

Annex 4A to Invitation to tender

ADDITIONAL MANDATORY INFORMATION TO ESPD-FORM AND INSTRUCTIONS FOR COMPLETING THE ESPD-FORM

Please note that this document is not only an instruction but also includes additional mandatory information and requirements to ESPD-form. Please see the additional mandatory information and requirements from this document when filling the ESPD-form.

As from 18.4.2016, it has been mandatory in Finland to apply directly the Directive 2014/24/EU of the European Parliament and of the Council on the public procurement, to the extent that its provisions are unconditional, sufficiently clear and precise. Thus, the Directive has a direct legal impact on acquisitions exceeding the EU-threshold value, until the new national Act on Public Contracts comes into force, as estimated in the end of 2016.

Due to previously mentioned, this acquisition is subject to the provisions of the Directive and the Regulation (EU) 2016/7 establishing the standard form for the European Single Procurement Document.

This means that the tenderers must attach to their tender so-called European Single Procurement Document, ESPD. This Annex contains instructions for completing the ESPD form for the tenderers.

Who shall complete the ESPD-form?

- The tenderer's organization
- All the subcontractors, on whose resources the tenderer relies, i.e. those, whom the tenderer will use in implementation of procurement (each separately)
- All the members of a group, each separately

LET'S START!

Instructions step by step

1. Go to Annexes of the Invitation to tender
2. Save on your computer the file "**Annex 4B ESPD code Nivalan Teollisuuskylä Me3Lab 3DM.xml**" attached to the Invitation to Tender
3. Go to the web site <http://ec.europa.eu/growth/espd>
4. Select the language
5. Who are you? Select "I am an economic operator"
6. What do you want to do? Select the upper alternative "Import ESPD"
7. Download abovementioned .xml-file into the system by pushing the "browse" button

Part II: Information concerning the economic operator

Information about

A: Information about the economic operator

Name:	<input type="text" value="Please enter name"/>	E-mail:	<input type="text" value="Please enter e-mail"/>
Street and number:	<input type="text" value="Enter street and number"/>	Telephone:	<input type="text" value="Please enter telephone"/>
Postcode:	<input type="text" value="Enter postcode"/>	Contact person or persons:	<input type="text" value="Please enter contact person or persons"/>
City:	<input type="text" value="Please enter city"/>	VAT number, if applicable:	<input type="text" value="Please enter VAT number"/>
Country:	<input type="text" value="Finland"/>	If no VAT number is applicable, please indicate another national identification number, if required and applicable	<input type="text" value="Please enter another national identification num"/>
Internet address (web address) (if applicable):	<input type="text" value="Please enter internet address"/>		

Is the economic operator a Micro, a Small or a Medium-Sized Enterprise? Yes No

Only in case the procurement is reserved: is the economic operator a sheltered workshop, a 'social business' or will it provide for the performance of the contract in the context of sheltered employment programmes? Yes No

If applicable, is the economic operator registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? Yes No Not applicable

xml-files: These files contain xml-code. If you open a file, its contents is only a code, so it is not mentioned to look like a sole document. Do not edit the contents of file!

```

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17
<?xml version="1.0" encoding="UTF-8"?>
<espd-req:ESPDRequest
xmlns:cac="urn:oasis:names:specification:ubl:schema:xsd:Common
AggregateComponents-2"
xmlns:cbc="urn:oasis:names:specification:ubl:schema:xsd:Common
BasicComponents-2" xmlns:ccv-
cbc="urn:isa:names:specification:ubl:schema:xsd:CCV-
CommonBasicComponents-1" xmlns:cev-
cbc="urn:isa:names:specification:ubl:schema:xsd:CEV-
CommonBasicComponents-1"
xmlns:cev="urn:isa:names:specification:ubl:schema:xsd:CEV-
CommonAggregateComponents-1"
xmlns:ext="urn:oasis:names:specification:ubl:schema:xsd:Common
ExtensionComponents-2"
xmlns:ccv="urn:isa:names:specification:ubl:schema:xsd:CCV-
CommonAggregateComponents-1" xmlns:espd-
req="urn:grow:names:specification:ubl:schema:xsd:ESPDRequest-1
">
  <cbc:UBLVersionID schemeAgencyID="OASIS-UBL-
TC">2.1</cbc:UBLVersionID>

```

8. Select country
9. Click "Next"
10. Start completing the form beginning from **part II**

In section A, you can also indicate, whether the tenderer is a Micro, a Small or a Medium-Sized Enterprise. The section's info button includes definition of Small or Medium-Sized Enterprise. It is possible to state, as well, whether the tenderer is a sheltered workshop, a 'social business', or, will it provide for the performance of the contract in the context of sheltered employment programmes. Furthermore, it is possible to state, whether the tenderer is registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? (you can also select "Not applicable"). Giving this information does not have any impact on competition.

