Luxembourg, 14 June 2019

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REPORT ON THE 9TH WORKING GROUP MEETING OF THE EPROCUREMENT ONTOLOGY

Project:	eProcurement Ontology	Meeting Date/Time:	2019-05-23 / 09.30 – 18.00 2019-05-24 / 09.00 – 16.00
Meeting type:	9th Working Group Meeting	Meeting Location:	Brussels
Chairperson:	Natalie Muric	Issue Date:	2019-06-11

Meeting Agenda

- Welcome and introduction – Natalie Muric, Public Procurement expert of the Publications Office of the European Union
- Status update on eNotification and eAccess conceptual models – Natalie Muric, Publications Office
- Interactive session on eNotification and eAccess – Part 1, Documents conceptual model and related issues – Natalie Muric & Enric Staromiejski Torregrosa, Everis
- ~~Interactive session on eNotification and eAccess – Part 3, Contract model and related issues – Natalie Muric & Enric Staromiejski Torregrosa~~
- ~~Interactive session on eNotification and eAccess – Part 4, Data type model and miscellaneous issues – Natalie Muric & Enric Staromiejski Torregrosa~~
- Interactive session on eNotification and eAccess – Part 3, Lots
- Closing remarks – Natalie Muric

List of Participants		
Attendee Name *(present)*	**Initials**	**Organisation**
Paloma ARILLO-ARANDA	PAA	Publications Office of the European Union
Andrea CACCIA	AC	European Committee for Standardization - Technical Committee 434
Vibeke ENGESETH	VE	DIFI – Direktoratet for forvaltning og IKT, Norway
Andra Maria GHIȚULESCU	AG	National Agency for Public Procurement, Romania
Cécile GUASCH	CG	ISA^2 – DIGIT
Aleš HAVRÁNEK	AH	Ministry of Regional Development, Czech Republic
Sébastien LANOE	SL	AIFE – Agence pour l´informatique financière de l´Etat – DPMA / DUME, France
Fabio MASSIMI	FM	AGID – Agenzia per l´Italia Digitale, Italy
Natalie MURIC	NM	Publications Office of the European Union
Eliza NIEWIADOMSKA	EN	European Bank for Reconstruction and Development
Giovanni Paolo SELLITTO	GPS	ANAC - Autorità Nazionale Anticorruzione, Italy
Jalini SRISGANTHARAJAH	JS	DIFI – Direktoratet for forvaltning og IKT, Norway
Enric STAROMIEJSKI	ES	Everis, Spain

Summary of Meeting

Day 1

- **Welcome, introduction and status update – Natalie Muric, Publications Office**

Ms. Natalie Muric of the Publications Office of the European Union (hereafter referred to as OP) started the workshop by welcoming the participants.

During the introduction, it was explained that the project so far has provided a concept for all the business terms in eForms as far as possible. The aim is to close any issues by the end of June 2019 so the model can be reviewed by the Working Group over the summer and for the model to be endorsed in the next face-to-face meeting.

The participants were encouraged to share their knowledge and be actively involved in the workshop so that the data requirements can be drawn up and integrated into the current work on the eNotification and eAccess phases.

It was also mentioned that the presence of the participants at the workshop was seen as a sign of recognition of the work that the Publications Office has been developing together with the Group.

The next event could be held on 10 – 11 October since there is an eSenders event on 8 – 9 October and those interested could attend both meetings.

The Group will continue with the on-line meetings twice a week. This Working Group should decide how to carry on during the summer.

Each member of the Working Group introduced him/herself.

- **Interactive session and status update on eNotification and eAccess Part 1 – Documents conceptual model and related issues**

It was discussed that there might be some problems with Lots since they could affect the Tender. The Group has to see how to treat this.

It was decided to have a first discussion on Friday during the face-to-face meeting and to continue the discussion in the conference calls of week 23 where DG GROW would be present so as to ensure a common understanding of lots between the ontology, ESPD and eForms.

It was agreed that the view of the models needed to be simplified and that Everis would look into how to do this, they already have some ideas.

There was a recap of the conference call the week before:
- the corrigendum notices are no longer needed, as changes in notices will be republished as new notices showing the changes via extra fields;
- the modification notice should just provide fields relevant to the new information on the contract. The previous contract award notice and/or modification should also be referred to in the modification notice.

