailoring fields



Checklist 1 – Tailoring fields

As discussed in 3.5, fields need to be tailored in several ways:

- Making optional fields mandatory⁸⁰, leaving them optional or not using them at all.
- Making certain fields always or never published, not published case by case.
- Making certain fields always identical for the whole procedure, not differentiable per lot.

Table 1 below lists the main fields for which a decision should be taken. The fields are listed in the same order as in the eForms' Annex (i.e. not in the order of importance). When multiple fields need to be decided upon together, they are included in one row. The table includes the fields' name and description, with long descriptions [shortened], [merged] or [skipped] - the full information is available in the Regulation's Annex. Additionally, the table contains the decision-relevant information, which is split into the "**Reasons for Mandatory**", "**Reasons for Optional**", "**Reasons for Unused**", "**Reasons for collected, but always unpublished**", and "**Reasons for always published**"⁸¹.

Table 1 Fields

#	Name	Description	Decision-relevant information
1	Notice Publication Date Preferred (BT-738)	"The preferred date of publication of the notice on TED (e.g. to avoid publication during a national holiday)."	Reasons for Mandatory None. Reasons for Optional Having control over the day on which a notice can be published on TED may be useful to ensure publication on the same day on national and TED

⁸⁰ Incl. mandatory under certain condition specified by business rules.

⁸¹ There are no "Reasons for never different per lot", because we are not aware of any field-specific ones. The general "it may be simpler" argument is explained in 3.5.3.

Checklist 1 – Tailoring fields

			<p>level, in case of national holidays, or when additional deadlines (e.g. public opening of tenders) depend on the date of the notice's publication.</p> <p>Reasons for Unused</p> <p>In many countries, the above-stated reasons are not important.</p>
2	<p><i>Organisation Identifier (BT-501)</i></p>	<p><i>"An identifier of the organisation. All of the organisation's identifiers shall be given."</i></p>	<p>Reasons for Mandatory</p> <p>This information is necessary for reliable identification of who is buying, from whom, especially across multiple procedures.</p> <p>For more information, see section 3.7.1.</p> <p>(The field was left as optional only for notices under the defence directive and remedy directives, because it is not explicitly mentioned in the relevant parts of the legal text. This omission does not have a practical purpose, it is simply a result of the directives not having been amended together with the 2014 directives.)</p>

Checklist 1 – Tailoring fields

			Reasons for Optional or Unused None.
3	Organisation Part Name (BT-16)	The name of a part of an organisation (e.g. the relevant department of a large buyer).	Reasons for Mandatory None Reasons for Optional The field is useful for larger buyers. Having structured data on which notice comes from which part of the buyer may be useful both for the buyer itself (e.g. for monitoring purposes, spend analysis) and for companies (e.g. to have a more precise idea of who they will be dealing with). To give an example, the European Commission (which is a single contracting authority) will use this field to include the names of individual Directorates General. Reasons for Unused If users are only small buyers, then this field is unlikely to serve any purpose.

Checklist 1 – Tailoring fields

4	Organisation eDelivery Gateway (BT-509)	The organisation's uniform resource locator for exchange of data and documents.	<p>Reason for Mandatory or Optional</p> <p>eDelivery is the EU's Connecting Europe Facility's building block for exchanging electronic data between organisations in an interoperable, secure, reliable and trusted way⁸². In some countries, eDelivery plays an important role in eInvoicing, eSubmission, and other eProcurement functionalities.</p> <p>Reason for Unused</p> <p>In some countries, eDelivery is not supported.</p>
5	Organisation Natural Person (BT-633)	<i>"The organisation is a natural person."</i>	<p>Reason for Mandatory or Optional</p> <p>The field can be used to manage personal data related to the General Data Protection Regulation.</p> <p>Reason for Unused</p> <p>The field may not be necessary if personal data is never present in notices or if it is managed in another manner.</p>
6	Organisation Subrole (BT-770)	<i>"The sub-role of the organisation in the procurement procedure (e.g. group leader, organisation providing additional information about the procurement procedure)."</i>	<p>Reason for Mandatory or Unused</p> <p>None.</p> <p>Reasons for Optional</p> <p>The field fulfils a core business need of indicating which organisation is responsible for providing additional information or indicating who is the group leader in case of consortia or joint procurement. It offers also a wide variety of more detailed roles,</p>

⁸² For more information on eDelivery, see https://ec.europa.eu/inea/sites/inea/files/building_block_dsi-introdocument_edelivery_v1_00.pdf.

Checklist 1 – Tailoring fields

			which are discussed in the BT-770 section of Checklist 2 – Tailoring code lists.
7	Buyer Legal Type (BT-11)	<i>“The type of buyer according to procurement legislation (e.g. central government authority, body governed by public law, public undertaking).”</i>	<p>Reasons for Mandatory</p> <p>Gives policy information on who is buying, which is useful e.g. when evaluating national procurement law.</p> <p>Required to answer questions such as:</p> <ul style="list-style-type: none"> - When do contracting authorities (not contracting entities) use the sectoral directive? - When do contracting authorities (not contracting entities) use the concessions directive? - What procurement gets done by public undertakings? - What procurement gets done by entities with special or exclusive rights? <p>Reasons for Optional or Unused</p> <p>The additional field requires minimal effort for the buyer</p>

Checklist 1 – Tailoring fields

8	<p>Winner Nationality (BT-706)</p> <p>&</p> <p>Winner Listed (BT-746)</p>	<p>Owner</p> <p>"The nationality (or nationalities) of the beneficiary owner(s) of the winner, tenderer, or subcontractor; as published in the register(s) established by anti-money laundering legislation. If such a register does not exist (e.g. in case of non-EU contractors) then equivalent information from other sources."</p> <p>+</p> <p>The nationality [shortened] is not published in the register [shortened], because the winner is listed on a regulated market (e.g. a stock exchange) [shortened].</p>	<p>Reasons for Mandatory</p> <p>Gives policy information on who owns the winner, i.e. who the public sector is really paying.</p> <p>Required to answer questions such as:</p> <ul style="list-style-type: none"> • Do profits from awarded contracts ultimately go to national citizens, or foreign citizens? This question is important, for example, when evaluating the benefits of the EU Single Market. • Do profits from awarded contracts ultimately go to EU national, or non-EU nationals? This question is important, for example, when evaluating the benefits of trade agreements with non-EU countries. • To what extent are awarded contracts posing a national security (or cybersecurity) risk, e.g. by creating a dependency on third country owned suppliers of IT infrastructure or money flowing to suppliers potentially covered by economic sanctions. <p>Reasons for Optional</p>
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Checklist 1 – Tailoring fields

			<p>None.</p> <p>Reasons for Unused</p> <p>The definitions correspond to the data that should be freely publicly available, by 2020, under the latest Anti-Money Laundering Directive⁸³. Consequently, it should be possible to prefill it automatically and the cost of using it should be small.</p> <p>If the data is not available from the above-mentioned register, then the data should probably not be requested (unless it is collected from another automated source, e.g. the ESPD), as the administrative burden would be too large.</p>
9	Estimated Value (BT-27)	<i>"The estimated maximum value of the procurement procedure or lot. Estimated refers</i>	<p>The approach to publishing estimated values differs very widely across the EU. There is no empirical evidence on which approach leads to better value for money. It is important to distinguish two decisions:</p>

⁸³ Buyers should use these registries regardless of the field on winner nationality, as they are useful as a reference point to comply with the Directives' provisions on exclusion grounds, in particular the last paragraph of Art. 57 of Directive 2014/24/EU.

Checklist 1 – Tailoring fields

to estimation at the time of launching the call for competition. Maximum value means a value covering all contracts to be awarded within a framework agreement or a dynamic purchasing system, over their whole duration, including options and renewals."

mandatory vs. optional, published vs. unpublished.

Reasons for Mandatory

Having buyers mandatorily submit estimated value has significant policy value for managing national procurement systems. In particular, it allows answering questions such as "How close are price estimates from actual prices?", "Do consistent and repetitive large differences between the two indicate insufficient market knowledge?"

