



Royal Netherlands Navy

E-UWT (Emergency Underwater Telephone)

Selection Guide European Procurement

Procedure	Negotiated procedure with publication of a contract notice according to the "Aanbestedingswet op Defensie- en Veiligheidsgebied" (ADV)
Organisation	Ministry of Defense of The Netherlands
Contracting Authority	Commando Zeestrijdkrachten (CZSK), the Royal Netherlands Navy,
Reference no.	Z14/H/4503368
Date	June 19, 2017
Point of Contact	B. Kloosterziel
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ATTACHMENTS :

- Attachment 1: Self-Declaration
- Attachment 2: Model Reference Projects
- Attachment 3: Declaration of Consortium
- Attachment 4: Reply Envelope Copy



READER'S GUIDE

This document is the Procurement Guidelines part 1 – Selection Stage (hereinafter Selection Guide) for the European procurement for the Emergency Underwater Telephone project, hereinafter: the Project.

The purpose of this Selection Guide is to provide sufficient information about the Project to make a well-informed decision whether or not to participate as a Candidate for the Selection Stage of this Project.

The purpose of the European procurement procedure is the selection of a supplier that will carry out the Project in accordance with the Agreements. This European procurement procedure is divided into two stages: the Selection Stage (part 1) and the Award Stage (part 2). Detailed information about the stage following the Selection Stage will be provided in a later stage of this European procurement.

Chapter 1 describes the Contracting Authority and the point of contact for this procurement.

Chapter 2 provides general information concerning the procedure, administrative procedures and requirements related to the candidature.

Chapter 3 describes the scope of the project.

Chapter 4 deals with the selection criteria, eligibility requirements established by the Contracting Authority to be met by the Candidate to come to selection of suitable Candidates for the Award Stage.

Chapter 5: deals with a global overview of the elements of the award phase. These will be further detailed and formalized in the Award Guide that will be published as a part of the award phase.



DEFINITIONS AND ABBREVIATIONS

DEFINITIONS

- 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' (Attachment 3) for participation as a Candidate in this European procurement for the Project.
- Contracting Authority: Commando Zeestrijdkrachten (CZSK), that is the Royal Netherlands Navy, a part of the Netherlands Ministry of Defence.
- 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 attachments.
- 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: Aanbestedingswet Defensie en Veiligheid (Dutch Public Procurement Law for Defence and Security)
- AQAP: Allied Quality Assurance Publication
- CZSK: Commando Zeestrijdkrachten (The Royal Netherlands Navy)
- DMI: Directie Materiële Instandhouding (Directorate of Materiel Maintenance) of the Royal Netherlands Navy
- DMO: Defence Materiel Organisation
- E-UWT: Emergency Under Water Telephone
- ITT: Invitation to Tender
- MEAT: Most Economically Advantageous Tender



CHAPTER 1 INTRODUCTION

The Contracting Authority hereby invites you to participate in the procurement for the:

“E-UWT (Emergency Underwater Telephone)”

as stated in chapter 3. Your candidature will be evaluated according to the conditions as mentioned in this Selection Guide. This European procurement will be conducted as a ‘Negotiated procedure with publication of a contract notice’, as described in section 2.2.1 of the Dutch 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).

By submitting a Candidature, the Candidate agrees to the entire content of this Selection Guide including the annexes.

1.1 Contracting Authority

The Contracting Authority is the Commando Zeestrijdkrachten (CZSK), that is the Royal Netherlands Navy, a part of the Netherlands Ministry of Defence.

More information about the Royal Netherlands Navy and the Ministry of Defence is available on the website www.defensie.nl.

1.2 Schedule

This European procurement is initiated with the publication of the procurement notice for the Project on Tendered, (<https://www.tenderned.nl>) and Tenders Electronic Daily (TED), <http://ted.europa.eu> and is scheduled as follows:

Step	Date / Description
1. Publication/Invitation for your candidature	June 19, 2017
2. Last opportunity to send in questions for candidate	July 06, 2017 until 14.00 hrs.
3. Publication Memorandum of Information	July 14, 2017, or earlier
4. Closing date for your candidature	July 21, 2017 at 14.00 hrs.
5. Evaluation of applications	The candidatures received will be evaluated against the criteria.
6. Notice of rejection	Candidates that do not pass the selection criteria will be informed on their rejection.
7. Sending of Invitation to Tender	The Invitation to tender with the Award Stage documents will be sent to the candidates that pass the selection criteria (Tenderers) directly.



