



European Single Procurement Document
ESPD (Scotland)

Version 1.9

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Terms used

Throughout this document:

Public bodies are referred to as short-hand for organisations/contracting authorities/contracting entities which are subject to public procurement laws. This includes government, councils, universities and colleges, the NHS, registered social landlords and other bodies.

Bidders is used as short-hand for organisations which **offer the execution of works or a work, the supply of products or the provision of a service on the market (i.e. those that may bid for public contracts)**. This includes public corporations, private companies, sole traders, the third sector and supported businesses. These are known as economic operators in The Public Contracts (Scotland) Regulations 2015 and as candidates in The Utilities Contracts (Scotland) Regulations 2016.

Contract in this guidance may mean a contract, a Framework Agreement or a Dynamic Purchasing System.

Contract Notice also refers to a Prior Information Notice (PIN) when that is used as a Call for Competition.

Micro enterprise: an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed £1.57 million.

Small enterprise: an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed £7.86 million.

Medium enterprises: enterprises which are neither micro nor small, which employ fewer than 250 persons and which have an annual turnover not exceeding £39.28 million, and/or an annual balance sheet total not exceeding £33.78 million.

Supported business means an economic operator whose main aim is the social and professional integration of disabled or disadvantaged persons, and where at least 30% of the employees of the economic operator are disabled or disadvantaged persons.

Supported employment programme means an employment programme operated by an economic operator, the main aim of which is the social and professional integration of disabled or disadvantaged persons, and where at least 30% of those engaged in the programme are disabled or disadvantaged persons.

Instructions

Introduction

The European Single Procurement Document (Scotland) or ESPD (Scotland) replaces the standard Pre-Qualification Questionnaire (sPQQ).

The ESPD (Scotland) replaces the requirement for bidders to provide up-front evidence or certificates by allowing them to self-declare that they:

- do not fall within a ground for exclusion (or, if they do, they can demonstrate that they have taken self-cleansing measures);
- meet the relevant selection criteria
- (where applicable) fulfil the objective rules and criteria for reduction of candidates.

In all procurement exercises for public contracts and utilities contracts commenced from 18 April 2016, it is mandatory to use the ESPD (Scotland) where the estimated value is equal to or greater than the OJEU threshold. You must not use the standard Pre-Qualification Questionnaire (sPQQ) or any local Pre-Qualification Questionnaires from this date onwards. It is best practice to use the ESPD (Scotland) document for all regulated procurements below the EU threshold.

The introduction of the ESPD is intended by the European Commission to reduce the administrative burden on bidders and to remove some of the barriers to participation in public procurement, especially for small to medium-sized enterprises (SMEs).

The ESPD is a generic document, used across all EU Members States, from which the ESPD (Scotland) has been developed. This means that the questions in the ESPD (Scotland) cannot be amended and new questions cannot be added. **Procurement Officers must set out the specific requirements, the relevant exclusion grounds and the minimum standards that are relevant for the procurement exercise in the Contract Notice.**

Bidders will use their ESPD response to indicate whether or not they have complied with the minimum standards and any other requirements set out in the Contract Notice.

Access to ESPD (Scotland)

If you are currently a [PCS-Tender](#) user you will be able to use the online ESPD (Scotland) template available on PCS-Tender. If you do not use PCS-Tender you should download the ESPD (Scotland) template from the [Procurement Journey](#). Please ensure you always use the ESPD (Scotland) document from this source location in the Procurement Journey to ensure you always use the most up-to-date version.

Contract Notice Standardised Statements

A set of standardised statements, which are aligned to the relevant exclusion and selection questions in the ESPD (Scotland), have been developed to support Procurement Officers in adopting a standard approach to defining minimum requirements in contract notices.

The Scottish Government is working with [Public Contracts Scotland \(PCS\)](#) system provider to have the standardised statements embedded in the Contract Notice functionality, to enable Procurement Officers to add, select and/or amend (if appropriate) the standardised statements online, on PCS.

Until this is ready, Procurement Officers should use the Standardised Statements document which can be found in the Procurement Journey's [European Single Procurement Document ESPD \(Scotland\) station](#). Procurement Officers may add and/or amend the statements in the standardised statements document and copy them over to the Contract Notice section in PCS. The statements must reflect the selection criteria and minimum standards of the procurement exercise.