Reasons for Optional or Unused

None – the value is estimated in every procurement procedure, the question concerns its publication.

Reasons for Always Published

In some EU countries, the estimated value is mandatory or considered a good practice. It is taken as a part of the description of what is required from the market and it is assumed that it will lead to more informed bids, including to ensure that they are realistic from the buyer's budget point of view.

Checklist 1 – Tailoring fields

			Reasons for Always Unpublished <p>In some EU countries, publishing the estimated value is discouraged and considered as a bad practice. It is assumed that indicating to companies the expected price will stop them from offering significantly lower prices and thus limit competition.</p>
10	<i>Quantity</i> (BT-25) & <i>Unit</i> (BT-625)	<p>“The number of units required.”</p> <p>&</p> <p>“The unit which the good, service, or work comes in, for example hours or kilograms. [shortened]”</p>	Reasons for Mandatory or Optional <p>In combination with CPV, the fields can be used to establish unit prices (e.g. for cars, medical devices, kilometres of highways, man-hours of IT services), which is a popular demand from procurement data. Furthermore, in some cases, structured data on the number of units can also be a relevant part of procurement description for economic operators.</p> <p>The fields are useful if a lot covers only a single type of item for which a quantity can be established. For example, the fields can be used when a lot concerns “office chairs”, but not when it concerns “furniture”.</p> Reasons for Unused <p>If procurement is specified very generally (or</p>

Checklist 1 – Tailoring fields

			describes needs rather than solutions), the use of the field may be limited. Furthermore, the usefulness of comparing unit prices relies on the similarity of the procured goods (e.g. car type, accompanying services such as maintenance and warranty, landscape where a highway is being built).
11	Duration (BG-36)	<i>Information about the duration of the contract, framework agreement, dynamic purchasing system or qualification system. [Shortened]</i>	<p>Reasons for Mandatory</p> <p>In Result forms for procedures that were directly awarded (i.e. no competition form was published), publishing the duration of the contract represents better control and transparency of these contracts.</p> <p>Reasons for Optional or Unused</p> <p>In most cases, the field is mandatory in a competition form, so it is not important in a result form.</p>
12	Lots Max Allowed (BT-31) &	<i>The maximum number of lots for which one tenderer can submit tenders.</i>	<p>Reasons for Mandatory or Optional</p> <p>The maximum number of lots that a tenderer can bid for or win importantly influences the decision of economic operators in the procedure, e.g. because a procedure is worth the effort only if the tenderer believes he can win multiple lots.</p>

Checklist 1 – Tailoring fields

	<i>Lots Max Awarded (BT-33)</i>	<p>&</p> <p><i>The maximum number of lots for which contract(s) can be awarded to one tenderer.</i></p>	<p>Given its importance for economic operators, the field is useful in all competition forms.</p> <p>Reasons for Unused</p> <p>There can be procedures where lots largely differ in size or requirement skills. (E.g. there could be many lots on simple goods and some on more elaborate goods, where setting a maximum number of lots allowed may lead to very different tender amounts.)</p> <p>Causes minimal administrative effort (est. time to fill in is 20 seconds per field).</p>
13	<i>Group Lot Award (BG-330)</i>	<i>Tenderers may submit tenders not only for individual lots, but also for the groups of lots given here. The buyer may then compare the tenders submitted for groups of lots with those for individual lots and evaluate which option</i>	<p>Reasons for Mandatory</p> <p>None</p> <p>Reasons for Optional</p> <p>The directives⁸⁴ provide the possibility for tenders to be submitted and evaluated not only per lot, but also</p>

⁸⁴ Art. 46(3) and Rec. 78-79 of Directive 2014/24/EU

Checklist 1 – Tailoring fields

best fulfils the award criteria. Each group of lots must have clear award criteria.

for a group of lots.

For example, there can be two lots with price as the only award criterion. Tenderer A offers €100,000 for lot 1 and €120,000 for lot 2; tenderer B offers €110,000 for lot 1 and €100,000 for lot 2 and adds that the overall price if awarded both lots, i.e. for a group of lots 1 & 2, will be a total of €180.000. The buyer therefore has the following options: 1) award the contract for lot 1 to A, and the one for lot 2 to B (overall price: €100 000 + €100 000 = €200 000) or 2) award one single contract for both lots to B, total price €180 000. The most advantageous option is 2).

Reasons for Unused

In some EU countries, grouping lots for submission and evaluation is not allowed, in which case this field is not useful.

Checklist 1 – Tailoring fields

14	Minimum (BT-50)	Candidates	<p><i>The minimum number of candidates to be invited for the second stage of the procedure.</i></p> <p>&</p> <p><i>There is a maximum number of candidates to be invited for the second stage of the procedure.</i></p> <p>&</p> <p><i>The maximum number of candidates to be invited for the second stage of the procedure.</i></p>	<p>Reasons for Mandatory or Optional</p> <p>The number of candidates invited for the second stage importantly influences the decision of economic operators to participate in the procedure, because it defines how much the winner is selected on the basis of “who he is” rather than “what does he offer”.</p> <p>Given its importance for economic operators, the field is useful in all competition forms.</p>
	&			<p>Reasons for Unused</p> <p>Causes minimal administrative effort (est. time to fill in is 20 seconds per field).</p>
	Maximum Indicator (BT-661)	Candidates		
15	&		<p><i>The maximum number of candidates to be invited for the second stage of the procedure.</i></p>	<p>Reasons for Mandatory</p> <p>Justification fields reflect cases where the directives require justifications, but do not specify where these justifications should be included. Since justifications</p>
	Maximum Number (BT-51)	Candidates		
15	Award Criteria Order Justification (BT-733)		<p>“Justification for only indicating the award criteria's order of importance, not their</p>	
	Documents Restricted			

Checklist 1 – Tailoring fields

	<p><i>Justification (BT-707)</i></p> <p>&</p> <p><i>Submission Nonelectronic Justification (BT-19)</i></p> <p>&</p> <p><i>Unpublished Justification Code (BT-197)</i></p> <p>&</p> <p><i>Unpublished Justification Description (BT-196)</i></p> <p>&</p> <p><i>Accessibility Justification (BT-755)</i></p>	<p>weighing.”</p> <p>&</p> <p>“The justification for restricting access to certain procurement documents.”</p> <p>&</p> <p>“Justification for electronic submission of tenders not being possible.”</p> <p>&</p> <p>“Justification for not immediately publishing a field. ”</p> <p>&</p> <p>“Justification for not immediately publishing a field and for the choice of a later date at which it can be published. ”</p> <p>&</p>	<p>should be made in writing (e.g. for audit purposes) and their preparation takes the same effort regardless of where they are published, including them in notices is the most appropriate place. That way they contribute to the transparency of procurement also vis-à-vis businesses and citizens.</p> <p>Furthermore, including structured data on justifications allows analysing what are the most common justifications. That brings more transparency to the use of such provisions and helps prevents their misuse.</p> <p>The justifications need to be implemented as mandatory under a certain condition (e.g. justification for non-electronic submission should be mandatory only if electronic submission is not allowed in the procedure), see discussion in section 3.8. Tailoring Business Rules.</p> <p>Reasons for Optional</p> <p>None.</p>
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Checklist 1 – Tailoring fields

		<p>"The justification for not including accessibility criteria even though the procurement is intended for use by natural persons."</p>	<p>Reasons for Unused</p> <p>In many countries, some of the provisions that must be justified are instead not used at all. In such cases, the justifications themselves can be removed.</p> <p>This is the case, for example, for BT-733 (see the discussion in the appropriate codelist), BT-196 (if non-publication is not used at all). Similarly, if Accessibility (BT-754) is not used, then Accessibility Justification (BT-755) is not used either.</p>
16	<p><i>Framework Buyer Categories (BT-111)</i></p>	<p>"Any additional categories of buyers participating in the framework agreement and not mentioned by name (e.g. "all hospitals in the Tuscany region")."</p>	<p>Reasons for Mandatory</p> <p>None.</p> <p>Reasons for Optional</p> <p>The directives⁸⁵ require that all buyers concluding a framework agreement must be clearly identified. This indication can either be done per individual organisation (using BG-703 (Organisation)) or, on a more general basis, in BT-111 by describing the buyer category. Such an approach is useful if, for</p>

⁸⁵ E.g. 2014/24/EU Art. 33(2) second subparagraph.

