



# DBFM Agreement

Schiphol – Amsterdam - Almere  
Project A9 Gaasperdammerweg



## Selection Instructions

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Status	Definitive

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# 1 Introduction

## 1.1 Selection Instructions

The tendering procedure for the project A9 Gaasperdammerweg (Holendrecht – Diemen interchange) is set out in these Selection Instructions and the associated Tendering Instructions SAA A9GDW (reference HB#1738183). The Selection Instructions cover the period from placing the announcement to the invitation to participate in the First phase of the Dialogue. The Tendering Instructions cover the period from invitation to participate in the First phase of the Dialogue to attaining the Contract Close and Financial Close.

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The Candidate is responsible for checking the proper receipt of the Tender Documents where applicable in the Selection Phase. If the Tendering Documents have not (all) been received, then the Candidate must report this to the Contracting Authority by return by means of an e-mail to the e-mail address cited in Paragraph 1.3.

## 1.2 Definitions

Terms that are capitalised in these Selection Instructions are defined in these Selection Instructions. A list of definitions is provided in Appendix 1 (Definitions).

## 1.3 Contracting Authority

The Contracting Authority is: The State of the Netherlands  
Ministry of Infrastructure and the Environment  
Public Works and Water Management, Infrastructure  
Department (Rijkswaterstaat Dienst Infrastructuur)

Project Organisation: SAA A9 Gaasperdammerweg  
Contact person: Y. H. Norg  
Office address: Burgemeester Stramanweg 100B  
1101 EM Amsterdam SE

The address for all items to be submitted by Candidates – i.e. items not to be communicated by electronic means – is:

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Office address: Burgemeester Stramanweg 100B  
1101 EM Amsterdam SE  
Postal address: PO Box 3119  
2001 DC Haarlem

The delivery address for all items to be submitted by Candidates by electronic means is:

Contact person: M.L. Verhagen  
Email address: SAA-A9GDW@rws.nl

## 1.4 Project

The Schiphol – Amsterdam - Almere (SAA) corridor is located in an economically important area that should be easily accessible. In 2004, Rijkswaterstaat initiated a planning study into possible solutions for the accessibility issues along the route, solutions that would also do justice to the liveability demands in the region. Based on the study and in line with the Route Memorandum / EIA, a choice was made for the Streamline alternative. This option is elaborated in the Route Decision on the road expansion Schiphol – Amsterdam – Almere dated 24 March 2010, which became

irrevocable on 4 January 2012. The SAA programme is also part of the Randstad Urgent programme, which consists of 33 projects in total.

The most important objective of the programme Schiphol – Amsterdam – Almere (SAA) is the improvement of the flow within this corridor and improvement of the liveability in the project area. The programme encompasses the widening and partial relocation of approx. 65 km of motorway. Considering the enormous scope of the programme, it is subdivided into five projects:

1	A10 east / A1	Watergraafsmeer interchange – Diemen interchange
2	A1 / A6	Diemen - Almere Havendreef interchange
3	A9 GDW	Holendrecht / Diemen
4	A9 A'veen	Badhoevedorp – Holendrecht
5	A6	Almere Havendreef – Almere Buiten Oost

The following diagram provides a general overview of these projects.

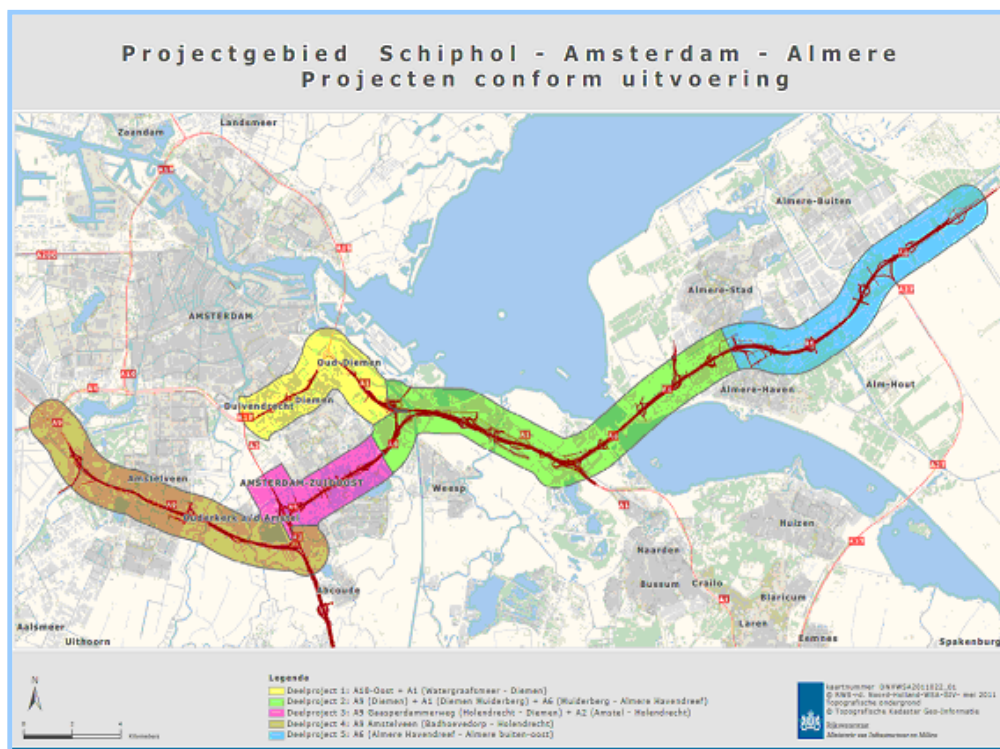


Figure 1 Context of the Schiphol - Amsterdam - Almere project

The biggest challenges for the SAA programme are:

- Construction in an administratively sensitive environment on and around an intensively used infrastructure;
- Ensuring traffic flow across the entire corridor;
- Minimising traffic disruption, especially during the implementation phase;
- Managing the interfaces with adjoining projects as well as the interfaces with the adjacent main road network and the environment;
- Managing the logistics of the transition from the existing to the new infrastructure;

Designing and implementing technical solutions.

The A10 East / A1 project has already been tendered, awarded and, according to planning, completed at the end of 2014.

The tendering of the A1 / A6 project is under way and expected to be completed at the end of 2012. Construction will take place between 2014 and 2020.

The A9 Gaasperdammerweg is the third project that is being tendered. The start of construction is scheduled in 2015 after completion of the A10 East / A1 project (which will function as the alternative route).

The Project consists of all the work, deliveries and services under the DBFM Agreement stemming from this tender must be performed in connection with the reconstruction and expansion of the Holendrecht Noord interchange, the bridge over the Gaasp and the intervening road surface on the A9 Gaasperdammerweg and the construction of approximately three kilometre long overground tunnel.

The A9 Gaasperdammerweg runs through the Municipality of Amsterdam. The area is characterised by an urban environment with residential and industrial uses on both sides of the motorway. ~~[Figure 2]~~ Figure 2 shows the infrastructure that the A9 Gaasperdammerweg cuts across. To reduce the barrier work along the motorway and, consequently, to increase the liveability of the availability of the area, a decision was made to integrate the motorway by constructing a tunnel. The length of this tunnel shall be approximately three kilometres. The overall design of this project will follow the so-called Streamline alternative, and the following measures will virtually have to double the road capacity. These measures consist chiefly of:

- Reconstruction and expansion of the Holendrecht Noord interchange, including construction of a reversible lane;

- Reconstruction and expansion of the A9 Gaasperdammerweg from the Holendrecht Noord interchange to the bridge over the Gaasp, including construction of a reversible lane;

- Construction of an overground tunnel on the A9 Gaasperdammerweg, lying roughly between the Amsterdam – Utrecht railway crossing and Kromwijkdreef interchange, length of approximately three kilometres. Characteristic for the tunnel is the entrance and exit halfway through the tunnel route to connect with the above-lying Gooiseweg interchange.

- Reconstruction and expansion of the bridge over the Gaasp, including construction of a reversible lane;

- Reconstruction of crossing streets (quick and slow traffic) including Amsterdam municipal structures (see Figure 2 ~~[Figure 2]~~);

- Reconstruction of Amsterdam – Utrecht railway and Isolatorweg / CS – Gein metro-line viaducts over the Gaasperdammerweg near the S111 exit and the reconstruction of the CS metro-line crossing near the S113 Kromwijkdreef (see Figure 2 ~~[Figure 2]~~);

- Realisation of the necessary provisions for dynamic traffic management: roadside signalling and monitoring systems, video gathering systems, ramp metering system, dynamic route information panels (DRIPs), reversible lane systems, etc.;

- Implementation of the necessary renovations (expansion) to existing structures and installation of cables and conduits.

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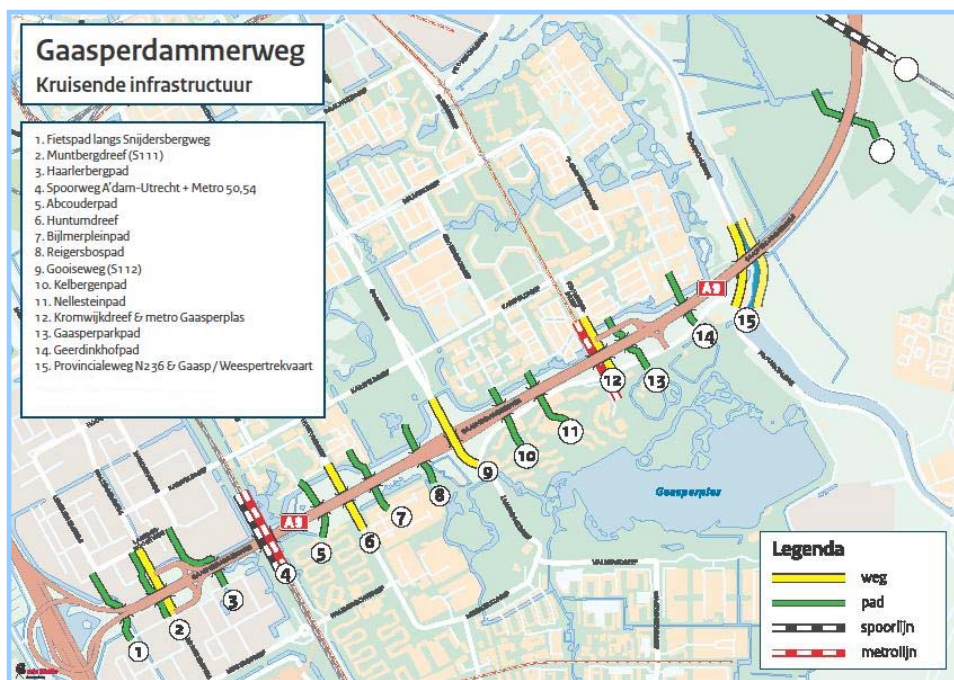
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**Figure 2**      **Infrastructure crossed by A9 Gaasperdammerweg**

In addition, the following compensatory and mitigating measures are to be implemented:

- Construction of (extra) noise-abatement provisions;
- Integration measures, including the area landscaping beside and on the tunnel and the construction of an ecopassage under the viaduct over the Gaasp;
- Measures in connection with water management, such as the creation of extra expanses of water.