Dates and Times for step 2 and 4 are deadlines for all candidates to which no exception will be allowed.

No rights can be derived from the above planning by candidates or any other person or entity. CZSK reserves the right to change this planning at any moment.

1.3 Information concerning the Procurement

Should you have any questions regarding the Selection Documents or need any other information that is relevant to your Candidacy, you are invited to express this in writing (by post or e-mail) to the point of contact mentioned hereunder in Section 1.4, as soon as possible but not later than the moment specified in Step 2 of the planning in Section 1.2.

All questions that are received on-time will be made anonymous and answered in a Memorandum of Information which will be made available to all Candidates as soon as possible, but not later than the moment specified in Step 3 of the planning in Section 1.2.

1.4 Other communications and Point of contact

Should you discover any imperfections, procedural errors and/or contradictions in the Selection Documents, you are requested to express this in writing (by post or e-mail) the point of contact mentioned hereunder in Section 1.4 as soon as possible but not later than 15 calendar days before the closing date of this selection procedure as mentioned in section 2.1. This period is required to give the Contracting Authority the opportunity to answer the questions, to investigate the remarks and to give the Candidates a reasonable period of time to incorporate any adjustments.

All questions that are received on-time will be made anonymous and answered in a Memorandum of Information, or an addition to this document, which will be made available to all Candidates.

Imperfections, procedural errors and/or contradictions in the selection documents, including annexes, not reported by the Candidates, or reported too late, will be interpreted in favor of the Contracting Authority. Manifest errors or omissions in the text of the Tender Documents are not binding on the Contracting Authority.

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

Commando Zeestrijdkrachten,
Procurement Department,
F.a.o. Mr. ing. B. Kloosterziel LL.B.,
Rijkszee- en Marinehaven 1
Postbus 10.000
1780 CA DEN HELDER
E-mail: InkoopML@mindef.nl
C.c.: b.kloosterziel@mindef.nl



Fax number: +31 (0) 223-651606

For this European procurement it is not allowed to contact any other person within the Ministry of Defense of the Netherlands, unless explicitly allowed in this Selection Guide and/or the attachments thereof.

1.5 Complaint procedure

Complaints with regard to this negotiated procedure with publication of a contract notice, if any, should be addressed through the information procedure first and will be answered in the Memorandum of Information. In case the answer provided is unsatisfactory for the Candidate, a complaint can be addressed to the complaints reporting point at the following e-mail address: aanbestedingsklachten@mindef.nl. The complaint mechanism will review your complaint independently and objectively.

Complaints can be handed in in writing only, by e-mail and shall contain at least the following information:

- Date of reporting;
- Name, place of residence and trade register registration number of the complainant;
- Name, address and contact details (also including e-mail address) of the point of contact at the complainant;
- Title and TED-registration number of the European procurement concerned;
- Name, address and contact details (also including e-mail address) of the point of contact at the Contracting Authority;
- Description of your complaint, which should clarify which aspect of the European procurement is disputed and should be duly substantiated
- Your proposed remedy that would solve the situation.

After receipt of the complaint the complainant will receive a confirmation of entry. The complaint will be processed as soon as possible by the complaints mechanism by an independent expert on tender procedures within the Ministry of Defence and necessary inquiries will be made diligently. Raising a complaint does not bring the European procurement to a halt, neither temporarily nor permanently, unless the Contracting Authority explicitly decides to do this. The reasoned findings on your complaint will be forwarded by the point of contact as mentioned in section 1.2. In case your complaint is considered justified, the Contracting Authority will take corrective and/or preventive measures and inform the complainant.



CHAPTER 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 negotiated procedure with publication of a contract notice is divided in two stages: the *Selection Stage* and the *Award Stage*.

The *Selection Stage* started on the date of publication. 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, after negotiation with tenderers of the tenders submitted, 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 Publication and closing date

This European procurement is initiated with the publication of the procurement notice for the Project on Tendered (<https://www.tenderned.nl>) and Tenders Electronic Daily (TED), <http://ted.europa.eu> on the date mentioned in Section 1.2 Step 1.

