



Defence Materiel Organisation  
*Ministry of Defence*

## Selection Guide

Procurement Guidelines for the Selection Stage (including annexes) of the European public procurement by the Netherlands Ministry of Defence (NL MoD) for the delivery of Sports Utility Vehicles (SUV's) 4x4 Aftermarket Ballistic and Blast protected including parts supply, maintenance, repairs and technical support.

**Colophon**

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## **Reader's guide**

This European procurement will be conducted as a restricted procedure as described in paragraph 2.19 of the Netherlands Public Procurement Law for Defence and Security (ADV), which law implements the European Union public procurement directive in the field of Defence and Security (Directive 2009/81/EC).

This document represents the selection guide for a procurement on demand for the delivery of Sports Utility Vehicles (SUV's) 4x4 Aftermarket Ballistic and Blast protected a term of (4) years, including a Maintenance Agreement with parts supply, repairs and technical support for a period of nine (9) years starting at the purchase date of the first vehicle. The Maintenance Agreement can be prolonged two (2) times with a period of one (1) year. The purpose of this selection guide is to inform you about the scope of the project to enable you to decide whether or not to express interest to participate.

This selection guide will provide you an insight about the qualification criteria that will be applicable to the candidate as entrepreneur to be selected for the award phase of this procurement. Besides this, it will be indicated what documents are to be provided.

The aim of this European procurement procedure is the selection of a future supplier that will carry out the project in accordance with the agreement. This European procurement procedure is divided into 2 (two) stages; the selection stage and the award stage.

Detailed information about the award stage will only be provided to candidates that have been selected in the selection stage.

**Chapter 1:** provides general information.

**Chapter 2:** provides information about the scope of contract.

**Chapter 3:** provides general conditions relevant to this procurement including requirements applicable to candidate application.

**Chapter 4:** provides the suitability requirements and selection criteria that will be applicable to candidate as entrepreneur to be selected for the award phase of this procurement including the indication what specific documents are to be provided.

**Chapter 5:** Checklist

## DEFINITIONS AND ABBREVIATIONS

- Application: A request to participate submitted by a Candidate on the basis of this selection guide.
- Agreements: Both the Framework Agreement and the Maintenance Agreement together.
- Award Stage: The stage that begins upon completion of the Selection Stage and which can lead to selection of the Tenderer with the Most Economically Advantageous Tender (MEAT).
- Candidate: Interested industry party respectively parties that has/have submitted a Candidature for participation in the European procurement for the Project individually or as a group (i.e. as a 'Consortium').
- Consortium: A group of companies that has completed and signed the 'Declaration Of Consortium' (Annex B) for participation as a Candidate in this European procurement for the Project.
- Contracting Authority: Defence Materiel Organisation of the Netherlands Ministry of Defence.
- Framework Agreement: The Agreement for the delivery of the Project and related goods and services.
- Invitation to Tender: The invitation letter to the selected Candidates for submission of a tender, accompanied by the Procurement Guidelines part 2 – Award Stage including annexes.
- Maintenance Agreement: The Agreement concerning the performance of maintenance and related services and the delivery of goods.
- Selection Stage: The stage described in the Procurement Guidelines part 1 – Selection Stage as more specifically explained in chapter 4.
- Tenderer: A selected Candidate that submits a tender during the Award Stage in accordance with the Invitation to Tender and Procurement Guidelines part 2 – Award Stage.

## ABBREVIATIONS

- ADV: Dutch Public Procurement Law for Defence and Security
- AQAP: Allied Quality Assurance Publication
- ISO: International Standardization Organization
- DMO: Defence Materiel Organisation
- ITT: Invitation to Tender
- MEAT: Most Economically Advantageous Tender
- Q&A: Questions and Answers

## **1 Introduction**

The Ministry of Defence of the Netherlands on behalf of the Royal Netherlands Marechaussee intends to conclude a framework agreement for the delivery of Sports Utility Vehicles (SUV's) 4x4 Aftermarket Ballistic and Blast protected including parts supply, maintenance, repairs and technical support. The term of the framework agreement will be 4 years and the term of the maintenance agreement will be nine (9) years with the possibility to extend by two (2) periods of one year.

This European procurement will be conducted as a restricted procedure as described in paragraph 2.19 of the Netherlands Public Procurement Law for Defence and Security (ADV), which law implements the European Union public procurement directive in the field of Defence and Security (Directive 2009/81/EC).