The agreement also contains a maintenance obligation during the construction phase and the operation phase.

**1.5 DBFM Agreement**

The draft DBFM Contract shall be sent to the Candidates that qualify as participants in the First Phase of the Dialogue.

**1.6 Payment regime and project financing**

During the term of the DBFM Agreement, the Contractor shall receive a performance-dependent availability payment.

The Contractor will also receive one or more lump-sum payments during the period of the issue of the Availability Certificate up to and including the issue of the Completion Certificate.

The Contractor is responsible for the financing of the Project. The financing must be structured in such a way that financial institutions make external capital available to the contractor, or at least guarantee such, based on the basic principles of project financing.

Candidates shall have the opportunity to attract financing for the Project via financial markets. Terms and conditions concerning this matter shall be included in the Dialogue and Submission Version of the Tendering Instructions.

At least 70% of the debt capital arranged through financial institutions must be made available by:

financial institutions that possess a Long-Term Issue Credit Rating issued by Standard & Poor's of at least A- or by Moody's of at least A3 or by Fitch of at least A-, or a comparable credit rating issued by a similar internationally-recognised independent rating agency;  
Institutional Investors.

A maximum of 30% of debt capital provided by financial institutions may be made available by financial institutions with a Long-Term Issue Credit Rating issued by Standard & Poor's of at least BBB or by Moody's of at least Baa2 or by Fitch of at least BBB or a comparable credit rating issued by a similar internationally recognised independent rating agency.

The aforementioned requirements apply at Financial Close. In derogation to this, Financiers for whom the Candidate has submitted a supporting statement along with the quantitative part of Final Submission need not meet the above-mentioned requirement until the date of submission of the qualitative part of the Final Submission instead of at Financial Close.

Notwithstanding the provisions of the previous paragraph, debt capital can also be provided by an entity that does not possess a Long-Term Issue Credit Rating or is not an institutional investor as referred to above, if the obligations of such an entity are fully guaranteed by a financial institution that does possess a Long-Term Issue Credit Rating or an institutional investor as referred to above (hereinafter referred to as "credit support"), as if they were its own obligations.

The requirement regarding the Long-Term Issue Credit Rating of financial institutions that provide debt capital, included in that same paragraph, is applicable mutatis mutandis to the financial institutions that provide credit support. For the sake of clarity, the debt capital made available by an entity to which credit support is granted by a financial institution with a Long-Term Issue Credit Rating of BBB (Standard & Poor's) or Baa2 (Moody's) or BBB (Fitch) or equivalent rating, is counted in the maximum of 30% referred to above.

The Contracting Authority shall enter into a Direct Agreement with the Contractor and the relevant Financiers and, if necessary, shall cooperate in pledging the net availability payment as collateral. A draft for the Direct Agreement shall be attached to the DBFM Agreement as a schedule.

The Candidates must submit a Financing Plan explaining how they intend to attract sufficient financing for the Project to fulfil all the obligations from the DBFM Agreement. Terms and conditions regarding the financing plan shall be included in the Dialogue and Submission Version of the Tendering Instructions. The Contracting Authority emphasises that due diligence must have taken place prior to the date of tendering the quantitative part of the Final Submission and assuming that the DBFM Agreement shall not be

subject to further changes. At present, the Contracting Authority is assuming that financing with an index-linked inflation-related component and Hard Mini Perm financing shall not be possible for the Project.

The interest rate risk for the period between the last date for submission of the quantitative part of the Final Submission and Financial Close takes place shall remain under reservation at the Contracting Authority. The implications of these terms and conditions as well as the interest rate risk shall be indicated in the Dialogue and Submission of the Tendering Instructions.

The Contracting Authority shall discuss the process of obtaining finance for the Project with Candidates and shall closely follow the situation on financial markets. The evolving situation may lead to certain adaptations in the Tender Documents. The Contracting Authority furthermore reserves the right to change the process for obtaining financing for the Project if prompted by circumstances on financial markets.

## 1.7 Abridged description of tender procedure

### 1.7.1 Phasing of the tender procedure

The tendering procedure, as set out in these Selection Instructions and the following Tendering Instructions, shall take place in a number of phases. These phases are indicated in the table below. The dates are provisional and may be changed in the course of the tender procedure.

<b>Selection Phase</b>	
Circulation of Notice	04 December 2012
Submission of requests to participate	22 January 2013
Assessment of requests to participate	22 January – 05 February 2013
Selection (provisional)	06 February 2013
Term for safeguarding of legal rights of unselected Candidates	07 February – 27 February 2013
Selection	28 February 2013
<b>First phase of Dialogue (n Candidates)</b>	
Invitation to Participate in the First Phase of Dialogue.	March 2013
Decision on participation in Second Phase of Dialogue	Third quarter 2013
<b>Second Phase of Dialogue (three Candidates)</b>	
Invitation to Participate in the Second Phase of Dialogue.	Third quarter 2013
Conclusion of Dialogue and formation of DBFM Agreement	First quarter 2014
<b>Final Submission Phase (three Tenderers)</b>	
Delivery of Final Submission (qualitative part)	First quarter 2014
Delivery of Final Submission (quantitative part)	Second quarter 2014
<b>Completion (one Candidate)</b>	
Contract Close	3rd quarter 2014
Financial Close	3rd quarter 2014

### 1.7.2. Procedure Description

#### **Selection Phase**

The tender procedure starts with the Selection Phase. Selection takes place on the basis of an evaluation of grounds for exclusion and of suitability requirements. The Contracting Authority shall invite Candidates to participate in the Dialogue in the

absence of any grounds for their exclusion and on condition that they have met the suitability requirements.

This Selection Phase is further described in Chapter 3.

### ***Dialogue phases***

The Contracting Authority avails itself of the option of conducting the Dialogue in successive phases as per Article 29, paragraph 4 of Directive 2004/18/EC. In the present tendering procedure, the Dialogue consists of the following phases:

First Phase of Dialogue:

Second Phase of Dialogue;

- Consultation
- Dialogue

#### First Phase of Dialogue

During the First Phase of Dialogue, the Contracting Authority shall provide Candidates with information and pose questions about their Risk Management Plan Outlines, if Dialogue begins with more than three parties. The Risk Management Plan Outline shall be used to short-list three parties. If three or fewer Candidates are invited to participate in the First Phase of Dialogue, no further short-listing will occur and the First Phase of Dialogue will be conducted with the Candidates that meet the minimum requirements.

In the First phase Dialogue, the number of Candidates invited for the continuation of the tendering procedure is reduced to three - [n so far as more than three Candidates appear to meet the minimum requirements](#). This occurs by evaluating the Candidates' Risk Management Plan Outlines (RMBOs), which will, in this tendering procedure, primarily focus on risks in connection with opening the tunnel on schedule and (traffic) impediments.

The Contracting Authority shall invite the three Candidates it has selected on the basis of its assessment of their Risk Management Plan Outline to participate in the Second Phase of Dialogue.

The First Phase of Dialogue shall be described in more detail in the Tendering Instructions.

#### Second Phase of Dialogue

During the Second Phase of Dialogue, the Contracting Authority shall also prepare the DBFM Agreement for three Candidates in a manner that shall allow the Candidates to tender a Final Submission. No selection shall take place during the Second Phase of Dialogue.

The Second Phase of Dialogue consists of two components: consultation and actual dialogue. The consultation is meant to discuss the principles of the DBFM Agreement with all Candidates in similar ways and to establish the Final Submission at the end of the exchange of questions.

The dialogue will, in particular, (also) be used to discuss a number of specific elements of the tunnel design – in the light of the RWS Tunnel System Standard – (convergence) and to further elaborate the topic of (traffic) impediment. This design is specifically described in the Tendering Instructions.

Based on the results of the Second Phase of the Dialogue, the Contracting Authority can review the Tender Documents for all Candidates on an equal basis.

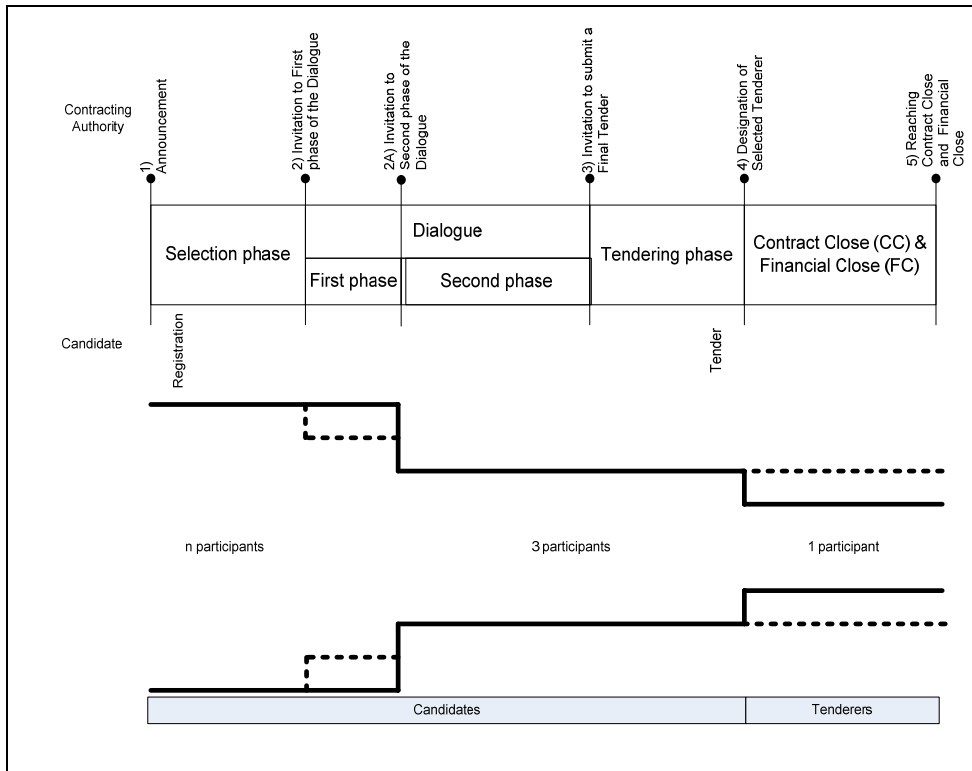
The Second Phase of Dialogue shall be described in more detail in the Tendering Instructions.

