

Aanbesteding Netherlands - Maintenance of the GSM-R network
Aanbestedende Dienst: ProRail B.V.
Referentie:

Omschrijving:

The scope of this tender is to operate and maintain the GSM-R network. Please see separate document.

Toelichting:**Nr:****Categorie** Eisen en criteria**Betreft** ITIL

1

Vraag

Do suppliers need any kind of ITIL certification? Can you provide a specific catalog of requirements?

Antwoord**Vrijgegeven:** 29-08-2019

No, ITIL certification is not necessary but candidate is required to work according to ITIL processes in the interfaces with other ProRail partners.

Nr:**Categorie** Planning**Betreft** site inspection

2

Vraag

Is it possible to organize a site inspection at a GSM-R Site during the dialog phase ?

Antwoord**Vrijgegeven:** 29-08-2019

Yes, this is possible.

Nr:**Categorie** Planning**Betreft** IT system of the CSD

3

Vraag

Which kind of IT system is ProRail using for it's CSD? Can you provide some specifications?

Antwoord**Vrijgegeven:** 29-08-2019

No, this has yet to be determined. Suggestions are welcome in the dialogue phase.

Nr:**Categorie** Eisen en criteria**Betreft** NOC employees

4

Vraag

Is a employee takeover from staff that operates the NOC now possible?

Antwoord**Vrijgegeven:** 29-08-2019

The current NOC is not a part of the ProRail organisation. ProRail can therefore not answer this question. Candidate is advised to discuss this with the current contracted party.

Nr:**Categorie** Eisen en criteria**Betreft** NOC

- 5 **Vraag**
Is it possible to operate a NOC outside the Netherlands?
Antwoord **Vrijgegeven:** 29-08-2019
The location is not limited as long as it is located within the European Economic Area (EEA) or Switzerland
- Nr:**
- 6 **Categorie** Planning
Betreft Deadline for submitting questions
Vraag
The first deadline for submitting questions according to the selection Guideline v10 is the 22nd of August 2019.
In Tendered the date is currently set on the 9th of September 2019.
Will ProRail still provide her first information memorandum on the 28th of August 2019?
Antwoord **Vrijgegeven:** 29-08-2019
Yes this is correct.
- Nr:**
- 7 **Categorie** Aanbestedingsprocedure
Betreft Selection Guideline, 2.2 Procedure, Step 1C
Vraag
In this phase of the tender, parties decide on the nominated third parties as well as the alliances/independent participation, based on the current minimal requirements and selection criteria. ProRail forbids any changes in the UEA, in particular the addition or removal of named third parties, in a later stages.

- Is it correct that the above does not relate to subcontracting? I.E. subcontracting where supplier does not rely on the capacity of other entities in relation to the minimal requirements and selection criteria for the supplier to decide?

- Will the current minimal requirements and selection criteria remain fixed for whole of the tender? I.E., No new UEA will be required in a later stage. Or is it conceivable that the next phase leads to new insights, which would require a change of nominated third party?
Antwoord **Vrijgegeven:** 29-08-2019
1) Yes, this is correct. It does not relate to subcontracting where supplier does not rely on the capacity of other entities in relation to the minimal requirements and selection criteria.
2) Correct, no new UEA will be required in a later stage. It is not allowed to add or remove nominated third parties on which supplier relies in relation to the minimal requirements and selection criteria, once the UEA is submitted.
- Nr:**
- 8 **Categorie** Contractvoorwaarden
Betreft Description GSM-R NL v10, Page 3, Alinea 2, Bullet 6 & Announcement TN 224209
Vraag
What will be the contract term? Two documents conflict on this:
- 180 Months + optional extension (Announcement)
- 10 years + 5 years + 5 years (Description)
Antwoord **Vrijgegeven:** 29-08-2019
The duration of the contract is 10 years plus possible extensions of 2x 5 years. An extension period can be ended within the 5 years if the GSM-R network is phased out (in accordance with the agreed cancellation period)
- Nr:**
- Categorie** Bestek/beschrijvend document
Betreft Description GSM-R NL v10, Page 3, The scope of the GSM-R maintenance ..., bullet 2

- 9
Vraag
- Will supplier be responsible / involved for the radio planning in case of a site change?
- If involved: please detail how.
Antwoord **Vrijgegeven:** 29-08-2019
Radio planning will not be performed by Candidate.
- Nr:**
- 10
Categorie Bestek/beschrijvend document
Betreft Description GSM-R NL v10, Page 3, The scope of the GSM-R maintenance ..., bullet 2
Vraag
Will the supplier be responsible for the design/architecture of the changes or only operationally responsible for the execution of the change?
Antwoord **Vrijgegeven:** 29-08-2019
This might vary between maintenance and project activities.
- Nr:**
- 11
Categorie Bestek/beschrijvend document
Betreft Description GSM-R NL v10, Page 1, The GSM-R network of ProRail has the following characteristics, second bullet
Vraag
- Will the OMC systems be made available to the supplier?
- And if so, under which conditions?
Antwoord **Vrijgegeven:** 29-08-2019
The current OMC systems could be made available to Candidate but it is not possible to define under which conditions at this moment.
- Nr:**
- 12
Categorie Bestek/beschrijvend document
Betreft Description GSM-R NL v10, Page 2, 3rd alinea
Vraag
Can ProRail please name the 3th line maintenance contracts and the vendors that will deliver them?
Antwoord **Vrijgegeven:** 29-08-2019
This may be discussed in the dialogue phase.
- Nr:**
- 13
Categorie Bestek/beschrijvend document
Betreft Description GSM-R NL v10, Page 3, Item 5
Vraag
- Can ProRail detail the scope of the services / HW contracted with Nokia "as the sole supplier of GSM-R core and radio network until 2030".
- Can ProRail confirm that the date "2030" is correct?
Antwoord **Vrijgegeven:** 29-08-2019
1) This may be discussed in the dialogue phase.
2) The year 2030 as stated in the tender documentation is correct.
- Nr:**
- 14
Categorie Aanbestedingsprocedure
Betreft references
Vraag
Will provide further details which information the references shall include and in which form or document type we shall upload them.

