Release 17: New features and changes

The following notes provide a summary of the new features and changes in Release 17. They are listed under three main headings.

1) New dedicated support section

2) Effects of the revised public procurement legislation (BöB/VöB, IVöB) as of 1.1.2021

3) Changes to sustainability forms

The new release will be available from 22 December 2020, with a transitional period for publications that will run until 31 December 2020.

If you have any questions regarding the technical changes, please contact our Support Team (support@simap.ch) from 1 January 2021 via the support form provided for this purpose.

Lucio Sacino
Application manager simap.ch
## Release 17 – Contents

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1 New dedicated support section

Previously, users (competence centres, contractors, bidders etc.) were able to submit support requests on various parts of the simap.ch. However, they frequently found this decentralised structure confusing. To simplify matters, a dedicated Support section has been created and is displayed in the main navigation menu.
2  Effects of the revised public procurement legislation (BöB/VöB, IVöB) as of 1.1.2021

Below is a comprehensive overview of the changes to the forms and content on simap.ch in order to bring them into line with the recent legislative amendments (entry into force: 1.1.2021).

2.1  Scope of international treaties

'According to GATT/WTO agreement, respectively to the international treaties' which appears on the first page of all forms is replaced by 'Scope of international treaties'.

Public procurement
2.2 **Conditions for Non-Member States of the WTO Agreement**

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, 'Conditions for countries not party to the WTO agreement' is replaced by 'Conditions for tenderers from Non-Member States of the WTO Agreement on Government Procurement'.

2.3 **Essential requirements**

In the Prior information notice (OB00) and Invitation to tender (OB01) forms, 'Basic procedural principles' is replaced by 'Essential requirements'.

The contractor shall award this contract only to bidders who comply with the conditions stipulated in the tender documents and the legislation, in particular occupational health and safety regulations, rules on working conditions, equal pay regulations, as
2.4  Conduct of dialogue

A new section '3.13 Conduct of dialogue' (for the selective procedure, Section 3.16) has been added to the Invitation to tender (OB01) and the Prior information notice (OB00, Section 3.11) forms.

2.5  Price (total price)

'Price' has been replaced by 'Price (total price)'.

See Section 2.10 of the Invitation to tender form (OB01).
See Section 3.1 of the Contracts awarded form (OB02).

See also Section 3.2 of the Contracts awarded form (OB02).
2.6 Description of renewals/options

In the Invitation to tender form (OB01), the following fields have been amended:

2.8 'Description of renewals' and
2.9 'Options'

Line breaks are now enabled in both text fields.
2.7 Language of the procedure

A new mandatory field 'Language of the procedure' has been added to Section 3.10 in both the Invitation to tender (OB01) and Competition (OB07) forms. Additional information can now be entered in the new 'Remarks' field.

2.8 Already involved tenderers permitted to take part in the procedure

A new field 'Section 4.5: Already involved tenderers permitted to take part in the procedure' has been added to the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms.
2.9 Deadline for submitting offers

Section 1.4 'Deadline for submitting offers'

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, the deadlines have been amended:

Within the scope of international treaties:
- 40 days for the open procedure
- 25 days for the selective procedure
- 10 days where the 'Reduction of minimum period' box is checked

Outside the scope of international treaties:
- See the applicable legislation for open procedure minimum time periods
- 25 days for the selective procedure
- 5 days where the 'Reduction of minimum period' box is checked
2.10 New reasons for cessation

Two new reasons for cessation – listed under d) and e) – have been added to Section 3 of the Cessation form (OB04). All six reasons are listed: a) through to f).

2.11 Summary

In the Prior information notice (OB00), Invitation to tender (OB01) and Competition (OB07) forms, the (automatic) summary in French is no longer required for a publication within the scope of international treaties.

You can enter a summary at the 'Submit publication' stage, or at a later date in the Project Manager. Please note that if a publication within the scope of international treaties is issued in German or Italian, a summary in French or English must also be provided.

2.12 Subject and scope of the contract (new field)

- Prior information notice (OB00) – In Section 2.4 'Detailed task description' is replaced by 'Subject and scope of the contract'.
- Invitation to tender (OB01) – In Section 2.6 'Objects of procurement' is replaced by 'Subject and scope of the contract'.
- Participant selection (OB03) – In Section 2.1 'Task description' is replaced by 'Subject and scope of the contract'.

This change also applies to Section 2.2. of the Cessation (OB04) and Correction (OB06) forms.

The 'Subject and scope of the contract' field has been added to the Award form (OB02).
2.13 Price range of the received offers

A 'VAT' field has been added to the 'Price range of the received offers' field in the Award form (OB02).