**Final Submission Phase**

The Final Submission phase follows the Contracting Authority's completion of the Second Phase of Dialogue. This phase shall be further described in the Tendering Instructions.

The Project is awarded according to the criterion of the most economically advantageous tender.

**Schematic representation of tender procedure**



**1.8 Planning procedure(s)**

On 21 March 2011, the Minister of Infrastructure and Environment signed the Route Decision, and the Route Decision became irrevocable in January 2012.

As one of the economisation measures that must be implemented in the project, 'value engineering' will be applied to the plan for the tunnel. The aim of this so-called VE study is to develop a design variant resulting in actual cost-savings and by means of which an effort is made to find the optimum balance between requirements/ functionality and risks (including load-bearing risks). To make it possible to realise the final plans (for the tunnel, this is the VE design), a partial revision of the route decision has been submitted. This procedure was initiated in July 2012 and is expected to be completed in July 2013.

The final results of the planning procedures could affect the further progress of the tender procedure and the precise contents of the Project. Candidates should take this into account.

**1.9 Administrative agreement(s)**

In preparation for this tendering process the Contracting Authority and a number of public parties have made administrative or implementation agreements or are intending to do so.

The Requirements deriving from the administrative agreement shall be included in the DBFM Agreement.

## 2 General information

### 2.1 Candidates' declaration of consent

In submitting a request to participate, the Candidates declare their unconditional consent with the tendering procedure described in these Selection Instructions.

### 2.2 Applicable regulations

The tender procedure shall be conducted as a competitive Dialogue (Article 29 of Directive 2004/18/EC, Article 29 Resolution on rules governing tenders for public contracts, and Chapter 4 of the Dutch Tender Regulations for Public Works of 2005).

Unless otherwise stated in the Selection Instructions, the laws and regulations shall applicable to the tendering procedure shall include the following:

Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 (OJ. L 134/114, 30 April 2004) on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts as last amended by Commission Regulation (EC) 1177/2009 of 30 November 2009 (OJ. L 314/64, 1 December 2009);

Directive 89/665/EC of the European Parliament and of the Council of 21 December 1989 (OJ. L 395/33, 30 December 1989) on the coordination of laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as last amended by Directive 2007/66/EC (OJ. L 335/31, 20 December 2007) of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts; Dutch Decree on Procurement Rules for Government Tenders (BAO), Bulletin of Acts and Decrees 2005, 408 (subsequently amended in Bulletin of Acts and Decrees 2010, 67) on the basis of EEC Framework Act on the regulation of tenders;

Dutch Implementation Guidelines for the Safeguarding of Legal Rights (Wira), Bulletin of Acts and Decrees 2010, 38;

Dutch Decree Implementing Policy Rules on Tenders for Public Works of 2005 (Government Gazette 2005, 207) and thereby the Dutch Tender Regulations for Public Works of 2005).

Dutch Policy Rules on Tenders for Works 2005 (Government Gazette 2005, 207);

Dutch Public Administration Probity in Decision-Making Act (Wet BIBOB, as amended in Bulletin of Acts and Decrees 251).

### 2.3 Safeguarding of legal rights – choice of court

The Contracting Authority shall notify the Candidates in writing, by email and regular mail, of decisions concerning the tendering procedure aimed at compliance with the law in the sense of Article 1, paragraph 1 of Directive 89/665/EEC.

Should a Candidate object to the decision then the Candidate should initiate interim injunction proceedings against the decision of the Contracting Authority within 20 calendar days of the issue of the decision by the Contracting Authority. Proceedings are pending starting on the day of the summons (Article 125 of the Code of Civil Procedure).

This term is a peremptory time limit. This means that if a Candidate does not actually file for preliminary injunction within 20 calendar days of the issue of the decision then

the Candidate can no longer lodge an objection to the decision. In such a case the Contracting Authority would be free to (further) pursue the decision.

Any dispute between the parties involved in the tender procedure arising on account of the tender procedure, to which the Selection Instructions apply, must be submitted to the civil courts at The Hague.

#### **2.4 Discontinuation of the procedure, Candidates' withdrawal**

The Contracting Authority may prematurely discontinue the tender procedure.

Should the Contracting Authority discontinue the tendering procedure after the Selection Phase, the Contracting Authority shall pay Candidates reasonable compensation, to be determined by the Contracting Authority, for the costs incurred by them, according to the stage of the tendering procedure reached and according to the efforts devoted by the Candidates up to that point. The Contracting Authority can maximise this compensation, a possibility that will be further described in the Tendering Instructions.

Candidates may withdraw from the tender procedure prior to making their Final Submission without being liable for compensation with regard to the Contracting Authority.

Candidates that have been invited to participate in a subsequent phase of the tender procedure but that nonetheless withdraw of their own accord shall have no claim to any compensation for (preliminary) costs.

#### **2.5 Notice and Announcement**

The notice was sent to the Office for Official Publications of the European Communities on 03 December 2012. The tender procedure is also posted on the TenderNed website at (<http://www.tenderned.nl/>).

Advanced notice has been published in the Supplement Publicatieblad of 27 September 2012.

#### **2.6 Language**

This tender procedure is to be conducted in the Dutch language. Unless otherwise indicated by the Contracting Authority, items to be submitted to the Contracting Authority by the Candidates must be in the Dutch language.

All submitted documents must be written in the Dutch language, except for the following documents, which may be in English, German or French.

- Certificate of Good Conduct (CGC);
- extract from a Trade Register;
- copy of valid proof of identity;
- statement of economic and financial standing;
- power of attorney.

In derogation of the principle that all submitted documents must be written in Dutch, the Contracting Authority shall permit the following documents to be submitted in English:

- Original Financial Model
- Financing plan

Details relating to reference projects may also be submitted in English.

## **2.7 Ceiling Price**

The Ceiling Price for the execution of the DBFM Agreement shall be indicated in the Tendering Instructions.

## **2.8 Provision of information**

### **2.8.1 Website**

To facilitate this tender procedure, the Contracting Authority has set up a website with the URL  
[http://www.rijkswaterstaat.nl/wegen/plannen\\_en\\_projecten/a\\_wegen/a9/holendrecht\\_dimen/index.aspx](http://www.rijkswaterstaat.nl/wegen/plannen_en_projecten/a_wegen/a9/holendrecht_dimen/index.aspx)

### **2.8.2 Data Room – Dissemination of information**

To facilitate this tender procedure, the Contracting Authority shall install a virtual Data Room on an extranet. Further information about access to the extranet and the use of this Data Room will be provided in the Tendering Instructions.

### **2.8.3 Electronic communication**

This tender procedure makes use of the possibility of communication between the Contract Authority and the Candidates by electronic means.

Information exchanged between the Contracting Authority and the Candidates by electronic means will primarily be communicated in pdf<sup>1</sup> format and, in some cases, also in Word<sup>2</sup> format. In case of discrepancies between the two formats, the pdf version shall prevail.

## **2.9 Confidentiality and intellectual property rights**

### **2.9.1 Confidentiality to be observed by the Candidates**

By participating in the tender procedure, the Candidates place themselves under obligation to maintain the confidentiality of all the information they receive from the Contracting Authority, provided the information is not in the public domain, and not to disclose it to third parties. Candidates may, however, make such information available to subcontractors involved in the tender procedure, provided they subject them to this condition of confidentiality. This obligation is not valid if the Selection Instructions, or any other communications of the Contracting Authority, explicitly state otherwise.

### **2.9.2 Confidentiality to be observed by the Contracting Authority and intellectual property rights**

The following are designated as being confidential:

- a) Reference materials, Short-listing Output and Final Submissions;
- b) Confidential Clarification as referred to in 2.10.2;
- c) All other information that, by its nature, is confidential

Confidential information shall be treated by the Contracting Authority as such. The Contracting Authority shall therefore not disclose confidential information to third parties (including other Candidates) unless the Contracting Authority is reasonably bound to disclosure on account of a legal obligation or within the context of a lawsuit. Before the

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<sup>1</sup> Portable Document Format from Adobe Systems, the formal open standard for digital documents, known as ISO 32000.

<sup>2</sup> Microsoft Office Word 2003

Contracting Authority supplies third parties with confidential information in such situations, it shall consult with the respective Candidate concerning the form of disclosure least objectionable to the latter, without prejudice to the Contracting Authority's fulfilment of the aforementioned obligations.

By participating in the tender procedure, the Candidates contingent intellectual property rights are not transferred to the Contracting Authority, unless agreed otherwise.

## **2.10 General and Confidential Clarifications**

During the tender procedure Candidates may request the Contracting Authority for clarification of the project and the Tender Documents. Requests for clarification may give cause to the Contracting Authority's issue of General and Confidential Clarification.

The Contracting Authority may also provide the Candidates with clarification at its discretion.

The Contracting Authority shall state the deadline date for each phase of the tender procedure for the submission of requests for clarification.

### **2.10.1 General Clarification**

In principle, the Contracting Authority will respond to requests for clarification by providing General Clarifications. General Clarifications are adaptations, consequences and explanatory statements, or any other type of information about the Project or the Tendering Documents, which are identically worded and equally valid for each Candidate.

If the Contracting Authority responds to a Candidate's request for clarification by means of General Clarification then the Contracting Authority will publish this request anonymously and answer it in a way accessible to all Candidates.

### **2.10.2 Confidential Clarification**

Confidential Clarifications shall not be issued in the Selection Phase.

## **2.11 Communication**

The Candidates are not permitted to communicate about the call to tender and the Project with the employees of the Contracting Authority, advisors of the Contracting Authority or other persons or legal entities that are involved on the side of the Contracting Authority in the call to tender and the preparation of the Project, in a manner different from the one stipulated in these Selection Instructions, except after written permission from the Contracting Authority. Candidates should submit requests for the granting of such written permission as a request for clarification to the Contracting Authority.