Key points for public bodies

Public bodies:

- Must issue and accept the ESPD as part of the [selection process](#) for procurements whose estimated value is equal to or greater than the OJEU threshold for public contracts and utilities contracts, i.e. tenders in open procedures and requests for participation in restricted procedures, competitive procedures with negotiations, competitive dialogues or innovation partnerships;
- Should use the ESPD (Scotland) for regulated procurements below the EU contract threshold value (this is best practice);
- Must include the relevant exclusion and selection criteria in the Contract Notice;
- Must ask the bidders to provide a separate response from any entities, this could include for example subcontractors and/or consortium members etc., upon whose capability and/or capacity the bidder **relies upon** in order to meet any aspect of the **selection criteria**.
In this case, these entities must complete the relevant parts of an ESPD (Scotland) to self-declare whether there are grounds for their exclusion and provide details of how they meet the required selection criteria.
This bullet point applies for regulated procurements of OJEU threshold and above and can be applied to below OJEU value contracts where relevant and proportionate.
- Should ask bidders in all cases if they intend to **subcontract** any share of the contract. However, bidders should only be asked **to list** who those proposed subcontractors will be where this information is important to help safeguard the effective delivery of the contract.

- May require bidders to provide a separate ESPD response from subcontractors who will be used to deliver / perform elements of the contract. This is only for the purpose of verifying whether there are grounds for their exclusion. Using a subcontractor to deliver / perform elements of the contract is not the same as relying on a subcontractor to meet any aspect of the selection criteria.

This can be done as part of the selection process or prior to the subcontractor commencing work on the contract. It is recommended that you do not ask for an ESPD (Scotland) from subcontractors for this purpose at the selection stage in all cases, but only when it is important to safeguard the effective delivery of the contract.

If it is important to verify exclusion grounds of subcontractors, details of this requirement and when the ESPDs must be submitted should be stated in the Contract Notice.

- Must request a separate ESPD response from each member of a consortium for procurements whose estimated value is equal to or greater than the OJEU threshold to ensure that no members are included that should be excluded, and that they all meet the relevant selection criteria;
- May (for below OJEU threshold contracts) request separate ESPD responses from subcontractors and consortium members, when deemed appropriate in order to safeguard the effective delivery of the contract, based on relevance and proportionality to the contract.
- Must (for procurements whose estimated value is equal to or greater than the OJEU threshold) ask the successful bidder for the relevant evidence and certificates, which support the declarations made in the ESPD, prior to awarding the contract (except in respect of call-off contracts from framework agreements) and may also do so before the ITT stage of the Restricted Procedure, Innovation Partnership, Competitive Dialogue and Competitive Procedures with Negotiation procedure as part of their due diligence process. If a bidder is not be able to provide the requested ESPD supporting documents, or withholds or misrepresents such information, this is a discretionary ground for exclusion.
- May (for procurements whose estimated value is equal to or greater than the OJEU threshold) ask for evidence and certificates at any stage of the process if they consider it necessary to ensure the proper conduct of the process. It is a discretionary ground for exclusion for a bidder not to be able to provide the requested ESPD supporting documents, or to withhold or misrepresent such information.
- May ask the bidder to provide the web address where the relevant supporting documentation/certificates are freely and publicly available. If the supporting documents/certificates are available electronically and this is detailed by the bidder in the ESPD for procurements whose estimated value is equal to or greater than the OJEU threshold, the public body must not ask the suppliers to provide them separately later in the procurement process;
- Must (for procurements whose estimated value is equal to or greater than the OJEU threshold) request an ESPD response to be completed for each lot (or group of lots with the same selection criteria) where procurements are divided into lots **and** selection criteria vary from lot to lot.
- May (for below OJEU threshold contracts) request an ESPD response to be completed for each lot (or group of lots with the same selection criteria) where

procurements are divided into lots **and** selection criteria vary from lot to lot. This is considered best practice.

Exclusion of bidders or other entities (for example sub-contractors and/or consortium members etc.)

Bidders or other entities may be excluded from the procurement procedure in cases of:

- serious misrepresentation in filling in the ESPD,
 - or
 - serious misrepresentation of, or withholding, the information required for
 - the verification of the absence of grounds for exclusion,
 - the fulfilment of the selection criteria,
 - or
 - where the bidder being unable to submit the supporting documents
 - or
 - if the submitted ESPD verifies that there are mandatory grounds for exclusion of any other entity, then they **must** be replaced and where there are discretionary grounds for exclusion, the other entity **may** be replaced.
- This applies for regulated procurements of OJEU threshold and above and can be applied to below OJEU value contracts where relevant and proportionate.

There are circumstances in which a bidder must be excluded from the procurement process, and there are other circumstances in which a bidder may be excluded from the procurement process, if you have selected such ground as a possible exclusion ground for exclusion in your procurement documents and you consider that exclusion is appropriate in that particular case. These are referred to as mandatory and discretionary exclusion grounds respectively.

The bidder, subcontractor or other entity may rely upon their ESPD response as a self-declaration that they have not breached any of the mandatory or discretionary exclusion grounds (or where they have breached such grounds, they can demonstrate in their ESPD response that they have taken self-cleansing measures).