Change and modification Notices

It was agreed that the changes could also happen in other documents, therefore the change fields should be added at the document level rather than at the notice level (the notices inherit from the document), so as to enable reuse of the class in other documents.. To identify the concept that changed, the URI of the concept has to be identified and therefore an element class needs to be created which is referred to by the change class. If it is necessary to indicate a change in the procurement documents then the element class will not be used as there is not an element for the procurement documents (just the access URL). However the change date and change description will be informed in the change class.
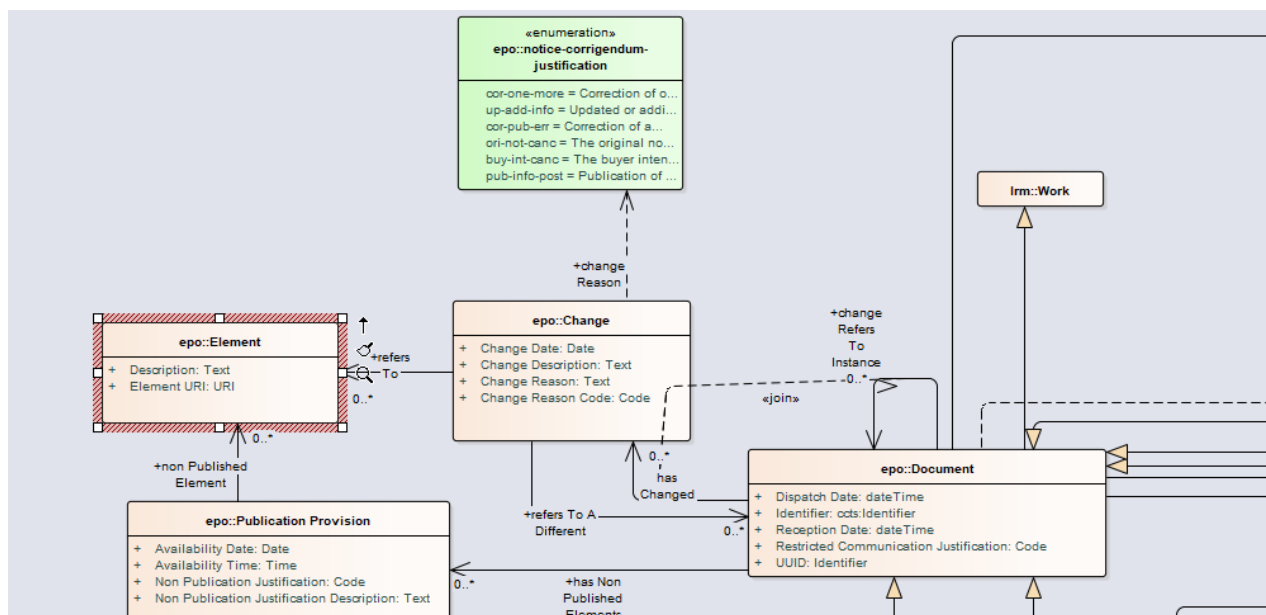
The classes Document and Element were defined:

Document: **A set of interrelated Business Information representing the business facts.**
Document Additional Information: **Documents may convey information in any language, medium or form, including textual, numerical, graphic, cartographic, audio-visual forms, etc.**

Element: **Reference to a semantic building block necessary to describe a specific concept.**
Element Additional Information: **A building block may be a basic core component (e.g. Receipt Deadline, a property of type DateTime, in the class Submission Terms) or an aggregate component (e.g. Submission Terms, a class in the ontology).**

The group has identified that the Element class links to the Publication Provisions.
The non-published identifiers in the eForms should refer to the element in the ontology via the Publication provision (see diagram above).

Document instances and versions

There was a discussion on the concept of document itself, instances and versions. One idea put forward was that a change to a document produces a new instance of the same document, not a new document; the instance identifier warns you that the element is different while the version is about the contents itself. This needs to be reflected on further with regard to notice. A presentation on IFLA (International Federation of Library Associations and Institutions) model would be appreciated by members of the Working Group to see if it could be applied to the notices or whether a finer granularity of field is

required.

- **Interactive session on eNotification and eAccess – Part 2, Contract award notice model and related issues**

Documents, notices, procurement documents and tender documents

There was a discussion as to whether all notices are procurement documents. Since the contract award notice is the result of an evaluation it cannot be considered to be a procurement document taking into account the definition in the Directive of procurement documents:

Directive 2014/24/EU Article 2 §13: 'procurement document' means any document produced or referred to by the contracting authority to describe or determine elements of the procurement or the procedure, including the contract notice, the prior information notice where it is used as a means of calling for competition, the technical specifications, the descriptive document, proposed conditions of contract, formats for the presentation of documents by candidates and tenderers, information on generally applicable obligations and any additional documents.

Taking this logic the contract itself should be also taken out of the procurement documents.

The evaluation result was verified:
- The buyer appoints an evaluation board.
- The evaluation board proposes a report. This provides input for the award decision, that specifies the lots awarded or non-awarded.
- This is later on referred by the contract.
- The award decision cannot refer to the contract because it exists before the contract. The contract refers to the award decision.
- The buyer makes the award decision.
- The direct-award-justification is known at the beginning of the procedure so it should be provided alongside the procedure class.