Checklist 1 – Tailoring fields

			<p>example, there are many buyers participating in a framework (e.g. large framework agreements led by central purchasing bodies) and the eProcurement systems does not have any functionalities that would allow easily adding of a large number of organisations.</p> <p>Reasons for Unused</p> <p>This field is not useful if the users do not conclude large framework agreements; or if the eProcurement system allow automatically adding large numbers of organisations (e.g. based on lists coming from the business registries; or by uploading spreadsheets with organisation information).</p>
17	Tool Name (BT-632)	The name of the electronic tool or device used for electronic communication.	<p>Reasons for Mandatory or Optional</p> <p>The field is used in some countries to identify the eProcurement tools used. If not covered by other fields (e.g. Documents URL BT-15 and Submission URL BT-18) it may be useful for economic operators, otherwise it can also be used for statistics on the structure of the eTendering market.</p>

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			Reasons for Unused <p>The field may not be necessary, in particular, if the same role is played by Documents URL BT-15 and Submission URL BT-18.</p>
18	<i>Procurement Document (BG-101)</i> <i>(in particular Documents URL (BT-15) & Documents Restricted (BT-14) & Documents Restricted URL (BT-615))</i>	<i>Information about the procurement documents.</i>	Reasons for Mandatory <p>The defence directive and the other directives in case of the light regime do not require publishing electronic procurement documents. Consequently, fields on this subject are optional in the eForms Implementing Regulation. If publishing electronic procurement documents is mandatory in a given country also for procedures falling under the defence directive or the light regime, then making this field mandatory in such cases ensures that companies can easily find the procurement documents.</p> Reasons for Optional <p>The field should be optional if it is not mandatory to publish procurement documents for procedures falling under the defence directive and the light regime electronically.</p> Reasons for Unused

Checklist 1 – Tailoring fields

			None.
19	<p><i>Documents Language (BT-708)</i></p> <p><i>Official</i></p> <p>&</p> <p><i>Documents Unofficial Language (BT-737)</i></p>		<p>Reasons for Mandatory</p> <p>Translating procurement documents (or their parts) into another language (usually English) removes an important barrier for economic operators to participate in a procurement procedure abroad. Including information about these translations in a TED notice allows companies to search specifically for such procedures.</p> <p>Reasons for Optional</p> <p>Causes minimal administrative effort. For most systems, this information can be filled in automatically.</p> <p>Reasons for Unused</p> <p>None.</p>
20	<p>Submission (BT-17)</p> <p>Electronic</p>	<p>"Whether economic operators are required, allowed or not allowed to submit tenders, requests to participate, or expressions of interest"</p>	<p>Reasons for Mandatory</p> <p>This information is necessary for economic operators to know where to submit their tenders, requests to participate, or expressions of interest by electronic</p>

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	<p>&</p> <p>Submission URL (BT-18)</p>	<p>electronically.”</p> <p>&</p> <p><i>“The internet address for submission of tenders, requests to participate, or expressions of interest by electronic means. The address should be as direct as possible (ideally a dedicated address for the electronic submission, not just a general website).”</i></p>	<p>means.</p> <p>The field is necessary if electronic submission is obligatory in areas where not required by EU law: defence directive, concessions directive, design contests and social or other specific services.</p> <p>Reasons for Optional</p> <p>If electronic submission is not obligatory in areas where not required by EU law (see left), then the field should be optional.</p> <p>Reasons for Unused</p> <p>None.</p>
21	<p>Submission Electronic Signature (BT-744)</p>	<p>Advanced or qualified electronic signature or seal (as defined in Regulation (EU) No 910/2014) is required.</p>	<p>Reasons for Mandatory</p> <p>In EU countries, where the the use of electronic signature for submission is an obligation.</p> <p>Reasons for optional</p> <p>In EU countries, where there the use of electronic</p>

Checklist 1 – Tailoring fields

			<p>submission for signature is allowed but not an obligation.</p> <p>Reasons for Unused</p> <p>In EU countries, where there is no obligation to use electronic signature for submission.</p>
22	Multiple Tenders (BT-769)	Tenderers may submit more than one tender (for a given lot).	<p>Reasons for Mandatory</p> <p>Submitting multiple tenders is, in effect, similar to submitting variants to a tender. Some countries forbid the practice. Where it is not forbidden, it might be consistent to make the field mandatory in the same notices where Variants (BT-63) is used.</p> <p>Reason for Optional</p> <p>None.</p> <p>Reasons for Unused</p> <p>None.</p>
23	Late Information	Tenderer Whether tenderer-related information can	<p>Reasons for Mandatory</p>

Checklist 1 – Tailoring fields

	(BT-771) & Late Tenderer Information Description (BT-772)	be supplemented even after the submission deadline.	<p>None.</p> <p>Reasons for Optional</p> <p>None.</p> <p>Reasons for Unused</p> <p>The field is used only in certain Member States. In most Member States, it is unlikely to be useful, and thus can easily be unused.</p>
24	Group Framework Value (BG-556) & Group Framework Estimated Maximum Value (BG-557)	Information about the maximum or estimated value which can be spent, in a framework agreement, within a group of lots. This information can be provided when the maximum value of a group of lots is lower than the sum of values of individual lots (e.g. when the same budget is shared for several lots).	<p>Reasons for Mandatory or Optional</p> <p>For certain framework agreements, providing (estimated) value per lot does not give accurate information. This is the case for framework contracts where funds can be shared across several lots. For example, Lot 1 may be about purchases of Medicine A and have a maximum value of 1 million, Lot 2 about Medicine B and have also a maximum value of 1 million, while a hospital has an overall budget for medicine of 1.5 million and a policy of purchasing medicine in response to actual demand. If values at lot level were taken at face value, this would mean double counting some of the actual/potential spending (i.e. 2 million instead of 1.5). This field is likely to be used mainly by buyers running large</p>

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			<p>framework agreements⁸⁶.</p> <p>Additionally, for BG-557, the same considerations apply as for Estimated Value (BT-27), because both fields concern estimated values.</p> <p>Reasons for Unused</p> <p>If the users do not run framework agreements with shared budget, this field is not useful.</p>
25	<p>Framework Value Maximum (BT-709)</p> <p>&</p> <p>Framework Estimated Value (BT-660)</p>	<p>"The maximum value which can be spent within a framework agreement over its whole duration, including options and renewals."</p> <p>&</p> <p>"The estimated value</p>	<p>Reasons for Mandatory (in case of framework agreements)</p> <p>Framework must have estimated values like any other contracts. However, in some countries, maximum values are used instead of estimated. Depending on national practice legislation, one or the other field should be used.</p> <p>Regardless of the field that is used, the sum of all</p>

⁸⁶ Often, if lots have a shared budget, then users have a tendency to put the same (total) value per lot. This can be used in an user interface: if in a framework agreement there are multiple lots with the same maximum value, a popup can suggest using a grouped value field.

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		which will be spent within a framework agreement over its whole duration, including options and renewals.”	lots for the whole procedure (if the procedure is split into lots) must be equal to Notice Framework Value (BT-118). Reasons for Optional or Unused None.
26	Country Origin (BT-191)	“A country of origin of the product or the service.”	Reasons for Mandatory or Optional None. Reasons for Unused Most contemporary goods are a product of global value chain, where establishing a country of origin can be complex ⁸⁷ .
27	Contract URL (BT-151)	“The uniform resource locator (e.g. the web address) of the contract.”	Reasons for Mandatory In countries where contract publication is mandatory, this URL is used to link from the notice to the contract. This is the case regardless of whether the contracts are hosted on the same or different platform as national notices, because even if it is the same platform, the URL is

⁸⁷ See <https://trade.ec.europa.eu/tradehelp/basic-rules>, https://en.wikipedia.org/wiki/Country_of_origin, etc.