Antwoord**Vrijgegeven:** 29-08-2019

See Annex 2 and the checklist.

Nr:**Categorie** Aanbestedingsprocedure**Betreft** checklist

15

Vraag

Is it possible to provide a checklist of all documents that necessary have to be uploaded on tendernet?

Antwoord**Vrijgegeven:** 29-08-2019

Yes, ProRail will provide that.

Nr:**Categorie** Eisen en criteria**Betreft** Eisen en selectiecriteria beantwoorden - 5. Minimum Requirement: Reference

16

Vraag

Under 'Eisen en selectiecriteria beantwoorden', bullet 5 'Minimum Requirement: Reference' there are three tabs. It is clear that under tab 'Selectiecriteria' we need to upload the seven reference projects but it is not clear what need to be uploaded under tab 'Eisen'. It is stated that one reference project need to be uploaded there. Could you please explain what we need to upload under tab 'Eisen'?

Antwoord**Vrijgegeven:** 29-08-2019

Under tab 'Eisen' candidate needs to upload the requirements for the 'Minimum Requirement Reference'. These requirements are: "Annex 2 Reference" and "A statement of good realisation by the primary client".

Nr:**Categorie** Bewijslast**Betreft** Uniform Europees Aanbestedingsdocument (UEA)

17

Vraag

When the prime tenderer relies on internal subcontractors, being a subcontractor within the group company, due to capacity and/or specific expertise, can ProRail confirm that internal subcontractors is not seen as an "other legal entity" and thus do not have to fill out a separate UEA form?

Antwoord**Vrijgegeven:** 29-08-2019

No, ProRail does not confirm. Based on European Procurement Law as well as European jurisprudence internal subcontractors (such as a - not exhaustive - parentcompany or sistercompany) are qualified as other legal entities. Therefore a separate UEA is needed if the supplier relies on other legal entity in relation to the minimal requirements and selection criteria

Nr:**Categorie** Eisen en criteria**Betreft** Information about selection criteria 19072019.pdf

18

Vraag

"Each reference project must be for different primary clients." Contractor interprets this as follows: "this is only applicable for reference projects submitted under 'volgnummer 4, 5 and 6 and that reference projects submitted under 'volgnummer 1, 2 and 3' can be executed for the same primary client." Could you confirm this interpretation?

Antwoord**Vrijgegeven:** 29-08-2019

No this is not correct. See the other question(s).

Nr:**Categorie** Contractvoorwaarden**Betreft** subcontractor blacklist

- 19 **Vraag**
Does a "blacklists" of companies exist that shall not work as a subcontractor?
Antwoord **Vrijgegeven:** 29-08-2019
There is no 'blacklist' of companies. However, every company must comply to the tender requirements.
- Nr:**
- 20 **Categorie** Aanbestedingsprocedure
Betreft document language
Vraag
If we upload documents like Code of conduct for procurement, Extract from the Chamber of Commerce , Statement Tax authorities , Commercial Register Extract or statement of good realisation by the primary client. Do we have to upload a translation or english abstract if the original document is in German or is the German document enough.
Antwoord **Vrijgegeven:** 29-08-2019
This has to be in English.
- Nr:**
- 21 **Categorie** Bewijslast
Betreft language
Vraag
Is the signing of the UEA document enough to confirm language skills or do we have to upload some additional files at point 4 on tendernet?
Antwoord **Vrijgegeven:** 29-08-2019
The signing of the UEA is enough to confirm the language skill.
- Nr:**
- 22 **Categorie** Aanbestedingsprocedure
Betreft Europees Aanbestedingsdocument (UEA)
Vraag
The Europees Aanbestedingsdocument (UEA) is in dutch. Do we have to use this PDF file provided by prorail to give this information or can we use another European Single Procurement Document (ESPD) which contains the same information in another form of document?
Antwoord **Vrijgegeven:** 29-08-2019
The 'Uniform Europees Aanbestedingsdocument' is available in English (ESPD) and is published on Tendered.
- Nr:**
- 23 **Categorie** Aanbestedingsprocedure
Betreft Uniform Europees Aanbestedingsdocument
Vraag
If the Uniform Europees Aanbestedingsdocument document is not available in english; can you provide it in an a file with less formatting that makes it possible to translate it automatically.
Antwoord **Vrijgegeven:** 29-08-2019
The 'Uniform Europees Aanbestedingsdocument' is available in English (ESPD) and is published on Tendered.
- Nr:**
- 24 **Categorie** Aanbestedingsprocedure
Betreft the Procurement Regulations Utility Sectors 2016 (ARN2016)
Vraag

The selection guideline says „The tendering procedure is subject to the Procurement Regulations Utility Sectors 2016 (ARN2016). By submitting an application candidates confirm that they accept that ARN2016 applies. “ Are these documents available in English?