The scope of the award notices is to give transparency.

Discussing about documents the Group realized that documents issued by the buyer are not always procurement documents. These documents can be classified as:

- procurement documents and
- procedure documents.

It was agreed that the Notice class should be kept and that the tender documents are associated with the economic operator.

The conclusion from the discussion held around the white board is reprensented below:
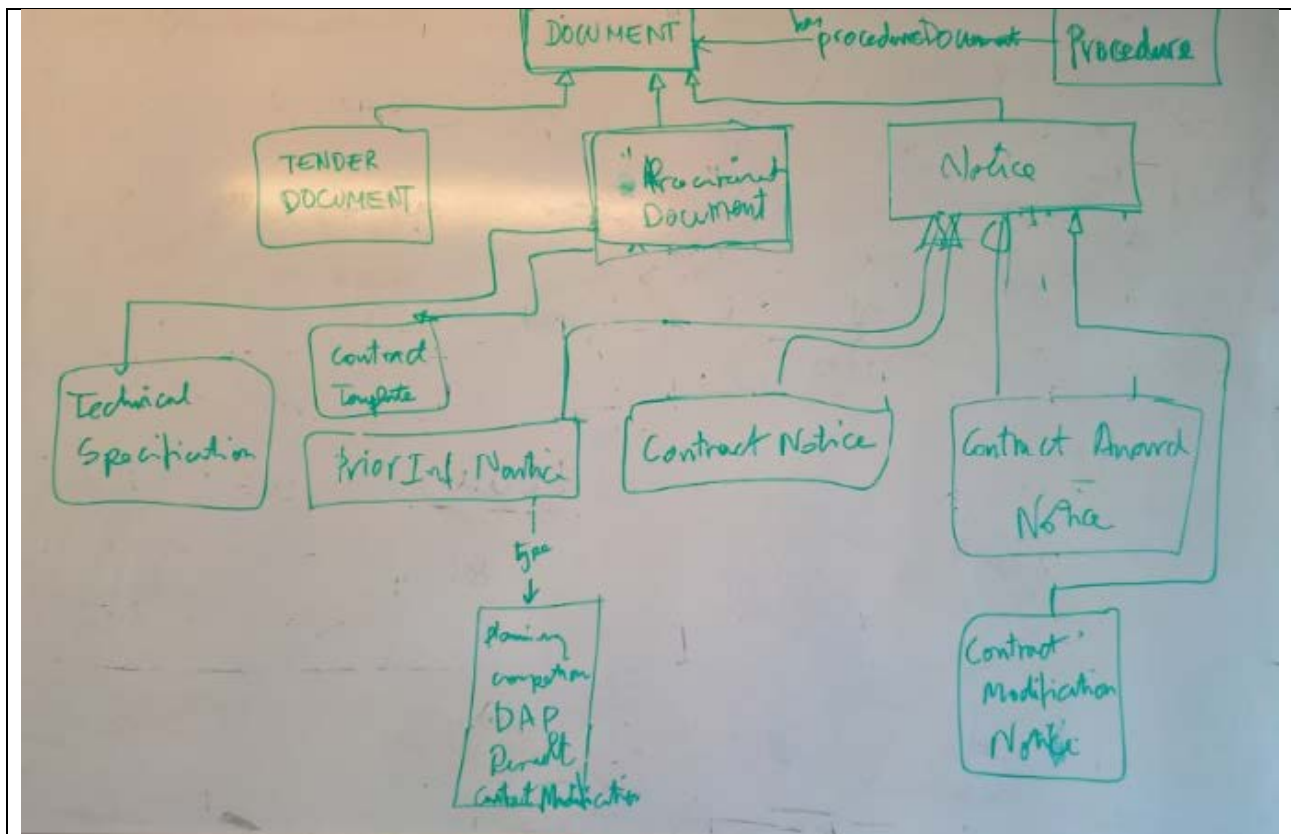
The procedure class is therefore associated with document by the predicate "procedure has a procurement document".

The classes Procurement Document, Tender Document and Notice were defined:

Procurement Document: Document produced or referred to by the buyer to describe or determine elements of the procurement.
Additional information: Procurement documents are to be accessible since the date of publication of the contract notice or the prior information notice when used as a call for competition.
Examples of procurement documents are technical specifications, the descriptive document, proposed conditions of contract, formats for the presentation of documents by candidates and tenderers, information on generally applicable obligations.
Other documents related to the procedure such as notices are not considered to be procurement documents.