Please note the addition of the legal text in the field: Not specified according to Art. 51 para. 4 lit. b PPA and Intercantonal Agreement on government procurement (IAGP).
2.14 On-site visit

In the Prior information notice (OB00) and Invitation to tender (OB01) forms, 'Negotiations' is replaced by 'On-site visit'.

Public procurement

With * marked data are compellingly necessary.

4. Other information

4.1 Conditions for tenderers from Non-Member States of the WTO Agreement on Government Procurement

4.2 Terms of business

4.3 On-site visit
2.15 Market access list

A link to a 'Market access list' has been added to the simap.ch landing page. It contains the names of countries that have committed to grant Switzerland access to their markets. The new ordinance (VöB) requires that this list is made public.
2.16 Lists of suitable tenderers (new page)

The competence centres may keep directories of bidders which, by virtue of their aptitudes, meet the award criteria for public contracts. The revised legislation requires that these lists are made public.

These lists can be consulted here:

Links are provided to lists created by the administrator in the given cantonal competence centre.

No link means that the administrator has not created a list.
Only **competence centre administrators** are authorised to create and publish a list of suitable tenderers.
2.17 Procedures for appeal

Federal contractors (central/decentralised) can now edit both the 'Procedures for appeal' field and the preloaded text. This change applies to the following forms:

- Invitation to tender (OB01)
- Contracts awarded (OB02)
- Participant selection (OB03)
- Cessation (OB04)
- Correction (OB06)
- Competition (OB07)
- Awarded competitions (OB08)
- Revocation (OB09)

Public procurement

Legal text for tenders within the scope of international treaties (WTO=YES)

In accordance with Art. 56 para. 1 of the Public Procurement Act (BöB), an appeal against this decision may be lodged in writing with the Federal Administrative Court, Postfach, 9023 St. Gallen, within 20 days of the notification of said decision. The appeal must be submitted in duplicate and must contain the application, a statement of reasons including evidence, as well as the signature of the person lodging the appeal, or their representative. A copy of the present decision and all available evidence must also be enclosed.

In accordance with Art. 56, para. 2 BöB, the provisions of the Administrative Procedure Act (VwVG) on the suspension of deadlines do not apply.

Legal text for tenders outside the scope of the international treaties (WTO=NO)

In accordance with Art. 56 para. 1 of the Public Procurement Act (BöB), an appeal against this decision may be lodged in writing with the Federal Administrative Court, Postfach, 9023 St. Gallen, within 20 days of the notification of said decision. The appeal must be submitted in duplicate and must contain the application, a statement of reasons including evidence, as well as the signature of the person lodging the appeal, or their representative. A copy of the present decision and all available evidence must also be enclosed.

In accordance with Art. 56, para. 2 BöB, the provisions of the Administrative Procedure Act (VwVG) on the suspension of deadlines do not apply. Based on Art. 52, para 2 BöB, an appeal may be lodged only for the purposes of establishing that the present decision violates federal law; it may not be lodged for the purposes of repealing the decision. Foreign contractors may only appeal if the state where they are domiciled grants reciprocal rights.

For publications of cantonal and communal contractors the 'Procedures for appeal' field has not been changed.
3 Changes to sustainability forms

Certain texts in the sustainability forms, depending on the category, have been changed/adapted. These are of relevance to federal contractors, both central and decentralised, namely: FOBL, FEDRO, armasuisse, ETHZ, EPFL, PSI, WSL, EMPA and Eawag.

3.1 Sustainability form NH01 – Goods and services

Step 3 – 4 textual amendments
Were other efforts made to determine adherence to the social criteria, incl. the equal pay for equal work provisions?*

- Yes
- No

If yes, which?

Note: Specialist departments include government agencies, control bodies with joint representation and equal opportunity organizations as specified in Art. 12 para. 5 BöB.

Multiple answers possible
- Specialist departments consulted
- Onsite audits / inspections
- Additional clarification

Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BöB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BöB)*

- Yes
- No

If yes, which?

Multiple answers possible
- By using the BKB’s self-declaration forms
- Through the provisions of the standard terms & conditions
- In the tender and performance specifications
- By using a draft contract agreement

Comment

Finish editing
Step 4 – new field / 6 textual amendments / 6 checkboxes have been deleted

Sustainability

Goods and services

Step 1  Step 2  Step 3  Step 4  Step 5

With * marked data are compellingly necessary.