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

For further information:

- Regulation 58 (13) to (17) of [the Public Contracts \(Scotland\) Regulations 2015](#)
- Regulation 78 of [the Utilities Contracts \(Scotland\) Regulations 2016](#)
- Regulations 8(6) to (10) and 9(9) to (13) of [the Procurement \(Scotland\) Regulations 2016](#)

- Section 5.4 of the [Guidance under the Procurement Reform \(Scotland\) Act 2014](#)

There are also further situations where it is not appropriate to exclude a bidder despite there being apparent grounds for exclusion (e.g. where there are overriding reasons relating to the public interest). There are also set time periods in which the exclusions apply.

Further information on selection and exclusion criteria can be found in the [Procurement Journey](#).

Shortlisting

It is recommended that if you are shortlisting the number of bidders to be taken forward to the next stage, this should be done within the Technical and Professional Ability (Part IV. Section C) section of the ESPD (Scotland).

The objective and non-discriminatory criteria that will be applied to produce a 'shortlist' of bidders must be contained in the Contract Notice. This should include an explanation of the relative weighting and scoring methodology to be applied.

Key points for bidders

Bidders:

- May reuse information that has been provided in an ESPD response which has already been used in a previous procurement procedure as long as the information remains correct and continues to be pertinent;
- Must submit an ESPD response as part of the selection process when requested to do so by a public body;
- Should not provide any certificates or supporting documentation as part of the ESPD response unless specifically requested by the public body;
- Must provide a separate ESPD response from entities upon whose capability / capacity they rely on in order to meet any selection criteria.
Must replace an entity where verification has shown that any of the mandatory grounds for exclusion apply (public bodies may also require the replacement of a subcontractor to which any of the discretionary grounds for exclusion apply);
- Must, if required by the public body, submit a separate ESPD response from subcontractors. Where this information is sought it must be specified in the Contract Notice. In such a case, public bodies must require the replacement of a subcontractor to which verification shows that mandatory grounds for exclusion apply, and may require the replacement of a subcontractor to which verification shows that any of the discretionary grounds for exclusion apply.
- Must submit a separate ESPD response from subcontractors and consortium members, when deemed appropriate by the public body and requested by the public body, for below OJEU threshold contracts;

- Must submit a separate ESPD response from each member of a consortium to ensure all members meet the exclusion criteria and relevant selection criteria for procurement of contracts equal to or above OJEU thresholds;
- Will be required to provide the relevant evidence and certificates prior to awarding the contract, if they are the successful bidder to which the public body has decided to award the contract and such information may also may be requested before such date where necessary;
- Should provide the web address where public bodies can access the relevant supporting documentation/certificates if freely and publicly available online. If the supporting documents/certificates are not available electronically, bidders must provide them separately, when requested by the public body;
- Should submit an ESPD response for each lot where procurements are divided into lots **and** where the selection criteria vary from lot to lot (or group of lots with the same selection criteria).

**Standard form for
the European Single Procurement Document (ESPD Scotland)**
Part I: Information concerning the procurement procedure and public body

Completed by the Procurement Officer only for OJEU threshold contracts or above (please delete if below OJEU threshold)	
OJEU number:	[Procurement Officer complete text here]
Date:	[Procurement Officer complete text here]

All following sections of the ESPD (Scotland) should be filled in by the bidder.

INFORMATION ABOUT THE PROCUREMENT PROCEDURE

Details of public body	Answer
Name:	
Which procurement is concerned?	Answer
Title or short description of the procurement:	
File reference number attributed by the public body:	

Part II: Information concerning the bidder

A: INFORMATION ABOUT THE BIDDER

Instructions for Bidders

This section seeks background information about the bidder; this section is not normally evaluated, however the public body may choose not to select bidders that cannot provide basic company information.

All personal information supplied will be treated as confidential and will be subject to the Data protection Act 1998.

Question Reference	Identification	Answer
2A.1	Name:	[text]
2A.2	VAT-number, if applicable:	[number]
2A.3	National Identification no (if required and applicable):	[text]
2A.4	D.U.N.S. number, if applicable:	[number]
2A.5.1	Postal address Line 1:	[text]
2A.5.2	Postal address Line 2:	[text]
2A.5.3	Postal address Town/City:	[text]

2A.5.4	Postal address Region:	[text]
2A.5.5	Postal address Postcode:	[text]
2A.5.6	Postal address Country:	[text]
2A.6	Contact person or persons:	[text]
2A.7	Telephone (including dialling code):	[number]
2A.8	Mobile (including dialling code):	[number]
2A.9	Email:	[number]
2A.10	Internet address (web address) (if applicable):	[text]
2A.11	Name of parent company (if applicable):	[text]
2A.12	Name of ultimate parent company (if applicable):	[text]
2A.13	Bidder Legal Status:	<input type="checkbox"/> Sole Trader <input type="checkbox"/> Private Limited Company <input type="checkbox"/> Public Limited Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other
2A.13.1	If you have answered 'Other' to question 2A.13 please provide details here:	[text]