This tender procedure has been divided into four (4) lots for delivery whereas each lot has a appurtenant Maintenance Agreement. As NL MoD finds it undesirable to have roles and responsibilities divided for a high security contract, it is not possible to tender for the Maintenance part separately.

### **1.1 Contracting Authority**

The Contracting Authority is the Defence Materiel Organisation (DMO) of the Netherlands Ministry of Defence. The DMO is responsible for the procurement of Defence materiel for the four (4) Operational Commands (Royal Netherlands Army, Royal Netherlands Air Force, Royal Netherlands Navy and Royal Netherlands Marechaussee). The DMO was established in December 2004 as a separate directorate of the Ministry of Defence. The DMO consists of civilians and military personnel from the navy, army, air force and military police. This consolidation of logistics and materiel expertise results in the procurement and major maintenance preparation of modern, safe and qualitatively good materiel. The disposal of materiel also falls under the responsibility of DMO. As such, the military personnel can concentrate fully on performing their assigned tasks. More information about the Ministry of Defence and the DMO is available on the website [www.defensie.nl](http://www.defensie.nl).

### **1.2 Tender procedure**

This restricted procedure is divided in two phases: the selection phase and the award phase. In the selection phase the DMO will first select the candidates. This selection will be based upon the qualification criteria stated in this document. Only candidates meeting these criteria will receive the request for quotation in the award phase.

In the award stage, the agreement will be awarded upon the 'the most economically advantageous tender' (MEAT). The award criteria for this tender are price, functional and technical added value.

### 1.3 Contact and Information

Should a candidate have any questions regarding the tender documents or discover any imperfections, procedural errors and/or contradictions, candidates are requested to express this (by mail or email) as soon as possible but not later than **March 10, 2017**. This period is required to give the DMO the opportunity to answer the questions, to investigate the objections and to give the candidates a reasonable period of time to incorporate any adjustments.

For the purpose of a clear and efficient Q&A it is required that all questions are stated in a format with the information as given below.

Document	Page	Paragraph Number	Question/ Remark
Selection guide	...	...	What is...
Annex ...	...	...	...

If, at a later stage, it would appear that imperfections, procedural errors and/or contradictions are in the tender documents, including annexes, and these errors have not been reported by the candidates, this will be interpreted in favor of the DMO. Manifest errors or omissions are not binding on the DMO.

All questions will be made anonymous and the questions and answers will be provided to all candidates at the same time in a Memorandum of Information which will be made available as soon as possible but not later than 6 calendar days before closing date, **March 21, 2017**.

The point of contact for this European procurement on behalf of the contracting Authority is:

Mrs. P.M.J. van der Steen  
P.O. Box 90822  
2509 LV Den Haag  
The Netherlands  
pmj.vd.steen@mindef.nl

Unless otherwise stated it is strictly prohibited to contact any other employee of the Ministry of Defence about this procurement and tender document. Violation of this condition may lead to exclusion of the candidate in question.

#### **1.4 Complaint procedure**

Should you have any complaint about the European procurement, you can submit it through the complaint registration point, email address: [aanbestedingsklachten@mindef.nl](mailto:aanbestedingsklachten@mindef.nl). You must clearly state which part or subject of tender is disputed and provide supporting argumentation. The complaint will be dealt with as soon as possible by an independent expert on tender procedures within the Ministry of Defence. You will receive his findings to your complaint through the point of contact as mentioned in paragraph 1.3 of this Selection Guide. Before submitting a complaint, you are requested to make use of the time available for submitting requests for information. Before filing a complaint please make sure that First of all questions are asked within the time frame mentioned in paragraph 1.5.

## **2 General Conditions**

In this chapter you will find relevant conditions which the Contracting Authority prescribes for your Candidature. In the following chapters you will find the detailed conditions for selection. The European procurement under the Restricted procedure is divided in two stages: the Selection Stage and the Award Stage.

The Selection Stage started on February 23, 2017 the date of publication on TenderNed. In the Selection Stage the Contracting Authority will first select the Candidates on the basis of the criteria stated in this document. The selection procedure is described in chapter 4 hereof. Only Candidates that are not excluded and meet the criteria for qualitative selection, will receive the Invitation to Tender (ITT) for the Award Stage.

In the Award Stage the contracts will be awarded on the basis of the Most Economically Advantageous Tender (MEAT). MEAT means the best score for price and quality based on award by value. Award by value uses virtual discounts on the offered price, based on the desires in the Program of Requirements, to determine the ranking.