Candidates who act in breach of the provisions of this paragraph can be excluded from (further) participation in the call to tender.

## **2.12 Conflicts of Interest**

The Contracting Authority may exclude a Candidate from (further) participation in the Invitation to Tender if the latter is or has been involved with the Contracting Authority in preparing the Invitation to Tender or this Candidate makes use of companies, advisers, employees and other natural or legal persons that are or were involved the Invitation to

Tender. The same applies if natural or legal persons affiliated with the Candidate have or had such involvement.

Candidates must, on the basis of the memorandum "Separation of interest: the policy to prevent conflicts of interest in tendering" dated 14 September 2007(see [http://www.rijkswaterstaat.nl/kenniscentrum/contracten/scheiding\\_van\\_belang/](http://www.rijkswaterstaat.nl/kenniscentrum/contracten/scheiding_van_belang/)) investigate if there are any conflicts of interest and subsequently determine the appropriate action.

The Contracting Authority shall not exclude a Candidate if the latter demonstrates that, under the circumstances of the specific case, competition is not compromised by the involvement in question.

## 3 Selection Phase

### 3.1 General

It is during this phase that Candidates qualify as participants in the First Phase of the Dialogue. For this purpose, the Contracting Authority shall evaluate Candidates that have submitted a request to participate based on the grounds for exclusion and suitability requirements described in this chapter (minimum requirements).

The Candidate must fulfil the requirements set forth in this chapter and must completely fill out the forms covered in Schedule 2. Incompletely filled out forms may lead to exclusion from (further) participation in the tender procedure.

### 3.2 Registration

Interested parties must register with the Contracting Authority no later than 15 January 2013 12:00h by sending an e-mail to the e-mail address stated in Subsection 1.3.

The General Clarifications to be provided in connection with the Selection Phase shall be sent by the Contracting Authority to all registered parties by means of an information note.

### 3.3 Requests to participate

Candidates must submit their request to participate to the Contracting Authority at the address given in Paragraph 1.3 between 10:00h and 15:00 on 22 January 2013, designating it "Application for tender procedure A9 Gaasperdammerweg Holendrecht – Diemen interchange" The Contracting Authority shall afford Candidates the opportunity to submit the request to participate at an earlier time. Candidates shall make an arrangement with the Contracting Authority for this purpose via email.

The Contracting Authority shall provide the party submitting the request to participate with a written receipt.

A request to participate should consist of an original copy of all documents to be submitted in accordance with the overview of the tabs included in Appendix 2.1. Two hardcopies of all original documents must also be included, as well as a copy of all documents on CD-ROM or DVD-ROM in pdf file format.

Requests to participate must entirely adhere to the model prescribed in Appendix 2.1 and must be signed by an authorised representative.

Requests to participate not received by the Contracting Authority within the time limit specified in this paragraph, are null and shall not be accepted by the Contracting Authority.

### 3.4 Single instance of involvement of (legal) persons

Natural or legal persons may only participate as Candidates once and may only be involved as a Significant Subcontractor (other than the Candidate itself) or a Shareholder via a single Candidate.

In terms of the applicability of this condition, natural or legal persons that meet the conditions given below are considered as being one natural or legal person:

- a. natural or legal persons affiliated with each other in some manner as per Article 2: 24a of the Dutch Civil Code; or

- b. natural or legal persons associated with each other as a group as per Article 2: 24b of the Dutch Civil Code; or
- c. (legal) persons affiliated with each other in a way comparable to subsection 1 or subsection 2 according to foreign laws.

### **3.5 Clarifications**

Candidates may submit requests for clarification no later than 9 January 2013 by email to the email address cited in paragraph 1.3. The provisions of Subsection 2.10 are applicable to this clarification.

In principle, requests not submitted in time shall not be accepted by the Contracting Authority.

The Contracting Authority shall promptly supply General Clarifications for requests submitted no later than 15 January 2013.

### **3.6 Candidates: SPVs, SPVs in process of incorporation**

The Contractor must be an SPV (Special Purpose Vehicle). The DBFM Agreement shall be signed with the SPV.

The following may apply as Candidates:

- (a) the SPV, when already incorporated or – if the SPV has not yet been incorporated,
- (b) one or more natural or legal person(s) (joint parties) acting on behalf of the SPV in process of incorporation.

Should the situation under b. above involve two or more legal persons (joint parties) applying on behalf of the SPV in process of incorporation then one of those parties must be designated as the SPV's representative in the model form for request to participate supplied in Schedule 2.1 under A. The lead party must be able to legally represent the other legal persons applying on behalf of the SPV in the process of incorporation as far as matters affected by this tender procedure are concerned. The Candidate vouches for said authorisation vis-à-vis the Contracting Authority.

In the case cited under (b) above, the SPV must be operational no later than the day prior to Contract Close and must by then have certified the legal procedures undertaken on account of it by the natural or legal person(s) cited under (b) above. The Contracting Authority must – without submitting any request to that effect, receive, immediately upon incorporation and certification, evidence of said incorporation and certification.

### **3.7 Article 6 of the Dutch Competitive Trading Act**

The Contracting Authority makes Candidates abundantly aware that it is prohibited to enter into agreements having the aim or effect of reducing, restricting or disrupting competition on the Dutch market or any portion of it.

The Contracting Authority is authorised to report Candidates to the Dutch competition authorities if the Contracting authority suspects them to be in breach of the Dutch Competitive Trading Act with regard to the Project because they have entered into an Agreement, contributed to a decision by a business association or undertaken concerted practices in collaboration with one or more companies).

### **3.8 Demonstrating Technical and organisational ability**

#### **3.8.1 General**

Candidates must provide proof that, either on their own or by availing themselves of the technical expertise (experience) of one (or more) third parties, they fulfil the suitability requirements cited in Paragraphs 3.13.1 and 3.13.2. Should a Candidate avail itself of a (or multiple) third party/ies – Significant Subcontractor(s) – it must then provide proof when submitting its request to participate that and the manner in which it shall (or might) indeed avail itself of the experience of the third parties. It is for this purpose that the model statement supplied in Appendix 2.2 shall be completed and signed by the Significant Subcontractor(s).

#### **3.8.2 Use of third parties: Significant Subcontractor (s)**

A Significant Subcontractor is considered to be a natural or legal person whose technical competence is employed by a Candidate to fulfil one or more requirements with regard to technical competence.

Significant Subcontractors must actually be used in executing the Project.

#### **3.8.3 Experience gained jointly**

A Candidate may - either itself or, in turn, via a (or multiple) Significant Subcontractor(s) - only make use of experience contracted jointly, if and to the extent that the Candidate or Significant Subcontractor was actually involved in the relevant works in terms of the suitability requirements set forth in Paragraph 3.13.1 and 3.13.2.

### **3.9 Changes in the composition of Candidates, Significant Subcontractors, and Shareholders**

The Candidates may propose changes in their composition, the designation of other Significant Contractors (other than the Candidates themselves) or the designation of Shareholders.

The Contracting Authority must give its explicit written consent to such changes, and certain conditions may be attached to said consent. The Contracting Authority shall not withhold its consent on unreasonable grounds.

In any event this consent requires that the Candidate demonstrate that after the changes all the requirements placed on Candidates, Significant Subcontractors (not themselves Candidates) or Shareholders arising in the context of this tender agreement up to that point shall be met.

Consent shall only be given to changes after the end of the Second Phase of Dialogue if there is (very) special circumstances, such as a (potential) bankruptcy situation.

#### **3.10 Information to be submitted**

Along with a request to participate, Candidates must submit the following information regarding the Candidates themselves, Significant Subcontractor(s) and Shareholders:

- Request to participate including all documents pertaining thereto (Appendix 2.1).
- Self-declaration(s) of the availability of Significant Subcontractors (paragraph 3.8) including all documents pertaining thereto (Appendix 2.2).
- Self-Declaration (Appendix 2.3).
- Statement of financial and economic standing (paragraph 3.12) including all documents pertaining thereto (Appendix 2.4).
- References regarding project management experience (paragraph 3.13.1) including all documents pertaining thereto (Appendix 2.5).

Any reference(s) regarding project financing experience (paragraph 3.13.2) including all documents pertaining thereto (Appendix 2.5).

A list of documents to be submitted is included in the overview of the tabs in Appendix 2.1.

### **3.11. Grounds for exclusion and the Dutch Public Administration Probity in Decision-Making Act (BIBOB)**

#### **3.11.1 Compulsory grounds for exclusion**

The Contracting Authority shall exclude any Candidate, Significant Subcontractor and Shareholder participating or involved in the tendering procedure to which one or more of the circumstances apply that are set forth in Article 45, paragraph 1 of Directive 2004/18/EG, more specifically described in Article 45, first paragraph of the Dutch Decree on Procurement Rules for Government Tenders; see 3.7.1. of the Dutch Tender Regulations for Public Works of 2005), or more specifically described in the national laws of other states.

Thus, any Candidate, Significant Subcontractor, or Shareholder shall be excluded from participation or involvement in this tender procedure, if sentenced has been passed on it with decree absolute under Articles 140; 177; 177a; 178; 225; 226; 227; 227a; 227b or 323a; 328, third subsection, second paragraph; 416; 417; 417, second subsection; 420, second subsection; 420, third subsection or 420 fourth subsection of the Dutch Penal Code or under the equivalent articles of the national laws of other states.

The Contracting Authority may make an exception to the aforementioned exclusion on account of compelling reasons of general interest.

#### **3.11.2 Optional grounds for exclusion**

The Contracting Authority may exclude any Candidate, Significant Subcontractor and Shareholder from participation or involvement in the tender procedure to whom one or more of the circumstances set forth in Article 45, Paragraph 2 of Directive 2004/18/EC as implemented in Article 45, third paragraph of the Decree on Procurement Rules for Government Tenders (BAO) are applicable.

Thus Candidates, Significant Subcontractors, or Shareholders may be excluded from participation or involvement in the tender procedure if they:

- a. find themselves in a state of bankruptcy or liquidation, if their business operations have ceased, if they are subject to a judicial settlement or some other comparable situation as a result of an analogous procedure according to the laws and regulations of a member state of the European Union applicable to them.
- b. are subject to bankruptcy or liquidation claims, or if they are pending some other analogous procedure according to the laws and regulations of a member state of the European Union applicable to them;
- c. have been subject to a conclusive judicial ruling according to the laws and regulations of a member state of the European Union applicable to them, where an offence in breach of the rules of professional conduct was determined;
- d. have committed a serious offence in the exercise of their professional activity, determined according to the plausible case made by the Contracting Authority;
- e. have not fulfilled their obligations with respect to the payment of social security contributions in conformity with the legal requirements of the country in which they are seated or those of Holland;

- f. have not fulfilled their obligations with respect to tax payments in conformity with the legal requirements of the country in which they are seated or those of Holland.
- g. are guilty of making false declarations of a serious nature concerning information that can be requested as per Articles 45 to 53, inclusive, of the Decree on Procurement Rules for Government Tenders (BAO), or have failed to provide such information.