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			<p>necessary to be able to access it from TED. (If the contract contains structured meta-data, then these can be used to prefill in the form.)</p> <p>Reasons for Optional This can be used for example if some buyers publish contracts on their websites, but some do not.</p> <p>Reasons for Unused This field is not useful if contracts are never published at national level.</p>
28	<p>Contract Identifier</p> <p>1.1.1.1.1 (BT-5011)</p>	<p>EU Funds</p> <p><i>"An identifier of the European Union funds used to at least partially finance the contract. The most concrete information must be given (e.g. about concrete projects, not just operational programs.)"</i></p>	<p>Reason for Mandatory</p> <p>It may be particularly useful in countries with large amounts of European Structural and Investment Funds (ESIF). It can be used to link data on public procurement and EU funded projects which can help identify barriers to spending EU funds (e.g. procedural problems in procurement procedures resulting in contracts that cannot be signed in time) as well as highlight possible risks (e.g. corruption & collusion).</p> <p>Reason for Optional or Unused</p> <p>In countries with a small use of ESIF.</p>
29	<p>Strategic Procurement Notice Section Identifier</p>	<p><i>"An identifier of one or more sections within this notice. The information</i></p>	<p>Reasons for Mandatory or Optional</p> <p>This field allows specifying all other information</p>

Checklist 1 – Tailoring fields

	(BT-13721)	<i>in the strategic procurement section refers to this section or these sections."</i>	<p>about strategic procurement per a section of a notice such as technical specifications, selection criterion, award criterion, or contract performance conditions. For more information see section 1.4.</p> <p>Reasons for Unused</p> <p>Specifying information on strategic procurement per section is likely to require significant time. The added value of such segmentation (and the quality of received data) is not obvious.</p>
30	Strategic procurement (BT-06)	<i>"Use of a technical specification, selection criterion, award criterion, or contract performance condition aims to reduce the environmental impacts of the procurement, fulfil social objectives and/or buy an innovative work, supply or service."</i>	<p>Reasons for Mandatory</p> <p>This field would bring basic information on green, social and innovative procurement. It relies on self-evaluation by buyers and does not provide a more detailed definition because no EU-wide definitions are currently available.</p> <p>Reasons for Optional</p> <p>The field causes minimal administrative effort.</p>

Checklist 1 – Tailoring fields

31	<p>Green Procurement (BT-774) & Social Procurement (BT-775) & Innovative Procurement (BT-776)</p>	<p>"An approach to reducing the environmental impacts of the work, supply or service (e.g. requesting compliance with an <i>environmental label</i>)."</p> <p>"A social objective promoted by the works, supplies or services (e.g. <i>fair working conditions</i>)."</p> <p>"An indication that innovative works, supplies or services are being bought (e.g. the procured works, supplies or services being novel for the whole market)."</p>	<p>Reasons for Mandatory</p> <p>These fields provide additional information on green, social and innovative procurement (more information is available in the codelists). They are more specific than the general Strategic Procurement (BT-06) field.</p> <p>Reasons for Optional</p> <p>The field causes minimal administrative effort.</p>
32	<p>Vehicles (BT-715) & Vehicles Zero Emission</p>	<p>"The number of all & zero-emission heavy duty & clean vehicles" [merged & shortened]</p>	<p>Reasons for Mandatory</p> <p>According to the Clean Vehicles Directive (2009/33/EC), EU countries are obliged to monitor the proportion of zero-emission heavy duty and</p>

Checklist 1 – Tailoring fields

	(BT-725) & Vehicles Clean (BT-716)		<p>clean vehicles. Monitoring through eForms seems to be the easiest and most accurate way to do so.</p> <p>Reasons for Optional or Unused</p> <p>None.</p>
33	Accessibility (BT-754)	"The use of accessibility criteria for persons with disabilities in the technical specifications."	<p>Reasons for Mandatory</p> <p>This field would help monitor the extent to which duly justified exceptions are being used. This is particularly relevant in the context of the recently adopted European Accessibility Act and Art. 42(1) of Directive 2014/24/EU.</p> <p>Reasons for Optional</p> <p>The field causes minimal administrative effort.</p>
34	Buyer Review Summary (BG-612)	"Summary information about the requests the buyer received to review any of its decisions (e.g. the technical specifications, award decision), as set out in Art. 1(5) of Directive 89/665/EEC and	<p>Reasons for Mandatory</p> <p>Review requests provide important information for economic operators as well as the broader public. They help answer questions such as:</p> <ul style="list-style-type: none"> Do repeatable review requests for decision concerning the same buyer suggest a problem with professionalism?

Checklist 1 – Tailoring fields

		Directive 92/13/EEC, and about the complainants that submitted the requests.”	<ul style="list-style-type: none"> Do review requests explain slow procurement procedures? What is likely the cost associated with buyers having to respond to such requests? <p>Reasons for Optional</p> <p>Minimal administrative burden. It is (already collected) data.</p>
35	<i>Buyer Review Requests (BG-613)</i>	“Information about the number and type of requests the buyer received to review any of its decisions (e.g. the technical specifications, award decision).”	<p>Reasons for Mandatory</p> <p>Provides more detailed information about review procedures, allowing answering questions such as “Which types of irregularities are most often identified by review requests?”, „Do the identified irregularities require any policy steps, such as training or interpretation on a particular subject?”</p> <p>Reasons for Optional</p> <p>Minimal administrative burden. It is (already collected) data.</p>
36	<i>Suitable For SMEs</i>	<i>“The buyer emphasizes that this procurement is</i>	<p>Reasons for Mandatory or Optional</p> <p>The field can improve the chances of SMEs to easily find relevant</p>

Checklist 1 – Tailoring fields

	(BT-726)	<i>also suitable for small and medium enterprises (SMEs)."</i>	<p>business opportunities. Sometimes referred to as "contract flagging", it has been recommended by the Commission's Advisory expert group on cross-border access for SMEs to defence and security contracts⁸⁸ and is used in certain countries.</p> <p>Reasons for Unused</p> <p>The field is subjective rather than objective (in principle, a consortium of SMEs can be able to handle any contract), so depending on national procurement culture, it can be confusing rather than helpful. National business associations may offer valuable feedback on this.</p>
37	Procurement Relaunch (BT-634)	This cancelled or unsuccessful procedure or lot will be relaunched.	<p>Reasons for Mandatory</p> <p>This information is important for economic operators as well as the broader public.</p> <p>Reasons for Optional</p> <p>Causes minimal administrative effort. It is (already collected) data.</p>
38	Not Immediately	Information about fields not intended for	There is a three level approach to publishing

⁸⁸ See recommendation 8 of the Final Report and Recommendations, <http://ec.europa.eu/DocsRoom/documents/20354/attachments/1/translations/en/renditions/native>.