For the closing date and time for your Candidature and other dates and times that are applicable for the selection process, see chapter 1.2.

2.2 Consortia

If a Candidature is submitted by a so-called Consortium, each member of the Consortium must both declare on the criteria for qualitative selection and 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 Agreements.

To this end each Consortium member shall fill in, sign and submit the declaration on criteria for Qualitative selection, Attachment 1.

Secondly, each Consortium member shall –together with the other member(s)- have the declaration provided in Attachment 3 ‘Declaration of Consortium’ signed by its legally authorized representative. This declaration indicates at the same time which Consortium member will be leading the Consortium and be the authorised representative for contact with the Contracting Authority. For each requirement or criterion applicable to the Selection Stage, it is indicated how the requirement applies to the Consortium. It is not permitted to change the members of the Consortium during this European procurement.



2.3 Subcontracting

A candidate may consider to subcontract a part of the project to other parties. In case subcontracting is planned, the candidate shall provide an overview concerning the scope of work considered for subcontracting and the names of the subcontractors proposed. In no case subcontracting can limit the responsibility and liability of the candidate for the entire and unabridged scope of the project.

2.4 Language

All Tender documents are only available in the English language. During the tender procedure and during the accomplishment of the Agreements, the interlanguage will be English. The quotation must also be issued in the English language. If any of the required information or official documents is not in English, you must supply the original document, with an English translation thereof.

2.5 Termination of tender procedure

The Contracting Authority reserves at all times the right to not award the project or to terminate this European procurement in whole without being entitled to reimburse any costs. One of the reasons for discontinuation of this European procurement could be that the necessary political will for continuation of the project does no longer exist and/or lack of budget. The Candidates will receive written notice from the Contracting Authority in the event of discontinuation of this European procurement or of the decision not to award the project.

2.6 Confidentiality

Confidentiality by the Candidates

By participating in this European procurement the Candidates commit to maintain the confidentiality of and not to disclose to third parties the information they receive from the Contracting Authority (if not already available in the public domain), provide to the Contracting Authority (if not already available in the public domain) or produce in connection with this European procurement. They may provide such information to members of the Consortium, subcontractors, employees or other third parties of the Candidates as long as they are involved in this European procurement, provided this confidentiality obligation is imposed upon them. It must be possible to provide the Contracting Authority with documents substantiating this on request. These obligations are applicable unless expressly stated otherwise in the Tender Documents or other communications from the Contracting Authority.

Confidentiality by the Contracting Authority – Intellectual property rights

Subject to the laws and other public information obligations to which the Contracting Authority is bound, the Contracting Authority shall not disclose a Candidature and/or a Special Clarification provided to a Candidate to other Candidates without the former Candidate's consent. The



Candidates must always indicate whether their information is confidential. Participation in this European procurement does not result in transfer of any of the Candidates' intellectual property rights or rights of use to the Contracting Authority, unless otherwise agreed.

2.7 Compensation for Candidature

The Contracting Authority will not reimburse any costs, damages or lost profits in connection with the submission of a Candidature.

2.8 Applicable law and disputes

This European procurement is governed by Dutch law. All disputes in connection with this European procurement and the Agreements or related agreements are subject to the exclusive jurisdiction of the competent court in The Hague.

2.9 Intellectual Property Rights

The Intellectual Property Rights of all documents and data concerning this European procurement remains at the Contracting Authority. Subject to exceptions determined by formal law, no part of the Tendering documents including the Selection Stage documents may be copied and/or multiplied unless upon explicitly and written approval of the Contracting Authority, other than for the purpose of this European procurement.

Participation in this European procurement does not result in transfer of any of the Candidates' intellectual property rights or rights of use to the Contracting Authority, unless otherwise agreed.

2.10 Format and content of your Candidacy

Your candidacy shall all information required and comply with the language requirements as set forth in section 2.4 above. In addition, your candidacy shall be subdivided as follows:

Tab	Content
1	Self declaration (see Attachment 1)
2	Reference projects (see Attachment 2)
3	Declaration of Consortium (if applicable, see Attachment 3)
4	Subcontracting (if applicable)

2.11 Delivery of the Candidacy

Your Candidature must be delivered both in hardcopy as in softcopy (USB-stick, using MS Word, MS Excel and/or PDF-format) with the use of the reply envelope (Attachment 4). If necessary, the reply envelope may be attached to another, larger package.