### **3.11.3 Self-Declaration and Certificate of Good Conduct (CGC)**

As proof that there are no grounds for exclusion a Candidate should submit a Certificate of Good Conduct (CGC) with the application, as well as completing and submitting the Self-Declaration appended as Appendix 2.3.

The CGC must relate to the current situation of the Candidate, Significant Subcontractor or Shareholder. A CGC must not in any case be submitted earlier than six months before the date of submission of the request to participate referred to in paragraph 1.7.1.

It is sufficient for the time being for a Significant Subcontractor or Shareholder to complete and submit the Self-Declaration attached as Appendix 2.3. The Candidate, Major Shareholder or under the Contractor is required to continue to comply with the statements throughout the tender.

A completed Self-Declaration shall count as being the Candidate's, Significant Subcontractor's, or Shareholder's self-declaration. Items of proof as cited in the Self-Declaration must be promptly submitted when the Contracting Authority requests them. Only the documents listed under Tab C in Appendix 2.1 have to be submitted along with the request to participate.

Failure to truthfully complete a Self-Declaration may result in exclusion of the Candidate from (further) participation in the tender procedure.

Candidates, Significant Subcontractors or Shareholders should submit a Certificate of Good Conduct (CGC) with the Final Submission of the Qualitative Part of the Tender. A CGC must relate to the current situation of the Candidate, Significant Subcontractor or Shareholder. A CGC must not in any case be submitted earlier than six months before the date of Final Submission, which will be further specified in the Tendering Instructions.<sup>1</sup> If a certificate comparable to the CGC is not issued in the country of origin, it may suffice to submit a statement under oath or a solemn declaration made before an authorised legal or administrative body, a civil notary or a qualified professional organisation in the country of origin.

### **3.11.4 BIBOB Advisory Bureau**

Should the Contracting Authority have reason to believe that a Candidate, Significant Subcontractor, or Shareholder is subject to the circumstances cited in Article 45, Paragraphs 1 and 3 of the Decree on Procurement Rules for Government Tenders (BAO), but should sufficient information for the exclusion from participation or further

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<sup>1</sup> The original copy of the CGC or the decision of refusal must be provided, or else a copy certified by the Netherlands "Centraal Orgaan Omtrent het Gedrag" (COVOG, Central Office for Certificates of Good Conduct). For more information regarding the CGC and application for a CGC, please refer to: [www.justitie.nl/onderwerpen/opsporing\\_opsporing\\_en\\_handhaving/verklaring\\_omtrent\\_het\\_gedrag](http://www.justitie.nl/onderwerpen/opsporing_opsporing_en_handhaving/verklaring_omtrent_het_gedrag). Candidates must take into account that the application for a CGC might require a processing time of approximately 8 weeks. The aforementioned applies to the Candidate, Shareholder, Significant Subcontractors and subcontractors contractors other than Significant Subcontractors with which the Candidate has concluded an subcontracting agreement prior to tendering the Final Submission if the value of the subcontracted part of the Project is greater than the applicable threshold value, as stipulated in European Directive 2004/18/EC.

involvement not be available, then the Contracting Authority may seek the advice of the BIBOB Bureau (see Article 8 of the Public Administration Probity in Decision-Making Act (BIBOB)). The Candidate, Significant Subcontractor, or Shareholder concerning whom advice is solicited shall be informed of the contents of said advice by the Contracting Authority.

### 3.11.5 Exclusion

Throughout the invitation to tender and award of contract, a Candidate may be requested to demonstrate that the grounds for exclusion referred to in paragraphs 3.11.1 and 3.11.2 do not apply to it, failing which the Candidate may be excluded from (further) participation in the tender and award. If, during the tender procedure, grounds for exclusion under Paragraphs 3.11.1 and 3.11.2 become applicable with regard to a Candidate, this Candidate must immediately notify the Contracting Authority of this fact in writing.

Candidates who, in the view of the Contracting Authority, act in breach of the terms and requirements stipulated in the Tender Documents can be excluded from (further) participation in the invitation to tender.

If, at any time, it becomes evident that a Candidate has provided incorrect information, the Candidate may be excluded from (further) participation in the invitation to tender.

Should the Contracting Authority proceed with the exclusion of a Significant Subcontractor or Shareholder involved in this tender procedure, the respective Candidate shall then have the opportunity for fifteen day of submitting a change proposal in the sense of Paragraph 3.9 to replace the respective Significant Subcontractor or Shareholder.

Candidates that are excluded on the basis of the provisions in this paragraph shall not receive any compensation.

## 3.12 Financial and economic standing

### 3.12.1 Financial and economic standing requirement

Candidates must show that the Shareholders are willing and able to provide the Candidate with a minimum amount of EUR 50,000,000 for funding the Project.

### 3.12.2 Information to be submitted

The Candidate must for the purpose of proving that it meets the financial and economic standing requirement submit a statement in full conformity with Schedule 2.4, signed by an authorised representative of a financial institution subject to supervision in its country of origin. In case of a request made by joint parties acting in the name of an SPV in the process of incorporation, multiple statements may be submitted on behalf of the SPV in the process of incorporation, providing the accumulated amounts involved in the statements meet the requirement. If multiple statements are submitted, [Name of Candidate] indicated in the 2nd paragraph of Appendix 2.4 must be read as [Name of Legal Entity/ies] and only the amount may be otherwise changed.

This (These) financial institution(s) must possess a Long-Term Issue Credit Rating issued by Standard & Poor's of at least ~~A-~~ or by Moody's of least ~~A3~~ or by Fitch of at least ~~A-~~ or a comparable credit rating issued by a similar internationally-recognised independent rating agency;

Deleted: BBB

Deleted: Baa2

Deleted: BBB

This declaration need only pertain to the Candidate itself and not to other parties whose experience the Candidate wishes to invoke for purposes of selection.

### 3.13 Technical and organisational ability

The Candidate is to show that it can indeed avail itself of the following experience in carrying out the Project.

#### 3.13.1. Project management experience requirement

- I During the last five years preceding the announcement of the Project, Candidates must have performed the *project management* for at least one (1) *infrastructure project in civil and hydraulic engineering* that meets the following requirements:
- a. *integrated execution* of design and construction work carried out under certified quality assurance (based on the ISO-9001 standard or equivalent);
  - b. the contract value of the design and construction work indicated in *a* above shall be at least EUR 50,000,000 (in real euros, excluding VAT);
  - c. at last EUR 20,000,000 of the contract value specified in *b* (in real euros, excluding VAT) must be completed at the time of submitting the request to participate.

Project management in the meaning of the present suitability requirement is understood to be the assumption of responsibility at the level where the design and construction work was integrated or which required the involvement in an executive capacity with regard to the following tasks:

- i. the day-to-day execution of activities;
- ii. risk management;
- iii. stakeholder management;
- iv. quality management;
- v. financial management;
- vi. scheduling;
- vii. implementation of modifications.

In the meaning of the suitability requirement, integrated execution is understood as an interdisciplinary approach in accordance with systems engineering (SE).

and

- II During the last five years preceding the announcement of the Project, Candidates must have carried out the design and construction of at least one (1) tunnel located on a national or international public road or railway network with a continuous closed section of at least 750 m, open to traffic. The tunnel has to be a part of an *infrastructural tunnel construction project* that meets the following requirements:
- a. *integrated execution* of design and construction work carried out under certified quality assurance (based on the ISO-9001 standard or equivalent);
  - b. the contract value of the specified work indicated in *a* above shall be at least EUR 50,000,000 (in real euros, excluding VAT);

In the meaning of the suitability requirement, integrated execution is, in any case, understood as an interdisciplinary approach, ~~by means of which at least the following~~ technical and other components are integrated into a successfully functioning system:

- Concrete construction;
- Tunnel Technical installations (TTI);
- Industrial Automation (IA), including software development for the tunnel system's process management.
- System integration.

Deleted: in accordance with systems engineering (SE)

### **3.13.2 Project financing experience requirement**

The Candidate is to show that it can indeed avail itself of the following experience in carrying out the Project.

The Candidate must have been involved to a significant extent in the signing of financial agreements between a project company and providers of external capital for purposes of financing at least one project having a contract value of at least EUR 50,000,000 to be paid by the principal (in real euros, VAT not included), where the facilities made available to the project company must have amounted to at least 50% of the contract value cited in this context.

No further requirements are imposed on this project. If applicable, one of the reference projects mentioned in the context of 3.13.1 may also be presented here.

The requisite experience may have been acquired on the part of the project company or on the part of the providers of external capital, also as financial advisers.

### **3.14 Information to be submitted**

The Candidate must show that it meets the requirements cited in Paragraphs 3.13.1 and 3.13.2 with regard to experience in the areas of project management and project financing by means of the model statement enclosed as Schedule 2.5.

The Candidates may only indicate one project as a reference of each requirement. A separate statement is to be submitted for each reference project.

### **3.15 Verification by the Contracting Authority**

The Contracting Authority reserves the right to verify the reliability of references presented. The Candidate is obliged to cooperate in this context.

### **3.16 Evaluation of request to participate - invitation to Dialogue**

The Contracting Authority will invite Candidates to participate in the Dialogue according to the absence of any grounds for their exclusion under paragraph 3.11 and on condition that they meet the suitability requirements as specified in paragraphs 3.12 and 3.13.

Candidates in respect of whom there are grounds for exclusion as referred to in Paragraph 3.11 or who do not meet the suitability requirements as referred to in Paragraphs 3.12 and 3.13 shall not be invited to participate in the Dialogue. Paragraph 2.3 of these Selection Instructions applies to Candidates not invited to the Dialogue.

## **Annex 1      Definitions**

### **Contracting Authority**

The State of the Netherlands  
Ministry of Infrastructure and the Environment,  
Rijkswaterstaat, Infrastructure Department

### **Tender Documents**

The Tendering Instructions, the Selection Instructions, the DBFM Contract, the General and Confidential Clarification, invitations to participate in another (subsequent) phase of the tendering procedure, and all other documents supplied to Candidates by the Contracting Authority in the context of the tendering procedure and designated as such.