Checklist 1 – Tailoring fields

	<p>Published (BG-8)</p> <p>&</p> <p><i>Tender Lowest Value (BT-710)</i></p> <p>&</p> <p><i>Tender Highest Value (BT-711)</i></p>	<p>immediate publication. This information may differ per field.</p> <p>Identifier of the field that shall not be immediately published.</p> <p>&</p> <p>Value of the admissible tender with the lowest value. <i>[Merged & shortened]</i>.</p>	<p>information.</p> <ul style="list-style-type: none"> • By default, all information in a notice should be published. • Instead of a contract value, buyers can provide the lowest and highest tender value (BT-710) and (BT-711). • If justified, buyers can use Not Immediately Published (BG-8) to mark certain information (see Unpublished Information BT-195 codelist) as unpublished. Any unpublished field should be justified and a deadline for non-publication should be given. <p>Reason for Mandatory or Optional</p> <p>None. (See also 3.5.2.)</p> <p>Reasons for Unused</p> <p>While in certain countries there seems to be hesitance to publish information about public contracts, esp. their value, there is no evidence of such information being harmful. In particular, two large scale independent reviews – one conducted by</p>
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Checklist 1 – Tailoring fields

			the Center For Global Development ⁸⁹ and one by the Open Contracting Partnership ⁹⁰ - have failed to identify any examples or evidence supporting the most popular theories on the negative impacts of publishing (e.g. supporting collusion, hindering innovation). In such cases, BG-8 as well as BT-710 and BT-711 may be unused in a given implementation of eForms.
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⁸⁹ <https://www.cgdev.org/publication/principles-commercial-transparency-public-contracts>

⁹⁰ <https://www.open-contracting.org/resources/mythbusting-confidentiality-public-contracting/>



Checklist 2

Tailoring code lists



Checklist 2 – Tailoring code lists

As mentioned in 3.6, certain codelists can be tailored mainly by not using certain codes.

Table 2 below lists the code lists for which a decision should be taken. The code lists are listed in the same order as their corresponding fields in the eForms' Annex (i.e. not in the order of importance). The code lists will be made available online in the second quarter of 2020 by the Publications Office (on EU Vocabularies), updating the currently published code lists⁹¹. Additionally, the table contains decision-relevant information that discuss the use of individual codes.

Table 2 Codelists

Name	Description of the codes	Decision-relevant information
<i>Organisation role (BT-08)</i>	<ul style="list-style-type: none">• <i>Buyer</i>• <i>Procurement service provider</i>• <i>Central purchasing body acquiring supplies and/or services intended for other buyers</i>• <i>Central purchasing body awarding public contracts or concluding framework agreements for works, supplies or services intended for other buyers</i>• <i>Winner</i>• <i>Subcontractor</i>	<p>The codes that must be always used, if they exist in a given procedure, are "buyer"; "winner"; "review body"; "buyer acquiring supplies and/or services intended for other buyers", "buyer awarding public contracts or concluding framework agreements for works, supplies or services intended for other buyers" and "TED eSender". Additionally, the codelist contains codes used to designate various other roles. These may be used optionally, mandatorily or not at all – depending on the implementation.</p> <p>The "procurement service provider" designates</p>

⁹¹ <https://op.europa.eu/en/web/eu-vocabularies/e-procurement>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
	<ul style="list-style-type: none"> • <i>Mediation organization</i> • <i>Review organization</i> • <i>TED eSender</i> • <i>Organisation providing information concerning the general regulatory framework for taxes applicable in the place where the contract is to be performed.</i> • <i>Organisation providing information concerning the general regulatory framework for environmental protection applicable in the place where the contract is to be performed.</i> • <i>Organisation providing information concerning the general regulatory framework for employment protection and working conditions applicable in the place where the contract is to be performed.</i> • <i>Tenderer</i> • <i>Organisation requesting review that is not a tenderer, but has an interest in a contract.</i> • <i>Organisation requesting review</i> 	<p>organisations that help buyers procure. Besides central purchasing bodies, these are often consulting companies specialized in procurement, law, EU funds or a particular sector (construction, IT, etc.) This field provides information on the extent to what procurement is done and influenced by other organisations than the buyer.</p> <p>For example, in some countries, practitioners estimate that up to 50% of procurement procedures are actually done/influenced by private consultancies and law firms. There is no data to confirm such claims - even though this could have significant implications for policy makers, such as:</p> <ul style="list-style-type: none"> • From a professionalisation point of view, if external organisations often play a role, then training individual buyers may be less important. On the other hand, perhaps there should be certifications, reviews, or ratings for procurement service providers. • If procurement service providers seldom play a role, perhaps there is space for improving professionalisation through better support from (private or public) procurement expert centres. • Where external organisations play a role, it may also be worth paying more attention to the

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
	<p><i>that does not have an interest in a contract, but could be harmed by an infringement.</i></p> <ul style="list-style-type: none"> • <i>Beneficial owner</i> 	<p>prevention of conflict of interest.</p> <p>“Subcontractor” information increases transparency and information about the market and can be used, for example, when looking for collusion. This code is particularly useful in procedures where subcontractors are known when awarding the contract (e.g. because it is mandatory to include such information in the tender). Furthermore, the code is used in the contract completion notice, see section 3.4.3.</p> <p>“Tenderer” is used when informing about more tenderers than just the winning tenderer, see the section 3.3.4.</p> <p>“Mediation organisation” does not need to be used in countries where mediation organisations are never used.</p> <p>“Organisation requesting review...” is used only in the contract completion notice.</p> <p>“Beneficial owner” is used when publishing the information about the beneficial owner, not only the statistical information discussed in Checklist 1, BT-706 & BT-746.</p>
Organisation	<ul style="list-style-type: none"> • <i>Group leader</i> 	<p>“Group leader” and “Organisation providing additional</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
<i>subrole</i> (BT-770)	<ul style="list-style-type: none"> • <i>Organisation providing additional information about the procurement procedure</i> • <i>Organisation providing offline access to the procurement documents</i> • <i>Organisation providing more information on the time limits for review procedures</i> • <i>Organisation receiving requests to participate</i> • <i>Organisation processing requests to participate</i> • <i>Organisation receiving tenders</i> • <i>Organisation processing tenders</i> • <i>Organisation signing the contract</i> • <i>Organisation whose budget is used to pay for the contract</i> • <i>Organisation executing the payment</i> 	<p>information” are basic and useful information (see BT-770 discussion in Checklist 1).</p> <p>The additional codes are useful in implementations with comprehensive eTendering systems and/or procedures with extensive joint procurement or use of procurement service providers to take care of different phases of the procedure.</p>
<i>Buyer Legal Type</i> (BT-11)	<ul style="list-style-type: none"> • <i>Central government authority</i> • <i>Regional authority</i> • <i>Local authority</i> • <i>Body governed by public law</i> <ul style="list-style-type: none"> ◦ <i>Body governed by public law, controlled by the state</i> 	<p>“Body governed by public law”, “public undertaking” and “organisations awarding a contract subsidised by a contracting authority” can be further detailed on whether the body is “controlled by a central government authority”, “regional authority” and / or “local authority”.</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
	<ul style="list-style-type: none"> ○ <i>government authority</i> ○ <i>Body governed by public law, controlled by a government authority</i> ○ <i>Body governed by public law, controlled by a government authority</i> • <i>Public undertaking</i> <ul style="list-style-type: none"> ○ <i>Public undertaking, controlled by a government authority</i> ○ <i>Public undertaking, controlled by a government authority</i> ○ <i>Public undertaking, controlled by a government authority</i> • <i>Entity with special or exclusive rights</i> • <i>Organisation awarding a contract subsidised by a government authority</i> <ul style="list-style-type: none"> ○ <i>Organisation awarding a contract subsidised by a government authority</i> ○ <i>Organisation awarding a contract subsidised by a government authority</i> ○ <i>Organisation awarding a contract subsidised by a government authority</i> • <i>Defense contractor</i> • <i>International organisation</i> • <i>EU institution, body or agency</i> — 	<p>This “controlled by” specification was requested by certain countries. In countries where it is not useful, the codes do not need to be used.</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
<i>Winner Size (BT-165)</i>	<p><i>"The size of the winner (e.g. micro enterprise, small enterprise, medium enterprise)."</i></p> <ul style="list-style-type: none"> • <i>Micro, small, or medium</i> <ul style="list-style-type: none"> ○ <i>Micro</i> ○ <i>Small</i> ○ <i>Medium</i> • <i>Large</i> • 	<p>This codelist allows three approaches to identifying the size of a winner:</p> <ul style="list-style-type: none"> • Allowing only detailed information to be submitted: "micro", "small", "medium" or "large". • Allowing only general information to be submitted: "Micro, small, or medium" or "Large". • Allowing the buyer to choose between the detailed and the general, depending on the information he has. <p>More detailed Information allow catering to the needs of the different types of SMEs. This is particularly important as the general SME category is very broad – covering companies with</p> <p>5 employees as well as companies with 205 employees.</p> <p>The costs of submitting this information depend on national eTendering systems. If they are integrated with business registries (or an appropriate ESPD-service), then they can be prefilled automatically. Otherwise, they need to be requested as part of the</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
		tender and then written by the buyer into the notice.