### **2.1 Closing date and how to submit request to participate**

The closing date for submission of the request to participate is **March 27, 2017** 14:00 hours (local time). Delayed registrations will not be accepted and will be returned to sender unopened. Candidates shall choose one single way of delivery.

#### **Delivery by email**

The request to participate must be sent by using the following email address:

[Offertes.DMO@mindef.nl](mailto:Offertes.DMO@mindef.nl)

Please note that each separate email may not exceed 5 Mb in total.

Candidates shall clearly indicate if the request to participate consists of more than one email message. Because of IT-policy, any password protected file will be bounced without notice to sender. Candidates are requested to inform the point of contact mentioned in paragraph 1.3 in case a candidate wishes to send the request to participate by email.

## **2.2 Consortium of candidates**

A candidate can submit a request to participate independently or together with other suppliers as a so-called consortium. If a candidate is a consortium, each member of that consortium must declare itself jointly and severally liable for fulfilling the obligations arising from this European procurement and, if applicable, for complete and correct execution of the contract. They must also state which member leads the consortium and will be the authorized representative for contact with the Contracting Authority. Every consortium member, along with the other member(s), shall have the declaration as provided in Annex B 'Declaration of Consortium' signed by its legally authorized representative.

Please note that it is not permitted to change the members of the consortium during the European procurement.

## **2.3 Language**

All tender documents are only available in the English language. Any translation of this selection Guide document is at sole risk for the candidate. Requests to participate may only be submitted in the English language.

## **2.4 Termination of tender procedure**

The DMO has the intention to finalize the whole tender procedure in a successful way, which is the case when this tender procedure leads to the procurement and maintenance of Sports Utility Vehicles (SUV's) 4x4 ballistic and blast protected.

However, circumstances (for example political or financial) may force the DMO to bring the tender procedure to a premature complete or partial termination or a (temporary or final) standstill. Candidates are not entitled to any compensation for costs related to the issuing of selection documents and/or proposals. The candidates and/or tenderers will receive written notice from the Contracting Authority in the event of discontinuation of this procurement, or its suspension or of the decision not to award the contract.

## **2.5 Confidentially**

By participating in this European tender, candidates are obliged to keep all information they will receive from the DMO and all information they will supply to the DMO or produce within the framework of this tender confidential and to not share it with third parties, unless such information is freely available in the public domain. Candidates are, however, allowed to supply such information to employees or sub-contractors who are involved in this European tender, subject to this confidentiality obligation. This obligation does not apply if the tender documents or other information from the DMO explicitly state the opposite.

## **2.6 Applicable law**

This tender procedure is governed by Netherlands law. All disputes in connection with this tender procedure or related agreement(s) shall be settled by the competent court in The Hague.

## **2.7 Intellectual property**

The intellectual property of the tender documents is vested in the DMO. Unless otherwise provided by Netherlands law, no part of these tender documents may be copied or reproduced for purposes other than this European tender without the written permission of the DMO.

## **2.8 Grounds for exclusion**

Requests to participate which do not meet the following criteria shall be excluded from the further tender procedure:

- the request to participate is not delivered before the tender deadline stated in par. 2.1;
- the requested information is not complete, under reservation or inaccurate;
- the request to participate is not signed by a legal representative;
- the request to participate does not contain the required forms as explicitly stated in this selection guide.

## **2.9 Industrial Participation**

On this procurement Industrial Participation (IP) requirements will be applicable. Only those candidates selected during this tender procedure, will be contacted by the Commissariat for Military Production of the Ministry of Economic Affairs with further information about the IP procedure and terms and conditions.

### **3 Scope of the contract**

#### **3.1 Scope of the contract**

In this chapter a general description is given of the scope of the contract which is subject to this tender. The detailed description of the scope of the contract shall will be provided to the selected candidates in the award phase of this restricted procedure, by means of a request for quotation.

The purpose of the project is to conclude a framework agreement for the delivery of Sports Utility Vehicles (SUV's) 4x4 Aftermarket ballistic and Blast protected with a duration of 4 years. A maintenance agreement is concluded simultaneously including on demand provision of spare parts, maintenance, repair and technical support for a period of nine (9) years starting at the delivery of the first vehicle. This maintenance agreement can be prolonged by two (2) times with a period of one (1) year.