### **Tendering Instructions**

The instructions that cover the period in the tendering procedure from Invitation to participation in the First Phase of Dialogue up to Final Submission. The period prior to this is covered in the Selection Instructions.

### **Shareholder**

A natural or legal entity registered as a present or future shareholder of the Candidate.

### **Supplementary self-declaration**

The supplementary self-declaration in Appendix 2.3.

### **General Clarification**

Information supplied to Candidates by the Contracting Authority as per paragraph 2.10 of the Selection Instructions or Tendering Instructions.

### **Significant Subcontractor(s)**

A natural or legal entity whose technical competence is employed by a Candidate for purposes of fulfilling technical expertise requirements.

### **Contract Close**

The moment of signing the DBFM Contract.

### **Data Room**

The integrated system consisting of a connection to a server of the Contracting Authority and the operational software of said server, by means of which Candidates, after the Selection Phase, gain access to the digital archive containing documents and information in connection with the tender procedure of the Project.

### **Data Room Regulations**

The regulations in which access to and use of the Data Room are set forth.

### **DBFM Agreement**

The (draft) Design, Build, Finance, Maintain (and Operate) agreement for execution of the Project that will be added to the Tendering Instructions, including annexes.

### **Final Submission**

The final submission tendered by the Candidates invited to do so according to Chapter 7 of the Tendering Instructions. In case of phased submission of parts of the Tender, the "date of Final Submission" is the date on which the last parts of the Tender are and have to be submitted.

**Dialogue**

The First and Second Phases of Dialogue in combination.

**Dialogue Output**

The (draft) proposals solicited by the Contracting Authority and to be submitted to same by the Candidates during Dialogue.

**Direct Agreement**

The agreement signed on the date of Financial Close between the Contracting Authority, the Security Agent, and the Contractor.

**First Phase of Dialogue**

The phase of the tender procedure described in Chapter 4 of the Tendering Instructions.

**EIB Reference Rate**

The interest surcharge that reflects the EIB's "cost of funding" as indicated in the EIB's (indicative) term sheet.

**Self-Declaration**

The declaration referred to in Article 3.11.3.

**Financial Close**

The date on which the financial agreements are signed.

**Candidate(s)**

An SPV or one or more natural or legal persons acting on behalf of an SPV in process of incorporation that have applied to participate in the present tender procedure.

**Successful Tenderer**

The Tenderer with whom the Contracting Authority intends to sign the DBFM Agreement.

**Tenderer**

An SPV or one or more (legal) entities acting on behalf of an SPV in the process of incorporation by whom a Final Submission is tendered.

**Ceiling Price**

The amount determined by the Contracting Authority indicating uppermost limit under which the actual value of a Final Submission must remain in order to be valid.

**Project**

The A9 GDW Project (i.e. the A0 Holendrecht – Diemen Project) in which all work, deliveries, and services must be performed on the basis of the DBFM Agreement.

**Risk Management Plan Outline**

The item submitted by Candidates during the First Phase of Dialogue, evaluated on the basis of the EMAS criteria and used as a basis for selecting Candidates to continue to the following phase of Dialogue.

**Selection Phase**

The phase of the tendering procedure described in Chapter 3 of the Selection Instructions.

**Selection Instructions**

The separate instructions according to which the Contracting Authority selects the Candidates who participate in the Dialogue Process.

**SPV**

Special Purpose Vehicle organised in the form of a private company with limited liability under Dutch law (besloten vennootschap).

**Tunnel**

Motorway tunnel or covering structure of which the longitudinally enclosed section is longer than 250 m.

**Second Phase of Dialogue**

The phase of the tender procedure described in Chapter 5 of the Tendering Instructions.

**Invitation to Participate in the First Phase of Dialogue.**

The document in which the Contracting Authority invites the Candidates selected for that purpose to participate in the First Phase of Dialogue.

**Invitation to participate in the Second Phase of Dialogue**

The document in which the Contracting Authority invites the Candidates selected for that purpose to participate in the Second Phase of Dialogue.

**Invitation to Tender a Final Submission**

The document in which the Contracting Authority invites the Candidates selected for that purpose to tender a Final Submission.

**Confidential Clarification**

Confidential information supplied to Candidates by the Contracting Authority pursuant to Subsection 2.10 of the Tendering instructions.

**Hard Mini Perm Financing**

Hard mini perm financing is not deemed to include bridge loans for which the Financing Agreements or the Shareholder Loan Agreements make provision in supplying the money at Financial Close by means of which this re-financing can occur.

**Institutional Investor**

Institutional Investors that are under the supervision of a regulatory body or a regulatory agency of another member state, or a regulatory agency from a state that is not a member of the EU but imposes at least comparable requirements as a regulatory agency of a EU Member State (all the above as defined in Article 1:1 of the Dutch Financial Supervision Act).

## **Annex 2 Model forms for request to participate**

### **Appendices (to be added) to the request to participate:**

#### **Tab A:**

A request, completely filled out and validly signed by the Candidate, to participate in conformity with the model covered in this **Annex 2.1**, including:

Extracts from the register of companies for the Candidate, Significant Subcontractors, and Shareholders. In the case of an SPV in process of incorporation, all natural or legal persons (joint parties) applying on behalf of the SPV in process of incorporation shall submit extracts from the register of companies.

A copy of a valid proof of identity of the natural person or persons acting as authorised representative(s) in signing the request to participate on behalf of the Candidate.

Contingent (special) power of attorney granted the aforementioned natural person for the purpose of validly signing the request to participate. Said power of attorney is only required if the signatories' authorisation of representation is not already fully demonstrated by the extracts from the register of companies supplied. In such a case a copy of a valid proof of identity of the person(s) signing the authorisation for the power of attorney must also be submitted. Where applicable, the secretary must be provided with proxies for the other natural or legal persons, if there is a request involving several entities.

#### **Tab B: Statement of availability of Significant Subcontractors (paragraph 3.8)**

A statement of availability, completely filled out and validly signed by each Significant Subcontractor, in conformity with the model supplied in **Annex 2.2**, including:

A copy of a valid proof of identity of the natural person or persons acting as authorised representative in signing the statement of availability of the Significant Subcontractor on behalf of that Significant Subcontractor.

Contingent (special) power of attorney granted the aforementioned natural person for the purpose of validly signing the statement of availability of the Significant Subcontractor. Said power of attorney is only required if the signatories' authorisation of representation is not already fully demonstrated by the extracts from the register of companies supplied. In such a case a copy of a valid proof of identity of the person(s) signing the authorisation of the power(s) of attorney must also be submitted.

#### **Tab C: Self-Declaration and Certificate of Good Conduct (CGC) (Article 3.11)**

A Self-Declaration completely filled out and validly signed by the Candidates, each Significant Subcontractor and each Shareholder in conformity with the Questionnaire supplied in **Annex 2.3**.

The Self-Declaration must be submitted along with:

A copy of a valid proof of identity of the natural person or persons acting as authorised representative in signing the Self-Declaration on behalf of the respective Candidate, Significant Subcontractor, Shareholder, or subcontractor, if this copy of the valid proof of identity of the natural person acting as signatory has not already been submitted.

Contingent (special) power of attorney granted the aforementioned natural person for the purpose of validly signing the Self-Declaration. Said power of attorney is only required if the signatories' authorisation of representation is not already fully demonstrated by the extracts from the register of companies supplied. In such a case a copy of a valid proof of identity of the person(s) signing the authorisation of the power(s) of attorney must also be submitted. Certificate of Good Conduct (CGC) The CGC must relate to the current situation of the Candidate, Significant Subcontractor or Shareholder. In the case of an SPV in process of incorporation, all natural or legal persons (joint parties) applying on behalf of the SPV in process of incorporation shall submit CGCs. A CGC must not in any case be submitted earlier than six months before the date of the request to participate referred to in paragraph 1.7.1 of these Selection Instructions.

A CGC may in no case have been issued by the Dutch "Centraal Orgaan Verklaring Omtrent het Gedrag" (COVOG, Central Office for Certificates of good conduct) more than 6 months prior the date of Final Submission.

If a certificate comparable to the CGC is not issued in the country of origin, it may suffice to submit a statement under oath or a solemn declaration made before an authorised legal or administrative body, a civil notary or a qualified professional organisation in the country of origin.

**Tab D: Statement of economic and financial standing  
(paragraph 3.12)**

A statement of economic and financial standing, completely filled out and validly signed by the financial institution – in the sense of paragraph 3.12 of the Tendering Instructions – in conformity with the model supplied in **Annex 2.4**, including:

Extract from the register of companies for the financial institution.

A copy of a valid proof of identity of the natural person or persons acting as authorised representative in signing the statement of economic and financial standing of availability of the Significant Subcontractor on behalf of the financial institution.

Contingent (special) power of attorney granted the aforementioned natural person for the purpose of validly signing the statement of economic and financial standing. Said power of attorney is only required if the signatories' authorisation of representation is not already fully demonstrated by the extracts from the register of companies supplied. In such a case a copy of a valid proof of identity of the person(s) signing the authorisation of the power(s) of attorney must also be submitted.

**Tab E: Demonstration of technical and organisational ability  
(paragraph 3.13)**

One reference per reference project, completely filled in and validly signed by the Candidate, in conformity with the model supplied in **Appendix 2.5**, including for each reference project:

A copy of a valid proof of identity of the natural person or persons acting as authorised representative in signing the reference on behalf of the Candidate, should a copy of valid proof of identity of the natural person signing not already have been submitted.

Contingent (special) power of attorney granted the aforementioned natural person for the purpose of validly signing the reference. Said power of attorney is only required if the signatories' authorisation of representation is not already fully demonstrated by the extracts from the register of companies supplied. In such a case a copy of a valid proof of identity of the person(s) signing the authorisation of the power(s) of attorney must also be submitted.

## Annex 2.1 Model forms for request to participate

### A. Candidate Information<sup>1</sup>

Name	
Legal form of the company	
Location of registered seat	
Country of registered seat	
Office address	
E-mail	
Fax	
Telephone no.	
Name of designated representative (where applicable)	

### B. Shareholder information (to be supplied by each Shareholder)

Name	
Legal form of the company	
Location of registered seat	
Country of registered seat	
Office address	
E-mail	
Fax	
Telephone no.	
Percentage of current or future holding in Candidate	

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<sup>1</sup> In the case of an SPV, the information requested under A. must be supplied by the SPV. In the case of an SPV in process of incorporation, all the (legal) persons (joint parties) acting on behalf of the SPV in process of incorporation must supply the information requested under A. and one of them shall be designated as their representative (see paragraph 3.6 of the Selection Instructions).