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
<i>Classification Type (BT-26)</i>	<ul style="list-style-type: none"> CPV 	<p>This codelist currently contains only one classification, the common procurement vocabulary.</p> <p>The Publications Office will add classifications to the codelist based on requests from users (based on the processes defined in the eForms Governance model). Examples of classifications that could be used include the World Health Organisation's anatomical therapeutic chemical (ATC) classification for pharmaceuticals; the medical devices nomenclature under the Regulation (EU) 2017/745); or classifications used outside of the EU (e.g. the United Nations Standard Products and Services Code (UNSPSC)</p>
<i>Direct Award Justification Code (BT-136)</i>	<p>Please find below examples of Direct Award justifications (the full list is available in the related codelist):</p> <ul style="list-style-type: none"> <i>The contract falls within the services listed in Annex II of the Directive 2009/81/EC.</i> <i>No suitable tenders, requests to participate, or applications were received in response to a previous notice.</i> <i>No regular tenders, requests to participate, or applications acceptable under national provisions were received in response to a</i> 	<p>This codelist is used in two distinct situations. First, it is used in Result and Direct award prenotification forms (ex-ante voluntary transparency notices) in cases of negotiated procedures without prior publication of a call of competition (regardless of whether these are with single or multiple tenderers).</p> <p>Second, in some EU countries, it may be used in the direct award prenotification form in case of contracts where the buyer believes to be outside the Directives' scope, but wishes to publish the prenotification form</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
	<p><i>previous notice. Only those tenderers were included in the negotiations which have satisfied the selection criteria in the previous procedure.</i></p> <p><i>Purpose of the contract is purely research, experiment, study or development under the conditions stated in the Directive .</i></p>	<p>for the sake of additional transparency towards the market. In case of countries where the prenotification form is never used for this purpose, the codelist can be tailored by removing its second half ("<i>Contracts with estimated value below the procurement thresholds</i>" and onwards).</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
<i>Award Criterion Number Weight (BT-5421)</i>	<ul style="list-style-type: none"> <i>Weight (percentage, exact)</i> <i>Weight (percentage, middle of a range)</i> <i>Weight (decimal, exact)</i> <i>Weight (decimal, middle of a range)</i> <i>Weight (points, exact)</i> <i>Weight (points, middle of a range)</i> <i>Order of importance</i>	<p>This codelist allows specifying the criterion used for weighing award criteria. Additionally, it allows specifying two infrequently used approaches acceptable according to the Directives.</p> <p>The three codes including “Middle of Range”⁹² can be used in a competition form to highlight that, in fact, the weighing of a given criterion is, so far, only known as a range.</p> <p>The “Order of importance”⁹³ code can be given, “in duly justified cases for which [the buyer] must be able to give reasons” instead of a weighing.</p> <p>In many jurisdictions, one or both of the above mentioned approaches is not possible, in which cases these codes should not be used.</p>
<i>Received Submissions</i>	<ul style="list-style-type: none"> <i>Requests to participate</i> 	The code “Tenders” must be used. For certain notices,

⁹² Allowed by Directive 2014/24/EU Art. 67(5) second sentence and similar provisions in the other Directives.

⁹³ See e.g. Rec. 90 (last paragraph) of Directive 2014/24/EU.

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
Type (BT-760)	<ul style="list-style-type: none"> • <i>Tenders</i> • <i>Tenders from micro, small or medium tenderers</i> <ul style="list-style-type: none"> ○ <i>Tenders from micro tenderers</i> ○ <i>Tenders from small tenderers</i> ○ <i>Tenders from medium tenderers</i> • <i>Tenders from tenderers registered in other European Economic Area countries than the country of the buyer</i> • <i>Tenders from tenders registered in countries outside of the European Economic Area</i> • <i>Tenders verified and inadmissible</i> • <i>Tenders verified and inadmissible because of an abnormally low price or cost</i> • <i>Tenders for which it has not been verified if they are admissible or inadmissible</i> • <i>Tenders submitted electronically</i> 	<p>"Tenders from micro, small and medium enterprises", "Tenders from tenderers registered in other European Economic Area countries" and "Tenders received from tenderers registered in countries outside of the European Economic Area" must also be given. Broadening the use of these codes for all notices (e.g. light regime) allows answering questions such as:</p> <ul style="list-style-type: none"> • What is the situation of SMEs in procedures falling under the light regime? • What is the cross-border interest in contracts under the light regime? <p>Using the code "Requests to participate" enables comparing the impacts of single and multiple-stage procedures (in particular open and restricted) on competition.</p> <p>Using the more detailed codes on micro, small and medium tenderers allows better understanding the barriers SMEs are facing in procurement procedures (for more information on benefits and costs, see the discussion on the Winner Size BT-165 codelist, above).</p>

Checklist 2 – Tailoring code lists

Name	Description of the codes	Decision-relevant information
		<p>Using the code “Tenders verified and inadmissible” (and, the complimentary “Tenders for which it has not been verified if they are admissible or inadmissible”) helps identify low professionalism and address it. This is because inadmissible tenders are the wasted time and opportunities – of both companies and buyers. Furthermore, inadmissible tenders may indicate collusion⁹⁴.</p> <p>The costs of submitting the information above is generally small, because they consist of only a single number that is collected anyway. Furthermore, with appropriate eSubmission and eEvaluation modules, the information can be prefilled automatically.</p>

⁹⁴ See e.g. OECD, “Detecting bid rigging in public procurement” (point 6), URL: <http://www.oecd.org/competition/cartels/42594486.pdf>



Annexes

Designing the user interface & Using Github



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Annex I – Designing the user interface

Even with many fields filled in automatically, user-friendly interfaces are a crucial precondition for well functioning eForms. In this section, several areas to which implementers should pay particular attention when designing user interfaces are outlined. One of the principles is that the structure of the data storage and of the fields entered by users can - and should - be very different.

Two dynamics are worth keeping in mind when designing the user interfaces. First, lowering administrative burden could have a positive impact on the quality of data, as less frustrated users will be more careful with what they enter. Second, pre-filling information on behalf of users may create a trade-off of between administrative burden and quality – it runs the risks of users just clicking “ok” and accepting any prefilled common answer without confirming it.

1. Linking notice sections

Parts of a notice need to be linked together. For example, various pieces of information need to be linked to the same lot; information about tenders needs to be submitted for a particular lot; contracts are concluded between organisations whose information is stored elsewhere in the notice, etc. There are two types of linking. In the first, information can only be linked to specific types of other information (e.g. lots, tenders, contracts). In the other, information can be flexibly linked to any other information (e.g. organisations may be linked to different parts of the notice, as can information about strategic procurement, notice changes, contract modification, and review requests).

1.1. Lots

Designers should explore the following topics:

- How does a user establish a procedure with multiple lots? For example, does he submit a “Number of lots”, does he click “This procedure is split into lots”, or does he click a “Copy into a new lot” button?
- How are lots described, i.e. what are the lot identifiers? Are they user-written, system suggested & user-confirmed, or system written? For example, lots may be system-suggested or – written as numbers (“1”, “2”, “3”) or by concatenating other data (e.g. “Lot 1 – Cars – Brussels”). The format of lots typically depends also on other eProcurement systems.
- Once lots are established, how are sections linked to individual lots? For example, they can choose one or more identifiers from a drop down menu, they can drag and drop sections to identifiers, they can type in identifiers. Alternatively, they can write all the information concerning a

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single a lot in a row and this will implicitly relate only to a single lot. Furthermore, it is important to be able to copy information from lot to lot (e.g. if everything is the same except purpose, duration, or place of delivery). This is especially the case for procedures with hundreds or thousands of lots, such as those run by central purchasing bodies or in the medical sector. However, there is a trade-off between linking information to groups of lots and copying it. The decision might be taken on a case by case basis.