Question Reference	Identification	Answer
2A.14	For Small to Medium Sized Enterprises (SMEs) only , please confirm the size of your organisation:	<input type="checkbox"/> Micro <input type="checkbox"/> Small <input type="checkbox"/> Medium
2A.15	Is your organisation a supported business or will it provide for the performance of the contract in the context of supported employment programmes?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.15.1	If you have answered yes to the previous question, what is the corresponding percentage	[number]

	of disabled or disadvantaged workers?	
2A.15.2	If you have answered yes to question 2A.15, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to:	[text]

Question Reference	Identification	Answer
2A.16	<p>If applicable, is the bidder registered on an official list of approved economic operators (applicable to non-UK businesses only), or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?</p> <p>If yes:</p> <p><u>Please answer the remaining parts of this Section, Sections B and, where relevant, C and D of this Part, complete Part V, where applicable, and, in any case, fill in and sign Part VI.</u></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
2A.16.1	Please provide the name of the list or certificate and the relevant registration or certification number, if applicable:	[text]
2A.16.2	If the certificate of registration or certification is available electronically, please state:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
2A.16.3	Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list:	[text]
2A.16.4	<p>Does the registration or certification cover all of the required selection criteria?</p> <p>If no:</p> <p><u>In addition, please complete the missing information in Part IV, Sections A, B, C or D as the case may be</u></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2A.16.5	<p>ONLY if this is required in the relevant Contract Notice or procurement documentation:</p> <p>Will the economic operator be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the public body or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.16.6	<p>If the relevant documentation is available electronically, please state:</p>	<p>The web address: [text]</p> <p>The issuing authority or body: [text]</p> <p>The precise reference of the documentation: [text]</p>

Question Reference	Form of participation (Notably as part of a group, consortium, joint venture or similar)	Answer
2A.17	<p>Is the bidder participating in the procurement procedure together with others?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2A.17.1	<p>If yes: Please indicate the role of the bidder(s) in the group (leader, responsible for specific tasks):</p>	[text]
2A.17.2	<p>Please identify the other bidder(s) participating in the procurement procedure together:</p>	[text]
2A.17.3	<p>Where applicable, name of the participating group:</p>	[text]
<p>2A.17.4 IF YOU HAVE ANSWERED <u>YES</u> TO QUESTION 2A.17, PLEASE ENSURE THAT EACH PARTICIPANT LISTED ABOVE PROVIDES A SEPARATE ESPD RESPONSE.</p>		

Question Reference	Lots	Answer
2A.18	Where applicable, please indicate the lot(s) for which the bidder wishes to tender:	[text]

B: Information about representatives of the bidder

Instructions for Bidders

Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the bidder for the purposes of this procurement procedure:

Question Reference	Representation, if any	Answer
2B.1	Full name;	[text]
2B.2	Date of birth:	[text]
2B.3	Place of birth:	[text]
2B.4	Position/Acting in the capacity of:	[text]
2B.5.1	Postal address Line 1:	[text]
2B.5.2	Postal address Line 2:	[text]
2B.5.3	Postal address Town/City:	[text]
2B.5.4	Postal address Region:	[text]
2B.5.5	Postal address Postcode:	[text]
2B.5.6	Postal address Country:	[text]
2B.6	Telephone:	[number]
2B.7	Mobile:	[number]
2B.8	Email:	[text]
2B.9	If needed, please provide detailed information on the representation (its forms, extent, purpose etc.):	[text]

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES***2C.1 Instructions for Bidders**

* meaning of reliance on the capacities of other entities – If the main bidder does not meet the required selection criteria described in Part IV and V for this contract on their own, the main bidder can rely on another entity or entities to do so. **This is not the same as using a subcontractor to deliver / perform elements of the contract.**

A bidder can rely upon the capacities of another entity or entities in respect of:

- ESPD Part IV section B - Economic and Financial Standing;
- ESPD Part IV section C - Technical and Professional Ability;
- ESPD Part IV section D - Quality Assurance Schemes and Environmental Management Standards; or
- ESPD Part V - Reduction of the Number of Qualified Candidates (if applicable).

If the response to question 2C.1 is 'yes', the bidder must provide a separate ESPD response setting out the information required under **ESPD (Scotland): Part II (sections A and B); Part III exclusion grounds; the relevant part of Section IV selection criteria; and Part V (if applicable)** for each of the entities concerned. All Parts must be duly filled in and signed by all of the entities.