Environmental criteria

a) How was compliance with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources ensured? (Art. 12 Abs. 3 (o) EU) *

- By using the EIKE’s self-declaration forms
- Through the provisions of the standard terms & conditions
- In the tender and performance specifications
- By using a draft contract agreement

Comment

Were environmental criteria specified?*

- Yes
- No

If yes, which?

Based on what criteria? (multiple answers possible)

- In the technical specifications
- In the contract award criteria
- Technical specifications (minimum requirement) and award criteria (better performance requirement) combined
- In the eligibility criteria

b1) What environmental criteria were required?

b2) What was the weighting of environmental criteria within the overall award criteria?

- [ ] from 100%
- [ ] Points sum [ ] points
- Not answerable
c) What documents did the bidder have to submit to prove that it met the environmental criteria?

Multiple answers possible

- Environmental label
- Additional documentary proof
- No proof

Was innovation in the field of environmental efficiency or renewable energy promoted within the scope of the procurement project?

- Yes
- No

How were innovations promoted?

- Through a functional tender announcement (Art. 29 para. 3 BöB)
- By allowing variants (Art. 33 BöB)
- Through the dialog (Art. 24 BöB)
- Other

Did the winning bidder meet environmental criteria better than the second-ranked bidder?

- Yes
- No
- Identical
Step 5 – 1 textual amendment and a new link
### 3.2 Sustainability form NH02 – Building construction: planning work and competitions

#### Step 3 – 3 textual amendments

**Social costs**

Was the KBOB planner contract regarding industrial safety regulations, working conditions and equal treatment agreed upon?

- [ ] Yes
- [ ] No

If not:

- [ ] Yes
- [ ] No

Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorization requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BBE)

- [ ] Yes
- [ ] No

Was the observance by the ILO core conventions for tenderers providing their services abroad required? (Art. 12 Abs. 2 BBE)

- [ ] Yes
- [ ] No

Was proof for the compliance with the social criteria incl. equal pay requested?

- [ ] Yes
- [ ] No

Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BBE) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BBE)

- [ ] Yes
- [ ] No

Were standards in the field of health, comfort and/or social criteria for the purchase of construction materials or respective labels and guidelines specified in the invitation to tender?

- [ ] Yes
- [ ] No
- [ ] Not relevant

**Explanations, e.g.**

- Standard sustainable construction
- Construction ecology: Eco
- Good indoor climate
- Further labels or standards:
- Daylighting
- Sound insulation measures
- Indoor contamination
- Building contaminants
- Thermal comfort
- Change of air

If one of the listed requirements was defined in the invitation to tender, the question can be answered with Yes.

**Comment**

...
Step 4 – new field

Sustainability

Building construction, planning work and competitions

Ecology criteria

Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BBE)

Were standards in the field of ecology required in the invitation to tender?*

Explanations, e.g.:
- Energy efficiency, minegrey, others
- Standard sustainable construction
- Construction ecology, Eco

Own standards on topics like:
- Water consumption
- Utilisation of rainwater
- Biodiversity

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

Support sustainable procurement

Do you consider the documents of KBOS and ECO Construction regarding sustainable procurement in the field of construction as sufficient?  

Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?

If one of the questions was answered with no. Please state possible improvements.
3.3 Sustainability form NH03 – Building construction: building work

Step 2 – 3 textual amendments

**Sustainability**

**Building construction, building work**

*With * marked data are compellingly necessary.*

**Guidelines / basics**

Is the KBOB recommendation (Sustainable Construction conditions for work performance (structural engineering) part of the contract)?

- Yes
- No

**Social costs**

Was the KBOB work contract regarding industrial safety regulations, working conditions and equal treatment agreed upon?

- Yes
- No

If not:

Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorization requirements under the Federal Act of 17 June 2006 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BGB)?

- Yes
- No

Was the bidder by the ILO core conventions for tendersers providing their services abroad required? (Art. 12 Abs. 2 BGB)?

- Yes
- No

Was proof for the compliance with the social criteria incl. equal pay requested?*

- Yes
- No

Was the bidder notified that all subcontractors fulfill are contractually bound (Art. 12 Abs. 1 – 3 BGB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BGB)*

- Yes
- No

Were standards in the field of health, comfort and/or social criteria for the purchase of construction materials or respective labels and guidelines specified in the invitation to tender?*

Explanations, e.g.
- Construction ecology: Eco / Eco-Design
- Good indoor climate
- KBOB recommendations sustainably procured wood
- Further standards

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

**Comment**

[Blank field]
Step 3 – new field

Sustainability
Building construction, building work

Ecology criteria

Were there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BGB)

Were standards in the field of ecology required in the invitation to tender?