Antwoord

Vrijgegeven: 29-08-2019

Yes, these documents are available in English and published on Tendered.

Nr:

Categorie Eisen en criteria

Betreft Information about selection criteria 19072019

25

Vraag

The selection guide describes 7 selection criteria based on technical and organizational competence. Selection criteria 4 to 6 require experience in the field of changes and expansions on a GSM-R network. Is it sufficient to have the same experience on a GSM network (as you state in selection criteria 1 to 3)?

Antwoord

Vrijgegeven: 29-08-2019

No, this has to be on a GSM-R network.

Nr:

Categorie Eisen en criteria

Betreft Information about selection criteria 19072019

26

Vraag

Selection criteria 1 to 3 and selection criteria 4 to 6 are the same. Does this mean that the tenderer has to provide 3 different references for this technical and organizational competence each time?

Antwoord

Vrijgegeven: 29-08-2019

At least 3 different primary customer reference cases are needed to be able to score the maximum weight. However a reference case might combine the selection criteria from ""Technische en organisatorische bekwaamheid, criterium 1.x and 2.x and 3. in one reference case with one primary customer. This means that the minimal number of reference cases with different primary customers is 3.

- One reference case combining the criteria 1.1 and 2.1 and 3;
- One reference case combining criteria 1.2 and 2.2;
- One reference case combining criteria 1.3 and 2.3.

Nr:

Categorie Aanbestedingsprocedure

Betreft "Mijn bedrijfsdossier"

27

Vraag

In Tendered there is a menu to upload "Mijn bedrijfsdossier". Do we have to upload all these files ? Is there a description what needs to be uploaded when?

Antwoord

Vrijgegeven: 29-08-2019

- 1) Candidate is only asked to upload the required documents as stated in Tendered and the selection guideline.
- 2) Please see the selection guideline paragraph 2.2 Procedure at step 1 and the checklist.

Nr:

Categorie Eisen en criteria

Betreft define "based on ITIL"

28

Vraag

Concerning the following minimum requirement:

4. Supplier shall provide management of the entire GSM-R network based on ITIL;

How do you define "based on ITIL"? Does this require that our company should be certified in some way? P. ex. according to ISO norm 27001, which defines processes based on the ITIL rules?

Antwoord

Vrijgegeven: 29-08-2019

There is no certification requirement. Please see the other question(s).

Nr:

Categorie Eisen en criteria

Betreft Eis 5 - minimum requirement: reference

29

Vraag

Dear ProRail,

Can you confirm that for the 7 selection criteria 1 reference case can be used if fully compliant for all 7 criteria?

If not allowed, does this mean that every criteria needs to be answered with a separate individual reference case?

Antwoord

Vrijgegeven: 29-08-2019

No. At least 3 different primary customer reference cases are needed to be able to score the maximum weight. However a reference case might combine the selection criteria from ""Technische en organisatorische bekwaamheid, criterium 1.x and 2.x and 3. in one reference case with one primary customer. This means that the minimal number of reference cases with different primary customers is 3.

- One reference case combining the criteria 1.1 and 2.1 and 3;
- One reference case combining criteria 1.2 and 2.2;
- One reference case combining criteria 1.3 and 2.3.

Nr:

Categorie Bestek/beschrijvend document

Betreft Selection criteria

30

Vraag

In the description of selection criteria 1.1, 1.2, 1.3 and 3.1 it is not stated that a reference project must be for different primary clients. Can you confirm that a reference project that meets the requirements of multiple selection criteria as mentioned (1.1, 1.2, 1.3, 3.1) can be used multiple times if applicable? Can you also confirm that a reference project used for selection criteria 2.x can be re-used for selection criteria 1.1, 1.2, 1.3 or 3.1 if applicable? Please your response by return.

Antwoord

Vrijgegeven: 29-08-2019

No. At least 3 different primary customer reference cases are needed to be able to score the maximum weight. However a reference case might combine the selection criteria from ""Technische en organisatorische bekwaamheid, criterium 1.x and 2.x and 3. in one reference case with one primary customer. This means that the minimal number of reference cases with different primary customers is 3.

- One reference case combining the criteria 1.1 and 2.1 and 3;
- One reference case combining criteria 1.2 and 2.2;
- One reference case combining criteria 1.3 and 2.3.

Nr:

Categorie Bestek/beschrijvend document

Betreft Selection guideline

31

Vraag

For selection criteria 4, 5 and 6, experience with changes and/or extensions on a GSM-R network is asked for. Since ProRail has made a split in Active and Passive, can ProRail elaborate on what activities in the extensions on a GSM-R network will be included in the Active and which in the Passive part?

Antwoord

Vrijgegeven: 29-08-2019

Please see the document: ""Description GSM-R NL v10"".

This tender is only for the Active part. Therefore, the activities are changes and extensions related to for example changes to parameters and configuration of the core and radio equipment, changes to transmission links, physical changes to radio sites including site relocation (e.g. when a landlord terminates the site lease). Additional projects may include building additional sites (active part of) and/or improvements of the core and radio network.