Closing date and time for delivery is as mentioned in Section 1.2, step 4. This date and time is a firm, fixed deadline for all candidates, to which neither any exception and nor any extension will be allowed.

The moment that the Candidacy arrives in the hands of the Contracting Authority is decisive for determining the moment of delivery. The contracting Authority provides a confirmation of receipt with date and time of receipt upon request of the Candidate.

Your Candidacy shall be submitted to the Contracting Authority in a sealed envelope and be sent either by mail or delivered hand-carried in our offices. No other ways of submissions will be accepted by the Contracting Authority.

The mail address for your Candidacy is exclusively the following post office address:

Commando Zeestrijdkrachten,
Maritieme Instandhouding,
Afdeling Inkoopondersteuning
Postbus 10.000
1780 CA DEN HELDER
The Netherlands

Sending in candidacy per fax transmission is not allowed.

If hand-carried delivery is preferred, this is possible on working days, between 07.30 en 15.30 hrs only, at the office of the Procurement Support Office (Afdeling Inkoopondersteuning) of the Contracting Authority, at the following location:

Noorderkroon building, room nr. E221,
Royal Netherlands Navy Naval Establishment,
Rijkszee- en Marinehaven,
1781 ZZ Den Helder,
The Netherlands.

The Office provides a confirmation of receipt on behalf of the Contracting Authority, with date and time of receipt, upon request of the Candidate. To obtain access to the Royal Netherlands Navy Naval establishment, it is mandatory to send your request with the necessary information to the point of contact, mentioned in Section 1.4, at least 48 hours before the visit.



2.12 Exclusion of your Candidature

A candidature is declared invalid and will be excluded from further evaluation within this selection procedure when one or more of the following situations is applicable:

- The candidature is not received in time at the Contracting Authority (see Sections 1.2 and 2.11);
- The candidature including all required information has been handed in not at all, not complete, under conditions, with reservations and/or not correct (see also chapter 2.1 and 2.11);
- The Candidacy is not submitted with the use of the forms provided with this Selection Guide or the Candidate has changed the provided forms himself;
- The required signatures by duly authorized representative(s) are not or not all received.



CHAPTER 3 DESCRIPTION OF THE PROJECT

In this chapter, the main features of the project will be described. The detailed technical requirements and commercial conditions of the project are described in the program of requirements and in the Agreements, which are only provided to the Tenderers that are selected for the Award Stage.

3.1 Technical

The Walrus class submarine is equipped with two mutually independent E-UWT systems. These systems are obsolete and need to be replaced by a new underwater telephone function.

The Contractor shall deliver new COTS or MOTS systems, operational, reliable, easy operable and maintainable E-UWT systems, including training and documentation for the four Walrus class submarines in accordance with the specifications and suitable for installation onboard the Walrus class submarines.

The devices shall include headsets, transducers, cabling, shockmounts and installation materials. All delivered devices shall have the same configuration at the individual Line Replaceable Units (LRU's) level and shall be each and all fully interchangeable for every delivered E-UWT system.

No right can be derived from this description.

3.2 Commercial

The scope of delivery will consist of the following items:

- Nine (9) new systems. Each system shall include headsets, transducers and cabling;
- Eight (8) sets of shockmounts and installation materials;
- Installation and documentation package to allow the DMI to make necessary preparations and adaptations to install the systems on board of their submarines;
- Documentation for testing and qualification on board after installation;
- System documentation, training, set of spare parts and applicable special tools and test equipment.

3.3 Parcels

The Project will not be parceled.

3.4 Pricing

In this Selection Phase it is not possible to submit any prices. Prices will be required only from those candidates that will be selected for participation in the next stage (the Award Stage).



3.5 Contractual conditions

The Project will be executed based on the terms and conditions as set forth in a Draft Agreement. The Draft Agreement will be provided as a part of the documentation package for the Award Stage.