Tender Document: Document provided by a candidate or tenderer.
Additional information: In the case of a candidate the documents are intended to express interest in the procedure. Examples are Expression of Interest, an ESPD Response, etc.
In the case of a tenderer the documents provide the information requested by the buyer. Examples are the ESPD Response, the Technical Tender Document, the Financial Tender Document, the Pre-award Catalogue Response, etc.

Notice: Document published by the buyer about market opportunities and results.

<u>Jury decion</u>

<u>The</u> jury decision is binding; this is an indicator that belongs to the beginning of the procedure and it was noted that this should also be added to the end of the procedure, when covering the award phase.

<u>Codelists</u>
It was noted at the end of day one that in the future the ontology could add the link to the EU Vocabularies to enable a synchronization of the codelists and ontology.

Day 2

- **Interactive session and status update on eNotification and eAccess Part 1 – Documents conceptual model and related issues**

The Working Group decided it would be more productive to discuss the lots in the face-to-face meeting rather than discussing contract and data type conceptual models as foreseen in the agenda. The usage of lots and groups of lots is complex and needs to be addressed with regard to eForms and ESPD. It was decided that this would be further discussed in the Working Group meeting of week 23 with representatives of DG GROW.

Lots have basic attributes, description, title, participation indicator, variants, …

<u>Grouping of lots</u>

Grouping of lots in business happens for example in translation procurement procedures.

It was discussed as to whether the grouping of lots was only a functionality that should not be in the model. It was concluded that if the model assumes that one specification is for one lot only then there is not a problem, however if the technical specification can refer to one lot or to a group of lots this needs to be in the model.

3 solutions from the design point of view were suggested:

    a. there are no groups but only many lots, although the group itself has its own attributes,
    b. there are groups,
    c. there is one class named Group of Lots that is instantiated several times. It would be possible to have a procedure with no groups. Technically there would be no inconvenience but the data will be more complex and may not cover all cases.

The image below reprensents the discussion around the whiteboard, the square rectangles represent classes; ellipses represent instances:
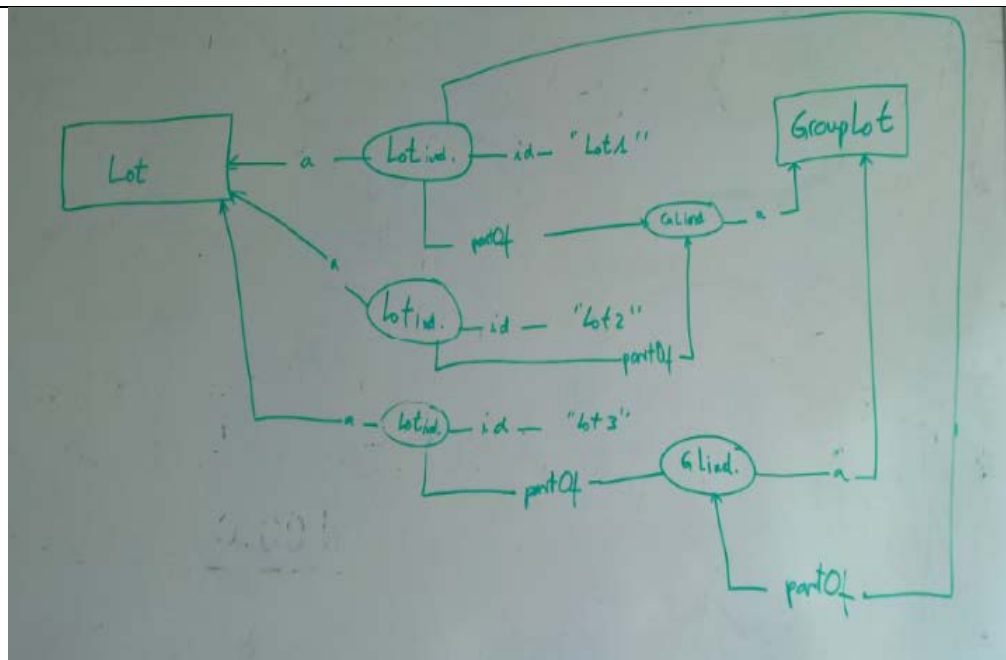
It was discussed whether groups of lots need to be defined in the ontology and whether they over complicating the notions and creating a loss of ease when covering financial aspects. A contract can be awarded for several lots to an economic operator although this does not necessarily mean that the contract is considered as a group of lots as per directive. In order to be able to implement eForms Group of Lots needs to be defined.

Modeling the lots as individuals can resolve some problems in the case of the framework contracts when the administration can use a lot to generate a contract. In framework contracts central purchasing bodies award lots; the buyers uses these lots to group together the services they need. Therefore connecting all the lots via one superclass would be very complicated.