This includes a situation where, in order to meet any specific technical and professional requirements of the selection criteria, a bidder needs to rely on *technicians or technical bodies from another entity, e.g., those who do not belong directly to the bidder's organisation.*

Question Reference	Reliance	Answer
2C.1	Does the bidder rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below?	<input type="checkbox"/> Yes <input type="checkbox"/> No

D: INFORMATION CONCERNING SUBCONTRACTORS WHO ARE NOT BEING RELIED ON TO MEET SELECTION CRITERIA

Instructions for Bidders

Section to be filled-in only if this information is required by the public body.

Question Reference	Subcontracting	Answer
2D.1	Does the bidder intend to subcontract any share of the contract to third parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part III: Exclusion grounds

Instructions for Bidders

Failure to disclose information relevant to this section or misrepresentation in relation to the information disclosed may result in exclusion of the bidder from this procurement process or the termination of any subsequent contract that is be awarded to them.

The bidder may be asked to provide the relevant documentation or to state where the extract from the relevant register, for example judicial records, is available electronically to the public body so that it may retrieve this information. **By indicating this information, the bidder agrees that the public body may retrieve the documentation subject to the national rules implementing Directive 95/46/EC on the processing of personal data, and in particular of special categories of data such as on offences, criminal convictions or security measure.**

The bidder uses the ESPD response as a self-declaration that they have not breached any of the mandatory and discretionary exclusion grounds (or, if they have, they can demonstrate to the public bodies satisfaction that they have taken **self-cleansing measures**) and that they meet the relevant selection criteria.

For further information regarding regulated procurements of OJEU threshold and above, please refer to [Regulations 58 and 59 of The Public Contracts \(Scotland\) Regulations 2015](#), [Regulation 78 of the Utilities Contracts \(Scotland\) Regulations 2016](#).

Regarding regulated procurements which are between £50k and OJEU threshold, please refer to Regulations 8, 9 and 10 of [The Procurement \(Scotland\) Regulations 2016](#).

A: GROUNDS RELATING TO CRIMINAL CONVICTIONS

[Regulation 58 \(1\) of The Public Contracts \(Scotland\) Regulations](#) sets out reasons for exclusion relating to criminal convictions for above OJEU procurements. These also apply to utilities contracts (see Regulation 78 of the Utilities Contracts (Scotland) Regulations 2016).

[Regulation 8\(1\) of The Procurement \(Scotland\) Regulations 2016](#) sets out reasons for exclusion relating to criminal convictions for below OJEU procurements.

1. The common law offence of conspiracy; where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime or an offence under sections 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010;

2. a) Corruption; within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906, where the

offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of Council Joint Action 98/742/JHA;

b) Bribery or Corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003, where the offence relates to active bribery or corruption

c) Bribery within the meaning of sections 1 or 6 of the Bribery Act 2010;

3. Fraud where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities

a) the offence of cheating the Revenue

b) the common law offence of fraud

c) the common law offence of theft or fraud

d) fraudulent trading within the meaning of section 458 of the Companies Act 1985, or section 993 of the Companies Act 2006;

e) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;

f) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;

g) the common law offence of uttering; or

h) the common law offence of attempting to pervert the course of justice;

4. Terrorist offences or offences linked to terrorist activities; listed in section 41 of the Counter-Terrorism Act 2008; or Schedule 2 to that Act where the court has determined that there is a terrorist connection.

5a) Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;

5b) Money Laundering or Terrorist financing; an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988;

6. Child labour and other forms of **trafficking in human beings**; any offence under Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 or under any provision referred to in the Schedule to that Act;

7. Drugs trafficking, an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994;

8. Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any EEA state or any part thereof.

Question Reference	Grounds relating to criminal convictions under national provisions implementing the grounds set out in Regulation 58(1) of The Public Contracts (Scotland) Regulations for above OJEU and grounds relating to criminal convictions under national provisions implementing the grounds set out in Regulation 8(1) of The Procurement	Answer

	(Scotland) Regulations 2016 for below OJEU threshold.	
3.A	Has the bidder itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment within the last five years for one of the reasons listed above?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not
3A.1	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
3A.2	If yes , please indicate: Date of conviction, specify which of points 1 to 8 is concerned and the reason(s) for the conviction,	Date of Conviction:[date]
		Point(s): [number]
		Reason(s) for the conviction:[text]
3A.3	Identify who has been convicted;	[text]
3A.4	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
3A.5	In case of convictions, has the bidder taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion (“Self-Cleansing”)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3A.6	If yes , please describe the measures taken:	[text]

B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

Question Reference	Payment of taxes or social security contributions	Answer	
		Taxes	Social Security contributions
3B.1	Has the bidder met all its obligations relating to the payment of taxes or social security contributions, both in the UK, and in the country in which it is registered, if that is not the UK?	<input type="checkbox"/> Yes, I have met all my obligations <input type="checkbox"/> No	<input type="checkbox"/> Yes, I have met all my obligations <input type="checkbox"/> No