The minimum requirements of the Sports Utility Vehicles (SUV's) 4x4 Aftermarket ballistic and Blast protected are:

The design, production and delivery of civilian aftermarket-armoured 4WD Sports Utility Vehicles, certified protected against ballistic and blast threats at various protection levels. The unarmoured base vehicles will have either a Gulf Cooperation Council (GCC) or a European specification, depending on their final destiny.

The vehicles, at first glance, shall be identical with a non-armoured version and shall blend into general traffic. The vehicles have to be left hand drive (LHD) and have to seat four people with luggage. The vehicles shall have a Life of Type (LOT) of 5 years and shall be fully prepared for the plug & play installation of a 12V radiotelephone set and a 24V military communication set (the latter for GCC vehicles only).

The vehicles will be driven by specially trained military police personnel and will be mainly used for VIP-transportation, (high-speed) convoy-driving, stationary over watch, quick response alert, airport surveillance, traffic control and short-haul patrols.

The European exhaust emissions standard specifies compliance with Euro 6 limits. A compliance deviation concerning this standard will be accepted although limited to Euro 5 (vehicles with European specification only).

The total amount of vehicles that will be ordered within the framework agreement cannot be determined exactly while future developments with regard to the overall security situation are very hard to predict. However based on the number of current vehicles that need replacement, already identified new requirements and a best practice assessment of additional future needs, the total amount could add up to approximately 70 units, more or less equally divided in four (4) lots. The vehicles will be ordered mostly in batches of approximately 3-16 units each from the lot of choice and built upon ordering. The candidates cannot reserve any rights from this numbers.

This tender also comprises the associated logistics of the vehicles consisting of parts supply, maintenance, repairs and technical support under a separate maintenance agreement.

### **3.2 Division into lots**

This tender will be divided in lots:

Lot 1: Sports Utility Vehicles (SUV's) 4x4 ballistic and blast protected BRV 2009 VR9 Gulf specification

Lot 2: Sports Utility Vehicles (SUV's) 4x4 ballistic and blast protected BRV 2009 VR10 Gulf/Europe specification

Lot 3: Sports Utility Vehicles (SUV's) 4x4 ballistic and blast protected BRV 2009 VR7 Europe specification

Lot 4: Sports Utility Vehicles (SUV's) 4x4 ballistic and blast protected BRV 2009 VR9 Europe specification

A selected candidate can tender on all four (4) lots. A selected candidate can be awarded all four (4) lots.

## **4 Selection**

This chapter reflects the grounds for exclusion, suitability requirements and selection criteria that will be applicable to any candidate in order to be qualified for the award phase. With any requirement it will be indicated what documents are required to be provided with Candidate's request to participate. If one or more of the exclusion criteria apply to a Candidate, the Candidature may be excluded from further assessment.

### **4.1 Compulsory grounds for exclusion**

The Candidate must declare, conform Article 2.76 of the ADV, by submitting Annex A – Declaration on criteria for qualitative selection, that the under part A stated compulsory grounds for exclusion are not applicable.

Within 10 working days upon the Contracting Authority's first written request, the Candidate will submit the necessary official items of evidence (issued by the competent authorities) to demonstrate lack of applicability of the mandatory grounds for exclusion. An official item of evidence comprises a Declaration of Conduct for Tenders/Declaration of Conduct (Gedragsverklaring Aanbesteden). The Declaration of Conduct for Tenders must not be more than two years old, the Gedragsverklaring Aanbesteden must not be more than one year old. Comparable declarations from the competent authorities in the country where the Tenderer is located are also acceptable.

If a Candidature is submitted by a so-called Consortium, each member of the Consortium must submit a legally signed copy of Annex A, respectively submit the necessary official items of evidence.

#### **4.2 Discretionary grounds for exclusion**

The Candidate must declare, conform Article 2.77 of the ADV, by submitting Annex A – Declaration on criteria for qualitative selection, that the under part B stated discretionary grounds for exclusion are not applicable.

Within 10 working days upon the Contracting Authority's first written request, the Candidate will submit the necessary official items of evidence conform Article 2.79 of the ADV (issued by the competent authorities) to demonstrate lack of applicability of the discretionary grounds for exclusion. Candidates must submit evidence according the national applicable law of the country of origin.

If a Candidature is submitted by a so-called Consortium, each member of the Consortium must submit a legally signed copy of Annex A, respectively submit the necessary official items of evidence.