It was felt that the point was being missed. The Working Group should not talk about a group of lots but rather something that connects several individual lots. Ontology is about identifying the essence of things and their relations and the Working Group is not identifying correctly the uses of the lots in some circumstances.

For example the value that results from a group of lots is not necessarily the same as the value of the sum of individually submitted lots.

Article 46 of the Directive 2014/24/EU was discussed as was Recital 79, the Working Group concluded that the buyer could award a group of lots if it defined the group of lots in the procurement documents, describing how it would carry out a comparative assessment between individual lots and groups of lots.

References to Groups of Lots in eForms were looked into (see Annex 1).

Tenders, lots and group of lots

In eForms there can be one tender which groups several lots, however in eForms one tender means one lot. It would seem they there is incoherence in the definition.

It was noted that the groups of lots need to be represented in the procurement ontology because a Tenderer may provide different data for the same lots whether providing the data individually or as a
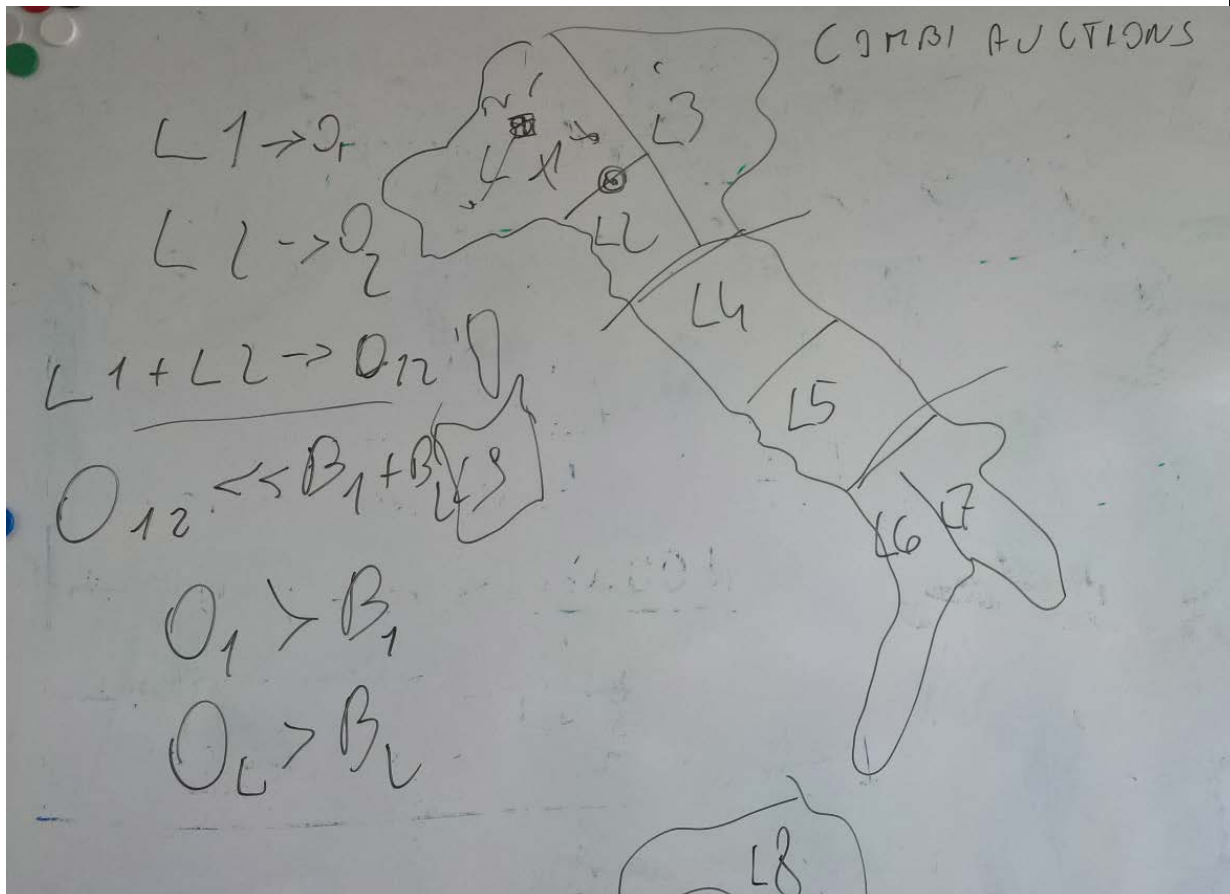
group.

The contract notice has to indicate whether you intend to have a group of lots.

