

Tender document

subject **Pre-competitive dialogue to form consortia for the Framework Agreement for the implementation of 7 regional, nationally scalable MaaS pilots**

following a **Public subscription procedure**

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1. Introduction

You have before you the Tender Document for the pre-competitive dialogue for matching/consortia formation for the implementation of 7 regional, nationally scalable MaaS (Mobility as a Service) pilots. The execution of this dialogue will be through a number of rounds, of which the first one will be from July 2018 up to and including September 2018. The purpose of the dialogue will be to resolve the last issues before starting the tendering of the Framework Agreement for the aforementioned pilots. This dialogue focuses not only on the possibility of matching/consortia formation but also on the discussion about standards/API's, ideas about data exchange agreements and the consultation about the Framework Agreement for the 7 regional pilots.

This document describes the purpose, procedure, rules and regulations of the procedure and the assessment of the Application.

The terms and definitions used in this Tender Document, insofar as they start with a capital letter, are included in the glossary (Appendix 2).

For information purposes, the Tender Document has also been made available in English. The Dutch language version is the binding version.

1.1. Context

Many see opportunities in MaaS, yet the concept is difficult to get off the ground. Based on discussions with various market players, together with a number of regions, I&W has decided to work with MaaS service providers and transport operators on large-scale pilot projects to gain learning experience about the actual impact of MaaS. Waiting is not an option. However, experience can be gained together as MaaS service providers, transporters and authorities. The idea is that the Pilots will make all parties smarter and that MaaS service providers will stand on their own two to three years from now. The Pilots are finite, the services ideally not.

In order to achieve the 7 regional MaaS Pilots, which can be scaled up nationally, the following steps have been and are being taken in cooperation with the regions and the market:

1. Exploration phase: The following activities have been undertaken during this phase:
 - Publication of White Paper defining MaaS
 - In October 2017, the Ministry of Infrastructure and the Environment held a market consultation on the subject of MaaS and, in particular, on the 7 regional MaaS pilots, which can be scaled up nationally. This started with the publication of a consultation document containing some thirty consultation questions. On 29 November 2017, a consultation day was attended by some 200 interested parties, at which the Ministry of I&W and the local authorities presented their proposed approach and plans. The consultation questions were answered in writing by approximately 85 parties.

The MaaS definition used for the MaaS Pilots is: the supply of multimodal (demand-driven) mobility services, in which customised travel options are offered to customers via a digital platform (e.g. Mobile app) with real-time information, including payment and settlement of transactions. This definition was endorsed in the market consultation.

The relevant MaaS Functionalities were determined during the Exploratory phase:

1. Personal aspects and preferences
2. Plans
3. Books
4. Travel
5. Support
6. Modification
7. Payment

2. Deepening phase: In the period January to June 2018, the following activities were carried out in parallel tracks on the basis of the input from the consultation:
 - By means of in-depth interviews with a selected number of market parties, the aspects of the MaaS ecosystem were brought to the surface and the desired role of the government was investigated.
 - Further work was done to deepen knowledge about the drafting and further development of standards/API's, the creation and elaboration of data exchange and governance.
 - The 7 regional, nationally scalable pilots have been further developed.
 - The national and regional Monitoring & Evaluation for the MaaS Pilots was fleshed out.
 - An administrative agreement has been drawn up as a means to achieve administrative assurance between I&W and the regions and to guarantee cooperation with transport operators as far as possible.
 - The public transport system has been further mapped out and obstacles to MaaS have been investigated.
3. Pre-competitive dialogue phase: On the basis of the information collected during the exploration and deepening phase, I&W has come to the implementation of a number of pre-competitive dialogue rounds. The first round lasts from July up to and including September 2018 and covers about 3 afternoons. Central to this are the following:
 1. matching and forming of consortia;
 2. feedback on the approach to data exchange and standards/APIs;
 3. feedback on the draft tender dossier for the Framework Agreement for the 7 Pilot Projects.
 This document describes this phase.
4. Tendering Phase Framework Agreement: The objective is to start the procurement process of the Framework Agreement after the summer, leading to a final award in December 2018. The Framework Agreement forms the framework and basis for mini-competitions for the 7 regional pilots. It is expected that more than 7 parties/consortia will qualify for this Framework Agreement.

The application for accession to the Framework Agreement will be published via Tenders and TED.
5. Demand phase for regional Pilots by means of mini competitions: Immediately after the Framework Agreement has been awarded, the Pilots will be tendered 'as far as possible in a stacked form (i.e. one after the other), with one or more market consultations taking place for the first planned Pilots during the tendering phase of the Framework Agreement.

1.2. Problem definition

The results of the market consultation in November and December 2017 showed the following.