#### **4.3 Suitability requirements**

The Candidate must declare, by submitting Annex A – Declaration on criteria for qualitative selection, that the under part C stated suitability requirements are fulfilled.

##### **4.3.1 Enrolment on a professional or trade register**

Candidates must declare in part C of the 'Declaration on criteria for qualitative selection' (Annex A) to be registered in a professional or trade register.

Evidence: the extract from the professional or trade register or a corresponding register from the country of establishment of the Candidate's company. This must be a certified paper copy. This extract must be legally signed (not a digital signature) and not be older than six (6) months, calculated from the closing date of this Selection Guide.

If a Candidate is a consortium, the members of the Consortium must collectively provide this document.

Within 10 working days upon the Contracting Authority's first written request, the Candidate will submit the necessary official items of evidence.

##### **4.3.2 Technical and professional ability**

###### **A. Quality Management System**

The Candidate must declare in part C of the 'Declaration on criteria for qualitative selection' (Annex A) that its quality management system is compliant with the requirements of ISO 9001:2008 or ISO 9001:2015 with the scope design and production of armoured vehicles, or have a (QMS) based on equivalent quality assurance requirements. Furthermore

the requirements of the Allied Quality Assurance Publication (AQAP 2110) will be applied during the execution of this frame work agreement.

For this purpose the candidate shall provide a valid copy of its (QMS) certificate or otherwise provide evidence drawn up by an independent accredited body attesting the compliance of an equivalent (QMS) with ISO 9001:2008 or ISO 9001:2015.

In case the candidate consists of a consortium of companies (i.e. joint venture or any other form of cooperation, not meaning a supplier – sub supplier relation), all participants of that joint venture shall legally sign the Annex A "Declaration on criteria for qualitative selection" . All participants shall provide actual proof of compliancy to the above stipulated (QMS) requirements for his own specific part of the scope. They will do so by providing a valid copy of their (QMS) certificate(s) or in case of an equivalent (QMS) provide evidence drawn up by an independent accredited body attesting the compliance of an equivalent (QMS).

The Contracting Authority reserves the right to verify during the selection stage whether the (QMS) of the selected candidate is sufficiently implemented and meets the requirements of ISO 9001:2008 or ISO 9001:2015 or the equivalents. Such verification is conducted by the DMO/Government Quality Assurance Division.

The Contracting Authority reserves the right to demand oversight by a Government Quality Assurance Representative (GQAR) during the execution of a future contract.

Contrary to the requirement in Annex A part C, the Candidate has to submit the necessary official items of evidence with respect to his QMS directly with his application (see also checklist paragraph 5).

## **B. Serial production**

The candidate must demonstrate that he possesses the following (core)competence to perform the contract:

The candidate must have experience with in-house design, development and series (more than 5 units) production of ballistic-protected SUVs. The candidate has designed, developed, manufactured and delivered in series during the past four (4) years from the closing date of the selection phase a number of at least 32 not necessarily identical units of ballistic-protected SUVs. For showing this core competency a plurality of separate orders of different size with various levels of ballistic protection may be combined. The stated number of 32 pieces is based on the fictional lot size of 16 units used in this tender, multiplied by 2, which also shows that the candidate has sufficient production capacity to simultaneously perform multiple orders.

Contrary to the requirement in Annex A part C, the Candidate has to submit the necessary official items of evidence with respect to his serial production directly with his application (see also checklist paragraph 5).

### **C. Facilities**

The candidate must demonstrate that he possesses the following (core) competence to perform the contract at the latest at the closing date of the selection phase:

The candidate has to demonstrate that he has the following facilities at his disposal to successfully carry out this contract if and when it has been awarded to him.

- The candidate has to demonstrate that he has a production facility with a minimum capacity of two (2) units (vehicles) per week or a production facility that can be scaled up to a capacity of two (2) units per week within a reasonable period of time.
- The candidate has to demonstrate that he has a design facility with at least one experienced engineer with the relevant sphere of activity who designs parts, composite components and subsystems of armoured solutions, using computer-aided design tools such as AutoCAD, Inventor, AUTODYN or equivalent, including test simulations and design of the actual production and assembly process.
- The candidate has to demonstrate that he has a maintenance facility including spare parts warehouse with an adequate human and technical capacity to deliver on-demand preventive maintenance, corrective maintenance, damage repair and to deliver spare parts all over the world for 32 units during their lifetime.