The class Group of Lots was defined, but later changed (see new definition later in document):

Group Lot: Shared context amongst several lots that can be treated together.
Additional Information: To identify which lot belongs to a group the lot has a property that identifies it as belonging to the group. Each group has an identifier.
A use case from Italy was looked into:

In Italy it is possible to have a group of lots and the economic operator can choose some lots in that group.

It was noted that a solution is required that enables the offer to be applicable to individual lots or for several lots. To cover this we could talk about combined bidding value.

Values of lots and groups of lots

It was questioned how the difference of lot and group lot values could be represented.

It was suggested that the functional property of the ontology provides a solution.

The procurement value is linked to several lots, therefore it is necessary to change some of the

predicates:

Lot has estimated value, no need to delete this predicate and there is no need to make it more complex.

Combined Bidding Value: has estimated value goes from Group of Lot to Procurement Value.

The disjoint line to Procurement Value can stay (this means one individual group lot cannot exist at the same time as one individual lot with the same data). It is possible that they coexist but they have different values. This is more about business rules which makes it more complex. The sum of individual lots may not necessarily be equal to the value of its groups of lots so there is a disjointness, see diagram below:

<u>Comparative assessment of Groups of lots</u>

It is possible for buyers to conduct a comparative assessment of the tenders in order to establish whether the tenders submitted by a particular tenderer for a group of lots is better value or not than for individually submitted lots. This is the case for example in Cyprus where groups of lots are used to encourage tenderers to submit tenders to cover less interesting places of delivery (mountainous areas). The contracting entity defines the combination of lots in the notice. All the algorithms of the combinations are published in the webpage of the buyer if the economic operators need more detailed information.

The Group Lot was redefined pending definition discussion with eForms:

Group lot: Combination of several lots to conduct comparative assessment of the tenders.
Additional Information: The assessment may refer to the selection criteria, award and value that apply to several lots.
Member States may provide that, where more than one lot may be awarded to the same tenderer, contracting authorities may award contracts combining several or all lots where they have specified in the contract notice or in the invitation to confirm interest that they reserve the possibility of doing so and indicate the lots or groups of lots that may be combined.

<u>Award criteria</u>

It was noted that the award criteria are not dependant upon a group of lots because the award criteria are applied before grouping the lots.

The Working Group had troubles understing the Directive and the eForms concerning the Group of Lots value. It looks like the market could do synergies combining group of lots but still the award criteria are set for the individual lots. An issue could be raised to eForms once the WG has clarified its findings especially concerning BG 330 Group award which seems to be in contradiction with recital 79 of Directive 2014/24/EU.

It was also noted that the ontology covers scenarios that may not exist in all Member States.

<u>Award decision, tender and groups of lots</u>

It would be better to have a direct connection between award decision and group of lots, as per lots, since award decision awards groups of lots. Groups of Lots are about awarding, which is different to what the Working Group was discussing on the whiteboard about the tender. It was stated that notification phase is the backbone of the ontology and therefore has to clearly reflect the data used in other phases, to be able to extract the information for the notices.

How a tender is represented is therefore important. A link is added in the model between the tender and the group of lots, the tender applies to 0 or several lots

A lot is not a tender, in one tender it is possible to lose one lot even if the economic operator applied to more than one. When the tenderer wins a lot, it does not mean that its whole tender wins. A buyer can award just one lot, the tenderer can give a value to each lot he is bidding for and a value to the combined lots. The possibility of combining has to be provided by the buyer in the contract notice.

Selection criteria and groups of lots

Article 58 states the selection criteria can be different if the selection is done by lot or by group of lots. It is possible to have a value linked to one or more lots and the other value linked to the single lot. The turnover required for submitting a tender for two lots in a group of lots may differ from the sum of submitting the same two lots individually.

In the selection criterion property two predicates are needed: one that that applies to group of lots and one that applies per lot