In section A (e) you are asked information to question “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 contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?”.

(We acknowledge that in Finland a certificate from the Tax Administration of social security contributions, of tax payment or a tax debt certificate may be presented. Furthermore it is possible to get information about the Finnish enterprise’s possible tax debt in electronic system (www.ytj.fi). You can enter the e-web-address (www.ytj.fi) in box “If the relevant documentation is available electronically, please indicate:”.)

e) 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 contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?	<input type="radio"/> Yes <input type="radio"/> No
If the relevant documentation is available electronically, please indicate:	<input type="text" value="Enter details"/>
Is the economic operator participating in the procurement procedure together with others?	<input type="radio"/> Yes <input type="radio"/> No
Where applicable, indication of the lot(s) for which the economic operator wishes to tender:	<input type="text" value="Please enter lots"/>

B: Information about representatives of the economic operator ▼

Finally, in section A, you can indicate, is the tenderer participating in the procurement procedure together with others. If the tenderer or the candidate is a group, you must provide a separate ESPD form for each member of the group.

The procurement is not divided into lots, so leave open the box “Where applicable, indication of the lot(s) for which the economic operator wishes to tender.

11. Fill in the sections B and C.

12. You can leave the section D open. The Contracting Authority does not require this information.

D: Information concerning subcontractors on whose capacity the economic operator does not rely ▼
(Section to be filled-in only if this information is explicitly required by the contracting authority or contracting entity.)
Does the economic operator intend to subcontract any share of the contract to third parties? <input type="radio"/> Yes <input type="radio"/> No
If the contracting authority or contracting entity explicitly requests this information in addition to the information under Part I, please provide the information required under Sections A and B of this Part and Part III for each of the (categories of) subcontractors concerned.

Continue by pushing “Next”.

13. Next complete in order the required information concerning **III Exclusion grounds** (mentioned criminal offences)

Answer the question "Is this information available electronically?" with "No", if an extract of criminal record is not available electronically, (it is not in Finland now).

Part III: Exclusion grounds	
A: Grounds relating to criminal convictions ▼	
Article 67(1) of Directive 2014/24/EU sets out the following reasons for exclusion	
<p>Participation in a criminal organisation</p> <p>Has the economic operator 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 for participation in a criminal organisation, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).</p>	<p>Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Is this information available electronically? <input type="radio"/> Yes <input checked="" type="radio"/> No</p>

14. Indicate in section B of part III, whether your organization has been in breach of **grounds relating to the payment of taxes or social security contributions**. If you indicate "Yes", it opens additional boxes in which additional information is reported.

(For example in Finland the breach of tax and social security obligations, in most cases, is established by means other than a judicial or administrative decision. In these kind of cases the tenderer is recommended to answer the question "Has this breach of Obligations been Established by means other than a judicial or administrative decision?" with "Yes". Furthermore, you can state in box "Please describe which means were used" that in Finland, the negligence of tax payment or social security payment obligations is indicated with tax debt certificate.)

If in part III section B was given "Yes" as answer, the tenderer or the candidate can also clarify, has the economic operator fulfilled 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.

B: Grounds relating to the payment of taxes or social security contributions

Article 57(2) of Directive 2014/24/EU sets out the following reasons for exclusion

Payment of taxes
Has the economic operator breached its obligations relating to the payment of taxes, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Your answer? Yes No

Country or Member State concerned:

Amount concerned:

Has this breach of obligations been established by means other than a judicial or administrative decision? Yes No

Please describe which means were used:

Has the economic operator fulfilled 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? Yes No

Please describe them:

Is this information available electronically? Yes No

15. Part III, section C. Complete the form in order

C: Grounds relating to insolvency, conflicts of interests or professional misconduct

Article 57(4) of Directive 2014/24/EU sets out the following reasons for exclusion

Bankruptcy Is the economic operator bankrupt? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No
Insolvency Is the economic operator the subject of insolvency or winding-up? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No
Arrangement with creditors Is the economic operator in arrangement with creditors? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No
Analogous situation like bankruptcy under national law Is the economic operator in in any analogous situation like bankruptcy arising from a similar procedure under national laws and regulations? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No
Assets being administered by liquidator Are the assets of the economic operator being administered by a liquidator or by the court? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No

16. In Part III, section D, the tenderer shall report, whether it or its management or a person, who exercises its representation, decision-making power or control is convicted with a final judicial decision, reflected in criminal record, for work discrimination through undue influence as defined in Chapter 47, Section 3 a of the Penal Code of Finland. (= purely national exclusion ground).