Contrary to the requirement in Annex A part C, the Candidate has to submit the necessary official items of evidence with respect to his facilities directly with his application (see also checklist paragraph 5).

#### **4.3.3 References**

To prove that the candidate complies to the requirement in paragraph 4.2.1 B (serial production) the candidate must submit reference project(s), using Annex C 'Model Reference Contracts'.

To prove that the candidate complies to the requirement in paragraph 4.2.1 C (facilities) the candidate must submit a description of the facilities, on free format with a maximum of four (4) pages.

The information submitted in Annex C 'Model Reference Projects' must include sufficiently detailed explanations of the respective reference projects to give the Contracting Authority a clear impression of the reference projects and to enable the Contracting Authority to assess the reference projects. To this end, if possible, use should be made of 'hard, verifiable data' (i.e. euro amounts, number of units delivered).

Conditions to provision of references from contracts performed in the past:

- in case a not (entirely) finalized contract is used, it is only allowed to state the actual achieved results of the current contract and it is not sufficient to state only the prognosis of the expected result;
- a public or private reference may only be used one single time;
- the reference from contracts performed in the past may not be older than four years calculated from the closing date of this selection guide.

References from contracts performed in the past that do not meet the above mentioned (core) competence and requirement are void and will not be taken into consideration for evaluation purposes.

DMO reserves the right to contact the provided references to verify the accuracy of the provided references, without any obligation to notify the relevant candidate in advance. The information submitted in Annex B "Model reference contract" must include sufficiently detailed explanations of the reference contracts performed in the past to provide the DMO a clear understanding of the reference contracts performed in the past and to enable the DMO to assess the reference contracts performed in the past. The candidate must provide the reference contract(s) by the provision (per reference) of the information in conformity with Annex B "Model reference contract". The DMO must be enabled to assess the reference projects. In case the DMO will not be permitted to contact the references, the provided reference is void and will not be taken into consideration for evaluation purposes.

In case the candidate wishes to use the professional ability of a third party (mother / holding company he is part of or another natural person or legal body), in order to prove compliancy of the requirements regarding reference contracts performed in the past, the candidate shall clearly state this in Annex D the "Declaration availability capacities and resources third party". In case of subcontracting the candidate shall provide a statement of disposition signed by the subcontractor that clearly confirms that the candidate has the actual disposition of the effort/commitment of the subcontractor. This relationship may be not changed in the award phase.

If the candidate has indicated (Annex A 'Declaration on criteria for qualitative selection') that the request to participate is submitted by a consortium, each member of the consortium must indicate Annex A 'Self - Declaration' the requirement which it complies to. If candidate is a consortium, the members of the consortium must collectively fulfil the requirements of the reference contracts performed in the past, on the understanding that it must be demonstrated that the member concerned actually performed the relevant expertise.

#### **4.4 Exclusion of candidate application**

Disregarding one or more of the here before mentioned grounds for exclusion and requirements for suitability, required evidence that is not, not timely or incompletely provided, will lead to exclusion of the candidate.

#### 4.5 Selection-criteria

For this procurement procedure no further selection criteria have been drawn up. All candidates may submit a request to participate but only those who are not excluded according to par. 2.8 and meet the selection criteria described in par. 4.1, 4.2 and 4.3 of this chapter shall receive a request for quotation.

#### 4.6 Selection notice and stand still period

The DMO will notify all candidates simultaneously of the selection decision including its justification of motivation. This notification will be in writing and be sent in any case by electronic means.

Candidates can take legal action against the DMO's selection decision. If a candidate wishes to do so, he should start summary / interlocutory proceedings before the Court in The Hague, the Netherlands, within a period of 15 calendar days after dispatch of the notification of the selection decision. This legal action has to be evidenced by submission of a copy of the summons to the DMO within the period mentioned. In such case the DMO shall not proceed with the contract award stage until the Court has decided. If no such proceedings have been initiated before expiration of the above mentioned period, candidates lose their right to dispute the DMO's selection decision.

Should the DMO find any mistake or omission in the procurement procedure, or come to the conclusion that a complaining candidate is right without being compelled to wait for a court decision, if any, the DMO is entitled to reconsider its selection decision of its own accord. In this case the selected candidates cannot claim any indemnification.

### 5 Checklist

All requests to participate should be submitted in an organized manner. The responsibility of completeness of the documents remains with the candidate. The table below gives an example of how the requested documents could be organized.