As shown in the procurement criterion diagram below:
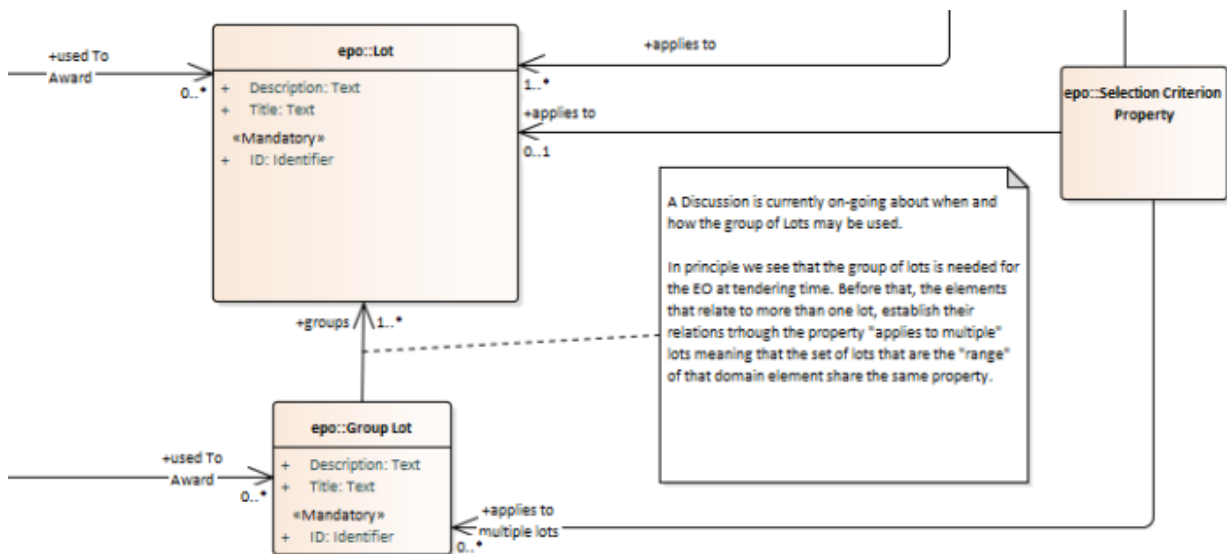
Procurement criterion and tender

Tender is deleted from the procurement criterion diagram as it is related to the lot and is therefore represented in the lot diagram. .

Procedure terms and evaluation

It was verified that there is a place in procedure for groups of lots. An indicator for groups of lots needs to be inserted in the submission terms.

Since the award criterion applied to lots, are applied to group lots with a comparative assessment carried out later :

- the link between group lot and submission terms is deleted as the group of lots is used also in the evaluation and
- a link between procedure terms and group lot is created with the predicate combine lots into so that the scope of group lot is recognized as addressing the whole procedure

The evaluation method will weight the order between the individual lots and the group of lots. Therefore Group Lot Evaluation Method is added as a property of procedure terms class.

ESPD

It was stated that the economic operator makes his offer in a tender and that it is not necessary to duplicate the ESPD model in the ontology during the notification phase even if notices are linked to the ESPD, there is no need to repeat things since they are integrated.

It was noted that the ESPD needs to be lot specific.

Procurement value and groups of lots

The tender value represents the value for the whole tender and this has to be changed. To understand this the Working Group started working on a model of values:
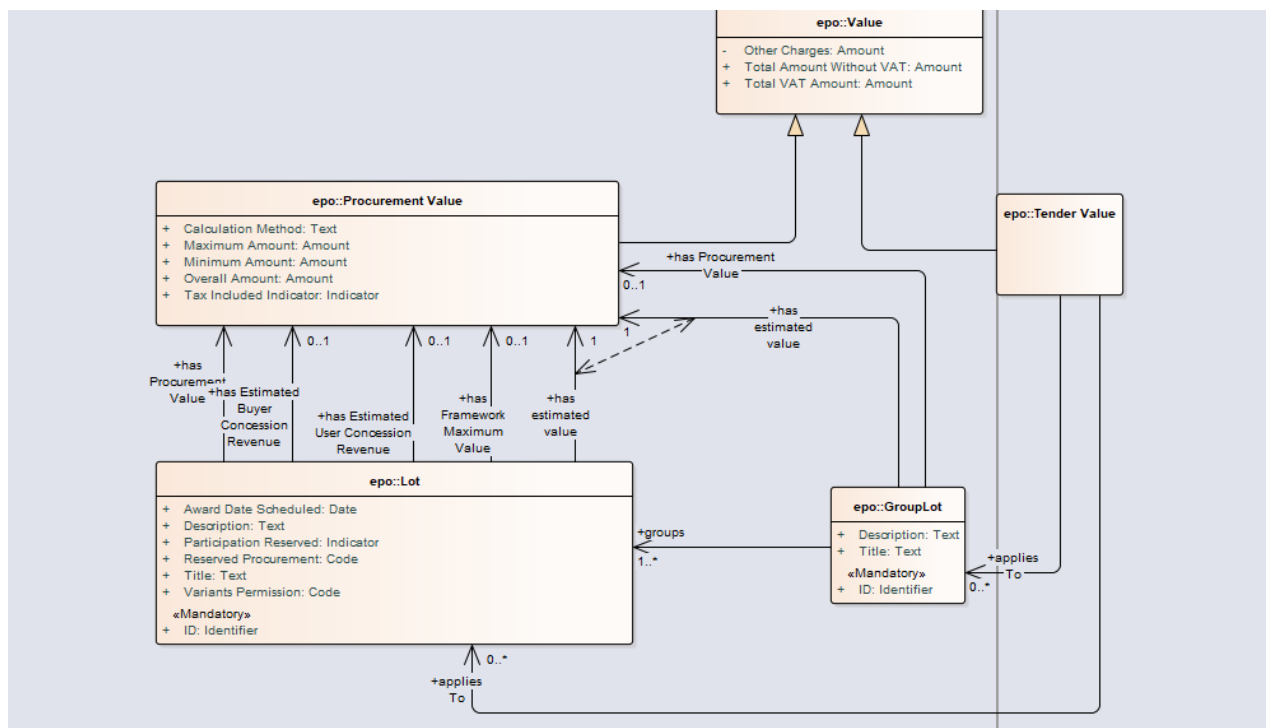
GroupLot was linked to Procurement Value.