(Currently, extracts of criminal record are not available in Finland without limitation. If you are a Finnish tenderer or this is the case in your country, give a "No" answer to the question "Is this information available electronically".)

D: Purely national exclusion grounds	
Article 57(4) of Directive 2014/24/EU sets out the following reasons for exclusion	
Purely national exclusion grounds Other exclusion grounds that may be foreseen in the national legislation of the contracting authority's or contracting entity's Member State. Do the purely national grounds of exclusion, which are specified in the relevant notice or in the procurement documents, apply?	Your answer? <input type="radio"/> Yes <input checked="" type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input checked="" type="radio"/> No
<input type="radio"/> Previous <input checked="" type="radio"/> Cancel <input type="radio"/> Next	

Continue by pressing "Next".

17. **In part IV Selection criteria**, in sections A-D the tenderer shall report, whether it meets the requirements set by the Contracting Authority.

Below are the sections to be conformed and completed in this procurement with the minimum requirements:

A: Suitability / Enrolment in a trade register:

A: Suitability	
Article 58(2) of Directive 2014/24/EU sets out the following selection criteria	
Enrolment in a trade register It is enrolled in trade registers kept in the Member State of its establishment as described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex.	Your answer? <input checked="" type="radio"/> Yes <input type="radio"/> No Is this information available electronically? <input type="radio"/> Yes <input type="radio"/> No

B: Economic and financial standing

Other economic or financial requirements:

The tenderer must have sufficient financial capacity and stability in order to implement the service in question. The tenderer's financial standing is evaluated based on information relating to the profitability, liquidity, solvency and creditworthiness.

The tenderer should be sufficiently solvent to have from Suomen Asiakastieto Oy either a rating of "satisfactory A" or a risk classification of 1-3 or demonstrate equivalent standing based on financial statements or other equivalent information. Tenderers with a 'C' rating or a risk indicator of 5 calculated by Suomen Asiakastieto Oy or equivalent are excluded from the tender. Tenderers with a 'B' rating or a risk indicator of 4 or equivalent may be excluded from participation in competitive bidding if the tenderer is unable to provide reliable evidence of action taken/to be taken to improve its financial standing.

Indicate Rating Alfa -rating or classification in section "Please describe them" in ESPD-form.

C: Technical and professional ability

The tenderer has **at least two (2) references that correspond in type to those of the contract, aka previous deliveries**. By corresponding in type supply deliveries is meant that the reference included delivery of a 3D metal

additive manufacturing machine using Selective Laser Melting technology - machine and the delivered machine fulfilled the following features: machine is an open parameter machine, i.e. custom made materials can be used, laser power 400W or more, a system that allows to use 5 kg or less material batch (like chamber overhead recoater or similar) and the effective building area is 250x250x250 mm minimum.

The references must be dated no later than three years before the submission date for the Tender.

The response shall be given on the ESPD-form. You are asked to give in columns a brief description of the reference (column "Description"), contract value (column "Amount"), inception date of contract (column "Date"), name of the customer, name and telephone number of the contact person (column "Recipients").

C: Technical and professional ability ▼

Article 58(4) of Directive 2014/24/EU sets out the following selection criteria ⓘ

For supply contracts: performance of deliveries of the specified type

For public supply contracts only: During the reference period, the economic operator has delivered the following principal deliveries of the type specified. Contracting authorities may require up to three years and allow experience dating from more than three years.

Description	Amount	Date	Recipients
Please enter a descrip	Please enter the	---	Please select
Please enter a descrip	Please enter the	---	Please select
Please enter a descrip	Please enter the	---	Please select
Please enter a descrip	Please enter the	---	Please select
Please enter a descrip	Please enter the	---	Please select

Is this information available electronically? Yes No

Subcontracting proportion:

You are asked to specify in the relevant open text box, whether you are using subcontractors, and if yes, in which activities.

The Customer asks the tenderer to note that the same requirements apply to the subcontractors as to the tenderer and the tenderer is responsible for the work of subcontractors as for its own. The subcontractors must be specified in the tender. Subcontractors cannot be replaced during the contract period without the explicit consent of the customer. Each subcontractor must provide an own, completed ESPD-form with the tender.