3B.1.1	<p>If not, please indicate:</p> <p>Country or Member State concerned</p>	Taxes	Social Security contributions
		[text]	[text]
3B1.2	What is the amount concerned?	[number]	[number]
3B.1.3	<p>How has this breach of obligations been established:</p> <p>Through a judicial or administrative decision:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3B.1.4	Is this decision final and binding?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3B.1.5	Please indicate the date of conviction or decision.	[date]	[date]
3B.1.6	By other means? Please specify:	[text]	[text]
3B.1.7	Has the bidder fulfilled or will it fulfil its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines?	<input type="checkbox"/> Yes , I have <input type="checkbox"/> No If yes , please provide details: [text]	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes , please provide details: [text]
3B.1.8	If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	

C: BLACKLISTING

Question Reference	Information concerning possible blacklisting	Answer
3C.1	Has the bidder committed an act prohibited under the Employment Relations Act 1999 (Blacklists) Regulations 2010?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not
3C.1.1	If yes , when did the breach occur?	[text]
3C.1.2	If yes , please give details about the breach:	[text]
3C.1.3	If yes , has this been established by a judicial decision having final and binding effect?	[text]
3C.1.4	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3C.1.5	If yes , please describe the measures taken:	[text]

D: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT**Instructions for Bidders**

Please note that, for the purpose of this procurement, some of the following exclusion grounds may have been defined more precisely, in national law, in the relevant Contract Notice.

For further information regarding regulated procurements of OJEU threshold and above, please refer to [Regulations 58\(8\) of The Public Contracts \(Scotland\) Regulations 2015](#), [Regulation 78 of the Utilities Contracts \(Scotland\) Regulations 2016](#).

Regarding regulated procurements which are between £50k and OJEU threshold, please refer to Regulations 9 of [The Procurement \(Scotland\) Regulations 2016](#).

Question Reference	Information concerning environmental, social and labour law	Answer
3D.1	Has the bidder, to its knowledge, breached its obligations in the fields of environmental law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached

3D.1.1	If yes , when did the breach occur?	[text]
3D.1.2	If yes , please give details about the breach:	[text]
3D.1.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.1.4	If it has , please describe the measures taken:	[text]

3D.2	Has the bidder, to its knowledge, breached its obligations in the fields of social law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.2.1	If yes , when did the breach occur?	[text]
3D.2.2	If yes , please give details about the breach:	[text]
3D.2.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.2.4	If it has , please describe the measures taken:	[text]

3D.3	Has the bidder, to its knowledge, breached its obligations in the fields of labour law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.3.1	If yes , when did the breach occur?	[text]
3D.3.2	If yes , please give details about the breach:	[text]
3D.3.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion ("Self-Cleansing")?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.3.4	If it has, please describe the measures taken:	[text]

Question Reference	Information concerning insolvency	Answer
3D.4	Is the bidder in any of the following situations: Bankrupt, or	<input type="checkbox"/> Yes <input type="checkbox"/> No

3D.5	The subject of insolvency or winding-up proceedings, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.6	In an arrangement with creditors, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.7	In any analogous situation arising from a similar procedure under national laws and regulations, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.8	That its assets are being administered by a liquidator or by the court, or	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.9	That its business activities are suspended?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.a	If yes , please provide details:	[text]
3D.b	If yes , please indicate the reasons for being able nevertheless to perform the contract, taking into account the applicable national rules and measures on the continuation of business in those circumstances?	[text]
3D.c	If the relevant documentation is available electronically, please indicate:	The web address: [text], The issuing authority or body: [text] The precise reference of the documentation: [text]

Question Reference	Grave professional misconduct and conflicts of interest	Answer
3D.10	Is the bidder guilty of grave professional misconduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.10.1	If yes , date when it happened:	[text]
3D.10.2	If yes , please provide details:	[text]
3D.10.3	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.10.4	If it has , please describe the measures taken:	[text]
3D.11	Has the bidder entered into agreements with other economic operators aimed at distorting competition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.11.1	If yes , please provide details:	[text]
3D.11.2	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.11.3	If it has , please describe the measures taken:	[text]
3D.12	Is the bidder aware of any conflict of interest due to its participation in the procurement procedure?	<input type="checkbox"/> Yes <input type="checkbox"/> No

3D.12.1	If yes , please provide details:	[text]
3D.13	Has the bidder or an undertaking related to it advised the organisation or contracting entity or otherwise been involved in the preparation of the procurement procedure?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I nor others have been involved in this way
3D.13.1	If yes , please provide details:	[text]

Question Reference	Early termination	Answer
3D.14	Has the bidder experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not had this experience with a previous contract
3D.14.1	If yes , please provide details:	[text]
3D.14.2	If yes , has the bidder taken self-cleansing measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.14.3	If it has , please describe the measures taken:	[text]