Nr:

Categorie Bestek/beschrijvend document

- 32 **Betreft** Selection guideline
Vraag
Selection criteria 1.1 until 1.3 are identical so it is candidates conclusion that there are only 3 unique selection criteria.
Can ProRail confirm that this interpretation is correct and the sole purpose of the "redundant" selection criteria is to provide candidates with multiple reference projects a higher ranking?
Antwoord **Vrijgegeven:** 29-08-2019
A candidate with multiple reference projects will have more experience and will therefore be in a better position to perform the required services.
- Nr:**
- 33 **Categorie** Bestek/beschrijvend document
Betreft Selection guideline
Vraag
Can ProRail confirm that the candidate(s) and nominated third party/parties (if applicable) who will be awarded this contract will not be excluded for the future tender regarding the GSM-R Passive part as mentioned on page 2 in document "Description GSM-R NL v10"?
Antwoord **Vrijgegeven:** 29-08-2019
ProRail confirms that a candidate(s) and nominated third party/parties (if applicable) who will be awarded this contract will not be excluded for the future tender regarding the GSM-R Passive part as mentioned on page 2 in document "Description GSM-R NL v10".
- Nr:**
- 34 **Categorie** Bestek/beschrijvend document
Betreft Selection guideline Annex 2
Vraag
For each reference project candidate is required to indicate the requirement for which the project is submitted. Is it for every reference project required to select the "Minimum Requirement Reference" in addition to one or more of the selection criteria in order to be considered a valid reference project?
Antwoord **Vrijgegeven:** 29-08-2019
"Please rephrase your question if ProRail's reply isn't clear.
No the Minimum Requirement Reference from the Tendered chapter ""Eisen en criteria"" at ""Eisen (5)"". Number 5 Minimum Requirement Reference is a different requirement than the reference requirements for the selection criteria in Tendered chapter ""Eisen en criteria - Selectiecriteria (7)""."
- Nr:**
- 35 **Categorie** Bestek/beschrijvend document
Betreft Selection guideline Annex 2
Vraag
For each reference project candidate is required to indicate the requirement for which the project is submitted. Is it correct that when applicable, multiple selection criteria can be indicated for a single (1) reference project?
Antwoord **Vrijgegeven:** 29-08-2019
"No. At least 3 different primary customer reference cases are needed to be able to score the maximum weight. However a reference case might combine the selection criteria from ""Technische en organisatorische bekwaamheid, criterium 1.x and 2.x and 3. in one reference case with one primary customer. This means that the minimal number of reference cases with different primary customers is 3.
- One reference case combining the criteria 1.1 and 2.1 and 3;
- One reference case combining criteria 1.2 and 2.2;
- One reference case combining criteria 1.3 and 2.3."
- Nr:**
- Categorie** Bestek/beschrijvend document

36	Betreft Selection guideline Annex 2 Vraag Can ProRail confirm that for the "Minimum Requirement Reference", the requirements as describe under "Bewijsstuk(ken)" for each selection criteria are meant? Antwoord Vrijgegeven: 29-08-2019 "Yes this is correct. Please see Tendered in the chapter ""Eisen en criteria"" at Eisen (5). Number 5 Minimum Requirement Reference. In this request (""eis"" the ""Bewijsstuk(ken)"" are described and lists the requirements: ""The reference project should have commenced at least three (3) months ago (only for maintenance reference projects) and within the last three (3) years at the moment of ""Uiterlijke ontvangst van deelnemingsaanvragen"" (Closing date for receipt of enrolments). Each reference must come with a statement of good realisation by the primary client (all this must be uploaded via TenderNed)."""
Nr:	
37	Categorie Bestek/beschrijvend document Betreft Selection guideline Annex 2 Vraag Is it for reference projects required that the primary client is located within the EU? Antwoord Vrijgegeven: 29-08-2019 No, this is not required.
Nr:	
38	Categorie Bestek/beschrijvend document Betreft Selection guideline Annex 2 Vraag Each reference must come with a statement of good realization by the primary client. What are the minimum requirements for such statement? Antwoord Vrijgegeven: 29-08-2019 It should be clear for ProRail to link this primary client statement to the minimum requirement reference or to one or more selection criteria references.
Nr:	
39	Categorie Bestek/beschrijvend document Betreft Selection guideline Vraag Can ProRail confirm that the overall design authority is part of the scope of the Radio Measurement tender? Antwoord Vrijgegeven: 29-08-2019 No, this is not correct. ProRail itself will have the overall design authority.
Nr:	
40	Categorie Bestek/beschrijvend document Betreft Selection guideline Vraag ProRail will tender a separate tender a GSM-R Radio measurement contract. Can you please give a high-level description of the activities covered by this contract, in order to understand how these activities compare to the activities in the Active and the Passive part. Antwoord Vrijgegeven: 29-08-2019 The GSM-R Radio measurement contract is intended to cover measurements on a scheduled or ad-hoc basis for verification of KPIs such as radio coverage, call drop rates etc, to be performed for e.g. radio site acceptance purposes and annual SLA verification campaigns. The contract volume of this tender will be much larger than the expected contract volume of the GSM-R Radio measurement contract.

- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Description GSM-R NL v10 & Selection Guideline v10
- 41
- Vraag**
- To broaden the overall picture, can ProRail describe how the ITIL v3 processes; Service Strategy, Service Design & Continual Service Improvement will be filled in?
- Antwoord** **Vrijgegeven:** 29-08-2019
- ProRail expects the candidate to provide his view on these ITIL processes in order to give maximum freedom to determine an optimal implementation of the total set of ITIL processes
- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Description GSM-R NL v10 & Selection Guideline v10
- 42
- Vraag**
4. Supplier shall provide management of the entire GSM-R network based on ITIL; Please confirm this tender is limited to ITIL v3 Service Transition and Service Operation processes only.
- Antwoord** **Vrijgegeven:** 29-08-2019
- ProRail expects the candidate to provide his view on the full set of ITIL processes in order to give maximum freedom to determine an optimal implementation of the total set of ITIL processes
- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Selection guideline
- 43
- Vraag**
- The GSM-R industry group has confirmed that it will support GSM-R until 2030, which is before the end date of this contract. Can ProRail please elaborate on how the Candidate should anticipate on this with regards to the scope of services and activities in the GSM-R maintenance and support contract?
- Antwoord** **Vrijgegeven:** 29-08-2019
- ProRail may need its GSM-R network for a longer period than 2030. Therefore, the contract offers the option of extending the services after 2030.
- Nr:**
- Categorie** Aanbestedingsprocedure
- Betreft** Dialogue Sessions
- 44
- Vraag**
- Can ProRail elaborate on the form of the dialogue sessions; whether these will be a public or a closed setting?
- Antwoord** **Vrijgegeven:** 29-08-2019
- The dialogue session will be in a closed setting with the candidate and ProRail.
- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Description GSM-R NL v10 & Selection Guideline v10
- 45
- Vraag**
- The demarcation line , and on the other side the 3rd level maintenance contracts with the vendors. Can you please provide detailed information about the responsibilities from the Candidate with regards to the maintenance contracts. What are the role and responsibilities of the candidate in this, and what is the projected outcome of this?
- Antwoord** **Vrijgegeven:** 29-08-2019
- The main role for the candidate will be to manage the appropriate usage of the applicable third party contracts. Examples are to request 3rd-level support activities for resolving network issues, or interactions for the return and repair part of spares management contract.

- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Aankondiging van een opdracht / Description of GSM-R NL
- 46
- Vraag**
- The "aankondiging van een opdracht"-document mentions the contract period (II.2.7) to be 180 months with an option to extend. However, the Description GSM-R NL document mentions a period of 10 years plus possible extensions of 2x 5 years. Can ProRail confirm the correct contract period?
- Antwoord** **Vrijgegeven:** 29-08-2019
- The duration of the contract is 10 years plus possible extensions of 2x 5 years. An extension period can be ended within the 5 years if the GSM-R network is phased out (in accordance with the agreed cancellation period)
- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Selection guideline
- 47
- Vraag**
- Supplier shall provide the necessary capabilities and functionalities to perform daily management and control of the GSM-R network. Is candidate free to choose the staffing location as long as they are located within the EEC?
- Antwoord** **Vrijgegeven:** 29-08-2019
- The location is not limited as long as it is located within the European Economic Area (EEA) or Switzerland
- Nr:**
- Categorie** Bestek/beschrijvend document
- Betreft** Selection guideline
- 48
- Vraag**
- Supplier shall provide the necessary capabilities and functionalities to perform daily management and control; Can we assume that it is up to the supplier to choose the location and setup of the NOC, as long as this is within the EEC?
- Antwoord** **Vrijgegeven:** 29-08-2019
- The location is not limited as long as it is located within the European Economic Area (EEA) or Switzerland
- Nr:**
- Categorie** Eisen en criteria
- Betreft** references
- 49
- Vraag**

In which way shall we provide 3 times a reference for Experience with 24/7 maintenance of Nokia GSM-R or Nokia GSM network (see TenderNed for the specifications).

and

Experience with changes and/or extensions on a GSM-R network (see TenderNed for the specifications)

?

Do you want different clients or projects as a reference?
Is there a file available that makes your requirements more clear ?

Antwoord

Vrijgegeven: 29-08-2019

"At least 3 different primary customer reference cases are needed to be able to score the maximum weight. However a reference case might combine the selection criteria from ""Technische en organisatorische bekwaamheid, criterium 1.x and 2.x and 3. in one reference case with one primary customer. This means that the minimal number of reference cases with different primary customers is 3.
- One reference case combining the criteria 1.1 and 2.1 and 3;
- One reference case combining criteria 1.2 and 2.2;
- One reference case combining criteria 1.3 and 2.3."

Nr:

Categorie Bestek/beschrijvend document

Betreft Description GSM-R NL v10

50

Vraag

ProRail indicates that it not yet determined which party will implement the mentioned LCM changes. In case it will not become part of this GSM-R maintenance and support tender, will it then be part of the upcoming tender for the Passive part ?

Antwoord

Vrijgegeven: 30-08-2019

ProRail has not yet decided if the implementation services for LCM will be part of this tender. This will be addressed during the dialogue phase.

Nr:

Categorie Bestek/beschrijvend document

Betreft Step 5: Pre-selection pag 8 Criterium 2.1 t/m 2.3

51

Vraag

De Aanbestedende dienst vraagt drie referenties uit met "Experience with changes and/or extensions on a GSM-R network with a minimal project value of € 500.000,-". In de ogen van gegadigde is deze eis niet redelijk en proportioneel aangezien er maar een beperkt aantal leveranciers in de markt zijn die deze communicatiestandaard binnen de spooromgeving leveren. Door deze drie referenties op deze wijze op te stellen beperkt de Aanbestedende dienst het aantal gegadigde en laat zich hierdoor onvoldoende verrassen door wat de markt kan bieden.