1. The experience with MaaS has so far been too small-scale to know whether expectations can be met. Potential MaaS service providers, transporters and authorities need large-scale pilots that lead to viable business cases and an answer to the question of what the policy impact and control possibilities of MaaS are.
2. There do not seem to be enough parties yet to start the 7 regional, nationally scalable MaaS pilots independently. However, many parties do have 1 or more of the above 7 features for MaaS.
Expert and cooperative associations (consortia) of companies are needed to get MaaS off the ground and roll it out nationally.
3. The crux of the matter at MaaS lies in cooperation and data sharing. This requires agreements and standards. None of the parties can own the entire transport and/or MaaS chain. It is simply too extensive and would lead to unhealthy market positions. An impulse is needed to

develop cooperation and data sharing in the MaaS chain. This will require a joint effort by the government and companies with expertise in the field of MaaS.

4. There are obstacles to the effective development of MaaS services.
5. There are many questions among market parties about a tender for MaaS and the MaaS pilots, for example about the level playing field.

1.3. Aim of Pre-competitive dialogue

The purpose of the pre-competitive dialogue is to

1. Forming consortia: Participants in the pre-competitive dialogue are given the opportunity to find each other in order to form consortia. It is perfectly permissible for them to develop a MaaS service together, possibly for the purpose of participating in the tender of the MaaS Framework Agreement for the Regional Pilots.
2. Setting standards: in order to accelerate the development and use of MaaS services in the Netherlands, the right conditions must be created, for example by defining open standards and making agreements about data exchange.
3. Consult the market on the draft tender dossier for the Framework Agreement for the 7 regional, nationally scalable MaaS pilots, which will be put out to tender on 17 September 2018.

I&W is convinced that the pre-competitive dialogue is interesting for market parties. As a market party you can:

- getting to know any cooperation partners for the formation of consortia;
- respond to the tender dossier for the Framework Agreement;
- influence agreements for data exchange and standards/APIs.

In short, this Pre-competitive dialogue gets you close to the fire and puts you among the primary parties involved in the development of MaaS in the Netherlands.

2. Description of the Pre-competitive dialogue

2.1. The Pre-competitive dialogue in several rounds

The pre-competitive dialogue is executed in one or more rounds. I&W will, prior to commencing a new round, define the subjects to be discussed in this round based on the input from participants of the pre-competitive dialogue.

Prior to commencement of a new round, interested parties can subscribe to become participants, and after a positive assessment, will be invited to join the pre-competitive dialogue.

2.2. Subjects of the dialogue in round 1

In the pre-competitive dialogue from July up to and including September it is expected that in 3 meetings of a maximum one afternoon each, the following will be discussed at least:

1. matching and syndication
 - o parties that do not (yet) have the 7 functionalities but do want to compete for the Framework Agreement to execute as one of the parties/consortia 1 or more Pilots can search for partners in this phase.
2. feedback on the approach to agreements on data exchange and standards/APIs:
 - o input on recently developed (blueprints for) APIs for (sub)bicycle and (sub)car for the benefit of the regional MaaS Pilots;
 - o input into developed agreements for data exchange and the development of governance for this.
3. feedback on the draft tender dossier Framework Agreement for the 7 Pilot Projects;
2. any other topics that may be brought to the dialogue.

Note 1: in addition to verbal input, participants can also participate in the dialogue by writing in via www.dutchmobilityinnovations.com.

Note 2: the draft tender dossier Framework Agreement for the 7 Pilot Projects and otherwise relevant documents in relation to MaaS will be made available not to just the participants of the pre-competitive dialogue but will be published by I&W on Tendered and TED, to ensure maximum transparency.

2.3. Structure of a dialogue round

The structure of the pre-competitive dialogue has not yet crystallised. The principles of dialogue are as follows:

1. a limited number of subjects, with clearly defined products (deliverables);
2. get subjects to 1.0 version.
3. one leader per subject, and reporting of action points;
4. Dutch Mobility Innovations (DMI) as a medium for communication, reporting, matching and version management;
5. the key stakeholders in the dialogue (inner circle) on each topic are welcome to attend the dialogue table;
6. other parties involved in the dialogue (outer circle) can react to intermediates via DMI;
7. decision-making takes place in dialogue, but I&W ultimately makes the decision;
8. a permanent consultation location on a fixed day (probably once every two weeks);
9. the constructive way in which the parties get to know each other better in dialogue will undoubtedly make it easier to set up consortia.

2.4. Cooperation and rules

The pre-competitive dialogue will be organised in such a way that it will result in minimum workload for all parties involved.

Activities will take place as required within the Pre-competitive dialogue.

Local authorities involved in the development of the MaaS are involved in the dialogue.

I&W will facilitate and finance the process. In principle, the funding does not include any financial compensation to Participants.

The rules of the cooperation are laid down in the Agreement (Appendix 1) and the PoR (Appendix 2).