*please refer to with application on-demand*

TAB 1	Consortium Statement (if applicable) (Annex B)	Par. 2.2	x	
TAB 2	A Declaration of Conduct for Tenders/Declaration of Conduct (Gedragsverklaring Aanbesteden)	Par. 4.1		x
TAB 3	Declaration on criteria for qualitative selection (Annex A)	Par. 4	x	
TAB 4	Evidence conform Article 2.79 of the ADV	Par. 4.2		x
TAB 5	Facilities	Par. 4.3.3	x	
TAB 6	Declaration availability capacities and resources third party	Par. 4.3	x	
TAB 7	Enrolment on a professional or trade register	Par. 4.3.1		x
TAB 8	QMS	Par. 4.3.2A	x	
TAB 9	Serial production (Annex C)	Par. 4.3.3	x	

In the event of a consortium of companies, it is required that, where applicable, each member provides the required information/statement.

## ANNEX A Declaration on criteria for qualitative selection

THIS DECLARATION ON CRITERIA FOR QUALITATIVE SELECTION MUST BE SIGNED AND SUBMITTED BY CANDIDATES REQUESTING TO PARTICIPATE IN THE FRAMEWORK AGREEMENT FOR THE DELIVERY OF SPORTS UTILITY VEHICLES (SUV's) 4x4 AFTERMARKET BALLISTIC AND BLAST PROTECTED WITH A DURATION OF FOUR YEARS INCLUDING A MAINTENANCE AGREEMENT FOR PARTS SUPPLY, REPAIRS AND TECHNICAL SUPPORT FOR A PERIOD OF 9 YEARS WITH THE POSSIBILITY TO EXTEND BY TWO TIMES ONE (1) YEAR.

IF APPLICABLE, EVERY MEMBER OF A CONSORTIUM HAS TO COMPLETE, SIGN AND SUBMIT THIS DECLARATION AS WELL.

Company name of Candidate<sup>1</sup>: .....

Registered address: .....

.....

.....

Country: .....

Correspondence address: .....

.....

.....

Country: .....

Name of Candidates' contact person:  
.....

Telephone number and email address  
of Candidate's contact person (Tel) .....  
(Email) .....

Enrolment on a professional or  
trade register: .....

(If applicable) other members of the  
Consortium .....  
.....  
.....

(If applicable) name of the penholder  
of the Consortium .....

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<sup>1</sup> In case of a Consortium, also state the name of the Consortium

**PART A: COMPULSORY GROUNDS FOR EXCLUSION**

**IMPORTANT NOTICE:** The Contracting Authority may be required by Article 2.76 of the ADV to exclude a Candidate from participating in this European procurement. In the event any of the following questions is answered with "Yes", please set out (in a separate annex) full details of the relevant conviction and any remedial action(s) taken subsequently. The information provided will be taken into account by the Contracting Authority in considering whether or not to apply the derogation at Article 2.78 of the ADV.

Please state 'Yes' or 'No' to each question.

<b>Has Candidate, or any of Candidate's directors, been convicted of any of the following offences on the understanding that it concerns convictions by a court which have become irrevocable in the past four years</b>	<b>Answer</b>
(a) participation in a criminal organisation	
(b) corruption	
(c) fraud	
(d) terrorist offences or offences linked to terrorist activities	
(e) money laundering or terrorist financing	

**PART B: GROUNDS FOR DISCRETIONARY EXCLUSION**

**IMPORTANT NOTICE:** The Contracting Authority is entitled by Article 2.77 of the ADV to exclude a Candidate from participating in this European procurement if any of the following apply. In the event that any of the following do apply, please set out (in a separate annex) full details of the relevant incident and any remedial action(s) taken subsequently. The information provided will be taken into account by the Contracting Authority in considering whether or not to apply the derogation at Article 2.78 of the ADV.

Please state 'Yes' or 'No' to each question.

<b>Is Candidate, including any of Candidate's directors as far as sub (b) is concerned:</b>	<b>Answer</b>
(a) bankrupt or being wound up, suspending its business activities, or is Candidate's affairs being administered by a court; has Candidate entered into an arrangement with creditors, or is he in any analogous situation arising from a similar procedure under national laws and regulations?	

(b) convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning professional conduct, such as, for example, infringement of existing legislation on the export of defence and / or security equipment in the past four years?	
(c) guilty of serious misrepresentation in providing information to a public buying agency, or has Candidate not supplied such information?	