1.2. Tenders & Contracts

Tenders are submitted for lots or groups of lots, and contracts are signed on the basis of submitted tenders. eForms follows this practice, i.e. tenders must be linked to lots and contracts to tenders. Typically, a single winning tender is submitted for a single lot and this winning tender will result in a single contract. However, in the case of framework agreements with multiple participants, design contests, innovation partnerships and competitive dialogues⁹⁵, there can be multiple winning tenders for a single lot, each of which would lead to a single contract. Furthermore, in some cases, depending on national administrative culture, public authorities sign a single contract for multiple winning tenders. This may be the case for example when a single tenderer wins multiple lots, or when multiple tenderers in a framework agreement all sign a single contract.

Designers should explore the following topics:

- How are lots, tenders, and contracts connected? Ideally, tenders are connected with lots based on eSubmission meta-data. If it needs to be done manually, users can, for example, drag and drop, choose identifiers from a drop down menu, or type in identifiers.
- How to deal with situations where a contract needs to be linked to many tenders – e.g. where a tender is submitted for hundreds of lots where each deals with a different medical chemical substance. Should lot numbers be submitted as individual numbers ("1,2,5,..."), as intervals ("25-200", "205-600")?
- How should users report on quarterly grouped contracts from dynamic purchasing systems and, if applicable, for framework agreements?⁹⁶

1.3. Organisations

In eForms, information about all organisations is differentiated by Organisation Role (BT-08) and/or the Organisation Subrole (BT-770). Designers should explore the following:

⁹⁵ In the last three cases, all but one tender would be linked to awarded prizes (not contracts).

⁹⁶ In eForms, this corresponds to a large number of repeated BG-310 (Contract).

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- How to fill in information about organisations? Ideally, information should come from business registries or be prefilled from buyer profiles and previous procedures. However, if some part of it needs to be done manually, how can it be simplified? For example, can the post code be used to prefill the NUTS code and the country⁹⁷?

Organisations can be linked to different parts of the notice (using Organisation Notice Section Identifier BT-13720). When this needs to be done depends on the specific code in Organisation Role (BT-08) and/or the Organisation Subrole (BT-770). Note that for most procedures, the references will either not be needed or they will be straightforward. However, eForms also allows modelling all other cases possible under the directives which are listed below.

In case of Organisation Role (BT-08):

- Winner or Tenderer must refer to one or more Tender – the one it submitted.
- Buyer, procurement service provider and, hypothetically, central purchasing bodies may refer to one or more lots. This could be the case for joint procurement (incl. joint procurement of central purchasing bodies), where certain lots would be used only by certain buyers or central purchasing bodies or supported only by certain procurement service providers. Furthermore, all three above-mentioned roles could also differ per contract, in cases where notices are being published about contracts within framework agreements (e.g. certain buyers in a contract award notice will be signing certain contracts, other buyers other contracts).
- Subcontractors information (if given) may refer to the Tender(s) and, in case of consortia, to the Winner(s) for which they will subcontract.
- A mediation body would typically be the same for any contract falling under a procedure. However, in theory, a mediation body can be specified per lot or per contract.
- Review organizations would typically be the same for any procedure run by a given buyer. Consequently, they can be prefilled automatically for all buyers (in case of administrative review bodies) or depending on the buyer's address (in case of regional courts). However, in the special case of joint procurement, for example, for buyers from different regions or countries, there may be a need, in certain jurisdictions, to specify that different review bodies apply to different lots.
- Beneficial owners must refer to the Winner for whom they are a beneficial owner.

In case of Organisation Subrole (BT-770):

- "Group leader" may be specified per winning tender in case of consortia of economic operators, per procedure (or even per lot) in case of joint procurement.

⁹⁷ Correspondence tables are available for most EU countries at <http://ec.europa.eu/eurostat/web/nuts/overview>

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- Organisations providing additional information about the procurement procedure, providing offline access to the procurement documents, providing more information on the time limits for review procedures, receiving requests to participate or tenders, processing requests to participate or tenders can all refer to only particular lots.
- Organisation signing the contract can refer to a contract. (This can be relevant, for example, in cases of more complicated arrangements between central purchasing bodies, buyer, and possibly even procurement service providers.)
- Organisation whose budget is used to pay for the contract and Organisation executing the payment may refer to lot and/or contract.

For all situations above, designers should explore the following topics:

- How to associate roles with organisations? Drag and drop between roles and organisations, choosing from drop-down menus, etc.
- Where necessary, how to associate organisations (that have certain roles) with other parts of the notices? Drag and drop between roles and organisations, choosing from drop-down menus, starting to type the name of the organisation when filling information about a certain section, etc.

1.4. Other information with flexible linking

The main purpose of being able to link to any other part of the notice is to be able to specify, in case of repeatable groups, that some information pertains to one part of a notice and other information to another part of the notice. For example:

- Information about strategic procurement can be linked to different parts of a notice using Strategic Procurement Notice Section Identifier (BT-13721). This allows, for example, providing information about strategic procurements separately per technical specification, selection criterion, award criterion, or contract performance conditions.
- Information about what was modified in a previously published contract award notice can be given via Modification Previous Notice Section Identifier (BT-1501). This is used, for example, when different modifications of a contract have different reasons (given in Modification Reason Code (BT-200) or Modification Reason Description (BT-201)).
- Information about what was changed in the previous notice can be given via Change Previous Notice Section Identifier (BT-13716). This is used, for example, when different changes in a previous notice have different reasons (given in Change Reason Code BT-140).
- Information about which part of a notice was subject to a review request can be given via Review Notice Section Identifier (BT-786). This allows identifying, for example, whether technical specification, selection

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criterion, award criterion, or contract performance conditions are most often subject to review requests.

Designers should particularly explore how to explain these fields and functionalities to users. For example, in a user interface, they can be reduced to something more reminiscent of a codelist, with only a few options (e.g. comparing to section names) to choose from.

2. Codelists

Designers should explore the following topics:

- When implementing business rules concerning codelists (e.g. code X is not applicable under directive Y), there are two options to do it. Either, the not applicable code will not be displayed, or a code will be displayed but if a user chooses it, he will get a warning. The latter option may have an advantage because a user who doesn't know that he cannot select code X under directive Y will not spend time looking for it, but instead will (incorrectly) choose it and immediately be informed that, in fact, he cannot use it because of specific legal reasons. He can then go back and fix any mistake he made (e.g. in the procurement documents).
- Certain codelists can be implemented as fields, e.g. Received Submissions (BG-712) where each value to be filled in can be displayed separately. At the same time, the fields can also be prefilled with the most likely value (e.g. those related to foreign tenders can be zero, those related to electronic tenders should be equal to the maximum number of tenders). However, a user could forget to change the prefilled value when necessary. A list of possible values should be offered depending of what has been selected in other fields.

3. "Warning" business rules in user interfaces

eForms business rules can be split into two basic categories: failing certain ones means that a notice will be rejected by TED and not published ("error" rules); failing others may result only in a warning ("warning" rules) – the notice will not be rejected by TED and will be published. "Warning" rules are often rules that inform that "an error is likely, but not certain". Implementing such rules in a user interface leads to better data, as the end user can immediately react to the relevant message. For example, if an estimated value is a €100,000 and an awarded contract value is €1,000,000, then it is much more likely to be a typo than an actual market development. However, this is not 100% certain. Consequently, the best approach is to include in user interfaces a pop-up message asking the user "Are you sure this value is correct? It is very large compared to the estimated value."