Gegadigde vraagt aan de Aanbestedende dienst om de specifiek gevraagde communicatiestandaard GSM-R aan te passen in gelijkwaardige netwerken/protocollen voor mobile netwerken? Gaat de Aanbestedende dienst hiermee akkoord? Zo niet, dan ontvangt gegadigde graag een nadere toelichting.

Antwoord

Vrijgegeven: 30-08-2019

Question has been answered in English.

Nr:

Categorie Bestek/beschrijvend document

Betreft Step 5: Pre-selection pag 8 Criterium 1.1 t/m 1.3

52

Vraag

De Aanbestedende dienst vraagt drie referenties uit met "Experience in executive organization with the continuous 24/7 maintenance support of a Nokia GSM or Nokia GSM-R network with a minimum of at least one hundred base stations". In de ogen van gegadigde is deze eis niet redelijk en proportioneel aangezien er maar een beperkt aantal leverancier in de markt zijn die hier aan voldoen. Het doel van de aanbestedingswet is dat aanbestedende diensten zich laten verrassen door wat de markt kan aanbieden en door welke partijen dat gebeurt. Door het opstellen van deze referenties beperkt de Aanbestedende dienst het aantal gegadigde en laat zich hierdoor onvoldoende verrassen door wat de markt kan bieden.

Gegadigde vraagt Aanbestedende dienst, om de specifiek gevraagde dienst GSM netwerk of GSM-R netwerk aan te passen in gelijkwaardige netwerken/protocollen voor mobile netwerken? Gaat de aanbestedende dienst hiermee akkoord? Zo niet, dan ontvangt gegadigde graag een nadere toelichting.

Antwoord

Vrijgegeven: 30-08-2019

Question has been answered in English.

Nr:

Categorie Bestek/beschrijvend document

Betreft Step 5: Pre-selection pag 8 Criterium 1.1 t/m 1.3

53

Vraag

De Aanbestedende dienst mag niet zonder meer een merk of een bijzondere werkwijze die kenmerkend is voor de producten of diensten van een bepaalde ondernemer voorschrijven maar mag in de gevraagde referenties wel verwijzen naar de technische specificaties van een bepaald product, waarbij de woorden "of gelijkwaardig" dienen te worden vermeld. Hier vloeit uit voort dat de Aanbestedende dienst de gevraagde ervaring van een gelijkwaardig product dient te accepteren omdat anders sprake zou kunnen zijn van discriminatie hetgeen in strijd is met de algemene beginselen van aanbestedingsrecht.

Aanvullend hierop bepaalt art. 2.76 lid 3 Aanbestedingswet 2012 dat de Aanbestedende dienst niet zondermeer om een specifiek fabricaat, een bepaalde herkomst, een bijzondere werkwijze die kenmerkend is voor de producten of diensten, een merk, octrooi of type mag vragen, waardoor er een voordeel kan ontstaan voor een bepaalde gegadigde terwijl andere gegadigde daardoor wordt uitgesloten. Als hoofdregel geldt dan ook dat de Aanbestedende dienst in de selectieleidraad een voldoende nauwkeurige en begrijpelijke beschrijving van het voorwerp van de opdracht dient op te nemen. Uitsluitend in het geval dat een dergelijke beschrijving niet mogelijk is, kan worden verwezen naar een bepaald merk of kenmerkende werkwijze onder de voorwaarde dat daaraan wordt toegevoegd 'of gelijkwaardig'. De Aanbestedende dienst heeft in de selectieleidraad niet onderbouwd waarom expliciet om ervaring met het onderhouden van een Nokia GSM of GSM-R netwerk wordt gevraagd.

Gegadigde verzoekt Aanbestedende dienst daarom om de gevraagde referenties 1.1., 1.2 en 1.3 aan te passen in "Experience in executive organization with continuous 24/7 maintenance support of a Nokia/or equal GSM-R or Nokia/or equal GSM network? Gaat de aanbestedende dienst hiermee akkoord? Zo niet, dan ontvangt gegadigde graag een nadere toelichting.

Antwoord

Vrijgegeven: 30-08-2019

Question has been answered in English.

Nr:

Categorie Aanbestedingsprocedure

Betreft Selection Guideline v10 - page 11

54

Vraag

The dialogue sessions intend to address "Specific scope parts in addition to the services scope". Could you indicate what kind of additional scope can be expected?

Antwoord

Vrijgegeven: 30-08-2019

The specific scope parts refer to a range of subjects such as the ability, methodology and costing relevant to handle project based additional work, e.g. to build the active part of additional radio sites (BTS, etc), the available options for supply and implementation of a new dispatcher system, or the implementation of LCM upgrades purchased by ProRail from its supplier. The objective of the dialogue session is to determine the final scope.

Nr:

Categorie Bestek/beschrijvend document
Betreft Reference Criterium 2.1 t/m 2.3

55

Vraag

The Contracting Authority requests three references with "Experience with changes and/or extensions on a GSM-R network with a minimal project value of € 500.000,-". In the candidate's view, this requirement is not reasonable and proportionate, as there are only a limited number of suppliers in the market that provide this communication standard within the rail environment. By drawing up these three references in this way, the Contracting Authority limits the number of candidates and is therefore not sufficiently surprised by what the market can offer.

The Candidate asks the Contracting Authority to adapt the specifically requested communication standard GSM-R to equivalent networks/protocols for mobile networks? Does the Contracting Authority agree with this? If not, the Candidate would like to receive further information.