**C. Significant Subcontractor(s) information (to be supplied by each Significant Subcontractor)**

Name	
Legal form of the company	
Location of registered seat	
Country of registered seat	
Office address	
E-mail	
Fax	
Telephone no.	

**D. Information on the authorised natural person that signs the request to participate on behalf of the Candidate<sup>1</sup>.**

Name of natural person authorised as representative	
Date and place of birth	
Position	
Name of legal person represented	

**E. Candidate's declaration regarding the procedure and accuracy of information**

[name of Candidate] declares that:

1. It has read the Selection Instructions and is in unconditional agreement with the procedure set forth therein.
2. All information it has provided or shall provide the Contracting Authority within the context of this tender procedure is accurate.

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<sup>1</sup> In the case of an SPV, the information requested under D. is to be supplied by the SPV and the designated natural person (or persons) is to sign this request to participate on behalf of the SPV.  
In the case of a SPV in process of incorporation, all (legal) persons (joint parties) acting on behalf of the SPV in process of incorporation are to supply the information requested under D. and the natural person designated by said legal persons (joint parties) is to sign this request to participate on their behalf.

Signed at [place] on [date]

**Name [Candidate<sup>1</sup>]**

On behalf of

[name of natural person or persons cited under D.]

[signature of natural person or persons cited under D.]

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<sup>1</sup> In the case of an SPV, the natural person (or persons) cited under D. are to sign this request to participate on behalf of the SPV.  
In the case of an SPV in the process of incorporation, the natural persons referred to under D. need to sign this request to participate on behalf of the (legal) persons (joint parties) acting on behalf of the SPV in the process of incorporation.

## **Annex 2.2 Model statement for availability of Significant Subcontractor<sup>1</sup>**

### **Significant Subcontractor information**

Name

Legal form of the company

Address

E-mail

Fax

Telephone no.

[Name of Significant Subcontractor] declares:

- 1, that it is familiar with the Selection Instructions for this tendering procedure, and that it is in unconditional agreement with the procedure set forth therein;
2. that all information it has supplied and shall supply to the Contracting Authority in the context of this tender procedure is accurate, and that it is aware that possible inaccuracies detected by the Contracting Authority may lead to the exclusion of the Candidate from further participation in this tender procedure.
3. that, should the Project be awarded to [name of Candidate], the Candidate shall be able to call on the knowledge, experience and resources available to the signatory for the purpose of carrying out the Project. In this connection it agrees that the experience of the signatory shall be designated as being the experience of the Candidate.

Signed at [place] on [date]

[Significant Subcontractor],

[name of natural person authorised as representative]

[position]

[signature]

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<sup>1</sup> To be completed by each Significant Subcontractor on whose experience the Candidate draws.

**Annex 2.3: Model Self-Declaration**

This form must be fully completed and signed by the Candidate, as well as by each Shareholder and each Significant Subcontractor (with the exception of question 6). In the case of an SPV in process of incorporation, all natural or legal persons (joint parties) requesting participation on behalf of the SPV in process of incorporation are to submit a completed and signed Self-Declaration.

The Contracting Authority reserves the right to instigate a closer examination by the BIBOB Bureau of Candidates, Shareholders, Significant Subcontractors, or other subcontractors, to the extent that such is permissible under the limitations set forth in Directive 2004/18/EG.

*In the self-declaration, company, where applicable, means Candidate, every Shareholder and every Significant Subcontractor.*

*Contracting department in the self-declaration where applicable means the Contracting Authority.*

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**SELF-DECLARATION**

in the framework of the tendering process for the order regarding the Project SAA A9GDW.

**1. GENERAL QUESTIONS PURSUANT TO ARTICLE 30 OF THE PUBLIC ADMINISTRATION (PROBITY IN DECISION-MAKING) ACT (BIBOB ACT)**

1.1. Please state the (incorporated) name, address, and place of residence or registered seat of the company.

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1.2. Please state the name, address, place of residence, and capacity within the company of the person completing this Self-Declaration on behalf of the company.

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1.3. Please state the legal form of the company.

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1.4. Please state the trade name or names the company uses or has used in the last four years.

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1.5. Please state the registration number with the Dutch Chamber of Commerce and Industry (consisting of 12 digits in Holland) or an comparable registration in the country in which the company is seated.

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1.6. Indicate the natural or legal persons that directly or indirectly undertake the management of the company as well as which natural or legal persons meet or have met the above description in the past four years. \*1)

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*\*1) A manager of a company is responsible for managing the daily affairs of the company. These may be natural or legal persons such as directors, auditors, attorneys, managers, etc.*

1.7. Are there natural persons or legal persons that directly or indirectly control or have controlled the company? \*2)

Yes / no (delete as applicable)

If yes, please indicate the identity of those natural persons or legal entities, along with which natural persons or legal entities meet or have met the above description in the past four years.

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*\*2) Control is the right to actually influence on the policy of the company.*

*Natural or legal persons who control the company may include shareholders with more than 5% of the shares.*

- 1.8. Are there natural persons or legal persons that directly or indirectly provide or have provided the company with capital?

Yes / no (delete as applicable)

If yes, please indicate the identity of those natural persons or legal entities, as well as which natural persons or legal entities this applies to in the past four years.

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- 1.9. Please indicate how the company is financed.

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- 1.10. If applicable, indicate which parts of the Project will be subcontracted out. In the above case, please also indicate the natural or legal persons that shall act as Significant Subcontractors. For each Significant Subcontractor provide details according to questions 1.1 (name and address), 1.3 (legal form), 1.4 (trade names) and 1.5 (CoC registration) of this Self-Declaration.

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**2. QUESTIONS FOR DETERMINING THE PRESENCE OF ONE OR MORE OF THE GROUNDS FOR EXCLUSION LISTED IN THE TENDERING REGULATIONS FOR PUBLIC WORKS 2005 OR IN THE EUROPEAN TENDER DIRECTIVES**

- 2.1. In the four years immediately preceding this tendering procedure has any sentence been passed with decree absolute against the company according to Article 140; 177; 177a; 178; 225; 226; 227; 227a; 227b or 323a; 328, third subsection, second Paragraph; 416; 417; 417, second subsection; 420, second subsection; 420, third subsection or 420, fourth subsection of the Dutch Penal Code or according to the analogous criminal justice laws of another country?

Yes / no (delete as applicable)

If yes, state the offence and the imposed penalty or measure.

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Upon the contracting department's request, a statement concerning the conduct of the company (Certificate of Good Conduct (CGC) or an order denying the release of said statement, or a comparable statement or order from the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.2. Is the company in a state of bankruptcy, under liquidation, or subject to judicial settlement, or has the company ceased its business operations, or is it in another analogous condition as a consequence of an analogous procedure according to national legislation?

Yes / no (delete as applicable)

If yes, please specify the relevant condition.

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Upon the contracting authority's request, a registrar's statement or a comparable statement issued in the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.3. Have bankruptcy proceedings been petitioned against the company, or is it pending liquidation or judicial settlement or another analogous procedure provided for in national legislation?

Yes / no (delete as applicable)

If yes, please specify the relevant condition.

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Upon the contracting authority's request, a registrar's statement or a comparable statement issued in the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.4. In the four years immediately preceding this tendering procedure, has a conclusive legal sentence been passed on the company due to an offence that compromises the professional ethics of the company in the meaning of Article 5 of the Policy Rules concerning Integrity and Exclusion from invitations to tender in BIBOB sectors?

Yes / no (delete as applicable)

If yes, state the offence and the imposed penalty or measure.

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Upon the contracting authority's request, a statement concerning the conduct of the company or an order denying the release of said statement, or a comparable statement or order from the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.5. Has the company in the four years immediately preceding this tendering procedure committed any serious offence in the exercise of its professional activity in the meaning of Article 6 of the Policy Rules concerning Integrity and Exclusion from invitations to tender in BIBOB sectors?

Yes / no (delete as applicable)

If yes, state the nature of the fault and any imposed penalty or measure.

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- 2.6. Has the company fulfilled its obligations with regard to the payment of social security contributions in conformity with the laws of the country in which the company has its registered seat as well as with the laws of the country of the contracting authority?

Yes/no (please cross out the answer that does not apply)

Please indicate contingent payment plans in course.

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Upon the contracting authority's request, a statement by the recipient in charge of collecting taxes from the company or a comparable statement issued in the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.7. Has the company fulfilled its obligations with regard to the payment of taxes in conformity with the laws of the country in which the company has its registered seat as well as with the laws of the country of the contracting authority?

Yes / no (delete as applicable)

State any current repayment arrangements.

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Upon the contracting authority's request, a statement by the recipient in charge of collecting taxes from the company or a comparable statement issued in the country of origin, issued within the preceding 6 months, must be submitted. The company vouches that the said statement conforms to the company's actual situation at that time.

- 2.8. Prior to this tendering procedure, has the company been guilty of making false declarations of a serious nature when providing information that can be requested according to qualitative selection criteria or grounds for exclusion (or has the company failed to provide such information)?

Yes / no (delete as applicable)

If yes, state the nature of this and any imposed penalty or measure.

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**3. QUESTIONS REGARDING INSIDE INFORMATION AND CONFLICTS OF INTERESTS**

3.1. Prior to this tendering procedure, has the company carried out work or services towards preparing the Project, or is/was the company in some other way directly or indirectly involved in the preparation of the Project?

Yes/no (please cross out the answer that does not apply)

If yes, please indicate the nature of the respective work or services or the nature of the involvement.

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3.2. Prior to this tendering procedure, have people working in the company carried out work or services towards preparing the Project, or are there people working in the company in some other way directly or indirectly involved in the preparation of the Project?

Yes/no (please cross out the answer that does not apply)

If yes, please provide the following information for each person:

- a. the name and function within the organisation;
- b. the nature of the relevant work or services, or the involvement.

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3.3. With regard to this tendering procedure, has the company hired subcontractors who have carried out work or services in preparation of the Project, or is/was the company in some other way directly or indirectly involved in the preparation of the Project?