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4. Timing of notices

There is a large number of interrelated dates. These include the date of the publication of the notice, deadline for the receipt of requests to participate (BT-1311), deadline for the receipt of tenders (BT-131), the tender validity deadline (BT-98), the contract conclusion date (BT-145), etc.

Designers should explore the following topics:

- How to prefill these fields? For example, they can be prefilled on the basis of the minimal legally allowed timeline, or good practice (e.g. minimal deadline extended by additional days to give more time to the market to respond).
- How to avoid mistakes when publishing corrigenda.
- How do we help users avoid frequent errors. For example, CANs must be published 60 days after contract signature (i.e. after the standstill period). If certain lots have already been awarded 60 days ago, but others are still being evaluated, then the CAN should still be published and the lots that are still under evaluation should be marked with Winner Chosen (BT-142) equal to "The winner was not yet chosen, but the competition is still ongoing."

5. Summaries (Purpose, Notice result)

There are two summaries in eForms. Purpose (BG-2) is used per individual lot, but must also be used to summarize the purpose of the whole procedure. Similarly, the first two fields of Notice Result (BG-7), i.e. Notice Value (BT-161) and Notice Framework Value (BT-118), summarize the value the whole procedure across all winning tenders, or the maximum value of the procedures across all lots (in case of framework agreements).

Designers should explore the following topics:

- Which fields can be prefilled automatically? This is the case for most fields, but not, for example, for the Title (BT-21) and Description (BT-24).
- In which order should users submit information and how should this be communicated? For example, starting with information about the purpose of lots allows prefilling some fields concerning the purpose of the procedure. However, some users may be more used to starting with the summary information.
- Concerning CPV codes – part of Purpose – how can user interfaces help find the most useful fields? Furthermore, how can user interfaces nudge users to give more detailed fields that will be more useful for economic operators? For example, each time a CPV code which has further sub-elements is used (e.g. 76400000), then the question "are you sure a more detailed code cannot be used?" should be asked by the interface.

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6. Place of Performance

Designers should explore the following topics:

- How can the field be filled in easily? For example, for supplies, should the fields be filled in with the buyer's address, since the place of delivery will usually be the buyer? Should there be a checkbox saying "same as buyer address"? For services (or specific subsections of services, e.g. IT services), should the default be "Anywhere", as it typically does not matter where a study is written, application programmed?
- Can postcode be used to prefill NUTS code, which can prefill country?⁹⁸

7. Unpublished fields

If unpublishing fields is used (see section 3.5.2), designers should explore how to make the field user friendly. For example, after answering a question "Some fields should be unpublished", a list of possible fields can appear with a checkbox next to each and for each check, a justification and date of publication required.

8. Cancelled procedure vs. no awarded contract

Two situations need to be distinguished, depending on whether the deadline for the submission of tenders has already passed:

- Cancelling a procedure (or a lot): this happens if a procedure is cancelled before the deadline for submission of tenders has passed (e.g. because the buyer's needs have changed).
- Not awarding a contract after a procedure has run its course: the deadline for submission of tenders passes, but then no contract is awarded (e.g. because no suitable tenders were submitted; because the buyer's needs have changed).

Procedures are cancelled using a Change form, with the Change Reason Code (BT-140) equal to "The notice (or its specific lot or part) is cancelled."

In procedures that ran their course, but did not result in an awarded contract, the contract award notice must still be published, with Winner Chosen (BT-142) equal to "No winner was chosen and the competition is closed." (and the reasons specified in Not Awarded Reason (BT-144)).

⁹⁸ For most countries, correspondence tables between NUTS and postcodes are available at <http://ec.europa.eu/eurostat/web/nuts/overview>

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Both the change notice and the contract award notice discussed above can include the Procurement Relaunch (BT-634) field, which informs that the procedure will be relaunched.

Designers should ensure that the difference between the two cases is clear and users notify them correctly.

9. Adding intermediary steps

Designers should explore the added value of adding intermediary steps. For example:

- The Additional Nature (BT-531) field can be displayed only after asking “Is this a mixed contract”.
- “Consortia” can be used in an interface to group economic operators, even though in eForms they are only stored implicitly (as economic operators that are linked to the same Winning Tender).
- Some code lists may be presented as classifications (e.g. CPV). For example, in Direct Award Justification Code (BT-136), several codes can be subsumed under “The contract can be provided only by a particular economic operator because of:” and only if this option is selected, then a second layer can be shown with options such as “because of absence of competition for technical reasons”, “because of exclusive rights, including intellectual property rights”, etc.

10. Changing notices

Changing (updating information, adding or removing information and cancelling notices, see above) published notices is simpler and more flexible than previously. The Procurement Directives do not give a black-and-white rule that would allow an automated restriction of changes only to certain fields or certain timeframes.

Overall, the eForms philosophy is that regardless of the typo or error, it should be possible to communicate what happened in reality through a notice.

Designers should explore how to simply visualise changing notices.

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Annex II – Using GitHub

[GitHub](#) is an online forum used during the three rounds of consultations for the draft eForms, with users asking hundreds of questions and submitting more than a thousand comments. All this makes GitHub a unique source of information about eForms.

GitHub will be used to gather policy and legal issues.

GitHub

GitHub is a particularly useful tool for complex projects such as eForms, because it allows discussing issues one by one, enables exchanges between all participants, and helps keep track of different topics easily and transparently.

The easiest way to search for information on GitHub is by writing the ID number in the search bar (e.g. BT-08, BG-320). Adding "in:title" to the search (e.g. "BT-01 in:title") will often give more relevant results, because it only searches the issue titles, not all comments. Topics can also be searched depending on whether they are open or close, labels, milestones, etc.

To submit comments on GitHub:

1. Go to github.com/eForms/eForms, click "Sign up" and follow the instructions. In the top right, you can choose your email notification settings.
2. If you would like to comment (e.g. to suggest a change), click "Issues". There, you can open new issues by clicking on "New issue". Also, you can comment on issues already opened by others by scrolling or searching.

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The screenshot shows the GitHub repository page for 'eForms'. At the top right, the 'Sign in or Sign up' link is circled and labeled with a blue '1'. Below the repository name, the 'Issues' tab is selected and circled with a blue '2'. The 'Issues' tab shows a list of issues, with the first issue circled and labeled with a blue '3'. The issue title is 'eForms consultation'. The issue content includes a welcome message and two bullet points: 'Here is the consultation introductory note. Section 6 explains in detail how to use GitHub.' and 'Here is the main spreadsheet (the draft annex to the future implementing regulation)'. The second bullet point is circled with a blue '2'.

How to name your issue?

To ensure readability, the title of each issue must clearly identify the topic of the issue. In particular, this means including in the title the following information.

1. ID (the first column of the spreadsheet concerning the Annex or Rules) and Name (for the Annex or codelist) to be discussed, e.g. "BT-01 (Legal Basis);"
2. Name of the column to be discussed (e.g. "Description," or "PIN only D81;")
3. Short summary of the issue (e.g. "Typo", "Inconsistent with other BTs", "rename")
4. Document being commented (if other than the Annex):
 - [ACT]
 - [CODELIST]
 - [RULE]

For example, a title could be "BT-01 (Legal Basis); Description; Typo" or "Activity Authority; defence of the Union; [CODELIST]; BT-22; Description; Inconsistent with other BTs; [RULE]".

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The screenshot displays the GitHub interface for the `eForms / eForms` repository. At the top, there's a navigation bar with links to Features, Business, Explore, Marketplace, and Pricing. Below this, the repository name is shown along with Watch (1), Star (1), and Fork (1) buttons. The main section is titled 'Issues' and shows a search bar with the query 'BT-01 in:title'. To the right of the search bar is a 'New issue' button. Below the search bar, there's a message stating 'There aren't any open issues.' and a 'ProTip!' suggesting to add `no:assignee` to see everything that's not assigned. The footer contains copyright information for 2018 GitHub, Inc. and links to Terms, Privacy, Security, Status, Help, Contact GitHub, API, Training, Shop, Blog, and About.

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