Question Reference	Misrepresentation	Answer
3D.15.1	Can the bidder confirm that: It has not been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
3D.15.2	It has not withheld such information,	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
3D.15.3	It has been able, without delay, to submit the supporting documents required by an organisation or contracting entity, and	<input type="checkbox"/> Yes, I have been able to <input type="checkbox"/> No

3D.15.4	It has not undertaken to unduly influence the decision making process of the organisation or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?	<input type="checkbox"/> Yes, I confirm that I have not <input type="checkbox"/> No
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Part IV: Selection criteria

Concerning the selection criteria (Sections A to D of this part), the bidder declares that:

A: SUITABILITY

Instructions for Bidders

The bidder should **only** provide information where the selection criteria concerned have been required by the public body in the relevant Contract Notice.

Question Reference	Suitability	Answer
4A.1	1) The bidder is enrolled in the relevant professional or trade registers kept in the Member State of its establishment (as described in Schedule 5 of the Public Contracts (Scotland) Regulations 2015):	[text]
4A.1.1	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]
4A.2	2) For service contracts: Is it a requirement in the bidder's country of establishment to hold a particular authorisation or membership of a particular organisation needed in order to be able to perform the service in question:	<input type="checkbox"/> Yes <input type="checkbox"/> No
4A.2.1	If yes , please specify which authorisation or membership is required:	[text]
4A.2.2	Please indicate whether the bidder has the required authorisation or membership (as named above):	<input type="checkbox"/> Yes <input type="checkbox"/> No
4A.2.3	If the relevant documentation is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]

B: ECONOMIC AND FINANCIAL STANDING**Instructions for Bidders**

The bidder should **only** provide information where the selection criteria concerned have been specified by the organisation in the relevant Contract Notice.

Your financial accounts and supporting information should be in English and in UK Sterling. If the original documents are not in English, please provide copies of the originals and a certified translation into English. If the sums in the accounts are not expressed in UK Sterling then copies of the original accounts, shall be provided together with a UK Sterling rate equivalent copy utilising the pound buys exchange rate applicable on the date of issue of the ESPD.

Question Reference	Economic and financial standing	Answer
4B.1.1	The bidder should provide its ("general") yearly turnover for the number of financial years specified in the relevant Contract Notice:	Year: [number] Turnover: [number]
		Year: [number] Turnover: [number]
		Year: [number] Turnover: [number]
4B.1.2	Or, The bidder should provide its average yearly turnover for the number of years specified in the relevant Contract Notice:	Number of years: [number]
		Average turnover: [text]
4B.1.3	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
4B.2.1	The bidder should provide its yearly ("specific") turnover in the business area(s) covered by the contract and specified in the relevant Contract Notice:	Year: [number] turnover[number]
		Year: [number] Turnover[number] [
		Year: [number] Turnover[number]
4B.2.2	Or, The bidder should provide its average yearly turnover in the area and for the	Number of years: [number]

	number of years specified in the relevant Contract Notice:	Average turnover: [text], currency	
4B.2.3	If the relevant documentation is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	
4B.3	In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the bidder was set up or started trading:	[date]	
4B.4	The bidder confirms the name, value and/or range of the financial ratios specified in the relevant Contract Notice are as follows:	Confirm ratio name, range and value: [text]	
4B.4.1	If the relevant documentation is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	
4B.5.1	The Bidder confirms they already have or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the relevant Contract Notice.	Employer's (Compulsory) Liability Insurance	<input type="checkbox"/> Yes, I already have this <input type="checkbox"/> No, but I commit to obtain it <input type="checkbox"/> No, and I cannot commit to obtain it <input type="checkbox"/> Not applicable – my business is exempt
4B.5.2	All other types of insurance listed in the Contract Notice	All other types of insurance listed in the Contract Notice	<input type="checkbox"/> Yes, I already have this <input type="checkbox"/> No, but I commit to obtain it <input type="checkbox"/> No, and I cannot commit to obtain it
4B.5.3	If this information is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	
4B.6	Concerning any other economic or financial requirements, that may have been specified	[text]	

	in the relevant Contract Notice, the bidder declares that:	
4B.6.1	If the relevant documentation that may have been specified in the relevant Contract Notice, is available electronically, please indicate:	The web address: [text] The issuing authority or body: [text] The precise reference of the documentation: [text]

C: TECHNICAL AND PROFESSIONAL ABILITY

Instructions for Bidders

Bidders are required to provide evidence of having the necessary capacity and capability to deliver the requirement.