The rules concern the decision-making method during the Pre-competitive dialogue.

The Agreement stipulates that Participants agree to the standards, interfaces APIs and other rules as established by I&W concerning MaaS during the term of the Agreement.

All standards, APIs and interfaces agreed before the date of publication of the dossier Framework Agreement for the 7 Pilot Projects, will be included in it.

All standards, APIs and interfaces not agreed before the date of publication of the dossier Framework Agreement for the 7 Pilot Projects, will be included in the tender documents for the mini competitions.

2.5. Duration of the Agreement and Conditions

The duration of the Agreement is from the day it is first signed until the day the Agreement ends. The Agreement will continue as long as the Pre-competitive dialogue is useful in the opinion of I&W.

Parties not participating in the pre-competitive dialogue, have the opportunity to subscribe prior to the start of a new round. I&W will publish the start of every new round.

A Participant may resign at any time. From that moment on, he shall no longer be subject to any obligations under the Agreement, with the exception of obligations that by their nature continue to exist.

Please note:

An Applicant's own terms and conditions will not be accepted.

2.6. Nature and value of the Agreement

The Agreement is not a contract for pecuniary interest as referred to in the 2012 Public Procurement Act.

The Agreement has no financial value.

The Agreement only concerns the cooperation between I&W, regional authorities and the Participants in creating the right conditions and agreements for MaaS, under agreed conditions.

2.7. Intellectual property

The Tendering authority will respect the intellectual property rights of the Subscribers and Participants.

Standards and other knowledge and/or information developed within the framework of the Pre-competitive dialogue will be public and will be published by I&W.

2.8. Choice of law

Dutch law applies to this procedure and the Agreements to be concluded.

3. Subscription process

3.1. Nature of the subscription procedure

The subscription procedure is not a tendering procedure. The rules in the 2012 Public Procurement Act do not apply.

The subscription procedure is open and transparent, whereby the Tender Contractor invites market parties to subscribe to the Pre-competitive dialogue. In so doing, the Tender Contractor will observe the principles of the Treaty relating to the European Union, in particular the principles of equality, non-discrimination and transparency.

The option to subscribe to the Pre-competitive dialogue closes at 12:00 on July 20, 2018.

The Tender Contractor will assess each application on an equal basis.

I&W and the regional authorities aim to tender for the Framework Agreement for the 7 regional, nationally scalable MaaS pilots by September 17, 2018.

Participation in the Pre-competitive dialogue is not a pre-condition for participation in the European public procurement of the Framework Agreement.

Please note: in the information meeting on July 18, 2018, the draft dossier for the tendering of the Framework Agreement will be presented. Participants of the Pre-competitive dialogue are invited to respond in writing to the tender dossier for the Framework Agreement during the summer holiday period until August 23, 2018. If you wish to have the right to respond to the tender dossier, you must subscribe in to round 1 of the pre-competitive dialogue.

3.2. Contact persons

The contact persons for this subscription procedure are:

Primary contact person	Secondary contact person
Gerben Schumacher	Ella Westerhoff
Legal advisor	Procurement advisor

3.3. Communication on the subscription procedure

This tender was announced on TenderNed and TED. Any supplements to the Tender Documents will be published via TenderNed.

Note: You cannot submit questions via TenderNed or TED. You also cannot log in via TenderNed.

Your application must be submitted by means of e-mail or WeTransfer, at the following address:

maaspilots@minienm.nl

3.4. Information meeting

The Ministry of Infrastructure and Waterworks attaches great importance to starting the Pre-competitive dialogue before the summer holidays. The subscription procedure therefore has a short lead time.

An information meeting is planned on July 18, 2018. During this event, the Pre-competitive dialogue will be explained and the concept Tender documents for the Framework agreement will be presented.

It has been decided not to organise an information meeting during the subscription procedure and not to offer any opportunity for asking written questions. In the opinion of The Ministry of Infrastructure and Waterworks, a process of questions and answers and the issuing of Information Notices would rather have a disruptive effect in this phase of the preparation of Subscriptions and the preparation of the Pre-competitive dialogue itself. During the Pre-competitive dialogue there will also be more than enough opportunities to ask questions.

Making the subscription procedure more cumbersome with intermediate steps would mean that the start of the pre-competitive dialogue could only take place after the summer break.

3.5. Planning

The following table shows the planning of the subscription procedure. The planning is indicative, and no rights can be derived from the Subscribers. The Tender Contractor reserves the right to adjust the planning.

Activity	Date
Publication of the Tender document via TenderNed and TED	June 26, 2018
Information meeting	July 18, 2018
Final date for subscribing to round 1 of the Pre-competitive dialogue	July 20, 2018, 12.00
Starting date for assessment for round 1 of the Pre-competitive dialogue	July 21, 2018
Send invitations and rejections for participation in round 1 of the Pre-competitive dialogue	July 20, 2018
The pre-competitive dialogue be continued upon the decision of I&W, with a new round parallel or otherwise to the tender of the Framework Agreement and/or mini-competitions.	September 30, 2018

3.6. Subscription as partnership

Subscription together with others is permitted, both as a Consortium and with subcontractors.

It is permitted to register twice, both individually and as part of a partnership.

It is not allowed to register three or more times.

In the event of subscription as a partnership, all members of the partnership must sign and submit the Declaration of Grounds for Exclusion.

3.7. Complaint handling

The procedure for submitting and processing of complaints is detailed in appendix 5: complaints protocol.

4. Procedure and criteria

4.1. Classification and content of the Subscription

Note: the procedure and criteria for submission and assessment are the same for every new round of the pre-competitive dialogue. A participant of the pre-competitive dialogue doesn't have to subscribe again for a new round of the pre-competitive dialogue.

The Subscription must be classified as follows:

Content		Instruction / format
1.	Subscription letter	Legally signed
2.	Legally signed Declaration(s) of Grounds for Exclusion (in the event of a partnership; by all the members of the partnership)	Appendix 4
3.	Description of own activities showing that a MaaS functionality is performed and managed	Max 3 A4s
4.	Reference(s) per MaaS functionality	Max 1 A4 per reference
5.	Essay with future vision of the development of MaaS	Max 6 A4s
7	Chamber of Commerce extract	

Note: by submitting a Subscription, the Subscriber declares to agree with the contents of the Tender Documents. Reservations are not permitted.

Any Subscription that does not comply with the above classification may be declared invalid by the Tendering authority.

4.2. Assessment committees

For this procedure, the Tender Contractor has established an assessment committee, which is responsible for the assessment process. The assessment committee consists of experts.

4.3. Assessment process

The Subscriptions are assessed as follows:

- Firstly, on validity, completeness, formal requirements and the other conditions and requirements.
- Secondly, on the basis of the suitability requirements, according to the description of the company's own activities and the references submitted with them.

- Thirdly, on the evaluation criterion of quality and the associated sub-criteria.

4.4. Suitability requirements

Subscribers must perform and manage at least one of the MaaS functionalities as a business activity, as specified in chapter 2 of the PoR (appendix 2).

4.5. Assessment of quality

	Sub-criteria	Minimum acceptable score	Assessment principle
1.	The power of persuasion of the company's own activities in which it is demonstrated that a MaaS functionality is performed and managed.	6	Description of own activities and submitted references
3.	General quality of the vision of MaaS which also shows that target groups of MaaS are well understood.	6	Essay with future vision of the development of MaaS.
3.	Power of persuasion of the vision of the way in which the MaaS service will be created, with the steps to be taken in product development.	6	Essay with future vision of the development of MaaS.
	TOTAL	21	

The assessment committee assesses the received Subscriptions on the basis of sufficient quality and assigns a score per sub-criterion, in accordance with the assessment method included in this Tender document.

The assessment committee awards a whole grade of 5 to 9 for each sub-criterion, whereby

9 = excellent

8 = Good

7 = More than sufficient

6 = Sufficient

5 = Inadequate

and each mark is provided with a brief commentary (based on points for attention where necessary).

The assessment is absolute and therefore not relative.

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4.6 Discussion in a consensus meeting of the assessment committee

The assessment committee will assess the Subscriptions in terms of validity, completeness, formal requirements and other conditions and requirements. Decisions on this matter will be taken unanimously by the assessment committee.

The assessment committee assesses the Subscribers on the basis of whether they meet the requirements for Suitability. Decisions on this matter will be taken unanimously by the assessment committee.

The assessment committee assesses the quality of the Subscriptions and awards each of the marks unanimously. In the event of a difference of opinion within the committee on the allocation of a mark, views will continue to be exchanged until unanimity has been reached.

An official report will be drawn up of the entire assessment process of the subscriptions.

4.6. Invitation to the Agreement

All Subscribers to which no Ground for Exclusion applies, who meet the Suitability Requirements and whose Subscription gained a score of at least a 7 (minimum 21 points) on average, will be invited to conclude the Agreement with I&W.

At the same time as the invitations to join the pre-competitive dialogue are sent out, the rejected subscribers will be informed. They will receive a letter with an explanation of the reason(s) for the rejection. Rejected subscribers have the option to request further information or post a complaint by following the complaints protocol as specified in appendix 5.

5. Appendices

The following appendices are inextricably linked to this Tender Document and have been added separately:

1. Appendix: Draft Agreement
2. Appendix: Programme of Requirements (PoR)
3. Appendix: Glossary
4. Appendix: Declaration of Grounds for Exclusion
5. Appendix: complaints protocol