Explanations, e.g.:  
- Construction ecology: Eco/ Eco-Deuts
- Good indoor climate
- KSDB recommendations sustainably procured wood
- KSDB recommendations concrete from recycled aggregate
- Further standards

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

Comment

Support sustainable procurement

Do you consider the documents of KSDB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?

Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?

If one of the questions was answered with no. Please state possible improvements.
### 3.4 Sustainability form NH04 – Civil engineering: planning work and competitions

**Step 3 – 3 textual amendments**

#### Sustainability

**Civil engineering, planning work and competitions**

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With * marked data are compellingly necessary.

#### Social costs

Was the KBOB planner contract regarding industrial safety regulations, working conditions and equal treatment agreed upon?

- Yes
- No

If not,

Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorisation requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BÖB)*

- Yes
- No

Was the absence by the ILO core conventions for tenderers providing their services abroad required? (Art. 12 Abs. 2 BÖB)*

- Yes
- No

Was proof for the compliance with the social criteria incl. equal pay requested?**

- Yes
- No

Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BÖB) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BÖB)

- Yes
- No

Were social standards specified in the invitation to tender?**

- Yes
- No

Explanations, e.g.
- None
- Safety

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes:

**Comment**

-  

**[Continue button]**
Step 4 – new field

### Sustainability

**Civil engineering, planning work and competitions**

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With * marked data are compellingly necessary.

#### Ecology criteria

Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BBO)

- [ ] Yes
- [ ] No

Were ecological standards specified in the invitation to tender?**

Explanation: e.g.
- Waste
- Waste management concept
- Water consumption

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

- [ ] Yes
- [ ] No
- [ ] Not relevant

**Comment**

- [ ] Support sustainable procurement

Do you consider the documents of KBOB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?

- [ ] Yes
- [ ] No

Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?

- [ ] Yes
- [ ] No

If one of the questions was answered with no. Please state possible improvements.

- [ ]
3.5 Sustainability form NH05 – Civil engineering: building work

*Step 2 – 3 textual amendments*

### Sustainability

#### Civil engineering, building work

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With * marked data are compellingly necessary.

**Guidelines / basics**

Are standards which specify sustainable solutions part of the contract?*

- Yes
- No
- Not relevant

**Social costs**

Was the KBOB work contract regarding industrial safety regulations, working conditions and equal treatment agreed upon?*

- Yes
- No

If not:

### Were the bidders required to comply with occupational health and safety regulations, rules on working conditions, as well as reporting and authorisation requirements under the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IWEA), and equal pay regulations as regards providers who deliver their services from within Switzerland? (Art. 12 Abs. 1 BIIb)?

- Yes
- No

### Was the adherence by the ILO core conventions for tenders providing their services abroad required? (Art. 12 Abs. 2 BIIb)?

- Yes
- No

### Was proof for the compliance with the social criteria incl. equal pay requested?*

- Yes
- No

### Was the bidder notified that all subcontractors it hires are contractually bound (Art. 12 Abs. 1 – 3 BIIb) to comply with the relevant social standards and environmental regulations? (Art. 12 Abs. 4 BIIb)?*

- Yes
- No

Were standards in the field of safety and/or social criteria for the purchase of construction materials or respective labels and guidelines specified in the invitation to tender?*

*Explanations, e.g.*

- Noise
- KBOB recommendations: procure sustainably produced wood
- others

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

**Comment**

[Comment field]

[Buttons: Cancel, Back, Continue]
Step 3 – new field

Sustainability

Civil engineering, building work

With * marked data are compellingly necessary.

Ecology criteria

Was there a requirement to comply with the legal provisions applicable at the place of performance with regard to the protection of the environment and the conservation of natural resources? (Art. 12 Abs. 3 BOB)

Yes □ No □

Were standards in the field of ecology, use of recycled materials and/or ecological criteria for the purchase of construction materials or respective labels and guidelines required in the invitation to tender?

Explanations, e.g.:
- Waste and waste management concept
- Water consumption
- Noise
- Air
- Soil protection
- KBCB recommendations sustainably procured wood
- KBCB recommendations concrete from recycled aggregate
- Others

If one of the listed requirements was defined in the invitation to tender, the question can be answered with yes.

Yes □ No □ Not relevant □

Comment

Support sustainable procurement

Do you consider the documents of KBCB and ECO Construction regarding sustainable procurement in the field of construction as sufficient?

Yes □ No □

Do you consider the documents of your organisation regarding sustainable procurement in the field of construction as sufficient?

Yes □ No □

If one of the questions was answered with no, please state possible improvements.

Comment

Cancel  ▼ Back  ▼ Finished