In order to ensure that newer or start-up companies have a chance to demonstrate any experience relevant to the current requirement, examples may be provided from:

- Within their organisation (bidders may rely on the experience of personnel that they intend to use to carry out the current requirement, even if that experience was gained whilst working for a different organisation)
- Other consortium members (where a consortium bid is being proposed)
- Named subcontractors upon whose capacity and capability the bidder is relying in order to meet the selection criteria (where subcontractors are being used and their identity is known at the selection stage)

Bidders should be aware that they may be asked to confirm at the Invitation to Tender stage that there has been no material change to the skills, experience and resources available to them since submitting their ESPD response.

The bidder should **only** provide information where the selection criteria have been specified by the public body in the relevant Contract Notice.

Question Reference	Technical and professional ability	Answer	Question Weighting
4C.1	For public works contracts only , please provide relevant examples of works carried out in the past five years as specified in the Contract Notice:	Please provide your answer in the table below:	
Description		Amounts	Dates
[text]		[text]	[date]
		Customer/Client	
		[text]	

4C.4	Please provide a statement of the relevant supply chain management and/or tracking systems used:	[text]	
4C.5	For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose: Will the bidder allow checks by the public body or any competent official body from their country, to be conducted on the production capacities or the technical capacity of the bidder and, where necessary, on the means of study and research which are available to it and on the quality control measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.6	The following educational and professional qualifications are held byThe service provider or the contractor itself:	[text]	
4C.6.1	The following educational and professional qualifications are held by Its managerial staff:	[text]	
4C.7	Please provide details of the environmental management measures which the bidder will be able to use when performing the contract:	[text]	
4C.8.1	Please provide details of the average annual manpower for the last three years:	Year, average annual manpower: Year 1: [Year],[number], Year 2: [Year],[number], Year 3: [Year],[number].	
4C.8.2	Please provide details of the number of managerial staff for the last three years:	Year, number of managerial staff: Year 1: [Year],[number],	

		Year 2: [Year],[number], Year 3: [Year],[number].	
4C.9	Please provide details of relevant tools, plant or technical equipment available to you in relation to this procurement exercise:	[text]	
4C.10	Please provide details of the proportion (i.e. percentage) of the contract that you intend to subcontract:	[text]	
4C.11	For public supply contracts the bidder will supply the required samples, descriptions or photographs of the products to be supplied, which do not need to be accompanied by certifications of authenticity:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.11.1	Where applicable, the bidder furthermore declares that it will provide the required certificates of authenticity.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.11.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]	
		The issuing authority or body: [text]	
		The precise reference of the documentation: [text]	
4C.12	12) For public supply contracts: Can the bidder provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant Contract Notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4C.12.1	If not , please explain why and state which other means of proof can be provided:	[text]	
4C.12.2	If the relevant documentation is available electronically,	The web address: [text]	
		The issuing authority or body: [text]	

	please indicate:	The precise reference of the documentation: [text]	
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D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS

Instructions for Bidders

The bidder should **only** provide information where quality assurance schemes and/or environmental management standards have been required by the public body in the relevant Contract Notice.

Question Reference	Quality Assurance Schemes and Environmental Management Standards	Answer
4D.1	Will the bidder be able to produce certificates drawn up by independent bodies attesting that the bidder complies with the required quality assurance standards, including accessibility for disabled persons?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4D.1.1	If not , please explain why and specify which other means of proof concerning the quality assurance scheme can be provided:	[text]
4D.1.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]
4D.2	Will the bidder be able to produce certificates drawn up by independent bodies attesting that the bidder complies with the required environmental management systems or standards?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4D.2.1	If not , please explain why and specify which other means of proof concerning the environmental management systems or standards can be provided:	[text]
4D2.2	If the relevant documentation is available electronically, please indicate:	The web address: [text]
		The issuing authority or body: [text]
		The precise reference of the documentation: [text]

E. GLOBAL QUESTION FOR ALL SELECTION CRITERIA

Question Reference	Meeting all required selection criteria	Answer:

Part V Reduction of the number of qualified candidates

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Part VI: Concluding statements

Instructions for Bidders

The bidder must fill in the grey coloured sections in the brackets below with the relevant information before submitting the contract to the public body or before uploading it to the relevant online sites.

*Signature(s) are only required if a paper copy of this document is used. If the ESPD (Scotland) document is sent through PCS or PCS-Tender, the document does not need a signature.

The undersigned formally declare that the information stated under Parts II – V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

The undersigned formally declare to be able, upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where the contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge. On condition that the economic operator has provided the necessary information (web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access.

The undersigned formally consent to [NAME OF PUBLIC BODY], gaining access to documents supporting the information, which has been provided in this European Single Procurement Document response for the purposes of [NAME OF PROCUREMENT PROCEDURE: (SUMMARY DESCRIPTION, REFERENCE OF PUBLICATION IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION, REFERENCE NUMBER)].

Signature(s)*(where required or necessary): [text]

Name: [text]

Position: [text]

Date: [date]

Place: [text]