Antwoord

Vrijgegeven: 30-08-2019

ProRail does not accept the proposed changes. The criteria will not be changed. ProRail has performed an extensive marketconsultation. See Tendered project number TN 210454. ProRail therefore has a good view on the GSM-R market and its players.

There is only one reference requirement about GSM or GSM-R technology to exclude candidates with no experience in this domain. ProRail has concluded based on the market consultation that there are more than five candidates for the scope. ProRail wants to select a maximum of five candidates for the dialogue phase. The selection criteria are not to exclude candidates from the tender but to be able to rank the candidates. The selection criteria model selects the candidates with the best matching experience for the scope. An advice from ""Commissie van Aanbestedingsexperts"" confirms this way of working. Please see <https://www.commissievanaanbestedingsexperts.nl/behandelde-klachten> advice number 312. (Only in Dutch).

Nr:

Categorie Bestek/beschrijvend document
Betreft Reference Criterium 1.1. t/m 1.3

56

Vraag

The Contracting Authority requests three references with "Experience in executive organization with the continuous 24/7 maintenance support of a Nokia GSM or Nokia GSM-R network with a minimum of at least one hundred base stations". In the applicant's view, this requirement is not reasonable and proportionate as there are only a limited number of suppliers in the market who meet this requirement. The purpose of the Procurement Act is that contracting authorities are surprised by what the market can offer and by which parties. By drawing up these references, the Contracting Authority limits the number of candidates and is therefore not sufficiently surprised by what the market can offer.

The Candidate asks the Contracting Authority to adapt the specifically requested service GSM network or GSM-R network to equivalent networks/protocols for mobile networks? Does the contracting authority agree to this? If not, the candidate will be pleased to receive further information.

Antwoord

Vrijgegeven: 30-08-2019

ProRail does not accept the proposed changes. The criteria will not be changed. ProRail has performed an extensive marketconsultation. See Tendered project number TN 210454. ProRail therefore has a good view on the GSM-R market and its players.

There is only one reference requirement about GSM or GSM-R technology to exclude candidates with no experience in this domain. ProRail has concluded based on the market consultation that there are more than five candidates for the scope. ProRail wants to select a maximum of five candidates for the dialogue phase. The selection criteria are not to exclude candidates from the tender but to be able to rank the candidates. The selection criteria model selects the candidates with the best matching experience for the scope. An advice from ""Commissie van Aanbestedingsexperts"" confirms this way of working. Please see <https://www.commissievanaanbestedingsexperts.nl/behandelde-klachten> advice number 312. (Only in Dutch).

Nr:

57	Categorie Bestek/beschrijvend document Betreft Reference Criterium 1.1. t/m 1.3 Vraag The Contracting Authority may not simply prescribe a trade mark or a particular process characteristic of the products or services of a given economic operator, but may refer in the references requested to the technical specifications of a given product, the words "or equivalent" being included. It follows that the Contracting Authority has to accept the requested experience of an equivalent product because otherwise there could be discrimination contrary to the general principles of procurement law. In addition, Article 2.76, paragraph 3 of the 2012 Public Procurement Act stipulates that the Contracting Authority may not simply ask for a specific product, a specific origin, a special working method that is characteristic of the products or services, a trademark, patent or type, as a result of which an advantage may arise for a particular candidate while excluding another candidate. As a general rule, therefore, the Contracting Authority must include a sufficiently accurate and comprehensible description of the subject matter of the contract in the selection guideline. Only in the event that such a description is not possible can a reference be made to a particular brand or characteristic working method under the condition that 'or equivalent' is added. The Contracting Authority has not substantiated in the selection guideline why it explicitly requests experience with the maintenance of a Nokia GSM or GSM-R network. The Candidate therefore requests the Contracting Authority to adjust the requested references 1.1, 1.2 and 1.3 in 'Experience in executive organization with continuous 24/7 maintenance support of a Nokia/or equal GSM-R or Nokia/or equal GSM network? Does the contracting authority agree? If not, the candidate will be pleased to receive further information. Antwoord	Vrijgegeven: 30-08-2019 ProRail does not accept the proposed changes. The criteria will not be changed. The minimal requirements for selection and the selectioncriteria are not disproportionate. It's the Contracting Authority allowed, based on chapter 3 of the Dutch Procurement Act - as confirmed by the Dutch Civil Court (Vzr. Rb. Midden Nederland d.d. 4 mei 2018 ECLI:NL:RBMNE:2018:1963) - to request experience similar to the contract that is to be awarded. Furthermore it should be noted that the ProRail's existing GSM-R network is a Nokia GSM-R network and therefore the requirements of experience (and the other requirements and selectioncriteria) are not disproportionate or conflicting in any other way with European or Dutch procurement law.
Nr:	Categorie Bestek/beschrijvend document Betreft Selection guideline Annex 1 Vraag If candidate is considering to rely on the technical or organisational skills of a third party, this seems to be an option according to Annex 1 and UEA. However, according to the descriptions provided in TenderNed for all selection criteria other than 3.1, candidate must be the "executive organisation". Can ProRail clarify how to interpret "executive organisation" in this context? Antwoord	Vrijgegeven: 30-08-2019 If the reference is from the candidate than the candidate should have executed the project. If the reference is from a third party than the third party should have executed the project.
Nr:	Categorie Aanbestedingsprocedure Betreft Use of ESPD Vraag The 'Uniform Europees Aanbestedingsdocument' is available in English (ESPD) and is published on TenderNed as an xml file. Antwoord	Vrijgegeven: 13-09-2019 Please make sure that "Part II: Information concerning the economic operator" of the ESPD is also included in the ESPD and completed.
59		