The ontology takes the business rules and has to identify and explain values from all points of view: tenderer, contractor, buyer. Each one being specialized in different phases of the procurement.

The VAT is not always paid by the buyer to the supplier but directly to the taxes authorities so the definition of the total amount has to be done carefully because the total amount to be paid does not always imply that the VAT is included.

It is mandatory to specify total amount including VAT, total amount without VAT, as well as other charges amount. Also the VAT has to be specified even if it is not applied so that is clearly defined is the exact amount of the VAT itself.

Then tender value is linked to value, to lot and to group of lots.

- **Closing remarks – Natalie Muric, Publications Office**

Ms Natalie Muric thanks all the participants for their proactive participation in the meeting. The participants are encouraged to participate in the conference calls. Next week the WG will continue the

work started on the values with regard to lots and group of lots. The following week the WG will present their discussions on groups of lots to DG GROW representatives with the aim of coming to a common understanding of the lots and group of lots between the ontology, ESPD data model and eForms.

Conference calls in the future will be from 14:30-16:30 on Tuesdays and Thursdays. The next face-to-face meeting will hopefully be in Luxembourg back-to-back to the eSenders meeting which means the meeting will take place on October 10-11, 2019. The aim of this meeting will be to accept the work on the notification phase; over the summer Everis will work on mapping the different concepts to the notices. Working group members are encouraged to proactively provide input on github and/or during meetings.

- **Planning of actions and tasks**

The action points decided for the next meeting are listed below.

AP#	Name Description	Due Date
1	**Discussion on Procurement value, lots and Group of lots**	**Week 22**
2	**Discussion on Lots and Group of lots with DG GROW** **Eventually create an issues on eForms concerning BG-330**	**WeeK 23**
3	**Jury decision is binding needs to be reviewed to see if it needs to be added to the award decision when covering the award phase**	**During award phase**
4	**Presentation on IFLA to be organised**	**Autumn 2019**

Proposed Next Meetings:	Dates
Face-2-face meeting	**10-11 October**
Conference calls **https://ecwacs.webex.com/meet/nmuric**	**Every** **Tuesday 14:30-16:30** **and** **Thursday 14:30-16:30**

Annex 1

References to groups of lots in eForms

++	BG-557	Group Framework Estimated Maximum Value	Information about the estimated maximum value which can be spent in a framework agreement within a group of lots. This information can be provided when the estimated maximum value of a group of lots is lower than the sum of estimated values of individual lots in this group (e.g. when the same budget is shared for several lots).
+++	BT-557	Group Framework Estimated Maximum Value Lot Identifier	Identifiers of lots. These lots form a group whose estimated maximum value is lower than the sum of individual estimated maximum values of all the lots together (e.g. when the same budget is shared for several lots).
+++	BT-157	Group Framework Estimated Maximum Value	The estimated maximum value which can be spent in a framework agreement within a group of lots. This information can be provided when the estimated maximum value of a group of lots is lower than the sum of estimated values of individual lots in this group (e.g. when the same budget is shared for several lots). Estimated refers 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.
++	BG-330	Group Award	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 best fulfils the award criteria. Each group of lots must have clear award criteria.
+++	BT-330	Group Identifier	The identifier of a group of lots in the procedure.
+++	BT-1375	Group Lot Identifier	An identifier of several lots within this procedure. These lots form a group of lots for which one tender can be submitted and evaluated.
++	BG-556	Group Framework Maximum Value	Information about the maximum 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).
+++	BT-556	Group Framework Maximum Value Lot Identifier	An identifier of several lots within this procedure. These lots form a group whose maximum value is lower than the sum of individual maximum values of all the lots together (e.g. when the same budget is shared for several lots).
+++	BT-156	Group Framework Maximum Value	The maximum 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). 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.
+++	BT-13714	Winning Lot Identifier	An identifier of a lot or a group of lots for which the tender was submitted. The information in the winning tender section refers to this lot.