D: Quality assurance schemes and environmental management standards:

In this respect, the Customer has not set any requirements in this procurement.

Continue by pressing "Next".

18. **Page "Finish" V-part** "Reduction of the number of qualified candidates" shall NOT be answered, since it is not a restricted procedure in question.

Finish**Part V: Reduction of the number of qualified candidates** ▼

i The economic operator should only provide information where the contracting authority or contracting entity has specified the objective and non discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, if any, to be produced, is set out in the relevant notice or in the procurement documents referred to in the notice. For restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships only:

The economic operator declares that:

It meets the objective and non discriminatory criteria or rules to be applied in order to limit the number of candidates in the following way:

In case certain certificates or other forms of documentary evidence are required, please indicate for each whether the economic operator has the required documents:

If some of these certificates or forms of documentary evidence are available electronically, please indicate for each:

Your answer? Yes No

Is this information available electronically? Yes No

19. VI osa: Concluding statements**Part VI: Concluding statements** ▼

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:

a) 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), or

b) As of 18 October 2018 at the latest (depending on the national implementation of the second subparagraph of Article 59(5) of Directive 2014/24/EU), the contracting authority or contracting entity already possesses the documentation concerned.

The undersigned formally consent to [identify the contracting authority or contracting entity as set out in Part I, Section A], gaining access to documents supporting the information, which has been provided in [identify the Part/Section/Point(s) concerned] of this European Single Procurement Document for the purposes of [identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)].

Date, place and, where required or necessary, signature(s):

Export ▼

You can now click on 'Export' to download and save the ESPD file on your computer. Contracting authorities must ensure that this ESPD file is available to the economic operators alongside the other tender documents.

⌂ Previous

⌂ Cancel

🖨 Print

⌂ Export

If you wish, you can print the completed ESPD-form, which allows your organisation to confirm the given information with signature. However, the signature is not obligatory.

20. After checking the form and completing all sections, you can 1) print the report and 2) import it into xml-format file or print the report in pdf-format.

Printing: Press the "Print" button. After this the actual printing shall be carried out by using the printing function of the Internet browser. If the pdf-printing is available you can also print the report in pdf-format and attach the pdf-file to the tender.



If (in addition) you should wish to return the format into xml-form, press "Export". As default you get a file with name "espd-response.xml". We kindly ask you to rename the file as follows: "espd_name of the tenderer_ **Me3Lab_3DM**". This xml-file you can attach to your tender.

The ESPD-form must be provided with the tender electronically as pdf- or xml-file.

21. **Re-usability of the xml-file:** You can later on use the same xml-file in some other competitive tendering, which requires completing of ESPD-form. In that case you do not need to re-complete all the sections. If you wish to re-use the file, open first the xml-request-file attached by the Contracting Authority of the new competition and merge it with the xml-file you have saved for this procurement on the front page of the service by selecting "Merge two ESPDs" as shown below:

The image shows a screenshot of the ESPD service interface. The page is titled "Welcome to the ESPD service" and contains an information box about the ESPD. Below the information box, there are several sections: "Who are you?", "What would you like to do?", and "Upload documents". The "Who are you?" section has two radio buttons: "I am a contracting authority" and "I am an economic operator" (selected). The "What would you like to do?" section has two radio buttons: "Import ESPD" and "Merge two ESPDs" (selected). The "Upload documents" section has two "Selaa..." buttons. Red arrows point to the "Merge two ESPDs" option and the two "Selaa..." buttons. At the bottom of the page, there are three buttons: "Previous", "Cancel", and "Next".

22. Links and further information:

EU-directives on public procurement:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2014:094:TOC>

EU-regulation establishing the standard form for the European Single Procurement Document:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2016_003_R_0004

European Commission's service to fill out and reuse the ESPD:

<http://ec.europa.eu/growth/espd>

The Contracting Authority will check the certificates and reports concerning the suitability (reported in ESPD-form) of the winner of the tender before signing the contract. The check-up includes ia. following register and certifications:

- Trade register
- Prepayment Register in compliance with the Prepayment Act (Ennakkoperintälaki) and Employer Register
- VAT-register in accordance with the Value-Added Tax Act
- Paying of all taxes and social security contributions ensuing by the legislation in his country of location
- Paying of the taxes and social security and pension contributions in accordance with Finnish legislation, in case that the tenderer is a subject to tax in Finland and required to pay social security contributions
- Extract of criminal record to state the exclusion grounds of Directives 2014/24/EU
- Financial statement
- Rating Alfa –report from Suomen Asiakastieto Oy
- Detailed reference form