<b>Has Candidate, including any of Candidate's directors as far as sub (c) is concerned:</b>	<b>Answer</b>
(d) failed to fulfil obligations relating to the payment of taxes and / or social security contributions in accordance with the legal provisions of the Netherlands or of the country in which Candidate's organisation is established ?	
(e) been found not to possess the reliability necessary to exclude risks to the security of a European Union Member State, on the basis of any means of evidence including protected data sources ?	

**PART C: SUITABILITY REQUIREMENTS**

The undersigned hereby declares that:

- The Candidate meets the requirements as stated in paragraph .. of the Selection Guide / Procurement Guide on technical and professional competence.
- The Candidate is enrolled on a professional or trade register or establishment as stated in paragraph ... of the Selection Guide / Procurement Guide in order to pursue its professional activity.
- The Candidate meets the requirements as stated in paragraph ... of the Selection Guide / Procurement Guide on quality management systems standards.
- .....

Within 10 working days upon the Contracting Authority's first written request, the Candidate will submit the necessary official items of evidence (issued by the competent authorities) to substantiate any of the above cases mentioned under Part A, B and/or C.

**THIS DECLARATION MUST BE SIGNED BY A DULY AUTHORISED OFFICER OF THE CANDIDATE'S ORGANISATION.**

I certify that the information provided above is accurate and complete to the best of my knowledge and belief.

I understand that the provision of inaccurate or misleading information in this declaration may lead to my Organisation being excluded from participation.

Signature .....	Date .....
Name .....	Tel .....
Position .....	Email .....

**ANNEX B DECLARATION OF CONSORTIUM**

Declaration in support of tender 'SUV's Ballistic and blast protected'

The undersigned hereby declare to be jointly and severally liable for fulfilling the obligations arising from this European procurement and, if applicable, for full and proper performance of the Agreement.

The undersigned also declare that company ..... (Consortium party 1) leads the consortium (i.e. as coordinator) and will be the authorised representative for contact with the Contracting Authority.

<b>Legally valid signature (coordinator / Consortium party 1)</b>	
Name	
Company name	
Position	
Place and date	
Signature	

<b>Legally valid signature (Consortium party 2)</b>	
Name	
Company name	
Position	
Place and date	
Signature	

<b>Legally valid signature (Consortium party 3, etc.)</b>	
Name	
Company name	
Position	
Place and date	
Signature	

**ANNEX C MODEL REFERENCE CONTRACTS**

<b>Information of principal</b>		
<b>1.</b>	Name of principal	
	Address	
	Postal code and place	
	Country	
<b>2.</b>	Point of contact of principal	
	Position	
	Phone number	
<b>3.</b>	Type of organisation (public/private)	
	Size (staff / financial)	
<b>4.</b>	Signature of principal:	
<b>Contract details</b>		
<b>5.</b>	Description and reference number of the contract	
<b>6.</b>	Contract value	
<b>7.</b>	Term of validity of contract	
<b>8.</b>	Achieved results (realized delivery times etc.)	
<b>Competence</b>		
<b>9.</b>	Declare which of the required core competences, candidate wants to demonstrate with this reference:	

**ANNEX D DECLARATION AVAILABILITY CAPACITIES AND RESOURCES THIRD PARTY**

The undersigned:

....., located at ....., duly represented by its director ....., hereinafter "the Candidate"

and

....., located at ....., duly represented by its director, ....., hereinafter. "the third party"

Whereas:

- the Candidate is competing to be selected for participation in the European procurement by the Netherlands Ministry of Defence for the delivery of Sports Utility Vehicles (SUV's) 4x4 Aftermarket Ballistic and Blast protected including parts supply, maintenance, repairs and technical support;
- the Candidate in the context of the aforementioned selection will rely on the technical and professional competence of the third party with respect to Chapter 4 of the Selection Guide in order to meet the eligibility requirements,

declare to have agreed as follows:

The Candidate relies on the following technical and professional competence of the third party with respect to Chapter 8 of the Selection Guide in order to meet the eligibility requirements:

- 
- 

The third party guarantees to be at Candidate's disposal with all necessary capacities and resources, with respect to the aforementioned applicable eligibility requirements, to be used for the execution of the Agreements in case the Agreements will be awarded to the Candidate.

The Candidate

The third party

Name

Name:

Date:

Date:

Place:

Place:

Signature:

Signature: