
Status: Point in time view as at 31/12/2020.

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STATUTORY INSTRUMENTS

2015 No. 102

The Public Contracts Regulations 2015

PART 2

RULES IMPLEMENTING THE PUBLIC CONTRACTS DIRECTIVE

CHAPTER 2

RULES ON PUBLIC CONTRACTS

SECTION 5

Conduct of the Procedure

SUB-SECTION 7

Choice of participants and award of contracts

^{F1}... Single Procurement Document

Use, content and form of the ESPD

Use, content and form of the ESPD

59.—(1) At the time of submission of requests to participate or of tenders, contracting authorities shall accept the ^{F2}... Single Procurement Document, consisting of an updated self-declaration as preliminary evidence instead of certificates issued by public authorities or third parties confirming that the relevant economic operator fulfils the following conditions:—

- (a) it is not in one of the situations referred to in regulation 57 in which economic operators shall or may be excluded;
- (b) it meets the relevant selection criteria that have been set out under regulation 58;
- (c) where applicable, it fulfils the objective rules and criteria that have been set out under regulation 65.

(2) Where the economic operator relies on the capacities of other entities under regulation 63, the [^{F3}SPD] shall also contain the information referred to in paragraph (1) in respect of such entities.

(3) The [^{F3}SPD] shall consist of a formal statement by the economic operator that the relevant ground for exclusion does not apply and, or alternatively, that the relevant selection criterion is fulfilled and shall provide the relevant information as required by the contracting authority.

(4) The [^{F3}SPD] shall further identify the public authority or third party responsible for establishing the supporting documents and contain a formal statement to the effect that the economic operator will be able, upon request and without delay, to provide those supporting documents.

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(5) Where the contracting authority can obtain the supporting documents directly by accessing a database as mentioned in paragraph (11), the [F³SPD] shall also contain the information required for this purpose, such as the internet address of the database, any identification data and, where applicable, the necessary declaration of consent.

(6) Economic operators may reuse an [F³SPD] which has already been used in a previous procurement procedure, provided that they confirm that the information contained in it continues to be correct.

(7) The [F³SPD] shall be provided exclusively in electronic form.

Supporting documentation

(8) A contracting authority may require candidates and tenderers at any moment during the procedure to submit all or any of the supporting documents where this is necessary to ensure the proper conduct of the procedure.

(9) Before awarding the contract, the contracting authority shall, except in respect of contracts based on framework agreements where such contracts are concluded in accordance with regulation 33(7) or (8)(a), require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with regulation 60 and, where appropriate, regulation 62.

(10) The contracting authority may invite economic operators to supplement or clarify the certificates received under regulations 60 and 62.

(11) Despite paragraphs (8) and (9), economic operators shall not be required to submit—

- (a) supporting documents or other documentary evidence where and in so far as the contracting authority has the possibility of obtaining the certificates or the relevant information directly by accessing a national database in [F⁴the United Kingdom] that is available free of charge, such as a national procurement register, a virtual company dossier, an electronic document storage system or a prequalification system; or
- (b) a supporting document which the contracting authority already possesses.

Textual Amendments

- F1** Word in reg. 59 heading heading omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(40)(a)** (with Sch. paras. 3-5)
- F2** Word in reg. 59(1) omitted (31.12.2020) by virtue of [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(40)(b)** (with Sch. paras. 3-5)
- F3** Word in reg. 59(2)-(7) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(40)(c)** (with Sch. paras. 3-5)
- F4** Words in reg. 59(11)(a) substituted (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1319\)](#), regs. 1(2), **6(40)(d)** (with Sch. paras. 3-5)

Modifications etc. (not altering text)

- C1** Reg. 59 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **87(11)**
- C2** Regs. 57-60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **52(27)(a)**
- C3** Regs. 59 60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **87(10)(c)**
- C4** Regs. 59-61 applied (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **80(4)(a)**

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- C5** Regs. 59-60 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **80(4)(d)**
- C6** Reg. 59 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **52(27)(b)**
- C7** Regs. 59-61 applied (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **87(10)(a)**
- C8** Regs. 57-61 modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **80(4)(b)**
- C9** Reg. 59(8)-(11) applied (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **52(26)**
- C10** Reg. 59(9) modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **80(4)(e)**
- C11** Reg. 59(9) modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **87(10)(d)**
- C12** Reg. 59(9) modified (18.4.2017) by [The Utilities Contracts Regulations 2016 \(S.I. 2016/274\)](#), regs. 1(2), **52(27)(c)**

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