- Nr:**
- Categorie** Eisen en criteria
- Betreft** Statement for the minimum criteria
- 60 **Vraag**
- Additional text for the minimum criteria statement for the reference projects.
- Antwoord** **Vrijgegeven:** 13-09-2019
- The text for the 'Vereisten / Bewijsstukken' at the minimal requirement reference and the selection criteria reference has been changed and is hopefully more clear.
Original text was: "Candidate must comply to the minimum criteria"
New text is: "Candidate must comply to the minimum criteria for this reference:"
- Nr:**
- Categorie** Aanbestedingsprocedure
- Betreft** Reference
- 61 **Vraag**
- Can you confirm that also projects which are still in execution may be used as reference?
Please let us know if any additional input is needed for reference projects which are contracted, but still in execution and not yet finally accepted by primary customer.
- Antwoord** **Vrijgegeven:** 13-09-2019
- "Yes this is allowed and will probably be the case in most of the maintenance references. However each reference has to comply to the minimum criteria as stated with each reference: ""The reference project should have commenced at least three (3) months ago (only for maintenance reference projects) and within the last three (3) years at the moment of "Uiterlijke ontvangst van deelnemingsaanvragen" (Closing date for receipt of enrolments)"". A reference, which is still in execution and not yet finally accepted by the primary customer, must come with a statement of good realisation by the primary client (up to that moment and commenced at least three months before "Uiterlijke ontvangst van deelnemingsaanvragen" (Closing date for receipt of enrolments))."
- Nr:**
- Categorie** Aanbestedingsprocedure
- Betreft** Chapter 2.2 Procedure (short), page 6 versus ARN2016 article 12.3, page 6
- 62 **Vraag**
- The two documents (Selection Guideline and ARN) conflict on if a candidate/third party is allowed to participate multiple times in the selection phase Maintenance of the GSM-R network.
Can ProRail confirm that the Selection Guideline are the guiding principle with regard to the ARN? And that a nominated third party is allowed to participate more than once.
- Antwoord** **Vrijgegeven:** 13-09-2019
- ProRail confirms that the Selection Guideline is the guiding principle in regards to the ARN2016 and that a nominated third party is allowed to participate multiple times.
- Nr:**
- Categorie** Eisen en criteria
- Betreft** Selection Guideline v10 - competence requirements
- 63 **Vraag**
- On page 9 of the selection guideline, ProRail invites the candidate to demonstrate its technical and organizational skills by providing references. Three of these references (1.1, 1.2 and 1.3) must be specific about: "Experience with 24/7 maintenance of Nokia GSM-R or Nokia GSM network." Three other references (2.1, 2.2 and 2.3) must be specific about: "Experience with changes and/or extensions on a GSM-R network."
- According to the 'Gids Proportionaliteit, 1e herziening, april 2016, voorschrift 3.5G, pagina 49' the contracting authority is allowed to require a maximum of one reference per core competence as to avoid dis-proportionality. This is also in contradiction with the Procurement law.
- Could you please state whether it would be sufficient to provide one reference per core competence and therefore have selection criteria 1.2, 1.3, 2.2 and 2.3 cancelled?

Antwoord**Vrijgegeven:** 13-09-2019

No selection criteria will be cancelled. It is up to the candidate to provide one or more selection criteria references. These are not knock-out criteria. Candidates can also participate without any selection criteria reference!

Nr:**Categorie** Eisen en criteria**Betreft** Nominated third party

64

Vraag

Chapter 2.2 Procedure (short), page 6

Under 'Step 1: Enrollment with UEA' bullet 3 states: "A candidate may participate multiple times as a nominated third party."

In ARN2016 however it states under article 12.3: "If selection criteria are included, the various companies belonging to one group are only permitted to register once as a candidate, consortium or legal entity on which a candidate relies. If several companies belonging to one group nevertheless have applied several times as a candidate, consort or legal entity to which an applicant relies, the special-sector company has the right to exclude the least suitable candidate (s) from further participation in the tender procedure."

Could you confirm that a nominated third party is allowed to participate multiple times?

Antwoord**Vrijgegeven:** 13-09-2019

ProRail confirms that a nominated third party is allowed to participate multiple times.

Nr:**Categorie** Bestek/beschrijvend document**Betreft** Selection guideline

65

Vraag

Supplier shall interface with the ProRail CSD; Can we assume that the language for this interface can be English or Dutch?

Antwoord**Vrijgegeven:** 13-09-2019

Yes this is correct. The preferred language for this interface will be Dutch but English is also allowed.

Employees of supplier must have reached a certain level of English language based on, for example, the Common European Framework of Reference (CEFR).

Nr:**Categorie** Aanbestedingsprocedure**Betreft** references

66

Vraag

ProRail made clear that for example 1.1 + 2.1 + 3.1 can be combined. Has the "Minimum Requirement reference" an Additional Reference?

Antwoord**Vrijgegeven:** 13-09-2019

The ""Minimum Requirement reference"" may be used as a reference for the selection criteria references.

Candidate can get a maximum score with a minimum of three references or a maximum of seven references. For example in the case of three references, candidate submits: reference project A which complies to the minimum requirement reference and e.g. for selection criteria 1.1 and 2.1; reference project B which complies to selection criteria 1.2, 2.2 and 3.1 and reference project C which complies to selection criteria 1.3 and 2.3.