Yes/no (please cross out the answer that does not apply)

If yes, please provide the following information for each subcontractor:

- a. the details according to questions 1.1 (name and address), 1.3 (legal entity), 1.4 (trade names) and 1.5 (CoC registration) of this Self-Declaration;
- b. the nature of the relevant work or services, or the involvement.

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3.4. With regard to this tendering procedure, has the company hired advisers (both natural and legal persons) who have carried out work or services in preparation of the Project, or is/was the company in some other way directly or indirectly involved in the preparation of the Project?

Yes/no (please cross out the answer that does not apply)

If yes, please provide the following information for each consultant:

- a. the details according to questions 1.1 (name and address), 1.3 (legal entity), 1.4 (trade names) and 1.5 (CoC registration) of this Self-Declaration;
- b. the nature of the relevant work or services, or the involvement.

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3.5. Is the company allied to one or more other companies and/or does the company form part of a group, in the context of Articles 2: 24a, 2:24b and 2:24c of the Netherlands Civil Code, or comparable legal forms under foreign law?

Yes / no (delete as applicable)

If yes, have one or more of the affiliated or group companies performed work or services in preparation of the Project prior to the tendering procedure or has one or more of the companies been in some other way directly or indirectly involved (or is currently involved) in the preparation of the Project?

Yes / no (delete as applicable)

If yes, specify for each company:

- a. the details according to questions 1.1 (name and address), 1.3 (legal entity), 1.4 (trade names) and 1.5 (CoC registration) of this Self-Declaration;
- b. the nature of the relevant work or services, or the involvement.

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**4. QUESTIONS REGARDING THE FORMATION OF CONSORTIUMS FOR PLACING TENDERS OR APPLICATIONS BY MEANS OF JOINT ENTREPRENEURIAL VENTURES \*3)**

*\*3) These questions need only be answered if tender or applications are made by means of a joint business venture (a consortium), whether the latter is an ordinary partnership or not, or as a Special Purpose Vehicle (SPV).*

4.1. Please indicate which factors prevent the company from being able to submit a tender for the Project individually.

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4.2. Please indicate why the nature and scope of the joint entrepreneurial venture (consortium) formed is necessary with regard to the nature and scope of the contract to be executed, taking the significance and capacity of each operator in the joint venture into consideration.

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4.3. Please indicate which part(s) of the Project shall be executed by the company itself.

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**5. QUESTIONS REGARDING COMPANY REVENUE AND RELIANCE ON OTHER NATURAL OR LEGAL PERSONS**

5.1. Please state which was the company's last closed financial year (Article 2.10a of the Dutch Civil Code) along with the company's revenue for that last financial year.

Last closed financial year: .....  
Revenue in that accounting year: .....

5.2. To fulfil the requirements stipulated by the contracting department with regard to economic and financial standing, experience and technical ability does the company rely on the technical ability, experience and/or competence of other natural or legal persons? \*4)

*\*4) In the case of a joint corporate venture (consortium), the statement given in response to this question applies to the joint venture as a whole.  
If other natural or legal persons are relied upon, details and documents must also be included with the tender or notification in accordance with the relevant requirements indicated by the contracting department.*

Yes / no (delete as applicable)

If so, the company may, in due course and in response to a properly received request from the contracting department, furnish supporting documentation demonstrating that the company can be effectively and irreversibly have access to the resources belonging to the other natural or legal persons required to execute the contract, as well as supporting documents demonstrating that the other natural or legal persons are effectively and irrevocably assigned to the execution of the contract?

Yes / no (delete as applicable)

If no, please state why this is not possible.

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**6. QUESTION CONCERNING INDUSTRIAL SAFETY AND WORKING CONDITIONS \*5)**

*\*5) This question need only be answered when submitting a tender under an open tendering procedure, a restricted procedure or a negotiated procedure without prior notice.*

*The question need not be answered when applying as a candidate in a closed tendering procedure, a negotiated procedure with prior notice or competitive dialogue. The question will then be answered in the Tendering Phase.*

In preparing its tender, has the company taken account of the obligations under the regulations relating to protection at work and working conditions in force at the location where the contract is performed?

Yes/no (please cross out the answer that does not apply)

**DECLARATION**

The undersigned declares:

- that he/she is authorized to legally bind the company and this at least to the value of the tender;
- that the questions have been answered in a complete and truthful manner, and that the information provided in this questionnaire is true, accurate and complete;
- that he/she shall provide, at the request of the contracting department, evidence showing that the company has operated in accordance with the Dutch Tendering Regulations for Public Works of 2005 and/or the European Procurement Directive 2004/18/EC, and that the listed grounds for exclusion do not apply;
- that he/she can, at the request of the contracting department, provide information and documents demonstrating that the company meets the minimum requirements set by the contracting department with regard to financial and economic standing, experience and technical ability.

Date : .....

Town/City : .....

Name : .....

Position : .....

Company : .....

Signature: .....

## Annex 2.4 Model declaration of financial-economic capacity

This declaration must be signed by an authorised representative of a financial institution governed by the regulatory supervision of its country of origin. This financial institution must possess a Long-Term Issue Credit Rating issued by Standard & Poor's of at least A- or by Moody's of least A3 or by Fitch of at least A-, or a comparable credit rating issued by a similar internationally-recognised independent rating agency;

The statement below must be issued on the financial institution's institutional stationary.

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To Contracting Authority

Ministry of Infrastructure and the Environment  
Rijkswaterstaat Dienst Infrastructuur  
A9 GDW Project Organisation  
Attn Y.H. Norg  
Burgemeester Stramanweg 100B  
1101 EM Amsterdam Z-O

The undersigned, [name of financial institution], with registered seat at [place], declares as follows in connection with the call to tender issued by the State of the Netherlands (Ministry of Infrastructure and the Environment, Directorate-General Public Works and Water Management "Rijkswaterstaat", Infrastructure Service) for Project A9 Gaasperdammerweg (Holendrecht – Diemen), hereinafter referred to as "the Project".

The undersigned declares on the basis of facts known at the present time to [name of financial institution], that [name of Candidate] is to be considered capable of raising the sum of EUR 50,000,000 as a capital base, available either from its own funds/share capital/share premium, or by way of a subordinated loan.

This statement does not constitute a guaranty on the part of [name of financial institution] vis-à-vis the Contracting Authority. This statement has been prepared on the basis of careful consideration on the part of [name of financial institution] of the information made available to [name of financial institution] by Candidate, in particular as regards the Project and the financial situation of [names of parties concerned at Candidate].

[Name of financial institution] is aware that this statement shall be used by the Contracting Authority to determine whether [name of Candidate] meets the minimum financial and economic requirements placed upon it.

Signed at [place] on [date]

[name of financial institution]

[name of natural person authorised as representative]

[position]

[signature]

## Annex 2.5 Model declaration of technical and organisational ability

This statement must be completed and signed by the Candidate. A separate statement must be completed, signed, and submitted for each reference project.

The Contracting Authority reserves the right to request further information from the contact person of the contractor as indicated on this form.

<b>REFERENCE PROJECT</b>		
Name of reference project		
Contract amount (in euros, not including VAT)		
Place of execution		
Time period of execution		
Client	Name	
	Address	
	Name of contact person	
	Telephone no.	
	E-mail	
Contractor <sup>1</sup>		
Description of reference project (maximum 500 words)		
With this reference project Candidate proves that, for the purpose of executing the project, it can indeed avail itself of experience in the area of: Project management / project financing / Project management & Project financing <sup>2</sup> .		
<b>A. Project management</b>		
Infrastructure project	Is it a case of an infrastructure project in civil and hydraulic engineering in the meaning of paragraph 3.13.1 of the Selection Instructions, requirement I?	Yes/no
Project management	In the preceding five years, counted as of the deadline date for submitting a request to participate, has the aforementioned contractor executed the project management – in the meaning of Paragraph 3.13.1 of the	Yes/no

<sup>1</sup> The Contractor must be (a joint party to) the Candidate or a Significant Subcontractor.

<sup>2</sup> Cross out the inappropriate answer.

	Selection Instructions - for this project?	
Integrated Execution	Does the reference project at least comprise an integrated execution of design and construction work carried out under certified quality assurance (based on standard ISO 9001 or equivalent)?  Is it a case integrated execution by means of an interdisciplinary approach according to systems engineering (SE)?	Yes/no  Yes/no
Value	Is the total value of the preliminary and construction works at least EUR 50,000,000 excluding VAT?	Yes/no  If yes, what is the value of the design and construction work?  € ....., =
Completion of construction work	Has at least EUR 20,000,000 of the total value of reference project (I) been completed at the time of submitting the request to participate?	Yes/no
Satisfactory execution	As of the present, has the construction work of reference project (I) been executed to the satisfaction of the contracting party?	Yes/no
<b>B. Project management</b>		
Infrastructure project	Is it a case of an infrastructural tunnel construction project in the meaning of paragraph 3.13.1 of the Selection Instructions, requirement II?	Yes/no
Project management	In the preceding five years, counted as of the deadline date for submitting a request to participate, has the aforementioned contractor carried out the design and construction of a tunnel – in the meaning of Paragraph 3.13.1 of the Selection Instructions - for this project?	Yes/no
Integrated Execution	Does the reference project at least comprise an integrated execution of design and construction work carried out under certified quality assurance (based on standard ISO 9001 or	Yes/no

	equivalent)?  Is it a case integrated execution by means of an interdisciplinary approach, by means of which at least the following technical and other components are integrated into a successfully functioning system: Concrete construction; Tunnel Technical installations (TTI); Industrial Automation (IA), including software development for the tunnel system's process management; System integration.	Yes/no
Value	Is the total value of the preliminary and construction works at least EUR 50,000,000 excluding VAT?	Yes/no  If yes, what is the value of the design and construction work?  € ....., =
Satisfactory execution	As of the present, has the construction work of reference project (I) been executed to the satisfaction of the contracting party?	Yes/no
<b>C. Project financing</b>		
Infrastructure or analogous project	Is it a case of an infrastructure project or an analogous project in the meaning of Paragraph 3.13.2 of the Selection Instructions?	Yes/no
Contract value	Is the contract value at least EUR 50,000,000, excluding VAT?	Yes/no
Project Financing	Was the contractor involved in a significant way in the signing of the financing agreement(s) for purposes of project financing between a project company and providers of external capital, where the facilities made available to the project company had a combined value of at least 50% of the contract value?	Yes/no

Deleted: according to systems engineering (SE).

Signed at [place] on [date]

[Name of Candidate / Significant Subcontractor],

[name of natural person authorised as representative]

[position]

[signature]