CHAPTER 4 CONDITIONS SELECTION STAGE

This chapter describes the grounds for exclusion and the suitability requirements which are applicable for this selection stage. Each paragraph states the document(s) that need to be submitted.

4.1 Compulsory grounds for exclusion

The Candidate must declare, by submitting Attachment 1 – 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. Candidates must submit evidence according to the applicable national law of the European Union member state/ country where their company is established.

If a Candidature is submitted by a so-called Consortium, each member of the Consortium must submit a legally signed copy of Attachment 1, respectively submit the necessary official items of evidence.

4.2 Discretionary grounds for exclusion

The Candidate must declare, by submitting Attachment 1 – Declaration on criteria for qualitative selection, that the under part B 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. Candidates must submit evidence according to the applicable national law of the European Union member state/ country where their company is established.

If a Candidature is submitted by a so-called Consortium, each member of the Consortium must submit a legally signed copy of Attachment 1, respectively submit the necessary official items of evidence.

4.3 Suitability requirements

The Candidate must declare, by submitting Attachment 1 – Declaration on criteria for qualitative selection, that the under part C stated suitability requirements are fulfilled.

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



4.3.1 Enrolment on a professional or trade register

Candidates must declare in part C of the 'Declaration on criteria for qualitative selection' (Attachment 1) 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.

4.3.2 Technical and professional ability

Proven track record (reference project)

Candidates must have experience in the last five (5) years from the date of this Selection Guide in:

- the manufacturing of Emergency Underwater Telephone Systems, and
- the performance of maintenance support to E-UWT Systems in their deployment by a military user

The Candidate must demonstrate this experience with a fully filled out and signed copy of Attachment 2 – Model reference projects with its Candidature. The Contracting Authority is entitled to verify the reference. In case it is not possible to verify the referent, the reference will not be taken into account in the evaluation. Required are 2 referees for manufacturing, 1 referee for off-the shelf availability and 2 referees for support.

If a Candidate wishes to rely on the technical and professional competence of a third party in order to meet the eligibility requirements, a document confirming the availability of the capacities and resources signed by the third party needs to be submitted with its Candidature.

If a Candidate is a consortium, the members of the Consortium must collectively fulfil the requirements of the reference project(s), on the understanding that it must be demonstrated that the member concerned actually delivered / performed the relevant expertise.

Quality management system standards

The Candidate must declare in part C of the 'Declaration on criteria for qualitative selection' (Attachment 2) that its quality management system is compliant with the requirements of the ISO 9001 - 2015, or if this is not yet certified, ISO Standard 9001 - 2008 latest edition, or if standard equivalent measures in the field of quality assurance and that it has a valid quality assurance



certificate which is higher or equal to the prescribed ISO standard. The scope of the quality assurance system must cover the production and maintenance of the items to be purchased.

Evidence: a valid copy of the QMS certificate. The Contracting Authority shall recognize equivalent certificates from independent accredited bodies established in other countries.

4.4 Exclusion Candidature

Not fulfilling the absence of all the grounds for exclusion, all the suitability requirements or not submitting the required evidence within the required time will lead to exclusion of your Candidature.

4.5 Selection criteria

There are no selection criteria applicable on this European procurement. This means that every Candidate that meets the requirements of paragraphs 4.1 – 4.4, will be selected for the Award Stage.

4.6 Notice of decision

The Contracting Authority will simultaneously notify all Candidates of the decision as to whether or not invite the Candidates to participate in the Award Stage by means of a written notification. The communication of the decision will include the grounds on which the decision was made and will be sent to the Candidate's designed contact, in any case by electronic means.

It should moreover be noted that the Contracting Authority is entitled to reconsider its selection decision of its own accord. The Contracting Authority can do so if he himself established any mistake or omission in this European procedure. Candidates who at such time have already been invited to participate in the Award Stage are not eligible to claim any compensation.



CHAPTER 5 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 either a score system with points or 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.

It is expected that the following criteria will be used in the Award stage:

1. All-in price for the execution of the project;
2. Technical suitability, that is technical performance that exceeds the minimum criteria for certain technical properties of the system;
3. Quality of documentation and support for named topics.

The criteria as mentioned above are indicative only. The contracting author explicitly reserves its right to alter the number as well as the content of these criteria in the Award Guide for this project.